

By the Committee on Communication and Public Utilities; and  
Senator Bennett

319-1969-04

1                                   A bill to be entitled  
2           An act relating to alternative energy; creating  
3           the Florida Alternative Energy Technology  
4           Center, Inc.; providing for the organization,  
5           purpose, and duties of the center; providing an  
6           appropriation; providing for the transfer of  
7           the state energy program from the Department of  
8           Community Affairs to the Department of  
9           Environmental Protection; providing an  
10          effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Florida Alternative Energy Technology  
15 Center; findings; creation; membership; organization; purpose;  
16 duties; powers.--

17           (1) The Legislature finds that it is in the public  
18 interest to promote, in this state, research on and use of  
19 renewable energy resources, energy conservation, distributed  
20 generation, advanced transmission methods, and pollution  
21 control. Both Florida and the United States in general are  
22 overly dependent upon fossil fuels. Renewable electric  
23 resources and energy conservation have the potential to  
24 decrease this dependency, minimize volatility of fuel cost,  
25 and improve environmental conditions. Distributed generation  
26 and enhancements to transmission of electricity have the  
27 potential to make our supply of electricity more secure and  
28 decrease the likelihood and severity of blackouts. Research in  
29 this state on these subjects can make Florida a leader in new  
30 and innovative technologies and encourage investment and  
31 economic development within this state.

1           (2) As used in this section, the term:

2           (a) "Corporation" means the Florida Alternative Energy  
3 Technology Center, Inc.

4           (b) "Alternative energy technology" includes, but is  
5 not limited to: hydrogen fuel; fuel cells; distributed  
6 generation; biodiesel and similar synthetic fuels;  
7 thermo-depolymerization; biomass; agricultural products and  
8 byproducts; municipal solid waste, including landfill  
9 injection and landfill mining; landfill gas; solar thermal and  
10 solar photovoltaic energy; ocean energy, including wave or  
11 thermal; energy conservation programs, including appliance  
12 efficiency standards; distributed generation; enhancements to  
13 transmission of electricity, including advanced transmission  
14 lines; and environmental standards, including generation  
15 portfolio standards.

16           (3) There is created a not-for-profit corporation, to  
17 be known as the Florida Alternative Energy Technology Center,  
18 Inc., which must be registered, incorporated, organized, and  
19 operated in compliance with chapter 617, Florida Statutes, and  
20 which is not to be a unit or entity of state government. The  
21 Legislature determines, however, that public policy dictates  
22 that the corporation operate in the most open and accessible  
23 manner consistent with its public purpose. To this end, the  
24 Legislature specifically declares that the corporation and its  
25 boards and advisory committees or similar groups that it  
26 creates are subject to the provisions of chapter 119, Florida  
27 Statutes, relating to public records and those provisions of  
28 chapter 286, Florida Statutes, relating to public meetings and  
29 records.

30           (4) The corporation is the principal alternative  
31 energy technology organization for the state and is to provide

1 leadership for research and development on the production of,  
2 improvements in, or use of alternative energy technology in  
3 Florida.

4 (5) In fulfilling this responsibility, the corporation  
5 shall:

6 (a) Establish a unified approach to research,  
7 development, and use of alternative energy technology, with  
8 the cooperation of the Governor, the Legislature, the state  
9 energy program, as authorized and governed by sections 377.701  
10 and 377.703, Florida Statutes, the Statewide Board of  
11 Governors of the State University System, the Public Service  
12 Commission, and relevant businesses in the private sector.

13 (b) Assist the Florida universities and the private  
14 sector in determining areas on which to focus research in  
15 alternative energy technology and to assist in coordinating  
16 research projects among the universities and relevant private  
17 sector entities.

18 (c) Promote the state as a location for businesses  
19 having operations related to alternative energy technologies  
20 in cooperation with Enterprise Florida, Inc., and the state  
21 energy program, as authorized and governed by sections 377.701  
22 and 377.703, Florida Statutes.

23 (d) Assist universities, other state entities, and  
24 private companies in raising funds from all available  
25 resources including federal, state, local, and private for  
26 research and development concerning alternative energy  
27 technology and for projects which utilize alternative energy  
28 technology in Florida.

29 (e) Collect and maintain information relating to:  
30 funding sources (public and private), research conducted or  
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1 needed, and alternative energy technology businesses  
2 considering operations in Florida.

3 (f) Make policy recommendations to the Legislature,  
4 the Governor, and state agencies and subdivisions.

5 (6) In addition, the corporation may conduct research  
6 on alternative energy technology when such research is not or  
7 cannot be done by a state university. It may conduct this  
8 research utilizing only corporate personnel and facilities or  
9 in cooperation with one or more universities, one or more  
10 private companies, or both.

11 (7) In performing these functions, the corporation  
12 shall take all possible steps to ensure the maximum benefit to  
13 the state.

14 (8) The corporation must establish one or more  
15 corporate offices, at least one of which must be located in  
16 Leon County.

17 (9) The corporation shall be governed by a board of  
18 directors consisting of the following members:

19 (a) A representative from the state energy program, as  
20 authorized and governed by sections 377.701 and 377.703,  
21 Florida Statutes.

22 (b) The President of Enterprise Florida, Inc.

23 (c) A representative from the Statewide Board of  
24 Governors of the State University System, selected by the  
25 members of that board.

26 (d) A representative selected by the Florida public  
27 utilities, as that term is defined in section 366.02, Florida  
28 Statutes. The term for this board member shall be 2 years,  
29 with a new representative selected at the end of that time.

30 (e) A representative selected by the Florida municipal  
31 electric utilities and rural electric cooperatives. The term

1 for this board member shall be 2 years, with a new  
2 representative selected at the end of that time.

3 (f) A representative selected by the President of the  
4 Senate who is a board member or executive officer of a  
5 business that is located in Florida and that does not have any  
6 business interests relating to energy who can provide guidance  
7 as to locating and operating a business in this state. The  
8 term for this board member shall be 2 years, with a new  
9 representative selected at the end of that time.

10 (g) A representative selected by the Speaker of the  
11 House of Representatives who is a board member or executive  
12 officer of a business that is located in Florida and that does  
13 not have any business interests relating to energy who can  
14 provide guidance as to locating and operating a business in  
15 this state. The term for this board member shall be 2 years,  
16 with a new representative selected at the end of that time.

17 (10) Vacancies on the board must be filled in the same  
18 manner as the original appointment. Vacancies shall be filled  
19 for the remainder of the unexpired term, where applicable.

20 (11) The board members must select a chairperson  
21 biennially, upon appointment of all new members.

22 (12) The board of directors must meet at least four  
23 times each year, upon the call of the chairperson, or at the  
24 request of a majority of the membership. A majority of the  
25 total number of all directors constitutes a quorum. The board  
26 of directors may take official action by a majority vote of  
27 the members present at any meeting at which a quorum is  
28 present.

29 (13) Members of the board of directors serve without  
30 compensation, but members, the president, and staff may be  
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1 reimbursed for all reasonable, necessary, and actual expenses,  
2 as determined by the corporation's board of directors.

3 (14) Each member of the corporation's board of  
4 directors who is not otherwise required to file a financial  
5 disclosure pursuant to Section 8, Article II of the State  
6 Constitution or section 112.3144, Florida Statutes, must file  
7 a disclosure of financial interests pursuant to section  
8 112.3145, Florida Statutes.

9 (15) The board of directors has the power to:

10 (a) Secure funding for programs and activities of the  
11 corporation and its boards from federal, state, local, and  
12 private sources and from fees charged for services and  
13 published materials and solicit, receive, hold, invest, and  
14 administer any grant, payment, or gift of funds or property  
15 and make expenditures consistent with the powers granted to  
16 it.

17 (b) Make and enter into contracts and other  
18 instruments necessary or convenient for the exercise of its  
19 powers and functions.

20 (c) Sue and be sued, and appear and defend in all  
21 actions and proceedings, in its corporate name to the same  
22 extent as a natural person.

23 (d) Adopt, use, and alter a common corporate seal for  
24 the corporation and its boards.

25 (e) Elect or appoint such officers and agents as its  
26 affairs require and allow them reasonable compensation.

27 (f) Adopt, amend, and repeal bylaws, not inconsistent  
28 with the powers granted to it or the articles of  
29 incorporation, for the administration of the affairs of the  
30 corporation and the exercise of its corporate powers.

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1           (g) Acquire, enjoy, use, and dispose of patents,  
2 copyrights, and trademarks and any licenses, royalties, and  
3 other rights or interests thereunder or therein.

4           (h) Do all acts and things necessary or convenient to  
5 carry out the powers granted to it.

6           (i) Use the state seal, notwithstanding the provisions  
7 of section 15.03, Florida Statutes, when appropriate, to  
8 establish that the corporation is the principal alternative  
9 energy technology organization for the state, and for other  
10 standard corporate identity applications. Use of the state  
11 seal is not to replace use of a corporate seal as provided in  
12 this section.

13           (j) Carry forward any unexpended state appropriations  
14 into succeeding fiscal years.

15           (k) Procure insurance or require bond against any loss  
16 in connection with the property of the corporation and its  
17 boards, in such amounts and from such insurers as is necessary  
18 or desirable.

19           (l) Create and dissolve advisory committees, working  
20 groups, task forces, or similar organizations, as necessary to  
21 carry out the corporation's mission. Members of advisory  
22 committees, working groups, task forces, or similar  
23 organizations created by the corporation serve without  
24 compensation, but may be reimbursed for reasonable, necessary,  
25 and actual expenses, as determined by the corporation's board  
26 of directors.

27           (16) The powers granted to the corporation are to be  
28 liberally construed in order that it may aggressively pursue  
29 its purpose of being the principal alternative energy  
30 technology organization for the state.

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1           (17) The corporation's board of directors must appoint  
2 a corporate president, and establish and adjust the  
3 president's compensation. The president is the chief  
4 administrative and operational officer of the board of  
5 directors and of the corporation, and directs and supervises  
6 the administrative affairs of the board of directors and any  
7 other boards of the corporation. The board of directors may  
8 delegate to its president those powers and responsibilities it  
9 deems appropriate, except for the appointment of a president.

10           (18) The state's operating investment in the  
11 corporation is the budget contracted by the Office of the  
12 Governor to the corporation.

13           (19) The board of directors and its officers are  
14 responsible for the prudent use of all public and private  
15 funds and must ensure that the use of such funds is in  
16 accordance with all applicable laws, bylaws, or contractual  
17 requirements. No employee of the corporation may receive  
18 compensation for employment which exceeds the salary paid to  
19 the Governor, unless the board of directors and the employee  
20 have executed a contract that prescribes specific, measurable  
21 performance outcomes for the employee, the satisfaction of  
22 which provides the basis for the award of incentive payments  
23 that increase the employee's total compensation to a level  
24 above the salary paid to the Governor.

25           (20) Under no circumstances may the credit of the  
26 State of Florida be pledged on behalf of the corporation.

27           (21) In addition to any indemnification available  
28 under chapter 617, Florida Statutes, the corporation may  
29 indemnify, and purchase and maintain insurance on behalf of  
30 its directors, officers, and employees and its boards against  
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1 any personal liability or accountability by reason of actions  
2 taken while acting within the scope of their authority.

3 (22) By December 1 each year, the corporation must  
4 submit an annual report to the Governor, the President of the  
5 Senate, the Speaker of the House of Representatives, and the  
6 chairman of the Statewide Board of Governors containing:

7 (a) A detailed description of the corporation's  
8 activities and accomplishments.

9 (b) An annual financial accounting of resources and  
10 expenditures conducted by an independent certified public  
11 accountant.

12 (c) Any recommendations the corporation has for action  
13 by the Legislature or by the agencies of state, county, or  
14 municipal governments to foster development or use of  
15 alternative energy technology.

16 Section 2. There is appropriated from the General  
17 Revenue Fund to the Office of the Governor \$500,000 to fund  
18 the activities of the Florida Alternative Energy Technology  
19 Center, Inc., for the fiscal year 2004-2005.

20 Section 3. The state energy program, as authorized and  
21 governed by sections 377.701 and 377.703, Florida Statutes,  
22 including all statutory powers, duties, functions, rules,  
23 records, personnel, property, and unexpended balances of  
24 appropriations, allocations, and other funds associated with  
25 the program, is hereby transferred intact by a type two  
26 transfer, as defined in section 20.06(2), Florida Statutes,  
27 from the Department of Community Affairs to the Department of  
28 Environmental Protection.

29 Section 4. This act shall take effect upon becoming a  
30 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1316

The committee substitute:  
Deletes the definitions of biomass and renewable energy;  
Creates the Florida Alternative Energy Technology Center,  
Inc., and provides for its organization, purpose, and duties;  
Appropriates \$500,000 to fund the center; and  
Transfers the state energy program from the Department of  
Community Affairs to the Department of Environmental  
Protection.