



Florida Solar Energy Industries Association

INDUSTRY NEWS

2005 LEGISLATURE SINE DIE ON TIME

The Florida Legislature closed a productive Legislative Session at 11:49 p.m. on Friday, May 6, 2005, leaving eleven minutes to spare before having to take action to extend the session. The House and Senate worked together this year to pass bold initiatives ensuring the state's continued prosperity. This was a welcome relief after the last two dysfunctional sessions where little legislation passed, and the leaders of both chambers were at odds the entire time. That is not to say that this session was without its moments. After going most of the session being cordial, the two new leaders, Speaker of the House Allan Bense (R – Panama City) and Senate President Tom Lee (R – Brandon), had a breakdown during the final week of session over priority legislation on each leader's agenda. In the end though, like the two savvy businessmen they are, compromises were made, and the Sergeant of Arms were able to “drop the hanky” outside the chambers on the fourth floor rotunda to signify the end of session.

Key issues that came out of this year's session included growth management legislation, which will ensure that Florida maintains the high quality of life. Growth will now be directly linked to the infrastructure needed to support it. There were some Tort reforms passed by the legislature, though not to the extent that the Governor

or Speaker would have liked, which will maintain and improve Florida's business-friendly climate.

The construction industry fared much better this session than in previous years. This session ended with a long list of construction related issues that were approved by the legislature.

The following is a quick review of what happened to the major issues of interest to FlaSEIA:

Solar Sales Tax Exemption
HB 805 – Exemption from the Tax on Sales, Use, and Other Transactions for Solar Energy Systems by Representative Trudi Williams (R – Fort Myers) and Representatives Bruce Antone, Fred Brummer, Edward Bullard, Marcelo Llorente, Anitere Flores, Dan Gelber, Dorothy Hukill, Paige Kreegel, Ken Littlefield, Julio Robaina, Dennis Ross, Eleanor Sobel, John Stargel, Trey Traviesa and Juan Zapata. Chapter Law 2005-83. The law goes into effect May 26, 2005.

The bill deletes the repeal of the sales tax exemption for solar energy systems which was set to expire on July 1, 2005 making the solar sales tax exemption permanent. Currently, this is the only incentive for consumers to purchase solar energy systems and components in Florida.

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DAVE BESSETTE
FLASEIA PRESIDENT

Two years went by quickly. It is near the end of my tenure as your President, and I want to thank the Board of Directors and our management team for their time and efforts. It takes a special type of individual to give of their time freely. With having to deal with customers, employees and government on a daily basis, it can be an arduous task trying to make the long trip across the state for a meeting. We are fortunate to have dedicated individuals that do it year in and year out. Our management team has made great strides in learning what we do and continue to move upwards on the learning curve. In all, I believe that we (management and the Board) are growing together in a positive direction.

One of the brightest highlights of this year is making the **Sales Tax Exemption** permanent for solar energy products. This is a tremendous accomplishment for our industry for several reasons. It is our only incentive that we can offer our customers. Just as important, it has greatly reduced the amount of paperwork we would have had to deal with. This accomplishment could not have taken place without the hard work of the Team (Directors and Lobbyist Bruce Kershner). For all of you out there reaping the benefits of this hard work, I would suggest supporting our legislative agenda by sending in donations to the Solar Power PAC fund or by coming to the general membership meeting where we will be having the Annual Auction/ Dinner (fundraiser) sometime later this fall. We must continue to move our legislative agenda, and the only way to do this is by money. So be generous. If you can't give money, how about offering your time. You do not have to be a Board member to participate in your industry's efforts. The total downside to non support is

being legislated right out of business.

There are several issues that I believe that we must address immediately. More participation and more interaction with other industries. It is easier to be complacent than to become active in industry matters. It is easier to let someone else do the job than do it ourselves. It is easier to be a part of a problem than to be the one to solve it. Let's not become complacent. Let's all participate by increasing membership, donating our time and/or money and sharing ideas and knowledge.

The second issue is interaction with other industries. We are currently losing ground to the Heat Pump Industry for pools and tank less water heaters (thermal). No, I am not suggesting that we associate ourselves with the Heat Pump guys or the tank less water heating guys. But rather, we should be in thick as thieves with the Homebuilders and Pool Builders. We are in the most defensive posture we have been in years with the aforementioned competitors (which by the way is not each other). If we do not strengthen our relationship with these industries (and a few others I haven't mentioned), we will lose more ground. I recently had a discussion with a high ranking officer of the FHBA, and he informed me that the tank less/ instantaneous water heating guys are kicking solar's a__ in every meeting around the state. I for one will not let anyone kick my a__. How about you?

In conclusion, I've enjoyed working for you and look forward to more successes in the future.

Best of Luck,

Dave Bessette
FlaSEIA President

2004/2005 EXECUTIVE COMMITTEE & BOARD OF DIRECTORS

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(2005 Legislature Sine Die on Time
Continued from page 1)

Renewable Energy
HB 77 – Renewable Energy
by Representative Ken Littlefield (R –
Zephyrhills) and others. **Chapter Law**
2005-259. The law goes into effect
October 1, 2005.

This bill includes language about symbolic purchase contracts to producers of renewable energy. The bill also includes a definition for “renewable energy” that includes solar energy and hydrogen produced from sources other than fossil fuels. FlaSEIA made several attempts to amend the bill to include solar thermal in the definition of renewable energy.

This bill requires public utilities and specified municipal electric utilities and rural electric cooperatives to offer a purchase contract to producers of renewable energy basing payment on the utility’s avoided cost. The provision uses the current avoided cost payment price to minimize the cost impact on

utilities’ customers while encouraging renewable energy. Definitions of “biomass” and “renewable energy” are provided to allow additional generators to sell to the utilities. Municipal and cooperative utilities are included. A minimum 10-year contract is required.

This bill also provides that prior to the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility, the county must implement and maintain a solid waste management and recycling program designed to meet the 30 percent waste reduction goal. If a waste-to-energy facility is built in a county with a population of less than 100,000, that county would have to have a program designed to achieve the 30 percent waste reduction goal, and not just provide the opportunity to recycle.

The bill also encourages local government applicants for a permit to construct or expand a Class I Landfill to consider the construction of a waste-to-energy facility as an



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.

• alternative to additional landfill space.

• Enterprise Florida, Inc.
• **SB 1154 – Enterprise Florida, Inc. Board** by the Commerce and Consumer Services Committee and Senator Paula Dockery (R – Lakeland). **Chapter Law 2005–66.**
• **The law goes into effect May 26, 2005.**

• This bill revises a number of provisions regarding the duties and management of Enterprise Florida, Inc. (EFI). In part, the bill removes references to solar energy industry promotion and workforce development. The solar industry is the only industry that is written in the statutes that EFI should promote. EFI does not believe they should be promoting any business over another which is why they took action to delete this requirement. However, the elimination of the specific requirement will not preclude EFI from expanding business opportunities in the solar sector.

• Prompt Pay/Retainage
• **HB 509 – Relating to Construction Services/Prompt Payment** by Representative Ron Reagan (R – Sarasota). **Chapter Law 2005–230.**
• **The law goes into effect October 1, 2005.**

• The law revises and redesignates the “Florida Prompt Payment Act” as the “Local Government Prompt Payment Act,” and creates the “Florida Prompt Payment Act” to apply to the state. In addition, it provides procedures for payment of retainage and for settling disputes relating to these acts. Here are some of the important highlights of the law:

- Caps retainage at the traditional 10%.
- both acts allow the contractor, at 50% completion, to

request release of up to 1/2 of the retainage that has been held.

- both acts provide for the holding of 5% retainage after 50% completion.
- more than 5% can only be held only on a case-by-case basis if the contractor notifies the subcontractor in writing of the reasons for making that determination (based on past performance, etc.).
- creates an exception for small cities (population less than 25,000) and small counties (population less than 100,000) who can hold 10% until project completion.
- Proves that retainage cannot be held to cover insurance premiums under an owner or contractor controlled insurance program, and that payment cannot be delayed while the wrap-up carrier or its representative performs a final audit for the project.
- Clarifies the difference between punch list and warranty items.
- Implements procedures for a “final



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punch list” and sets time periods for payment within a reasonable time after completion of those items.

- If a contract is for construction of more than one building or structure or involves a multi-phased project, each building or phase must be treated separately for purposes of punch list, final payment and release of retainage.

Provisions that put teeth in the new law:

- Interest. All payments not made within the applicable time limits bear interest at the rate of 1% per month.
- Contracts cannot prohibit the collection of this late payment interest.
- Court costs and attorney's fees. If you must sue to collect your monies, you are entitled to recover court costs and attorney's fees if the court finds that the non-prevailing party withheld any portion of your payment without a reasonable basis in law or fact to dispute your claim.
- There are automatic triggers built into these laws for payment if and when an owner fails to act.

Lien Law “Glitch” Bill

HB 113 – Relating to Construction Contracting by Representative Charles Dean (R – Inverness).

Chapter Law 2005-227. The law goes into effect October 1, 2005.

The Lien Law changes would:

- reduce the font size of the construction lien law notice in construction contracts from 18 to 14 and require it to be on the front page of the contract.
- elevate the misapplication of construction funds less than \$20,000 but more than \$1,000 from a third degree felony to a second degree felony.
- restore the requirement that lenders provide a construction lien law notice to an owner any time they make a disbursement on a loan.
- restrict distribution of the lien law notice to consumers (i.e., exempts contractors and developers).

- make unenforceable any bond provision that attempts to restrict the persons protected or the venue of any proceeding on the bond.
- increase the administrative fines that can be assessed by the Construction Industry Licensing Board (CILB) from \$5,000 to \$10,000 per violation. These fines have been the same for over 20 years and are supported by the CILB that discipline contractors.
- copy the unlicensed contracting provisions placed in Chapter 489 in 2003 into Chapter 713, to insure that a direct contract that is rendered unenforceable by an unlicensed contractor does not affect the lien rights of suppliers and other properly licensed subcontractors on the project.
- extend a proper payment defense to subdivision improvements and requires that the owner obtain a final contractor’s affidavit before making the final payment in order for the owner to be able to utilize the defense.
- specify that a claim of lien must be served on an owner. Current law requires service but is silent as to who must be served.
- extend the grandfathering provision under chapter 489, Florida Statutes, for local contractors to November 1, 2005.

Public Construction Bonds

SB 652 – Relating to Public Construction Bonds by Senator Jim Sebesta (R – St. Petersburg). **Chapter Law 2005-273. The law took effect with the Governor's approval on June 14, 2005.**

The law clarifies that surety bonds issued under 255.05, Florida Statute, are statutory bonds rather than common law bonds. The law is the same as the bill that passed the Senate last year, but died on the Special Order Calendar in the House.

The law amends s. 255.05(6), F.S., to provide that payment bond forms executed by a public owner must reference the time and notice limitation provisions in this section.



Industry News is published quarterly by the Florida Solar Energy Industries Association (FlaSEIA). Ideas, opinions and views expressed herein are not necessarily those of FlaSEIA.

The law provides that a surety issuing a payment or performance bond on certain projects is not an insurer for the purpose of specified civil remedies.

Florida Building Code

SB 442 – Relating to Building Safety by Senator Mike Bennett (R – Bradenton). **Chapter Law 2005–281. The law takes effect July 1, 2005.**

The law addresses a number of issues relating to the development and administration of the Florida Building Code and related building safety requirements. Some of the areas addressed by the law implements the following:

- Revises the distribution of funds from the Hurricane Loss Mitigation Program and provides for the use of such funds for specified code-related education initiatives, effective July 1, 2006.
- Provides that the Office of Insurance Regulation must review the performance of the Hurricane Loss Mitigation Program and make recommendations to the insurance industry, and such recommendations may be used by insurers for potential discounts or rebates to residential property insurance pursuant to s. 627.0629, F.S.
- Revises procedures governing the adoption and amendment of the Florida Building Code.
- Provides new procedures for binding review of building code decisions by local building officials.
- Restricts local governments’ ability to use building code fee revenues for non-related activities.
- Revises the administration and operation of the Florida Building Code Training Program.
- Modifies provisions relating to the local product approval and evaluation process and includes the International Code Council Evaluation Service as an authorized product evaluation entity.
- Specifies that swimming pool exit alarms that comply with Underwriters Laboratory

- Standard Number 2017 satisfy the requirement of ch. 515, F.S.
- Incorporates by reference into the Florida Building Code permitted standards for unvented attic assemblies in the International Residential Code.
- Directs the Florida Building Commission to update the Florida Building Code with the most recent and relevant design standards for wind resistance of buildings issued by the American Society of Civil Engineers (ASCE Standard 7).
- Provides that the option for designing for internal pressure for buildings within the windborne debris region shall be repealed immediately upon adoption of standards and conditions within the International Building Code or International Residential Code prohibiting such option design.
- Requires the Florida Building Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Building Code as it relates to the region from the eastern border of Franklin County to the Florida–Alabama line.
- Provides that the effective date of the Florida Building Code, 2004 Edition, shall be October 1, 2005, however, the bill stipulates that building plans submitted for review between July 1, and October 1, may elect to undergo compliance review using either the current edition of the code or the new 2004 edition of the code.
- Instructs the commission to evaluate the definition of “exposure category C” in the Florida Building Code and make recommendations for changing the definition to the Legislature.
- Delays the implementation of two technical modifications (relating to the use of certain plywood for roofing) to the Florida Building Code pending further review by the Building Code Commission.
- Instructs the Florida Building Commission to convene a workgroup to study the recommendation for a single product validation entity.

Bills that Failed:

- Hydrogen Energy Technologies Act
- Clean Energy Technology Center
- Florida Alternative Energy Technology Center
- Sales Tax Exemption on School Construction Materials

FlaSEIA Board Vacancies

The members of the Florida Solar Energy Industries Association (FlaSEIA) have voted for the 2005-2007 Directors.

FlaSEIA needs your help. We need contractor members to volunteer to serve on the board. By serving on the board of directors, you can develop self-satisfaction; get an insight into how the organization is run; sharpen your leadership abilities; build prestige for you and your company; network with other peers; share various responsibilities; have an opportunity to give something back to the industry as well as help the industry; and develop a sense of accomplishment.

Term:

There is currently one Director term for the 2004-2006 year and one Director term for the 2005-2007 year.

Responsibilities:

- Board of Directors shall be responsible for the entire management of the association and of the income and property thereof, including authority to issue debentures or borrow money for corporate purposes. The Board of Directors shall establish all rules and regulations necessary to conduct its business and may change the same from time to time.
- Attend three Board of Director's Meetings per year.

If you are interested in filling one of these vacancies, please contact the FlaSEIA office at (407) 339-2010.

Miami-Dade County Passes Solar Jobs Ordinance to Attract Solar Manufacturing Businesses

The Miami-Dade Board of County Commissioners passed an ordinance

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sponsored by Commissioner Katy Sorenson designed to draw solar energy equipment manufacturers to Miami-Dade County. The ordinance allows solar manufacturing businesses locating to Miami-Dade to apply for incentives through the County's Targeted Jobs Incentive Fund Program to attract business investment, especially to economically depressed areas of the County. The new law also creates incentives for environmentally sensitive "green construction" standards for commercial and industrial buildings.

"This will propel Miami-Dade into a leadership role on alternative energy and resource efficiency in Florida," offered Commissioner Sorenson. "We have to find alternatives to our fossil fuel dependency and the geopolitical and environmental consequences that come from our thirst for oil. Solar energy is our region's greatest untapped supply of domestic energy, and it's time for Miami-Dade to take a leadership role in the 'Sunshine State'."

Beyond the advantages of reducing our dependence on petroleum, the solar industry itself is booming. After decades of incubation, the solar energy industry is now beginning to compete with "traditional" fossil fuels and other alternative energy sources such as wind turbines. The job creation potential for this industry is significant, with most factories in the United States announcing aggressive expansion plans. "There is such potential both domestically and internationally," explained Sorenson. "Our geographic location is an asset, not only because of our long, sunny days,

but in our position as a major trading partner with countries where there's a growing demand for solar products." The recently approved ordinance changes create a specific incentive for the solar thermal and photovoltaic industries based on their capital investment and the number of new jobs they create.

Additionally, the legislation includes an incentive for the construction of environmentally friendly commercial and industrial buildings. Businesses that construct facilities to meet either US Green Building Council LEED or Florida Green Building Coalition standards could qualify for a Targeted Jobs incentives, while those that also incorporate solar thermal, photovoltaic, fuel cell, or cogeneration energy technology will receive an additional credit. "These incentives will foster the market for resource efficient and more 'employee friendly' workplaces, all while growing the local market for alternative energy products," explained Commissioner Sorenson. "This will even create greater demand for architects, engineers, and construction professionals with training and expertise in green

State Certified Solar Exam

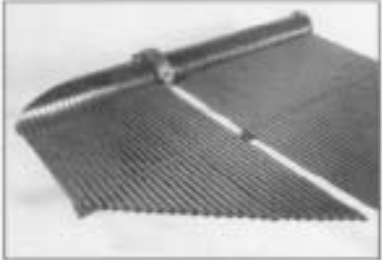
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building.”

This ordinance is an important component of Commissioner Sorenson’s ambitious plan to make Miami–Dade the “Solar Capital of the Sunshine State.” Commissioner Sorenson has also introduced legislation to give “green builders” fast-track permits for environmentally superior development, providing an additional market for alternative energy products. In addition, she is promoting “green building” as standard practice for County construction projects, started a program to provide low-income homeowners with solar water heaters, and is working with local Colleges and Universities to make Miami–Dade a research and training hub for the solar energy industry.

Over 60 Subcontracting Firms Shutdown Across Central Florida

If you’re building a house in Orange County, you may start seeing some major delays. The state said dozens of subcontractors have been working without proper workers’ compensation insurance and now they’re being shut down.

What it means is the guys who work on your house may have to stop, because they’re not properly insured against an on-the-job injury.

Investigators have shut down more than 60 subcontracting firms across Central Florida. It could mean a costly delay.

In one of the country’s fastest growing regions, new homes continue to pop up at a record pace. But this week, Central Florida home sites are a little quieter than normal.

If you’re hoping to move in soon, you may be out of luck.

From moldings to masonry, windows to welding, 65 specialized subcontractors in Central Florida have been forced to stop work, because the state said their workers aren’t properly insured against on the job injuries.

Terence Phillips runs the Orlando office of the state’s workers’ comp oversight agency, which conducted the two-day sweep of construction sites across the region. In one case, investigators found subcontractor with 30 employees, none of who had workers’ comp insurance. The contractor was fined almost \$200,000 for driving up insurance costs across the state.

Under state law, the employer has to pay for their workers’ comp insurance, but investigators said more than 60 subcontractors here in Central Florida were trying to avoid doing so.

Homosassa Springs State Park Unveils Hydrogen Fuel Cell

—Cutting-edge technology powers visitor pavilion, showcases clean energy—

Moving into the next generation of energy technology, Homosassa Springs Wildlife State Park today unveiled a hydrogen fuel cell system, which is now powering the park’s Wildlife Encounter Pavilion. The partnership between the Florida Department of Environmental Protection (DEP) and Progress Energy Florida provides clean energy to the park and shares the benefits of emerging “next-generation” technology with hundreds of thousands of visitors.

“This project uses existing, proven

technologies to provide simple, cost-effective environmental benefits to one of the most pristine areas of natural Florida,” said DEP Deputy Secretary for Regulatory Programs and Energy Allan Bedwell. “Visitors to Homosassa Springs will now experience more than the Real Florida—they will glimpse our nation’s energy future.”

The fuel cell system uses five-kilowatt solar panels to split water molecules into hydrogen and pure oxygen. The fuel cell then converts the hydrogen gas into electricity, which is used to power the park’s Wildlife Encounter Pavilion.

“Progress Energy is proud to be part of such an important project,” said Bill Habermeyer, president and CEO of Progress Energy Florida. “Hydrogen is a potential fuel source for the future, and we are glad to partner with DEP, Hydrogenics and the Homosassa Springs Wildlife State Park to test and develop that potential in our state.”

The most popular park in the region with more than 300,000 visitors last year, Homosassa Springs is home to an underwater manatee observatory providing a unique view of Florida’s famed sea cows. A new 1,600-foot Wildlife Walk takes visitors along a boardwalk showcasing the natural habitats of bobcats, cougars, otters, bears and hundreds of birds.

“We are excited to have Homosassa Springs Wildlife State Park on the cutting edge of hydrogen energy technology,” said Florida State Parks Director Mike Bullock. “Showcasing this new technology augments the diverse experiences already offered to the millions of visitors to Florida’s state parks.”

Already a national leader in the development of hydrogen energy, Florida currently has 28 mobile and stationary hydrogen demonstration projects underway, in development or in the planning stage. Just last week, Florida purchased twelve hydrogen fuel cell systems to provide back-up power to DEP offices statewide. Florida is also investing in eight of the world’s first commercially available

hydrogen shuttle busses for visitor transit in the Orlando area. In February, Governor Jeb Bush broke ground on Florida’s first hydrogen energy station.

In 2003, the Governor also launched “H2 Florida,” a statewide initiative to grow the hydrogen technology industry, spur investment and economic opportunity and safeguard the nation’s natural resources. H2 Florida partners the state with industry, local governments and academia to accelerate hydrogen innovation and stimulate a consumer market for the newest hi-tech approach to cleaner, sustainable sources of energy.

Nominated as a finalist for the Gold Medal award honoring the Nation’s Best State Park Service, Florida’s state park system is one of the largest in the country with 159 parks spanning more than 730,000 acres and more than 100 miles of sandy white beach. For more information on hydrogen technologies, visit www.FloridaEnergy.org. For more information on Florida State Parks, visit www.FloridaStateParks.org.

Registered Contractor License Renewals

Just a reminder that the Registered Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2005. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation and one hour in business practices.

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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Horizon:

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

Solar World Congress 2005 & ASES Annual Meeting,
Rosen Center Hotel, Orlando, Florida
August 8-12, 2005

Board of Director's Meeting/Election of Officers,
Solar World Congress 2005 & ASES Annual Meeting,
Rosen Center Hotel, Orlando, Florida
August 7, 2005

Board of Director's & Annual Meeting
October (TBA) 2005

Annual Auction
October (TBA) 2005

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



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