



INDUSTRY NEWS

FLASEIA HOLDS SUCCESSFUL AUCTION, ANNUAL MEETING, DINNER AND GOLF TOURNAMENT

On Tuesday, November 11, 2008, FlaSEIA held its Auction, Annual Meeting and Dinner at Dubsdread Golf Club in Orlando. Social Hour began at 5:30 p.m., the Dinner and Annual Meeting began at 6:30 p.m. and the Live Auction began at 8:00 p.m.

Those who attended were able to place bids on a vast array of items including solar industry related items (i.e., solar panels), attraction tickets, golf packages and much more. Everybody had a great time and left with the satisfaction of knowing the money they would have spent elsewhere instead helped their association.

FlaSEIA would like to thank the following individuals who helped secure items for the Auction: Dave Bessette with Allsolar Service Company, Inc. and Dillon Daniels with Solar Source.

FlaSEIA also thanks Dillon Daniels with Solar Source and Chris Maingot with Superior Solar for being the auctioneers. They did a great job.

Entertainment during the social hour and dinner was provided by Colleen Marks with United Marketing Associates, Inc. and

Helen Daniels with Solar Source.

FlaSEIA would like to thank all of the companies who attended this function. We also want to thank the following companies who donated items for the auction: Allsolar Service Company, Inc.; Aquatherm Industries, Inc.; Aquatherm Solar Heating Supply; Central Florida Zoo & Botanical Gardens; Congo River Golf; Daytona International Speedway; DNC Parks & Resorts at KSC, Inc.; Dubsdread Golf Course; Energy Alternatives, LLC; Energy Conservation Services of Gainesville; Florida Waterscapes NWF, LLC; Gatorland; Green Meadows Farm; Heliocol U.S.A., Inc.; Heliotrope Pool Controls; Jacksonville Jaguars, Ltd.; Key Power Services, Inc.; Kissimmee Bay Country Club; Orlando Science Center; R. Bruce Kershner Company; Remington Golf Club; Ridgewood Lakes Golf & Country Club; Sak Entertainment; Sam Snead's Oak Grill & Tavern; SeaWorld Family of Parks; Solar Source; Solar World/The Leveredge; Solar-Fit; StoneyBrook Golf Club; SunWize Technologies, LLC; The Tap Room at Dubsdread; Thermal Conversion Technologies; Timacuan Golf Club; Walt Disney World Community Relations; and

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DAVE BESSETTE
FLASEIA PRESIDENT

New Year Brings Encouragement

The new year brings about new beginnings and opportunities for the industry.

Even with the news of a recession that President Bush just announced (where has he been!), the industry should be cautiously optimistic that we will experience growth. With the extension of the FIT credit and the impending state legislation that will enhance the growth of renewables through Governor Crist's Executive Order 127, we have the foundation by which we can establish solar as a mainstream commodity.

In a time in which the economy is begging for a champion, solar can offer relief in the creation of new jobs employing thousands of skilled laborers, engineers, designers, researchers, educators, integrators and support organizations.

In order for us to succeed, we can not afford to be passive. We need to be involved in the association's agenda of which will be communicated through the newsletter and constant updates through e-mails. In fact, we have created an ad hoc committee to rejuvenate the website that will not only be helpful to the members but will provide the general public with educational information and direct them to you, the experts.

We should all be thankful for all of the hard work that the board and committee members have done to represent us at the PSC, CILB, Banner Center (Workforce workshops), state and local government meetings. Especially to those that have paid their dues on time and contributed both monetary and the giving of their time to the association. It will take more of the

same this coming year.

We are one of the most resilient industries in America and have done more with less in providing the citizens with a product that is good for the environment, mitigates global warming, offers energy independence and is overall the right thing to do. You should be proud to be a part of it all.

I wish all of you a Merry Christmas and Happy New Year.

God Bless,

David E. Bessette
FlaSEIA President

(FlaSEIA Holds Successful Auction, Annual Meeting and Dinner Continued from Page 1)

Wet 'n Wild.

Many thanks to everyone who helped. This year's event was very successful.

FlaSEIA also held a Golf Tournament on Tuesday, November 11. There were 16 golfers in attendance for a beautiful fall day. The First Place Team was David Haddaway, Chris Maingot, Bryan Marinelli and Nick Arceneaux with Superior Solar Systems, Inc. Our Second Place Team was Wayne Wallace, Dillon Daniels, Jim Rex and David DeSilva with Solar Source. Congratulations to our golfers.

FlaSEIA would also like to thank the sponsors of the Golf Tournament. Without their help, this event would not have been successful. **Hole Sponsors:** Solar Source; SunWize Technologies, LLC. (3 holes) and Superior Solar Systems., Inc.

2008/2009 EXECUTIVE COMMITTEE & BOARD OF DIRECTORS

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Congressman Ric Keller's Energy Statment



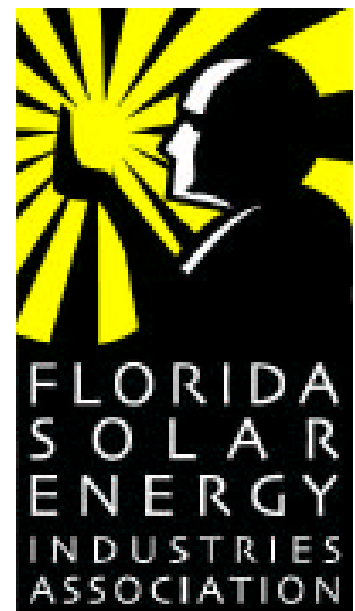
In a time of sky-rocketing gas prices and increasing energy costs, we must reduce our dependence on foreign oil. The main component of the price of gasoline at the pump is crude

oil. Crude oil is a commodity governed by the law of supply and demand; therefore we must reduce our demand and increase our supply.

We should reduce our demand by having tax incentives for hybrids, raising fuel efficiency standards, and investing in alternative renewable energy sources like

wind, solar, biomass, and nuclear. Representing Central Florida in Congress, I understand solar energy needs to be one of our top forms of renewable energy due to our abundance of sunlight. This is why I support extending the federal Investment Tax Credits for solar energy.

We must also increase our domestic supply of oil. We can do that by drilling in Alaska, drilling in the Gulf of Mexico, and building more refineries. The straight talk is we need a comprehensive approach of more drilling and more conservation to achieve long-term energy independence, and a good start is using Florida's valued sunlight.



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.

Worker's Compensation Rate Filing Update and Florida Supreme Court Decision

There has been two significant developments in the area of Florida's Workers' Compensation. A rate decrease approved by the Office of Insurance Regulation (OIR) may be lost by next spring when the impact of a Florida Supreme Court decision is felt.

First, the good news. The amended Florida Workers' Compensation Rate Filing by the National Council on Compensation Insurance (NCCI) has been approved by the Florida Office of Insurance Regulation (OIR) effective January 1, 2009.

The amended filing calls for a rate decrease of 18.6% effective January 1, 2009 but does not reflect any impact for the October 23, 2008 decision of the Florida Supreme Court in the case of *Emma Murray v. Mariners Health/ACE USA*. No later than mid-November, NCCI intends to make a separate law only filing for the impact of the *Murray* decision with a proposed effective date of March 1, 2009.

Now the bad news. A recent Florida Supreme Court decision in the case of *Emma Murray v. Mariners Health/ACE USA* will remove a significant reform measure from the state's workers' compensation insurance laws, possibly significantly increasing the cost of coverage for all businesses in the state. The court overturned the First District Court of Appeal decision in

the *Murray* case, ruling that an attorney representing injured employees should collect "reasonable fees."

Rather than continuing the contingency fee system that was put in place by a massive overhaul of the state's workers' compensation insurance system in 2003, the court decision could return to an hourly fee structure for attorneys who take on workers' compensation cases.

Update

On October 23, 2008, the Florida Supreme Court issued its opinion in the case of *Emma Murray v. Mariner Health Inc. and ACE USA*, No. SC07-244 ("*Emma Murray*"). The Supreme Court interpreted the

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statutory attorney fee changes included in Senate Bill 50A (“SB 50A”), a comprehensive workers’ compensation reform bill implemented on October 1, 2003. Prior to the Supreme Court’s decision in *Emma Murray*, the lower courts had in several cases concluded that SB 50A limited claimant attorney fees to a schedule based on benefits secured. Hourly fees were only permitted in medical only cases and capped at \$1,500.

The Supreme Court concluded that the SB 50A language purporting to limit claimant attorney fees is ambiguous and as a result, looked to sources outside Florida statute to interpret the meaning of “reasonable attorney’s fee”. The Court held that a reasonable attorney’s fee is determined based on factors in the rules regulating the Florida Bar, including time spent. The impact of the Supreme Court’s decision is to eliminate the statutory caps on claimant attorney fees intended by the Florida Legislature and to return Florida to pre-SB 50A law on claimant attorney fees, namely hourly fees.

NCCI Proposes Rate Increase in Response to *Emma Murray* Decision

NCCI estimates that the full impact of *Emma Murray* will be an increase in overall Florida workers compensation system costs of 18.6%. NCCI anticipates that it will take two years for the full impact to be realized, and therefore proposes a first year increase of half of the full impact. This equates to a proposed first year rate level increase of 8.9% in overall system costs.

On November 14, 2008, NCCI submitted its filing for a proposed first year rate level increase of 8.9% to the Office of Insurance Regulation (OIR). NCCI proposed that the increased rates will apply to new and renewal policies that are effective on or after March 1,

2009. Additionally, NCCI proposed that the increased rates will apply to all policies in effect on March 1, 2009 on a pro-rata basis through the remainder of the term of these policies.

Reform History

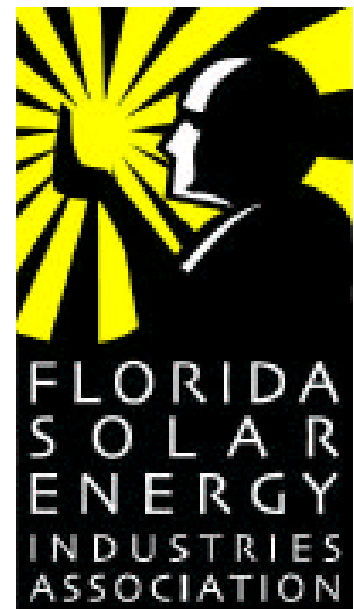
This proposed rate increase follows six workers compensation rate decreases approved in Florida subsequent to the enactment of SB 50A. The cumulative overall impact of these six rate decreases is – 60.5%. As a result of the rate decreases, Florida has improved from having either first or second highest rates in the country pre-SB 50A to an estimated 10th lowest in the country.

High attorney compensation was one of the key cost drivers that influenced system costs in Florida prior to SB 50A. NCCI pre-reform data showed that when attorneys were not involved, the difference in average claim costs between Florida and countrywide was minimal. When attorneys were involved, Florida’s average claim cost was nearly 40% higher than countrywide. After SB 50A, Florida’s average claim cost for claims with attorneys has dropped.

Rate Impact of *Emma Murray* has Three Components

NCCI originally estimated a decrease of 2.1% in overall system costs for the first year impact of the claimant attorney fee provisions contained in SB 50A. An unexpected impact on claim frequency in that first year and additional claim frequency declines and claimant attorney behavioral changes over the next several years have resulted in a much larger cumulative impact for the changes in claimant attorney fee compensation. A breakdown of the components follows.

- A. Change in Lost-Time Claim Frequency for Claims with Claimant Attorney Representation



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

The enactment of SB 50A has had a significant impact on the frequency of workers compensation claims with attorney representation in Florida. NCCI has attributed a portion of the decline in the number of claims with attorney representation to the limitations placed on claimant attorney compensation in SB 50A. NCCI estimates that the decrease in the lost-time claim frequency rate for claims with attorney representation due to the changes in claimant attorney compensation contained in SB 50A was -6.4% per year, or -23.2% over the four year period (2003 to 2007). The decision in *Emma Murray* is expected to reverse this impact.

B. Change in Average Costs Per Case for Claims with Claimant Attorney Representation

The *Emma Murray* decision is also expected to have an effect on the average costs per case with claimant attorney representation. Data subsequent to the reform, as well as feedback from stakeholders, has indicated that cases with attorney representation are being settled quicker post-SB 50A due in part to the changes in how claimant legal expenses are now set. In addition, the average time in which workers return to work has shortened since the enactment of SB 50A. The total adjusted average costs per case with claimant attorney representation prior to the enactment of SB 50A (accident years 2000 through 2002) compared to post-SB 50A (accident years 2005 and 2006) reveals a change of -15.7% in the average costs. The decision in *Emma Murray* is expected to reverse this impact.

C. Change in Claimant Attorney Fees

The *Emma Murray* decision is anticipated to result in claimant attorney compensation reverting back to pre-SB 50A levels. NCCI

estimates that claimant legal expenses will increase by 38.9% from the current level.

SB 50A Savings Associated with Claimant Attorney Fee Changes Will Unwind Over 2 Years

The SB 50A savings associated with claimant attorney fee changes are based on four years of post-reform data through 2007. While some of the SB 50A impacts were felt in the first year post-reform, others occurred in subsequent years. There was little claimant attorney behavioral incentive to change in the first two years post-SB 50A since the majority of incoming cases continued to have pre-reform dates of accident and were compensated with hourly fees. Significant claimant attorney behavioral changes did not occur until 2006 and 2007.

Post-Emma Murray, NCCI does not expect that it will take four years to unwind the SB 50A savings associated with claimant attorney fee changes. The claimant attorney behavioral incentive post-*Emma Murray* is to immediately return to pre-SB 50A behavior.

NCCI anticipates that the full impact of *Emma Murray* will not however occur in the first year, as it may take some time for claimant attorney firms to increase staff to handle additional litigation, to get additional advertising in place to notify injured workers of the willingness of the claimant's bar to take cases, and for those in the workplace who may get injured to become aware of the change in the environment and to respond to increased claimant attorney involvement. As a result, NCCI proposes to split the full impact of *Emma Murray* over two years, and to include only the first year impact in this filing.

Retroactive Impact of Emma Murray Decision is Not Part of Proposed Rate Increase

This filing only addresses the

expected increase in Florida workers compensation system costs for accidents occurring on or after March 1, 2009. However, the decision in *Emma Murray* is also expected to increase overall system costs in the state for accidents occurring prior to March 1, 2009 that have not yet been settled. Because workers compensation ratemaking is prospective only, insurers are not afforded the opportunity to recoup premium to cover such unforeseen increases in system costs.

Therefore, it is expected that a significant unfunded liability will be created due to the retroactive impact of this court decision. NCCI will be evaluating the magnitude of the unfunded liability, and will provide additional information at a later date.

As additional information becomes available, the FlaSEIA office will keep you posted.

Governor Charlie Crist Re-Appoints Lisa Edgar to the Public Service Commission

Governor Charlie Crist today re-appointed Lisa Edgar to the Florida Public Service Commission. Edgar was first appointed to the PSC in 2005 and served as chairman for 2006 and 2007. She is appointed for a four-year term beginning January 2, 2009. This appointment is subject to confirmation by the Florida Senate.

“Lisa has served our state well, and I am pleased she will continue to advocate on behalf of the people,” said Governor Crist.

Edgar, 45, previously served as Deputy Secretary for the Department of Environmental

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The FlaSEIA Board of Directors and staff wish everyone a Happy Holiday Season and a prosperous New Year!

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WELCOME NEW MEMBERS

FlaSEIA extends a hearty welcome to the following new members who have joined the association from September 3, 2008 through December 23, 2008. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

Contractors

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 Roy Ratner
 2300 N.W. 16th Street
 Pompano Beach, FL 33060
 Phone: 877/299-solar (8652)
 E-mail: rr@atlas-solar.com
 Website: www.atlas-solar.com
 License Number: CV C56733
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 Mack Crumpler
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 Crestview, FL 32539
 Phone: 850/689-1776
 Fax: 850/689-0929
 E-mail: floridawaterscapes@cox.net
 Website: www.xolarator.com
 License Number: CP C1457080
 Counties Served: All of Northwest Florida, Southern Georgia, Southern Alabama

Latow's Plumbing, Inc.
 Darrin Latow
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 Fax: 386/775-9220
 E-mail: dlatow@embarqmail.com
 License Number: CF C057023
 Counties Served: Flagler, Lake, Orange, Seminole, Volusia

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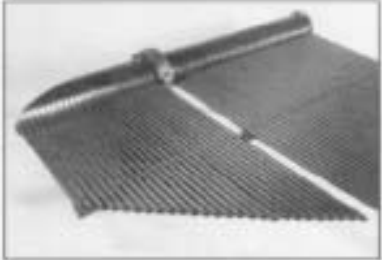
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Website: www.solarimpact.us

Associate

Siegfried, Rivera, Lerner, de la
Torre & Sobel, P.A.
Jason Rodgers-da Cruz, Esquire
201 Alhambra Circle, Suite 1102
Coral Gables, FL 33134
Phone: 305/442-3334
FAX: 305/443-3292
E-mail: jroddgers@siegfriedlaw.com
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Patron

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(Governor Charlie Crist Re-Appoints Lisa Edgar to the PSC Continued from Page 7)

Protection. She received her undergraduate degree in political science/English from Florida State University in 1985 and her Juris Doctor from Florida State University College of Law.

"It has been an honor to serve the people of Florida on the Public Service Commission, and I am grateful to Governor Crist for the opportunity to continue serving," said Edgar.

Edgar began her career in public service in 1987 as a legislative intern in the Florida House of Representatives. Edgar then worked in the Florida Senate and Department of Agriculture and Consumer Services prior to her position in the Governor's Office of Policy and Budget.

The Public Service Commission is responsible for regulating the rates, services and safety of privately owned public utilities. The commission is charged with adopting energy efficiency goals and providing competitive market oversight.

State Approves Gulf Power Solar Energy Incentives

One day after announcing it had approved this year's second rate hike for Gulf Power, the Florida Public Service Commission made it easier for its customers to save some money by using solar power.

The PSC approved solar thermal water heating as part of Gulf Power's demand-side management program. In turn, the company will offer \$1,000 rebates to customers

who install the systems and are willing to meet other criteria of the program. A limited number of solar thermal water-heating systems also will be installed for free in low income, multi-family apartments.

Rebates will be available starting in January, said Gulf Power spokesman Jeff Rogers.

"It's a really great way for the customer to be green and do good things for the environment while also helping to reduce their bills," Rogers said. "And it will help reduce demand, so we don't have to build new plants."

All of Gulf Power's residential customers are eligible for the Solar Thermal Water Heating pilot program, according to the company's website.

–As a program participation requirement, Gulf Power will perform a free home energy check-up.

–It will offer a \$1,000 rebate payable to customers after the qualifying system has been installed and verified by representatives from the company's marketing department.

In addition to the Gulf Power rebate, customers may be eligible for an additional \$500 rebate from the state, as well as a 30-percent federal tax credit, up to \$2,000, available through the 2008 tax year.

The thermal heating systems must be installed by a contractor with a solar or plumbing license and meet applicable building codes. They must also be made of new equipment and be used for domestic water-heating purposes. Solar pool heaters do not qualify.

The systems also must be certified by the Solar Rating and Certification Corporation (SRCC) or the Florida Solar Energy Center (FSEC).

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.

DHW COLLECTORS

AET d/b/a Thermafin Manufacturing
SunEarth, Inc.
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Horizon:

2009

**The International Builders' Show, Las Vegas Convention Center
Las Vegas, NV
January 20–23**

**Orlando Pool & Spa Show
Orange County Convention Center, Orlando, FL
February 20–21**

**Renewable Energy World Conference & Expo Formerly Power-Gen
Renewable Energy & Fuels, Rio All-Suite Hotel & Casino
Las Vegas, NV
March 10–12**

**Board of Director's Meeting, Tallahassee, FL
April (TBA)**

**ASES Solar 2009, Buffalo Niagara Convention Center, NY
May 14–15**

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

**Southeast Building Conference, Orange County Convention Center
Orlando, FL
July 30–Aug. 1**

**Board of Director's Meeting
August (TBA)**

**Solar Power 2009, San Jose, CA
October 19–22**

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

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



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