



INDUSTRY NEWS

SOLAR INDUSTRY WINS IN PALM BEACH COUNTY COURT

On February 19, 2003, Judge Peter M. Evans of the West Palm Beach County Court ruled in favor of the solar industry in the case of *Liesel Appel v. HOA Ridge Bluffs: Linda Reed Smith, Property Manager, Ed Bebe, President*. The matter came before the Court for Non-Jury trial on January 8, 2003. The conflict arose after the installation of a 21" Solar Lighting Tube on the front elevation of the plaintiff's home by the plaintiff. The work was done prior to the plaintiff seeking approval from the appropriate Architectural Control Committee. The committee determined that the Solar Energy Tube installed by the plaintiff was inappropriate and ordered it removed. In order to be able to complete the sale of the plaintiff's home in a timely manner, the plaintiff was required to remove the Solar Energy Tube. The plaintiff claimed that the Homeowners Association was in violation of the Florida Statute, section 163.04, in ordering the plaintiff to remove the Solar Energy Tube. The homeowner was seeking reimbursement for the costs and expenses incurred in the installation and removal of the "tube." Florida Statute, section 163.04 reads as follows:

Energy Devices Based on Renewable Resources

(1) Notwithstanding any provision of this chapter or other

provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited.

(2) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install solar collectors or other energy devices based on renewable resources by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings not exceeding three stories in height. For purposes of this subsection, such entity may determine the specific location where solar collectors may be

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PETER DENAPOLI
FLASEIA PRESIDENT

Things have been very busy for FlaSEIA over the past few months.

On Wednesday evening, April 2, FlaSEIA hosted a dinner for some of the legislators to discuss solar energy. In attendance at this meeting was Senator Mike Bennett from Sarasota and Representative Ed Jennings from Gainesville. Even though Representative Ken Littlefield did not stay for dinner, he did make an appearance at the social gathering prior to the dinner and mingled with those who attended. For the first time ever event, there was a great turnout by both legislators and FlaSEIA members.

The FlaSEIA Board of Director's Meeting was held on Tuesday morning, April 3. Many topics were discussed, and FlaSEIA has a lot of work ahead of them. Also in attendance at the dinner and board meeting was Glenn Hamer, SEIA Executive Director. I want to thank Glenn for taking the time out of his busy schedule to attend.

The 2003 Legislative Session ended on May 2, 2003. All members received weekly Legislative Reports via e-mail. For those who did not receive the e-mail, the weekly Legislative Reports are also posted on FlaSEIA's website at www.flaseia.org. Please be sure to check the website often as information is posted constantly.

As stated in the last issue of the *Industry News*, future issues are going to be e-mailed to all members. Please be sure to forward the correct information on your company to the FlaSEIA office including e-mail address. Newsletters will be sent in a .pdf format. The use of e-mail will ensure more timely and accurate information and updates on your association. We will be happy to fax

you a copy if you do not have e-mail.

Again, FlaSEIA has secured PRIME exhibit space at the Southeast Building Conference (SEBC) in Orlando on July 24-26. We sold five 10' x 10' booth spaces for members to exhibit their products and services. This year, we also have available a limited amount of table top space in the FlaSEIA booth for companies to have their literature and promotional information available. Please plan on attending this event.

FlaSEIA is committed to working hard to keep you informed of industry news, legislative issues and the evolving technology that drives your business. Together, we can accomplish a lot for our industry. FlaSEIA needs the continued commitment from all its members. Dividends from your membership dues will pay big returns so you will reap maximum benefits.

FlaSEIA needs to increase its membership. Therefore, I challenge each current member of FlaSEIA to bring in a new member between now and the end of the year. An organization becomes stronger with numbers. We need to grow.

Ballots were mailed for the slate of directors for the 2003-2005 term. At the August 13 FlaSEIA Board of Director's Meeting, the new directors will be selecting the officers for the 2003-2004 term. If you are interested in helping FlaSEIA grow and want to become a part of the board, please consider submitting your name as a director for the 2004-2006 director term.

All the best,

Peter DeNapoli

Peter DeNapoli

2002/2003 EXECUTIVE COMMITTEE & BOARD OF DIRECTORS

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installed on the roof within an orientation to the south or within 45 east or west of due south provided that such determination does not impair the effective operation of the solar collectors.

(3) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney's fees.

(4) The legislative intent in enacting these provisions is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to

maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

Based upon the evidence and testimony presented, the court found that the solar tube installed by the plaintiff is an energy device based on renewable resources within the meaning of F.S., section 163.04. The court further found the restrictions imposed by the Architectural Control Committee as to size and location of the device would impair the effective operation of the device and are, therefore, improper. The plaintiff was entitled to be reimbursed for the cost of installation of the solar lighting, removal of the tube and repair of the ceiling, roof repair, and fines paid to the Homeowners Association of The Bluffs. In addition, the plaintiff was entitled to court costs, including expert witness fees incurred in the trial of the action. The court ruled at trial that there was insufficient evidence to support a claim of individual liability against the president and Property Manager.



Industry news is the official newsletter of the Florida Solar Energy Industries Association (FlaSEIA), a nonprofit, professional association of companies involved in the solar and energy conservation industries. Industry News is published four times per year and distributed to all member companies of FlaSEIA and a broad range of other interested parties.

FLORIDA EARNS "D" ON RENEWABLE ELECTRICITY REPORT CARD

STATE FAILS TO TAP-INTO ECONOMIC AND ENVIRONMENTAL POTENTIAL OF RENEWABLE ENERGY

Florida has garnered a grade of D in a new national study from the Union of Concerned Scientists for failing to make a meaningful commitment to generate electricity from clean, renewable energy sources, such as solar and bioenergy (plants/energy crops and clean plant wastes such as sugar cane or urban wastes). Though Florida has the potential to produce more than 30 percent of its current electricity needs from renewable sources, it currently manages a paltry production of 1.8 percent from renewable sources, with no commitments to additional growth over the next 15 years.

reliable domestic energy sources while ensuring cleaner air and water," said Jeff Deyette, UCS analyst and co-author of the new report, *Plugging in Renewable Energy: Grading the States*. "Florida has fallen behind the curve by failing to make a firm pledge to the next generation of energy – clean, renewable electricity."

The new UCS study assigns grades to each of the 50 states based on the individual states' commitment to renewable electricity through the projected results of renewable electricity standards for electric companies and dedicated renewable electricity funds. State renewable energy generation is also

"Renewable electricity can provide future generations with safe and

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THIS IS NEWS!



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FRONT PORCH SUNSHINE REQUEST FOR QUOTATIONS CONTRACTOR AND SYSTEM QUALIFICATIONS

The Florida Solar Energy Research and Education Foundation (FlaSEREF) is seeking the services of solar companies to install solar water heaters on low income households in Florida. This program, designated "Front Porch Florida Sunshine," is being conducted in cooperation with the Florida Solar Energy Center (FSEC) and with funding from the Florida Energy Office. Front Porch Florida is an initiative established by Governor Jeb Bush intended to revitalize Florida's under-served communities. He announced his intention to incorporate solar water heating opportunities in these communities, and a program is now being implemented on behalf of the Florida Department of Community Affairs.

The goal of the Front Porch Sunshine Program is to provide reliable, low- or no-maintenance solar water heating systems on pre-approved low-income residences for weatherization clients residing in Florida's designated Front Porch communities.

All bids must be submitted in a sealed envelope. Do not include more than one bid per envelope. The face of the envelope shall contain the bid title "Front Porch Florida Sunshine." Those which do not comply with any of the conditions for bidding are subject to rejection. Bid opening shall be

public and shall take place at the Florida Solar Energy Center on July 9, 2003 at 3:00 p.m., EST. It is the bidders responsibility to assure that its bid is delivered at the proper time and place of the bid opening. Bids which for any reason are not so delivered will not be considered. Offers by fax, telephone or e-mail are not acceptable. Bids shall be addressed to: Florida Solar Energy Center, Attention: John Harrison, 1679 Clearlake Road, Cocoa, FL 32922.

The Request for Quotations will be posted at www.fsec.ucf.edu/solar/projects/frontporch/frontporch.htm. For technical questions, please call John Harrison at 321/638-1506. All other questions should be directed to Colleen Kettles at cmkettles@cfl.rr.com or 407/786-1799.

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Initiative:

FlaSEIA wishes to thank the following companies for their financial commitment to FlaSEIA and the Florida solar energy industry as participants in the Florida Manufacturers' Initiative (FMI) program.

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Thermal Conversation Technology, Inc.

POOL COLLECTORS

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Horizon:

Southeast Building Conference Trade Show
July 24-26, 2003
Orange County Convention Center
Orlando, Florida

FlaSEIA Board of Director's Meeting
August 13, 2003
Longwood, Florida

FlaSEIA Board of Director's Meeting
October 30, 2003
Longwood, Florida

Southeast Building Conference Trade Show
August 5-7, 2004
Orange County Convention Center
Orlando, Florida

Southeast Building Conference Trade Show
July 14-16, 2005
Orange County Convention Center
Orlando, Florida

For additional information on the above mentioned meetings and/or events, please contact the FlaSEIA office at (407) 339-2010.



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