



FlaSEIA

Florida Solar Energy Industries Association

INDUSTRY NEWS

2009 Post-Session Report

The House and Senate both adjourned around 7:30 p.m. on Friday, May 1, 2009, the last scheduled day of the regular session, but not before passing a resolution to extend the session into next week to finish the state budget. The session was extended until Friday, May 8, and the resolution stated that the Legislature may only consider the budget, budget implementing bill and any bill for which a conference committee has already been established. All other bills on the calendar and in committee are now dead.

Most will agree that this was a session to forget. Long time political observers will tell you there has never been a session like this. There were changes in the House leadership, indictments, no money, polarized budgets and a general lack of direction from the top down. All of the ingredients for a “perfect storm.” Many lawmakers will say that this has been one of the most challenging and emotionally difficult years.

A quick count reveals that 271 bills passed this year. Of those, four are concurrent resolutions, 27 are local bills, three are joint resolutions and two are memorials. That leaves 235 general bills having passed during the 2009 Legislative Session . . . less than half of what typically passes.

If you would like a good general synopsis of legislative issues, go to the *Florida Trend* list of bills that passed: <http://floridatrend.com/>

[print_article.asp?aID=50980](http://floridatrend.com/print_article.asp?aID=50980).

Workers' Compensation (CS/HB 903) For the construction industry, the biggest win is passage of **CS/HB 903** to address the Workers' Compensation Attorneys' Fee issue that had been stricken down by the Florida Supreme Court late last year. Passage of **CS/HB 903** was no easy feat but will keep workers' compensation savings that have been achieved over the last several years and avoid the 18.6% premium increase that was estimated by NCCI because of the Supreme Court decision. When I say no easy feat, this is how it went down. The House passed the bill several weeks ago, and sent it to the Senate. The Senate couldn't keep their bill clean and added a trial lawyer amendment in committee that negated any savings in the bill. In the last two days of Session, the Senate amended the House Bill to include the bad amendment and sent it back. The House stripped off the amendment and returned it to the Senate. The Senate took up and passed the House bill clean by a vote of 22 to 16. Then, **Senator Larcenia Bullard (D – Miami)** tried to have the vote reconsidered, but the Senate President avoided the reconsideration with some very slick maneuvering.

Many bills died in the last two days of Session while the House and Senate continued to amend and

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DAVE BESSETTE
FLASEIA PRESIDENT

In my last quarterly message, I metaphorically talked about the legislative process and it being a “Long and Winding Road.” As we all have found out again that it was and will be again and again . . .

There have been several members that have voiced to me “that we failed” to get things done during this past legislative session. I say that failure is an event and not a person(s). And how can we ever achieve any measurable success without failure? Benjamin Franklin was one of the greatest inventors of all time and for every one of his successes, he had 1,000 failures (events).

What we must take away from this most recent legislative session is that we need to start working on next year’s game plan now, gather our forces and strengthen and expand our strategic alliance with allies, garner more funds (by increasing membership), reinforce our position(s) and debate our lessons learned. Most importantly, we must grow from the experience(s) we encountered and gain strength from it. We, the “Solar” Industry, are a resilient bunch and have overcome more precarious situations (no tax credits, rebates or incentives of any kind).

On the bright side, we will be getting some funds thanks to “stimulus money” to help us in the short run. It still is not enough to sustain us, I know, but let’s be thankful for even the small stuff. This brings me to think that the realism behind us capturing more is with engaging the utilities. They are one of the gatekeepers to our destiny. Let’s face it, they have the infrastructure, the political clout and they have protection in the form of the PSC.

Let’s move on . . . Thanks to the leadership of Peter DeNapoli along with Charlie Cromer, Colleen Kettles, Jeff Curry, Steve Gorman and Julie Kershner, we now have a new set of “By-Laws” that are user friendly and

assimilates our present structure and hopefully will be viable for many years to come. These folks worked very ardently to give us a document that we all can be proud of.

Congratulations to the newly elected Board Members.

Take care and may GOD bless,

Dave Bessette
FlaSEIA President

Registered Contractor License Renewal Reminder

Just a reminder that the Registered Contractor licenses issued by the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2009. 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.

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.

2008/2009 EXECUTIVE COMMITTEE & BOARD OF DIRECTORS

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PRESIDENT Dave Bessette Allsolar Service Company, Inc	Dillon Daniels Solar Source	David Bessette Allsolar Service Company, Inc.
1st VICE PRESIDENT Chris Maingot Superior Solar Systems, Inc.	Victor Eyal Heliocol U.S.A., Inc. Bill Gallagher Solar-Fit	Jeff Curry Lakeland Electric Scott Egglefield Mirasol FAFCO Solar, Inc.
2nd VICE PRESIDENT Bill Gallagher Solar-Fit	Steve Gorman Thermal Conversion Technologies	Pete DeNapoli SolarWorld Industries
SECRETARY/ TREASURER Colleen Kettles Florida Solar Energy Research & Education Foundation	Tom Harriman Harrimans, Inc. Chris Maingot Superior Solar Systems, Inc.	Roger Messenger Vergona/Bowersox Electric, Inc. Buzz Schaberg Bob Zrallack Solar Energy Systems

ADDITIONAL BOARD MEMBERS

Dr. Charles Cromer Florida Solar Energy Center	Colleen Kettles Florida Solar Energy Research & Education Foundation
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**(2009 Post-Legislative Session
Continued from Page 1)**

send them bouncing back and forth. Building codes and energy legislation were victims of those bizarre sequence of events.

Besides workers' compensation, the following are:

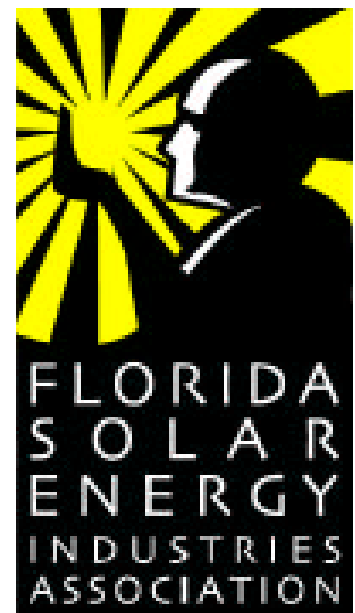
BILLS THAT PASSED

**Competitive Bid of Public Projects/
Contracting by Governmental
Entities (CS/CS/HB 611)**

Although the bill substantially changed from the original version and does not contain provisions prohibiting local bid preferences, it does more clearly define "repairs" and "maintenance" for purposes of work that can be performed by local government with their own forces, increases the threshold where local governments are required to put projects out for competitive bid to \$300,000 and \$75,000 for electrical work.

In addition, the bill:

- Defines "repair" and "maintenance" for purposes of this section.
- The bill increases the public notice time for the public meeting wherein the local government will decide whether or not to bid a project or use its own staff from 14 to 21 days.
- Provides for transparency by requiring public notice before local governments perform certain projects using its own resources.
- Specifies that the notice must include information about the scope of the work and all costs associated with the work, including: employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The bill requires the local government to make available to the public a detailed itemization of each component of the project.
- Provides for transparency by requiring certain public notices to contain detailed cost estimates. Contractors or vendors may



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present evidence to the governing board regarding the project and the accuracy of the estimated cost of the project.

- Changes the index for determining the rate of inflation from the Consumer Price Index to the Engineering News Records Building Cost Index.

If approved by the Governor, these provisions take effect October 1, 2009.

These bills were a high priority for the contractor members of The Construction Coalition.

Regulation of Professions (Construction Contracting/DBPR) (CS/CS/CS/CS/HB 425)

This is the good DBPR package which was discussed at length throughout our weekly Legislative Reports. The bill eliminates the QB license and provisions in various practice acts relating to the core building code course. It makes numerous technical changes to Chapter 489 relating to local licenses. It also contains a host of other DBPR provisions relating to other professions.

HB 425 by Representative Scott Plakon (R – Longwood) passed the 2009 Florida Legislature and has been enrolled. It has not yet been sent to the Governor for final action (as of May 13, 2009). The companion bill was filed by Senator Don Gaetz (R – Fort Walton Beach).

The success of this piece of legislation, during a year when the least number of bills passed since 1998, was largely due to the hard work of Representative Plakon who felt strongly about passing some “streamlining” provisions for the Department and worked endlessly to make sure it passed. In addition, credit goes to DBPR’s new Secretary, Chuck Drago, DBPR’s

lead lobbyist, Darrick McGhee, and the wisdom of Construction Coalition chair, Lori Killinger, who established a 489 subcommittee this year. Not only did the bill pass, but through the efforts of the subcommittee, the beginnings of a great working relationship with the Department under Secretary Drago’s leadership were forged.

Although HB 425 contains provisions relating to multiple professions, it contains provisions relating to all professions and giving flexibility to the department to move forward with some of their priorities. It also includes a number of provisions specifically relating to construction. The provisions of interest to the construction industry are as follows:

Elimination of signature notarization for licensure application and renewal. The elimination of the required notarization will allow the Department to implement on-line licensure and renewal programs.

Establishes additional grounds for discipline of professions. The failure

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of any licensee to report to the department a criminal conviction, plea of no contest, adjudication, or termination from a treatment program for impaired practitioners, within 30 days of the event, will be grounds for discipline. Within 30 days of this act becoming law, all current licensees must make a report regarding any of these events to the department.

Authorizes a DBPR representative to appear in criminal proceedings and provide assistance to the court.

Departmental representatives may appear voluntarily or, if a criminal proceeding relates to the practice under a license issued by the department the court may order a department representative to appear in any criminal proceeding.

Deletes Florida Building Code core curriculum course for building code administrators and inspectors, engineers, architects, interior designers, landscape architects, construction contractors, journeyman licensees, and electrical and alarm contractors. Although the individual practice act provisions were deleted in HB 425, the provisions creating the Building Code Compliance and Mitigation Program which are contained in s. 553.841 which would have been repealed if the code legislation had passed, are still in effect. I guess the industry will have to finish the job next year.

Revises the disclosure statement that local permitting agencies must provide to property owners who apply for building permit under the owner-builder exemption. The owner-builder disclosure statement provided by statute is substantially revised into a more comprehensive checklist form to insure owner-builders understand the risks and responsibilities they assume and the requirements for hiring licensed individuals to perform the work. Before a building permit can be issued, the new disclosure statement must be completed and signed by the owner-builder and returned to the local permitting agency. A copy of the owner's driver's license, a notarized signature or other verification acceptable to the

permitting agency is also required.

Revises the definition of "specialty contractor" and makes clarifying changes differentiating between state specialty contractors created by rule and locally required licenses. A complete review of the references to specialty contractor in Chapter 489 revealed a confusing mix of terminology. With this change, the definition of "specialty contractor" in chapter 489 is more clearly defined, and together with other clarifying changes to the statute, the difference between state created specialty licenses and locally required licenses often referred to as "specialty licenses" becomes clearer for statutory purposes.

Deletes obsolete provisions which allowed local governments to provide local license information to the CLB and required the board to track local disciplinary actions for contractors licensed by local ordinance. This provision was at best confusing. Not since its creation in the 1960's has DBPR tracked disciplinary activities against locally licensed contractors who are regulated by local ordinance. This change has no effect on the discipline or tracking of discipline against state registered contractors who are locally licensed.

Gives local jurisdictions the ability to impose a civil fine pursuant to 489.127(5) against any person who is not certified or registered by the state and claims to be licensed but is not licensed, or claims to be insured but is not covered by workers' compensation or general liability insurance. This provision gives local jurisdictions another tool to fight unlicensed activity at the local level, and allows a civil fine up to \$500 per violation against purported businesses who misuse the terms "licensed and insured" when soliciting for construction work.

Deletes obsolete provisions requiring DBPR to establish uniform licensure categories. Since uniform contractor licensing categories are established by statute, this provision which was contained in both Parts I and II of Chapter 489 was unclear at best.



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.

- *Raises biennial licensing and renewal fees for construction licenses from \$200 to \$250.* This fee increase was necessary, according to revenue estimates, for the CILB to operate in the black.

- *Eliminates the requirement for a “certificate of authority,” also frequently referred to as the “qualified business” or “QB license,” and requires contractors to make application as qualifying agent for a business organization.* DBPR will continue to collect the \$50 fee for a business license when the qualifying agent makes application, but one license will be issued for the contractor and the business together. A business may have more than one qualifying agent, but a qualifying agent will still have to make special application to qualify an additional entity.

- *Allows the CILB to deny an application for registration or certification to qualify a business organization if the applicant or any partner, officer, director or stockholder of the company has been involved in past disciplinary actions or any action which is grounds for denial of an individual registration or certification.*

- *Eliminates references to local licenses from statutes which deprive unlicensed contractors of lien and contract rights.* This reference to local licenses was a glitch change enacted by the 2006 legislature in an effort to clarify the statute. Although some would argue that it has been useful in fighting unlicensed activity, it has been removed because of damaging consequences that were never intended by those responsible for its original passage. The removal of the reference to local does not affect the ability to require or enforce local licensing requirements, and does not remove any provisions which were in statute prior to the 2006 changes.

- *Replaces all references to local occupational licenses to conform with the 2006 change to “local business tax receipt.”* This is merely technical clean up of the statutes but also reiterates for purposes of

Chapter 489 that a contractor must only have this registration in the jurisdiction(s) where his or her primary place of business is located.

Creates the Division of Service Operations within DBPR.

Most provisions of this Act take effect October 1, 2009.

Construction Defects (SB 2064).

This bill makes technical changes to the construction defects statute, Chapter 558.

BILLS THAT DIED

Regulation of Professions (CS/HB 1413, SB 2598).

These bills were introduced on behalf of the Governor and would have addressed numerous troublesome issues for the construction industry including the smooth path to licensure created for out of state contractors.

Sales Tax Exemptions. HB 7159

would have repealed a few exemptions (including charter fishing, magazine and newspaper subscriptions delivered by mail and used them to pay for back to school and hurricane preparedness sales tax holidays.

Construction Contracting – Local Regulation (HB 1327).

The substance of the bill is included in CS/CS/CS/CS/HB 425, the DBPR bill.

Construction Liens and Bonds (HB 299, CS/SB 560, SB 466).

Building Codes (An act relating to everything) (CS/CS/SB 2100, CS/HB 7143).

These bills contained provisions relating to elevators, manufactured housing, building codes, product approval, home inspection and licensing fees.

You may view and print the above bills by visiting the FlaSEIA website at www.flaseia.org. Go to the Legislative Reports section (if you do not have the user name and password, please contact the FlaSEIA office) and view the bills from this week’s Legislative Report. Other legislative information can be found by going to www.leg.state.fl.us.

FlaSEIA Provides Education to Building Officials

FlaSEIA President Dave Bessette and Roger Messenger with Vergona/Bowersox Electric, Inc. recently gave two one-hour continuing education classes at the Building Officials Association of Florida (BOAF) Conference, which was held in Daytona Beach, Florida. Dave Bessette presented the one-hour Solar Systems – Water seminar, and Roger Messenger presented the one-hour Solar Systems – Electric seminar. Both seminars were highly received by the building officials with over 60 participants attending each seminar.

BOAF also conducted a Solar Licensing & Inspections Panel Discussion in which Dave Bessette, Roger Messenger and FlaSEIA Executive Director were panelists along with two members of the BOAF Code Development Committee. This panel discussion was also well

received with close to 50 participants in the audience addressing questions to the panel.

It was agreed to by both parties to create a work group to discuss standardized solar permitting fees and inspections throughout the state of Florida. FlaSEIA will work with the BOAF Code Development Committee to develop the permitting guidelines. We will keep the FlaSEIA membership apprized as information becomes available.

FlaSEIA to Sponsor AIA Convention

In its continuing effort to influence and educate other professional organizations about the solar industry, FlaSEIA President Dave Bessette has been in communication with the American Institute of Architects (AIA). AIA is holding their Annual Convention on July 29 – August 1 at the Marriott Waterside Hotel & Marina in Tampa. At the June 2 FlaSEIA Board of Director's Meeting, the board approved a sponsorship for the AIA Convention.

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ARE YOU THINKING ABOUT CHANGING YOUR COMPANY NAME?

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Accordingly to F.S. 489, you, as the licenseholder, are required to notify DBPR of any changes to your license. If you start to write proposals, contracts or place your license number on the new company letterhead and business cards without qualifying the company through DBPR, you could be reported to DBPR for unlicensed

contracting.

If you are going to keep your original company name and qualify a second company with your existing license, then you will need to complete and submit the Qualifying Additional Business Organization Application Package to DBPR. If you are changing the original company name to the new company name, then you will need to complete and submit the Request for Name Change for Construction Qualified Business Entities to DPBR. You can find the forms by going to <http://www.myflorida.com/dbpr/pro/cilb/forms.html>.

Once you have received approval for the company name change with DBPR, please submit a copy of the new license and proof of workers' compensation insurance or exemption to the FlaSEIA office so that we can update our records.

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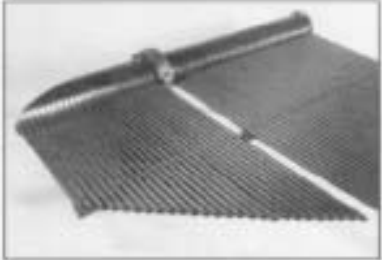
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WELCOME NEW MEMBERS

APRIL-JUNE 2009

F laSEIA extends a hearty welcome to the following new members who have joined the association from March 18, 2009 through June 16, 2009. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

Contractors

Bella Construction Corp.

Anthony Vitucci
3056 West Community Drive
Jupiter, FL 33458
Phone: 561/427-8901
E-mail: avitucci@msn.com
Website: www.bellaconst.com
License Number: CV C56741
Counties Served: Broward, Glades, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach, St. Lucie

Cedars Electro-Mechanical, Inc.

Ibrahim Chalhoub
1712 South Dixie Highway
Lake Worth, FL 33460
Phone: 561/588-4088
Fax: 561/588-4087
E-mail: info@cedarsinc.com
Website: www.cedarsinc.com
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Guardian Solar, LLC

Glen Upchurch
4502 Ontario Drive
New Port Richey, FL 34652
Phone: 800/605-7211
Fax: 727/645-6818
E-mail: danny@guardiansolar.com
Website: www.guardiansolar.com
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Initiative:

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

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Thermal Conversion Technology, Inc.

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Solar World, Inc./The LeverEdge

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Horizon:

2009 Calendar of Events

Southeast Building Conference
Orange County Convention Center Orlando, FL
July 30-August 1

AIA Florida Annual Convention
Marriott Waterside Hotel & Marina, Tampa
July 29-August 1

FlaSEIA Board of Director's Meeting
August 25

Solar Power International 2009
Anaheim Convention Center, CA
October 27-29

Annual Golf Tournament, Auction/Dinner and Board of Director's Meeting
November (TBA)

2010 Calendar of Events

The International Builders' Show & NextBuild
Las Vegas Convention Center, Las Vegas, NV
January 19-22

FSPA Orlando Pool & Spa Show
Orange County Convention Center – West Hall E, Orlando
February 19-20

Renewable Energy World North America Conference & Exposition
Austin, TX
February 23-25

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



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