



## INDUSTRY NEWS

# 2010 Set To Be Significant Year For Florida

**B**elow is a quick snapshot of what lies ahead of us in 2010.

### **Elections**

For the first time ever, every member of the state's Cabinet will be up for grabs in the same election. Governor, attorney general, chief financial officer and agriculture commissioner will each be filled by new people.

The U.S. Senate race will lead the parade.

All 120 state House seats are up for grabs and more than half of the Senate.

Qualifying for state office elections ends June 18.

Primary elections are August 24. The general election is November 2.

Independent voters, about one in five in Florida, will be a focus in all the statewide races.

### **Amendments**

There are six proposed amendments already on the November ballot.

(A) Amendment 1, proposed by the Legislature, would repeal the state's public-finance system for elections.

(B) Amendment 2, by the

Legislature, would expand property-tax credits for deployed military personnel.

(C) Amendment 3, by the Legislature, would cap annual assessment increases for non-homestead property at 5 percent and provide tax protection for first-time homestead buyers.

(D) Amendment 4, proposed by Florida Hometown Democracy by initiative petition, would require local votes on significant changes to comprehensive development plans.

(E) Amendment 5 proposed by FairDistrictsFlorida by initiative petition, would prohibit legislative districts to be drawn in favor or disfavor of an incumbent or political party.

(F) Amendment 6 proposed by FairDistrictsFlorida by initiative petition, would prohibit congressional districts to be drawn in favor or disfavor of an incumbent or political party.

### **Budget**

A fourth year of constrained state finances awaits. Lawmakers will struggle to find solutions to a projected \$2.6 billion increase in

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Welcome New Members

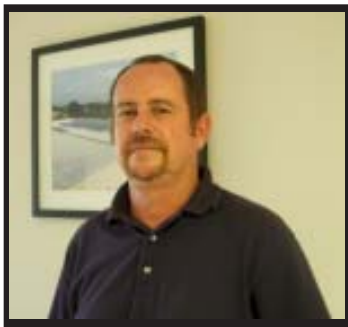
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# Message:

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**CHRIS MAINGOT**  
**FLASEIA PRESIDENT**

**F**ellow FlaSEIA members, the 2010 Legislative session is upon us.

This is a very important year legislatively. We have a rebate program that is about to expire, and an economy that is in the doldrums. Not a good combination.

However, there is also good news. The Public Service Commission (PSC), through the Florida Energy Efficiency and Conservation Act (FEECA), has required the five Investor Owned Utilities (IOU) to spend \$24,500,000.00 on solar hot water and PV incentives to their customers, each year, for the next five years. This could not have come at a better time. The utilities are currently developing their programs which will go into effect towards the middle of the year if every goes smoothly. We have asked them to keep the incentives the same regardless of the utility, and they are considering it.

The state has had a difficult time for the past three years balancing the budget, and there is no difference this year. We are in very difficult times financially as far as general revenue in the state is concerned. We have had less each year for the past three years. Leadership in the House and Senate has told us that they do not want to impose any more financial burden on Floridians. This makes it difficult to finance programs that would be paid for through a slight increase in the customer's electric bill. This is going to make it an uphill battle to get the Solar Rebate Program extended or for a Public Benefits fund. We have our work cut out for us. There is also some promising legislation in the works in both the House and Senate. This is the Property Assessed Clean Energy program (PACE), where you

could pay for solar hot water or PV through your property taxes. In simple terms, local governments would sell bonds which would allow for property owners to secure a long term loan (twenty years) from said government and pay it off through their property taxes. Legislators feel this would be an easy program to implement and would not place a burden on the citizens of the state.

We also have other legislative needs that I personally feel are very important to our Industry. It is extremely important that we have a property tax exemption for residential and commercial solar systems. Amendment 3 has not been adopted by the legislature yet, and it does not include commercial property. Another issue of high importance is solar permitting. As most of you contractors are aware of, it has become a nightmare to get a permit for solar hot water or PV in numerous municipalities. Something has to be done to streamline solar permitting.

Our next Board of Director's Meeting is in Tallahassee on March 14. On the following day, Monday the 15th, we will be walking the halls of the Capitol talking to Legislators about our needs. I extend an open invitation to any FlaSEIA member to join us in this effort.

I choose to believe that even though we are going through one of the worst recessions any of us have seen, we can come out of this session with legislation that will move our industry forward and help us to continue to grow.

*Sincerely,*

*Chris Maingot*  
*FlaSEIA President*

**2009/2010 EXECUTIVE COMMITTEE & BOARD OF DIRECTORS**

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<b>TREASURER</b> Colleen Kettles Florida Solar Energy Research & Education Foundation	Wayne Wallace Solar Source	Roger Messenger Vergona/Bowersox Electric, Inc.
<b>PAST PRESIDENT</b> Dave Bessette Allsolar Service Company, Inc.	Reed Wilson Aquatherm Solar Supply	Buzz Schaberg  Bob Zrallack Solar Energy Systems
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Dr. Charles Cromer Florida Solar Energy Center		Colleen Kettles Florida Solar Energy Research & Education Foundation

***(2010 Set to be Significant Year For Florida Continued from Page 1)***

health-care costs even as projections for tax revenue improve.

"The facts have not changed that Florida still faces significant economic challenges in the years ahead," House Speaker Larry Cretul said in December.

Revisiting expanded gambling, as well as offshore drilling are debates that will figure in the final budget.

There will be more than \$2.7 billion in federal stimulus money propping up the state's budget, but lawmakers will have to be looking forward to when that tap runs dry in the following year.

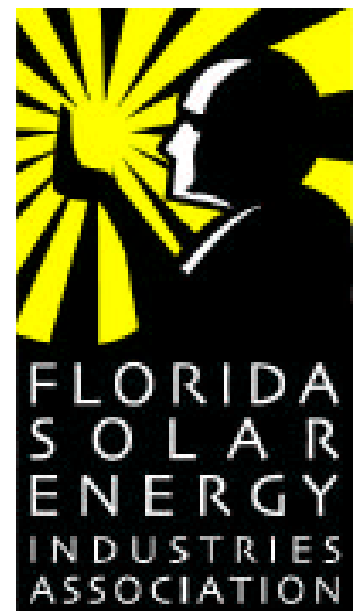
**Census**

The 2010 U.S. Census will define politics for the next decade.

First, there's the count. Florida is likely to vault to become the third most populous state and gain a congressional seat. Population for the state is a factor in federal funding formulas, including for counties and cities.

Then, after the count's in, state lawmakers get to work drawing the political lines for congressional districts and state House and Senate districts.

The whole process could get even more complicated if the ballot initiatives "FairDistrictsFlorida" with its redistricting criteria is approved by voters in November.



*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.

# Pre-Session Review of 2010 Legislative Session

The big cloud hanging over this Legislative Session will be budgetary issues and how to address the basic needs of our state with the \$3 billion budgetary shortfalls that has been estimated by the state's budgetary gurus. Some budget analysts, including **Governor Charlie Crist**, have suggested that state revenues are slowly increasing and that the shortfall will not be as severe. Crist has included expenditures in his recommended budget that neither House nor Senate leadership are convinced we can fund. To make those expenditures, **Crist** sweeps more trust fund dollars and includes revenues from gambling that are yet uncertain. We heard that the Feds will give us our full share of Medicaid dollars despite our refusal to adopt federal mandates. That will certainly help fund one of Florida's largest expenses, but both state and local coffers are low and the budget will remain the major focus of the 2010 Legislative Session. We will see issues debated such as how to deal with constitutional requirements for shrinking class size in the face of a shrinking budget. **Senator Don Gaetz (R – Niceville)** and **Representative Will Weatherford (R – Wesley Chapel)** have proposed a constitutional amendment to relax the constitutional class size requirements passed by the voters, citing bussing of students and cuts in elective classes as some of the negative



impacts that we can expect without a chance.

## Unemployment Compensation

For the business community at large, the severe increase in unemployment compensation rates

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that became effective January 1 are a major issue. **House Speaker**



**Larry Cretul** has released a schedule that would have the House poised to pass unemployment compensation tax relief for Florida

businesses by the end of the first week of the 2010 session. The increase was automatic after the number of unemployed spiked, but businesses have complained that they weren't prepared for how steep the increase was. **House Speaker Larry Cretul** is pushing a plan to delay much of the tax increase for the next two years, and wants the fix approved by the first full week of session in early March, to beat the tax payment deadline of April 1.

Both the House and Senate have moved the measure through the committee process, and the bills are on schedule to be heard the first week of session in their respective chambers.

**Jobs, Jobs, Jobs**

A Senate committee has unveiled a 115-page draft version of its “Jobs for Florida” bill that would make changes to both economic development incentive programs and state regulatory activities. The price tag for the legislation, which has not yet been developed, is expected to be “significant” and could be as much as \$200 million.

Included in the measure is a recommendation to delegate permitting authority now held by the Department of Environmental Protection to local government and extend permit extensions granted in last year’s growth management bill, **SB 360**, for another three years.

The legislation would also include a host of tax breaks, tax credits and

incentives including: Expanding a tax incentive for manufacturing, placing a cap on sales tax collected on sale of aircrafts or boats, giving a tax credit to businesses that hire out-of-work people, increase the amount set aside for tax incentives used to lure businesses to the state and create a revolving loan program to provide low-interest loans to Florida businesses having less than 50 employees.

The following is a list of other Energy related issues that FlaSEIA will be working on or monitoring during the 2010 Legislative Session:

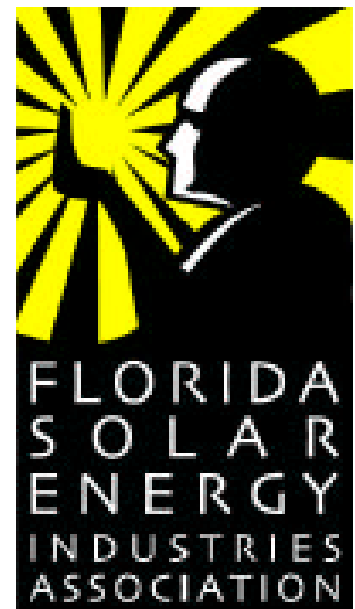
**Property Assessed Clean Energy "PACE" Bonds**

An issue that is getting serious consideration and by House leadership would allow residential and commercial property owners to finance retrofitting their properties with clean energy technology such as solar. The innovative approach known as PACE — Property Assessed Clean Energy — emerged on the scene in 2008 when California passed enabling legislation. The first PACE bond was issued in Berkeley, CA in January 2009.

What is attractive to legislators is that the program will allow homeowners and businesses to pay for retrofitting their properties with clean energy technology at no cost to taxpayers. The projects generated by these private sector clean energy improvements also hold the promise of significant job creation for Florida’s struggling economy.



In a recent press release, House Majority Leader **Adam Hasner** stated, “PACE is a no-subsidy, no-mandate, no-cost to taxpayers,



*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.

• consumer opt-in approach that  
 • can bring clean energy technology  
 • to homeowners and businesses  
 • while creating jobs for Floridians.  
 • **Leader Hasner** went on to say, "By  
 • helping consumers finance the up-  
 • front costs for energy  
 • improvements, we'll be taking  
 • away the biggest burden for  
 • homeowners who want to make  
 • their homes more energy efficient  
 • and save money."

• In today's economy, few  
 • homeowners and commercial  
 • property owners have the up-front  
 • capital to invest in retrofitting their  
 • homes or buildings to take  
 • advantage of the advances in  
 • clean energy technologies and the  
 • possible cost savings obtained  
 • from those improvements. PACE  
 • bonds present an innovative, no-  
 • taxpayer subsidy approach to  
 • financing those individual clean  
 • energy projects on a large scale.

• **How PACE Works:** PACE bonds are  
 • issued by a municipality or special  
 • district and backed by property tax  
 • liens on the buildings of owners  
 • who voluntarily take PACE loans  
 • from the bond pool. The property  
 • owner repays the loan over a 20-  
 • year period through an increase on  
 • their annual property taxes equal  
 • to one-twentieth of the loan plus  
 • interest. For many home and  
 • business owners, the annual  
 • energy cost savings they will  
 • realize from the retrofitting will  
 • exceed the cost of the annual  
 • repayment costs, thereby resulting  
 • in no net out-of-pocket expense.



**SB 2346 – Farm to  
 Energy Act  
 (Altman)**

• An act relating to  
 • renewable energy.  
 • The bill would  
 • require investor-  
 • owned electric  
 • utilities to impose  
 • a renewable energy fee upon each  
 • of its retail electric service  
 • customers. The monthly fee will be

determined by the Public Service  
 Commission. In addition, a  
 municipal electric utility or rural  
 electric cooperative may choose to  
 participate as well. The fee shall be  
 collected and deposited monthly  
 into the Florida Public Service  
 Regulatory Trust Fund according  
 to rules adopted by the  
 commission. The dedicated  
 funding source will be used to  
 establish renewable energy  
 facilities which will connect to the

**Certified  
 Contractor  
 License Renewal  
 Reminder**

Just a reminder that the Certified  
 Contractor licenses from the  
 Department of Business and  
 Professional Regulation (DBPR)  
 are up for renewal on August 31,  
 2010. Current law requires  
 licenseholders to obtain 14 hours  
 of continuing education with at  
 least one hour in workplace  
 safety, one hour in workers'  
 compensation, one hour in  
 business practices, one hour in  
 the advance building code  
 module, one hour in laws and  
 rules (Chapter 489) and one hour  
 in wind mitigation (this  
 requirement only affects general,  
 residential, building, roofing and  
 glass and glazing contractors).

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.

electricity grid and sell the power that they produce. A solar energy facility would be eligible under this act. The bill defines a solar energy facility as one that generates electricity by converting solar radiation into electricity.

**Renewable Energy Bills  
EUP2 – Relating to Renewable  
Energy Property Tax Exemption  
(Energy & Utilities Policy  
Committee)**

In the November 2008 General Election, Florida voters approved a constitutional amendment placed on the ballot by the Taxation and Budget Reform Commission.

The amendment added the following language to Article VII, Section 4, of the Florida Constitution:

- (i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:
  - (1) Any change or improvement made for

the purpose of improving the property's resistance to wind damage.

- (2) The installation of a renewable energy source device.

The amendment also repealed then-existing constitutional authority for the Legislature to grant an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, rendering the provision in statutes obsolete.

The bill repeals the obsolete provision and corresponding definition in Chapter 196, F.S., which addresses tax exemptions.

In 1980, the following language became Section 3(d), Article VII, of the Florida Constitution:

By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for

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the period of time fixed by general law not to exceed ten years.

During the same year, the Legislature authorized a property tax exemption for real property on which a renewable energy source device is installed and is being operated. However, the exemption expired after 10 years, as provided in the constitution. Specifically, the exemption period authorized in statute was from January 1, 1980, through December 31, 1990.

Therefore, if an exemption was granted in December 1990, the exemption terminated in December 2000. The law required that the exemption could be no more than the lesser of the following:

- The assessed value of the property less any other exemptions applicable under the chapter;
- The original cost of the device, including the installation costs, but excluding the cost of replacing previously existing property removed or improved in the course of the installation; or
- Eight percent of the assessed value of the property immediately following the installation.

In December 2000, the last of the exemptions expired.

During the 2008 Legislative Session, HB 7135 was enacted, removing the expiration date of the property tax exemption, thereby allowing property owners to once again apply for the exemption, effective January 1, 2009. The period of each exemption, however, remained at 10 years. The bill also revised the options for calculating the amount of the exemption for properties with renewable energy source devices by limiting the exemption to the amount of the original cost of the device, including the installation cost, but not including the cost of

replacing previously existing property.

In the November 2008 general election, the voters approved a constitutional amendment placed on the ballot by the Taxation and Budget Reform Commission. The amendment added the following language to Article VII, Section 4, of the Florida Constitution:

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  - (1) Any change or improvement made for the purpose of improving the property’s resistance to wind damage.
  - (2) The installation of a renewable energy source device.

The constitutional amendment also repealed then-existing constitutional authority for the Legislature to grant an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, effective upon approval of the voters. This repealed language had provided the constitutional basis for the legislation passed in 1980.

During the 2009 Legislative Session, the House passed CS/HB 7113, a committee bill, which codified the constitutional provision regarding the assessed value of real property and removed the provision regarding the tax exemption. The bill died in Senate Messages, which resulted in the obsolete language remaining in Chapter 196, F.S.

**Effect of Proposed Changes**

The bill repeals the ad valorem tax

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exemption in s. 196.175, F.S., which was nullified by passage of the constitutional amendment, and removes the corresponding definition of “renewable energy source device” in s. 196.012(14), F.S. Several cross-references are amended. *The bill passed the House Energy & Utilities Policy Committee on Wednesday, February 3 on a vote of 13-0.*

The House is trying to understand and decide what the current state energy policy should look like. The House Energy & Utilities Policy Committee’s, chaired by



**Steve Precourt**, most recent meeting discussed the vision of Florida’s Energy policy. The House hopes to incorporate these eight goals:

- Ensuring an affordable energy supply;
- Ensuring adequate supply and capacity;
- Ensuring a secure and reliable energy supply;
- Minimizing energy cost volatility;
- Minimizing negative impacts of energy production on Florida’s environment, social fabric, and the public health and welfare;
- Maximizing economic synergies for Florida associated with energy policy;
- Reducing the net export of energy expenditures; and
- Providing effective, efficient, and certain governance of energy policy.

**HB 77 and SB 90 – Relating to Florida Energy and Climate Commission (Gibbons/Joyner)**

Requires the Florida Energy and Climate Commission (FECC) to prepare a report on energy efficiency with respect to low-income households & rental housing properties to be submitted to Legislature by specified date;

provides report requirements.



**SB 1186 – Relating to Renewable Energy (Bennett)**

Deletes provisions requiring that the Public Service Commission (PSC) adopt rules for a renewable portfolio

standard. Requires that the Florida Public Service Commission to provide for full cost recovery for 700 MW’s of certain renewable energy projects. The plan calls for:

- 300 MW’s in 2010
- 200 MW’s in 2011
- 200 MW’s in 2012



**HB 563 – Relating to Energy Security (McKeel)**

Urges Congress to support the expiration and removal of the moratoria prohibiting

exploration and production of oil and natural gas in federal waters surrounding Florida and to include Florida in revenue sharing resulting from production of oil and natural gas in Federal waters surrounding Florida.



**SB 596 – Relating to Energy (Detert)**

– The late Senator Jim King introduced this bill in 2009 as SB 1154. This “Clean Portfolio

Standard” divides eligible resources into:

- Class I clean energy sources which include wind and solar photovoltaic
- Class II clean energy sources which include clean energy resources other than Class I

- Class III clean energy sources which include nuclear or any fossil fuel for which carbon capture and sequestration plan have been approved by DEP

**HB 151, SB 1164 and SB 7020 – Relating to Assessment of Residential Real Property (Frishe/Fasano/Finance & Tax Committee)**  
 Prohibits adding to the assessed value of residential real property the just value of changes or improvements made for improving the property’s resistance to wind damage & renewable energy devices.



**SB 774 – Relating to Renewable Energy Policy (Constantine)**  
 Renewable Energy Policy [EPSC]; Ratifies the rules on renewable portfolio standards adopted by the Public Service Commission.

**SB 1086 – Relating to Renewable Energy (Detert)**  
 Requires that a purchase contract offered to producers of renewable energy contain payment provisions for energy and capacity based upon a public utility’s equivalent cost-recovery rate for certain clean energy projects rather than the utility’s full avoided costs.

**SB 1206 – Relating to Property Tax Exemption/Renewable Energy (Bennett)**  
 Property Tax Exemption/Renewable Energy; Proposes amendments to the State Constitution relating to The property tax exemption for a renewable energy source device and the property on which the device is installed and operated.

**SB 778 – Relating to State Universities (Constantine)**  
 Authorizes university boards of trustees to establish a renewable

energy fee under certain circumstances.

**SB 1104 – Relating to Investor-owned Utility/Electric Service Standards (Fasano)**

Requires the Florida Public Service Commission to adopt rules establishing standards that an investor-owned utility must follow in delivering reasonable and reliable electric service to its retail customers.



**SB 984, SB 992, SB 994, SB 1010, SB 1014, SB 1018, SB 1024 and SB 1028 – Relating to Renewable Energy (Diaz de la Portilla)**

These are all shell bills filed by the Chairman of the Communications, Energy, and Public Utilities Committee. The bills serve as a placeholder only, and no specific language is included other than "expresses the legislative intent to revise laws relating to . . ."

**Other issues FlaSEIA will monitor:**

**HB 693, SB 1048 and SB 510 – Construction Liens & Bonds (Plakon/Baker/Wise)**

These bills are similar, have received their committee assignments in the House and Senate and are ready to be heard. These bills are similar to those filed during the 2009 Session but do contain edits and updates since last year. A main focus of the bill is to improve the information provided to consumers to provide a thorough explanation of their rights and obligations under the lien law along with the tools to protect themselves and to ensure delivery of the information. To that end, the bill creates a “General Statement of Owners Rights and Responsibilities Under Florida’s Construction Lien Law,” requires them to sign a receipt that they

have received the information and requires the receipt to be filed with the building official when the permit is applied for. In addition, the bill implements numerous measures that ensure construction bonds are recorded and placed on file with building officials so that they are available to the general public, updates mailing provisions to include global express delivery for international mail, resolves issues of single liens on multiple lots and units in a condo or other development, eliminates the automatic expiration of notices of commencement and eliminates two improper payment traps for owners, makes warnings consistent throughout the statute, requires demands to include sufficient information to identify the project, gives permit officials the ability to reject incomplete and illegible documents and raises the exemption from notice requirements for small one-day projects. Adds exemption to the Notice of Commencement for the installation of a solar hot water system to a direct contract of \$7,500.00 or less.

**[HB 755 and SB 878 – Notice of Nonpayment Revisions \(Holder/ Thrasher\)](#)**

These bills were filed on behalf of the Florida AGC Council and would require a Notice of Nonpayment to be a sworn document accompanied by any and all documents evidencing the amount claimed, such as the contract or purchase order with amendments and change orders, invoices, pay requests, bills of lading, delivery receipts or similar documents and a statement of account reflecting all payments requested and received. The bill as filed would also eliminate bond rights for any claimant who is deemed to have not complied with these provisions.

**[SB 1056 – Relating to Local Government Prompt Pay \(Baker\)](#)**

It has been several years since the

legislature has made any substantial changes to the Local Government Prompt Pay Act. However, recent reports of local governments not paying on time and using loop holes in the statute to delay payment has begun to surface. This bill attempts to plug those loopholes by requiring the local governments to include the requirements for a “proper invoice” to be included in the bid documents. In addition, the “agent” who is required to review the payment request must be identified in the bid documents as well.

**[And Don’t Forget Amendment 4 \(Hometown Democracy\)!](#)**

The defeat of Amendment 4 this November is the key to insuring that growth in Florida does not come to a dramatic halt. Although not a legislative issue, this issue could have the single most negative impact on Florida’s construction industry — more than any other measure in our history. We need to keep it in the forefront of our minds as the November elections draw closer. Educate your friends, neighbors and employees. Donate if you or your company can to the campaign to fight Amendment 4 being spearheaded by Floridians for Smarter Growth, a coalition of Florida businesses, the Chamber of Commerce and many others. Visit the website at <http://Florida2010.org>. When considering local candidates, find out if they support or oppose Amendment 4.

We should learn from the experiment of St. Pete Beach where a local version of Amendment 4 passed in 2006. Putting all growth decisions in the hands of the voters has cost that town dearly in jobs, higher tax rates and endless litigation. Although they have since revoked their local ordinance, they are still trying to recover from its devastating impact.



# Unemployment Compensation Tax Increases in 2010

The Unemployment Compensation taxes in Florida are expected to increase significantly in 2010. For employers who are at the lowest tax rate, their taxes will increase from \$8.00 per employee (per year) to \$100.00 per employee (per year). Tax rates are specific to each business and are determined based on several factors, including the number of your former employees claiming benefits the last several years.

Tax rates are determined by the Florida Department of Revenue, and you should have received your new tax notice by the beginning of January. Taxes are paid quarterly, with the first payment for 2010 due at the end of April.

Because of this unprecedented tax increase, FlaSEIA along with other business associations, are asking legislators to consider suspending the scheduled tax increase before the first payment is due. While unemployment taxes will need to increase at some point in the future, now is an especially bad time to increase the tax burden on the state's business.

#### Key Points Related to Unemployment Compensation Taxes:

- Unemployment Compensation benefits are funded 100 percent by a payroll tax paid by Florida employers.
- In 2010, Unemployment Compensation taxes will be assessed on the first \$8,500 of earnings for each employee. In 2009, Unemployment Compensation taxes were assessed on the first \$7,000 of earnings.
- An automatic tax increase occurs when the unemployment fund reaches 4 percent of the state's total payroll. The fund fell below that threshold in 2009, and the automatic tax increase is in effect for 2010.

- Combined, the increase in wage base and the automatic increase will raise Unemployment Compensation taxes on employers by as much as 1,100 percent.
- The Florida Department of Revenue began sending Unemployment Compensation tax rate notices to employers on December 10, 2009.
- For each employer, the total tax due is calculated by multiplying the number of employees by the wage base and tax rate contained in their notice:  
  

$$\# \text{ of Employees} \times \$8,500 \times \text{Unemployment Compensation Tax Rate} = \text{Tax Due April 30}$$
- Tax forms will be sent to employers in March 2010, and the tax is due April 30, 2010.

#### Construction Industry Position Related to Unemployment Compensation Taxes

- Construction and business groups have called on the Governor, the President of the Senate and the Speaker of the House to call a special session of the legislature in January to suspend the Unemployment Compensation tax increase for two years.
- The Unemployment Compensation tax system in Florida is designed to increase taxes after a recession has ended, and economic recovery and rehiring has begun. Due to the duration of the current recession, this massive tax hike will occur as employers continue to struggle delaying economic recovery in our state.
- During the suspension period, the legislature should address issues critical to making the Unemployment Compensation fund solvent again including benefit levels, duration of benefits, and fraudulent claims.

## OSHA Issues Final Rule on Clarifying Employers' Duty to Provide Personal Protective Equipment and Train Each Employee

The final rule on Clarification of Employers' Duty to Provide Personal Protective Equipment and Train Each Employee was published in the Federal Register. The rule revises OSHA standards to clarify that, for employers to be in compliance, they must provide personal protective equipment (PPE) and hazards training for each employee covered by the standards.

Each employee not protected may be considered a separate violation and penalties assessed accordingly. This revised language is consistent with language in other standards for which per-employee citations have been upheld.

The final rule amendments do not add new compliance obligations. Employers are not required to provide new kinds of PPE or hazards training or use a different approach than what is already required. Additionally, employers are not required to provide PPE or training to employees not already covered by existing requirements.

"This technical correction to the PPE standard brings it in line with other OSHA safety and health standards," said Acting Assistant Secretary of Labor for OSHA Thomas M. Stohler. "By making this change, those few employers who egregiously violate the OSHA PPE standard can be held fully accountable for violations

affecting each employee who is not provided proper PPE. This kind of vigorous enforcement is a vital component of OSHA's balanced approach to workplace safety and health."

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit [www.osha.gov](http://www.osha.gov).

## U.S. Department of Labor Unveils New 'Open Government' Efforts

The U.S. Department of Labor announced a broad array of efforts designed to improve the public's accessibility to its agencies and ensure the department can function more effectively. The work is part of the Obama Administration's continued commitment to improved accountability, transparency and service to the American public.

"True progress is not something that happens to people. It happens because of them. And, it all begins with information that can be shared in a timely and effective manner," said U.S. Secretary of Labor Hilda L. Solis. "People deserve to know what their government is doing on their behalf, and what they can do to participate actively in that work. I am proud of the steps we are

taking to make that possible, and I look forward to broadening our efforts further.”

Previously, only the Labor Department’s Mine Safety and Health Administration posted worker fatality data on its Website. Now, the Labor Department’s Occupational Safety and Health Administration is also systematically publishing employer-specific information about occupational fatalities online and making these data available for easy download. Comprehensive, weekly reports on this topic are now available at [http://www.osha.gov/dep/fatcat/dep\\_fatcat.html](http://www.osha.gov/dep/fatcat/dep_fatcat.html). Employers with reported fatalities will have an incentive to take steps to improve safety and prevent future accidents. In addition, responsible employers will be able to use the database to identify dangerous conditions and take precautions.

Other agencies at the department are also making additional information available to the public. The Bureau of Labor Statistics is contributing a vast array of new information to <http://www.data.gov>, enhancing its already impressive searchable databases. The Department of Labor’s Employment and Training Administration, meanwhile, recently launched a Web-based competition at <http://www.dol.gov/challenge>. It enlists entrepreneurs and technology firms, workforce professionals and the public to help identify the best online tools to enable America’s job seekers to quickly and easily connect with jobs.

The department’s commitment to enhance participation also extends to the regulatory arena. On Monday, December 7, the department rolled out its regulatory agenda entirely online. All of the information – including

more than eight hours of Web chats with the secretary of labor and other Department of Labor officials – can be viewed at <http://www.dol.gov/regulations>. The Web page also contains links to resources and testimonials, and it even helps visitors submit comments to specific regulations.

“As a legislator, I always felt it was essential for people to take part in the processes of their government. As a regulator, I feel exactly the same way,” added Solis.

The department also has launched an extremely successful weekly e-newsletter, which offers readers the latest details in everything from the department’s enforcement and compliance assistance to job openings at its various agencies. Not content with one-way communication, however, the department is also using social media tools to engage the public online – and tapping into the power of crowd sourcing. In fact, the Department of Labor’s presence on Facebook and Twitter is already helping to link knowledge communities together and speeding up the sharing of valuable information among the department, state workforce agencies, a variety of stakeholders and, most importantly, the American public.

## U.S. Department of Labor’s OSHA Proposes Recordkeeping Change to Improve Illness Data

The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) is proposing to revise its Occupational Injury and Illness Recording and Reporting

(recordkeeping) regulation by restoring a column on the OSHA Form 300 to better identify work-related musculoskeletal disorders (MSDs). The rule does not change existing requirements for when and under what circumstances employers must record musculoskeletal disorders on their injury and illness logs.

Many employers are currently required to keep a record of workplace injuries and illnesses, including work-related MSDs, on the OSHA Form 300 (Log of Work-Related Injuries and Illnesses). The proposed rule would require employers to place a check mark in a column for all MSDs they have recorded.

The proposed requirements are identical to those contained in the OSHA recordkeeping regulation that was issued in 2001. Prior to 2001, OSHA's injury and illness logs contained a column for repetitive trauma disorders that included noise and MSDs. In 2001, OSHA separated noise and MSDs into two separate columns, but the MSD column was deleted in 2003 before the provision became effective. OSHA is now proposing to restore the MSD column to the OSHA Form 300 log.

"Restoring the MSD column will improve the ability of workers and employers to identify and prevent work-related musculoskeletal disorders by providing simple and easily accessible information," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "It will also improve the accuracy and completeness of national work-related injury and illness data."

For more information, view OSHA's proposal at: [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=21314](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21314). This notice was published in the January 29 edition of the Federal

Register.

Interested parties may submit comments on the proposed rule electronically at <http://www.regulations.gov>, the federal e-rulemaking portal; or by mailing three copies to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210; or by fax at (202) 693-1648 if the comments and attachments do not exceed 10 pages.

Comments must include the agency name and docket number for this rulemaking (Docket Number OSHA-2009-0044). The deadline for submitting comments is March 15. OSHA will hold a public meeting on the proposed rule March 9.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

*U.S. Labor Department releases are accessible on the Internet at [www.dol.gov](http://www.dol.gov). The information in this news release will be made available in alternate format upon request (large print, Braille, audiotape or disc) from the COAST office. Please specify which news release when placing your request at (202) 693-7828 or TTY (202) 693-7755. The U.S. Department of Labor is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit [www.dol.gov/compliance](http://www.dol.gov/compliance).*

# What Should You Do To Control Insurance Costs During a Downturn in Business?

By – Debra Tomaselli, CPCU, ARM

Everyone is looking to conserve resources these days—businesses are hunkering down to make it through these challenging economic times. One of the ways organizations are looking to cut costs is by reviewing their insurance programs. In this article, we will discuss the ways to evaluate your General Liability insurance policy to ensure a cost-effective program.

While considering ways to control costs, we would like to point out that it is important to retain the value and the mission of your General Liability program, that is, to protect your organization against third party lawsuits for bodily injury or property damage claims due to negligence.

While reducing coverage may look like an easy way to cut costs, this is not the time to lower your limits of liability. Today more than ever, due to the economic downturn, organizations are more likely to get sued. So, the need to carry adequate limits of liability is greater than ever. Besides, the incremental increase in premium is small compared to the stages of protection afforded by adequate limits of liability.

Moreover, now is an excellent time for you to take the time to implement strong safety programs. An effective loss control program will reduce the number of claims and ultimately control your insurance costs. Your carriers' loss representatives will

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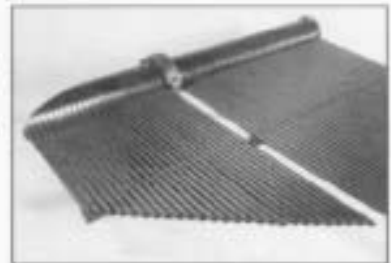
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guide you in the implementation of a strong safety program.

Additionally, there are key factors that may affect immediate pricing without compromising your long-term security.

Most General Liability policies in the solar industry are based on payrolls, sub-costs and/or retail receipts, all of which may have declined in the past year. It is vital to review the exposures on which your policy is based to make the necessary adjustments. A reduction in exposure generally will lower the premium.

Regarding the cost of subcontractors, it is imperative to note that certificates of insurance, indicating limits equal to your limits of liability or higher, must be kept on file for each subcontractor who does work for you. If current certificates of insurance for your subs cannot be produced at audit time, the subcontractors' costs will be picked up as payroll at a higher rate.

Again, while it is important to review insurance costs, remember the goal of your General Liability insurance: to keep your organization solvent in the event of a third-party claim.

## SEBC and Green Building Show

The SEBC and Green Building Show is a three-day southeast regional building industry trade show being held on July 22-24, 2010 at the Orange County Convention Center. This is an opportunity to make personal connections with leading industry professionals. This is where the building industry comes together to learn and to network. The educational programs target the core issues driving businesses today. Choose from a variety of educational options, including sessions that cover six important construction-related subject tracks and specialized pre-conference intensives on multifamily, residential and commercial construction, green building, sustainability and leadership.

At the SEBC/Green Building Show meet face-to-face with over 400 manufacturers and suppliers showcasing an astounding array of innovative products. From the latest advances in home design to an array of green products; from landscape to hurricane mitigation products and services, you'll have three days to discover what's the latest in building design.

The advertisement features a blue sky background with a red wavy banner. An eagle is shown in flight against the sky. The company logo, 'AET', is prominently displayed in a stylized blue font. Below the logo, the text 'ALTERNATE ENERGY TECHNOLOGIES, LLC' is written in a smaller, blue, sans-serif font. The main headline, 'America's Choice for Solar Thermal Collectors', is written in a large, bold, blue, italicized font. Below this, the phrase 'RENEWABLE ENERGY THAT MAKES CENTS' is written in a large, bold, red, sans-serif font. At the bottom right, contact information is provided in a small, black, sans-serif font.

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## WELCOME NEW MEMBERS

**F**laSEIA extends a hearty welcome to the following new members who have joined the association from November 25, 2009 through March 6, 2010. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

### **Contractors**

#### **One Stop Plumbing, Inc.**

Mark Bordeau  
3676 Hogshead Road  
Apopka, Florida 32703  
Phone: 407/259-2500  
FAX: 407/703-3743  
E-mail: [onestopsolar@bordeauplumbing.com](mailto:onestopsolar@bordeauplumbing.com)  
Website: [www.onestopsolarheating.com](http://www.onestopsolarheating.com)

CF C057555  
Hillsborough, Lake, Marion,  
Orange, Osceola, Polk, Seminole,  
Sumter, Volusia and most  
surrounding counties

#### **SDI Solar, Inc.**

David Burrows  
P. O. Box 14864  
North Palm Beach, Florida 33408  
Phone: 561/848-8829  
FAX: 561/842-8967  
E-mail: [solardev@aol.com](mailto:solardev@aol.com)  
CV C56704

### **Consultant – Engineering, Designer**

JUWI Solar, Inc.  
Michael Martin  
1805 29th Street, #2054  
Boulder, Colorado 80301  
Phone: 303/440-7430  
FAX: 303/442-1981  
E-mail: [mmartin@juwisolar.com](mailto:mmartin@juwisolar.com)

### **Associates**

#### **City of Cape Coral**

Audie Lewis  
1015 Cultural Park Boulevard  
Cape Coral, Florida 33990  
Phone: 239/574-0444  
FAX: 239/574-0452  
E-mail: [alewis@capecoral.net](mailto:alewis@capecoral.net)  
Website: [www.bizcapecoral.com](http://www.bizcapecoral.com)

#### **Kaufman Lynn, Inc.**

##### **General Contractors**

Stephen Kaufman  
622 Banyan Trail, Suite 300  
Boca Raton, Florida 33431  
Phone: 561/361-6700  
FAX: 561/361-6979  
E-mail: [skaufman@kaufmanlynn.com](mailto:skaufman@kaufmanlynn.com)  
Website: [www.kaufmanlynn.com](http://www.kaufmanlynn.com)

#### **Shield Coatings &**

##### **Weatherproofing, Inc.**

Marcy Roy  
1028 South 50th Street  
Tampa, Florida 33619  
Phone: 813/247-5421  
FAX: 813/247-3517  
E-mail: [marcyroy@smartcity.net](mailto:marcyroy@smartcity.net)

# 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:**

## **2010 Calendar of Events**

**FlaSEIA Board of Director's Meeting  
March 14**

**ASES National Solar Conference  
Phoenix Convention Center, Phoenix, AZ  
May 17-22**

**Building Officials Association of Florida (BOAF)  
58th Annual Educational Conference & Trade Show  
May (TBA)**

**FAPHCC Annual Convention & Trade Show  
Double Tree Hotel, Orlando June 14-18**

**Board of Director's Meeting, Longwood  
June (TBA)**

**Southeast Building Conference  
Orange County Convention Center, Orlando, FL  
July 22-24**

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



**231 West Bay Avenue  
Longwood, FL 32750-4125  
Phone: (407) 339-2010  
FAX: (407) 260-1582  
Website: [www.FlaSEIA.org](http://www.FlaSEIA.org)**