



# INDUSTRY NEWS

## 2005 LEGISLATIVE SESSION UPDATE

The 2005 Legislative Session convened on Tuesday, March 8. The half way mark of the 2005 Legislation Session was April 6. The last day of the 2005 Legislative Session is Friday, May 6.

The following are highlights from the 2005 Legislative Session. Legislators

- dealt with demonstrations and protests regarding the Terri Schiavo case.
- mourned the death of **Representative David Coley (R – Marianna)** who passed away on Friday, March 25 after battling cancer of the liver. **Coley** was the former legislative aide to **Bense** before following his dream of becoming a state representative. Our thoughts and prayers go out to Dave's family and friends.
- in the Senate presented their version of a proposed budget, with a bottom line of \$62.1 billion during the week of March 27 and voted on it the week of April 3.
- in the House approved a slightly larger bottom line of \$63.1 billion during the week of March 27.
- appointed conferees in both the Senate and House to finalize the proposed budget.
- received word from the General Revenue Estimating Conference that they had \$2.2 billion more to spend.

Florida Solar Energy Industries Association (FlaSEIA) is supporting, opposing or monitoring:

**Solar Sales Tax Exemption**  
**HB 805 by Representative Trudi Williams (R – Fort Myers) and SB 1620 by Senator Jeff Atwater (R – North Palm Beach)**

On July 1, 2005, the sales tax exemption will sunset and the solar industry will again be subject to the tax. The bills will repeal the sunset date and make the exemption permanent until the statute is changed again.

**HB 805 and SB 1620 each need to be heard by one committee.**

**Clean Energy Technology Center**  
**HB 1407 by Representative Ralph Poppell (R – Titusville) and SB 2186 by Senator Mike Fasano (R – New Port Richey)**

The bills would establish a Clean Energy Technology Center. The purpose of the center is to deploy clean and renewable energy technologies to the state of Florida. Research and development will be the primary focus of this venture.

**HB 1407 and SB 2186 each need to be heard by two committees.**

**The Florida Alternative Energy Center**  
**HB 1603 by Representative Charlie Justice (D – St. Petersburg) and CS/**

The following is a list of bills that the

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# Message:

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**DAVE BESSETTE**  
**FLASEIA PRESIDENT**

On behalf of FlaSEIA, I want to thank those individuals who attended the FlaSEIA Board of Director's Meeting in Tallahassee on Wednesday, March 30. Those who attended were updated on Legislative issues that affect the solar and construction industry.

On the evening of Tuesday, March 29, FlaSEIA held a dinner and was honored with the presence of DEP Deputy Secretary Regulatory Programs Allan Bedwell and Florida Energy Office Manager of Solar Programs Jim Tatum.

At the Board of Director's Meeting, the board approved a Statement of Support of Florida's Hydrogen Energy Technologies Act (see statement on page 6 in this issue of *The Industry News*). DEP is 100% behind the bill and feels that it will help FlaSEIA.

The first must-pass legislative issue of the 2005 Legislative Session is the repeal of the Solar Sales Tax Exemption. Current law calls for the elimination of the solar sales tax exemption effective July 1, 2005. The bills are moving through their respective committees; however, we need your help. Contact your local representative and senator and tell them how important it is for HB 805 and SB 1620 to pass this year. Tell them that the sales tax exemption is the only incentive currently offered to individuals who purchase solar.

FlaSEIA received the support of the Miami-Dade Board of County Commissioners through their Sales Tax Exemption Resolution (see resolution on page 6 in this issue of *The Industry News*). The resolution asked all Miami-Dade legislators to sign on to the Solar Sales Tax Exemption Bill as a co-sponsor. FlaSEIA thanks the Miami-Dade Board of County Commissioners for taking this position.

On the federal level, U.S. Senator Lamar Alexander (R-TN) has introduced a bill (S. 727) that contains strong incentives for solar energy deployment. Alexander, the chairman of the Senate Energy Subcommittee, proposed the incentives as part of a bill that aims to reduce the price of natural gas.

It is critical to demonstrate broad-based national support for the strong solar provisions in Senator Alexander's bill. SEIA continues to work with solar companies, local politicians, and other stakeholders in Tennessee to write letters of support to Alexander's office and to local papers, praising him as a solar energy champion.

We encourage all solar companies and renewable energy stakeholders throughout the country to fax letters of support to Alexander's office (see statement on page 8 in this issue of *The Industry News*).

The office of Congressman J.D. Hayworth is circulating a letter asking DOE and EPA to expand the Energy Star Program to include solar water heaters. The letter was crafted with SEIA's input. **Please contact your representative in Congress today and ask them to sign on to the Hayworth letter.** The deadline for sign-ons is approaching.

FlaSEIA has a lot of issues that need to be addressed. We can accomplish these issues if every member takes ownership in the vitality of FlaSEIA. Are you doing your part?

Sincerely,

Dave Bessette  
FlaSEIA President

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IMMEDIATE PAST PRESIDENT Pete DeNapoli Shell Solar Industries		

**(2005 Legislative Session Update  
Continued from Page 1)**

**SB 592 by Senator Mike Bennett (R – Bradenton)**

The bills would establish The Florida Alternative Energy Technology Center (FAETC). The language in the bill is almost identical to last year. This is also the bill to watch for a definition of “alternative energy technology” to develop.

**HB 1603 needs to be heard by three committees, and CS/SB 2186 needs to be heard by one committee.**

**Hydrogen Energy Technologies Act  
CS/HB 1597 by Representative Adam Hasner (R – Delray Beach) and SB 2074 by Senator Lee Constantine (R – Altamonte Springs)**

The bills create the Hydrogen Energy Technologies Act providing for grants for demonstration, commercialization, research and development projects. The bills also provide for certain sales tax exemptions and tax credits. The bills

state that the promotion of hydrogen energy technologies will also promote the development of associated energy technologies such as solar.

**CS/HB 1597 needs to be heard by one committee, and SB 2074 needs to be heard by four committees.**

**Purchase Contract for Renewables  
CS/CS/HB 77 by Representative Littlefield (R – Zephyrhills) and CS/SB 494 by Senator Mike Bennett (R – Bradenton)**

The bills include symbolic language requiring that electric utilities offer a purchase contract to producers of renewable energy. The bills include a definition of “Renewable Energy” which includes solar energy. The bills also amend requirements for review by DEP of new waste to energy facility capacity. The bills only affect Orlando and Jacksonville.

CS/SB 494 passed the House, and the Senate laid this bill on the table for CS/CS/HB 77 which is on third reading in the Senate.



*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.

• **Renewable Energy**  
• **CS/SB 1464 by Senator Lee Constantine (R – Altamonte Springs)**  
• The bills would authorize the Public Service Commission to approve experimental rates to encourage the use of energy from renewable energy sources, allowing the commission to limit applications of these rates to a limited geographic area and a specific time. The new rate cannot exceed one-fourth of one percent of base rates.

• CS/SB 1464 is on the Senate Calendar.

• **Waste to Energy**  
• **HB 933 by Representative David Mealor (R – Lake Mary)**  
• The bills require review by DEP of new waste to energy facility capacity. The bills require the county where the facility is located to achieve a waste reduction goal of 30%.

• **HB 933 needs to be heard by two committees.**

• **Enterprise Florida, Inc.**  
• **CS/HB 931 by Representative Trey Traviesa (R – Brandon) and CS/SB 1154 by Senator Paula Dockery (R – Lakeland)**

• The bills will revise a number of provisions regarding the duties, management and finances of Enterprise Florida, Inc. (EFI). EFI is the public-private partnership responsible for leading Florida's statewide economic development efforts. The legislation also deletes the requirement that EFI assist exclusively in expansion of the solar energy industry in this state.

• CS/HB 931 and CS/SB 1154 each need to be heard by two committees.

**Lien Law**

**CS/HB 113 by Representative Dean (R – Inverness) and CS/SB 1016 by Senator Argenziano (R – Crystal River)**

In short, the lien law bill 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.
- restore the three tier felony for misapplication of construction funds to be a third degree felony if less than \$1,000 and second degree felony if between \$1,000 – \$100,000.
- restore the requirement that lenders provide a construction lien law notice to an owner any time they make a disbursement on a loan.
- allow for electronic and hand delivery of construction lien law notice.
- restrict distribution of the lien law notice to consumers (i.e., exempts contractors and developers).
- clarify that nothing in the section



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# FLASEIA BOARD OF DIRECTORS HEAD TO TALLAHASSEE

- shall be construed to remove jurisdiction from the county court over transfer bond claims for nonpayment for any amount within the monetary jurisdiction of the county court.
- 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 two boards 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.
  - raise the penalty for misapplication of construction funds of \$1,000 but less than \$100,000 from a third degree felony to a second degree felony.
  - create a third degree felony for misappropriation of construction funds of \$1,000 or less.

**CS/HB 113** and **CS/SB 1016** each need to be heard by two committees.

To preview the Legislative Reports, go to [www.flaseia.org](http://www.flaseia.org) and click on Solar Legislation, the 2005 Legislative Reports. If you need the password, have any questions or comments regarding the Legislative Reports, please contact the FlaSEIA office at (407) 339-2010.

On Wednesday, March 30, the FlaSEIA Board held their Board of Director's Meeting at the Quality Inn & Suites in Tallahassee. The board members discussed legislative issues affecting the solar industry as well as the construction industry. After the board meeting adjourned, several board members headed to the Capitol where they visited legislators and discussed the key issues of FlaSEIA and the solar industry.

During the board meeting, the board approved a Statement in Support of Florida's Hydrogen Energy Technologies Act (see page 6 for the actual statement).

On the evening of Tuesday, March 29, the board members, along with representatives from DEP attended a dinner to discuss solar issues. FlaSEIA was honored by the presence of DEP Deputy Secretary Regulatory Programs Allan Bedwell and Florida Energy Office Manager of Solar Programs Jim Tatum.



Bottom row L to R: FlaSEIA Executive Director Bruce Kershner, Dave Bessette, Florida Energy Office, Manager of Solar Programs Jim Tatum, DEP Deputy Secretary Regulatory Programs Allan Bedwell, Charlie Cromer. Top row L to R: Dillon Daniels, Tom Harriman, Bob Zrallack, Linda Tozer, Victor Eyal, FlaSEIA Legislative Assistant Walter Liebrich, Jeff Curry and Ann Sheller.



*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.

# Florida Solar Energy Industries Association Statement in Support of Florida's Hydrogen Energy Technologies Act

*~ Partners in progress towards a sustainable energy future ~*

Florida has a long-standing commitment to the advancement and use of solar energy technology. That commitment has resulted in the creation of a strong solar industry, quality solar products, diversified energy production, and economic development with positive environmental benefits. The Florida Solar Energy Industries Association requests the Florida Legislature's support of alternative energy through enactment of the Florida Hydrogen Energy Technologies Act and continued commitment to the Governor's three cornerstone solar initiatives<sup>1</sup> promoting the use of solar energy in the public and private sector.

Advancing the use of hydrogen technology will assure that Florida's energy future is a sustainable one, based on the use of solar energy and hydrogen to power our buildings and fuel our vehicles. The Florida Solar Energy Industries Association proudly supports Governor Bush's vision and urges passage of the Florida Hydrogen Energy Technologies Act.

The Florida Solar Energy Industries Association (FlaSEIA), founded in 1977, is a nonprofit professional association of companies involved in the solar energy industry. Members include manufacturers, distributors,

contractors, retailers and consultants who provide solar water heating, pool heating and solar electric systems. Research Centers and Utilities also are members. For further information about FlaSEIA, please visit our website at [www.flaseia.org](http://www.flaseia.org) or call us at 1-800-426-5899.

<sup>1</sup> Front Porch Sunshine, SunBuilt and Solar for Schools

## Miami-Dade Approves Solar Sales Tax Exemption Resolution

**Title:** Resolution urging the Florida Legislature to extend and/or make permanent the Sales Tax Exemption for Solar Energy Systems and Components

File Number: 050498

Sponsor: Commissioner Katy Sorenson

**Body:**

WHEREAS, solar energy reduces pollution, stabilizes our energy supply, reduces our demand for foreign sources of energy, and creates local jobs; and

WHEREAS, the State of Florida has made legislative findings recognizing the importance of solar energy as a proven, effective means of reducing air pollution, while also creating new jobs, saving energy, lowering consumer utility bills, and stimulating economic development in Sections 377.703 and 288.0415, Florida Statutes; and

WHEREAS, the State of Florida has given statutory priority to removing identified barriers to and providing incentives for increased solar energy development and use in Sections 377.703 and 288.0415; and

WHEREAS, Section 212.08(hh), Florida Statutes, provides a State of Florida sales tax exemption for solar energy systems and component parts; and

WHEREAS, this sales tax exemption is set to expire July 1,

2005; and

WHEREAS, legislation has been filed for the 2005 regular state legislative session to delete the sunset of the solar energy systems sales tax exemption, thus making the sales tax exemption for solar energy systems permanent; and

WHEREAS, Senator Jeff Atwater (R - North Palm Beach) has filed SB 1620, and Representative Trudi Williams (R - Fort Myers) has filed HB 805, both of which would repeal the sunset of the sales tax exemption on solar energy systems and components; and

WHEREAS, this Board supports efforts to encourage the use of solar energy as an alternative energy source,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Expresses its support for the language contained in SB 1620 and HB 805 and urges the Florida Legislature to extend and/or make permanent the sales tax exemption on solar energy systems and components set forth in Section 212.08(hh), Florida Statutes.

Section 2. Directs the County's lobbyists to advocate for this issue, and directs the Office of Intergovernmental Affairs to include it in the Miami-Dade County State

Legislative Package.

Section 3. Directs the Clerk of the Board to send a certified copy of this resolution to the Chair and members of the Miami-Dade County Legislative Delegation, Senator Jeff Atwater and Representative Trudi Williams.

## PROGRESS, STUART TO BUILD "GREEN" POWER SYSTEM

Relying on sunlight and water as fuel sources, Progress Energy Florida is constructing a sustainable hydrogen generator and fuel cell for the Florida Department of Environmental Protection at its Homosassa Springs State Wildlife Park.

DEP and Progress Energy are jointly funding the project.

Toronto-based Hydrogenics Corp. (NASDAQ: HYGS), through its wholly owned subsidiary Stuart Energy Systems, is the provider of the hydrogen generation system.

The fully integrated fuel cell and 5-kilowatt photovoltaic solar system will provide a portion of the electricity used by the park's Wildlife Encounter Pavilion.

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- PV cells – frequently called solar cells – convert sunlight into electricity. At Homosassa Springs, these PV cells will power the Stuart Energy electrolyzer that will split water into its two gaseous components, hydrogen and oxygen. The hydrogen gas will be stored for later conversion into electricity by the fuel cell. The electricity from the fuel cell will help power the Wildlife Encounter Pavilion.

- Homosassa Springs State Wildlife Park, located near Crystal River, is the most popular park in the region and hosted more than 300,000 visitors last year.

- Progress Energy Florida, based in St. Petersburg, is a subsidiary of Progress Energy (NYSE:PGN). It provides electricity and related services to more than 1.5 million customers in St. Petersburg and Clearwater, as well as the Central Florida area surrounding Orlando.

## SEIA Update

- HR 6, the Energy Policy Act of 2005, has passed the full House. House Ways and Means Chairman Bill Thomas directed a tax title less than 1/3 the size of previous bills, with the intention of forcing the Senate to negotiate with him. Part of this title is a 15%, 2 – year residential credit for solar thermal and PV – smaller than we’ve seen in the past, and the only tax credit for renewable energy in the bill.

- The House Rules Committee

determined Tuesday night, April 19, which amendments to allow for consideration. Representatives Zach Wamp (R – TN) and Mark Udall (D – CO,) with extensive help from SEIA, proposed an amendment to establish a 15% commercial and 15% residential credit for a period of 5 years. They put up a good fight, and SEIA and many members supported them through their contacts on the Rules Committee. Nevertheless, when the dust had settled, the Rules Committee had disallowed every amendment to the tax title – from every industry and every area.

The tax title is now 94% incentives for conventional energy, up from about 30% in Administration proposals. The Bush Administration, while urging the need to pass an energy bill this year, has expressed concerns that the tax title gives unnecessary subsidies to the oil and gas industries in the current atmosphere of record prices. Press outlets have echoed this concern, establishing a good bargaining point in conference negotiations between the House and the Senate.

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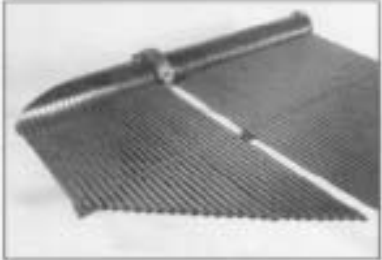
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We are now in the same position shared by essentially all parties proposing credits in the Energy Bill; we will have a much stronger position in the Senate than in the House, and we will have to push for a compromise in conference. With Senator Lamar Alexander's bill proposing a 30% credit for five years (both residential and commercial), and with all solar technologies eligible, we're confident that the solar industry will receive incentives that can provide real market surety for companies to invest and grow.

Solar Provisions in S. 727

U.S. Senator Lamar Alexander (R – TN) has introduced a bill that contains strong incentives for solar energy deployment. Alexander, the chairman of the Senate Energy Subcommittee, proposed the incentives as part of a bill that aims to reduce the price of natural gas. The tax title (S. 727) includes a five-year, 30% investment tax credit window for residential and commercial solar, and establishes five-year production tax credit for large-scale solar energy facilities. The PTC can be taken in conjunction with the 30% ITC.

It is critical to demonstrate broad-based national support for the strong solar provisions in Senator Alexander's bill. SEIA continues to work with solar companies, local politicians, and other stakeholders in Tennessee to write letters of support to Alexander's office and to local papers, praising him as a solar energy champion. We have already received letters from a number of Tennessee-based companies, including AFG Industries.

We encourage all solar companies and renewable energy stakeholders throughout the country to fax letters of support to Alexander's office. Letters should be faxed to:

The Honorable Lamar Alexander  
 United States Senate  
 (202) 228-3398  
**Attention: Jeff Muhs**

And to SEIA:  
 Solar Energy Industries Association  
 (202) 682-0559

To guarantee that your letter is read and given weight:

1. Write on your personal or business letterhead, if possible.
2. Make sure to sign your name over your typed signature at the end of your message.
3. Explain how the legislation would benefit your business or organization.
4. Feel free to provide a history of the company and what you do.

Urgent:

The office of Congressman J.D. Hayworth is circulating a letter asking DOE and EPA to expand the Energy Star Program to include solar water heaters. The letter was crafted with SEIA's input. **Please contact your representative in Congress and ask them to sign on to the Hayworth letter.** The **deadline** for sign-ons is approaching.

Steps:

1. Call the Washington office of your congressperson. You can find the contact information by going to: <http://www.house.gov/>
2. Ask to speak to the staff member that handles energy issues.
3. Tell the staffer (or their voice mail) that Congressman Hayworth's office is circulating a "Dear Colleague" urging DOE and EPA to make solar water heaters eligible for Energy Star designation. This would be a cost-free step that would not only benefit your business, but increase energy savings for consumers, etc.
4. For more information, people can contact Katharine Mottley, Legislative Director for J.D. Hayworth (R – Arizona), at (202) 225-2190.

## 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.

Don't forget to notify the DBPR office of any address change. Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing of the licensee's current mailing address and phone number. Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

## Advertising of License Number

According to Rule 61G4-12.011 Definitions, a certified and registered contractor is required to advertise his license number. The terms "advertise" and "advertises" shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listings, and signs on vehicles. They shall not apply to balloons, pencils, pens, hats, articles of clothing, shirts, or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless

of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print or without further textural or pictorial elaboration or touting in its overall display.

Contractors can be fined \$100.00 per instance if reported to the Department of Business & Professional Regulations (DBPR) Unlicensed Activity Division.

## Earn Continuing Education Credits

The Construction Industry Licensing Board (CILB), which regulates contractors in Florida, holds their monthly board meetings around the state of Florida in January through November. If a state certified or registered contractor attends the Final Disciplinary Action Meeting, they will receive up to four hours of continuing education credits. The CILB Meeting are held on every Thursday morning of each board meeting. In order for you to register for the Final Disciplinary Action meetings, you must contact the FlaSEIA office three weeks prior to the meetings. FlaSEIA will submit your name to the CILB.

If you are interested in attending any of these meetings to receive continuing education, please contact the FlaSEIA office at (407) 339-2010.

## CILB Meeting Dates

May 11-13: Embassy Suites, Deerfield Beach Resort, Deerfield Beach  
 June 8-10: Sawgrass Marriott Resort & Spa, Ponte Vedra Beach  
 July 13-15: Sarasota  
 August 10-12: Sawgrass Marriott Resort & Spa, Ponte Vedra Beach  
 September 14-16: The Registry Resort, Naples  
 October 12-14: Embassy Suites Hotel, Fort Lauderdale  
 November 9-11: Hilton Cocoa Beach Oceanfront, Cocoa Beach

# Initiative:

**F**laSEIA 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.

**DHW COLLECTORS**

AET d/b/a Thermafin Manufacturing  
SunEarth, Inc.  
Thermal Conversion Technology, Inc.

**POOL COLLECTORS**

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# Horizon:

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Green Power Summit, Disney Coronado Springs Resort, Orlando, FL  
May 2–5, 2005

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

Board of Director's Meeting/Election of Officers,  
SEBC, Orange County Convention Center, Orlando  
July (TBA) 2005

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

Board of Director's & Annual Meeting/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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