Hello again. We have waded through the first quarter of 2012, and of course a big news item for our industry is the repeal of the law for mandatory glass and glazing licensing. Actually, I wouldn’t call it a repeal. That is not an accurate description of what happened. It was more like easy come, easy go.

Last year, a Florida Senator had a conversation with someone from our industry. During that conversation, the topic came up concerning the need to license glazing contractors. What he heard was strong enough to convince him that he should attach language to a bill to require mandatory licensing. So, he hopped on his white horse, and that is what he did. Instead of a separate bill that would have been vetted in both the House and Senate, the language hitchhiked a ride on another bill – kind of like a flea on a dog’s back – and the bill passed. That wasn’t a bad thing. But because no real thought was put into how the bill would be implemented, all of our non-licensed brothers and sisters technically had about two months to get their licenses before it went into effect. The pucker meter had high readings all over the state after that, and there was great concern throughout the land that owners could lose their businesses. Fortunately, it became evident that no one had a license to go out into the workplace and hunt for non-licenses glaziers, but all of the penalties for working without a license were in effect.

Unfortunately, a glazier, with connections in the Florida Legislature, either lost some work or almost lost some work because a licensed glazier made some of the first guy’s clients aware that he did not have a license. Glazier #1 called his connection, which was pretty high up in the Senate, and his acquaintance in the Senate attached language to a Senate bill that struck out the language in the first bill, which if passed and signed into law would remove the language signed into law last year. Not only that, he got someone in the House of Representatives to insert the same language in a House bill. Both bills were passed, and the governor signed into law language that got rid of the language he signed into law just a few months earlier.

The uptake is language was attached to a bill that had nothing to do with glass and glazing contractors. The bill passed, and the Governor signed the bill into law. A few short months later, a Senator on a mission to accommodate a constituent made sure that two bills contained language that struck the glass and glazing license from state statute in the new law. Neither of those bills had anything to do with glass and glazing. It’s similar to a 1000+ page health care bill that was passed without anyone reading it.

Disenfranchise. That’s probably a word we do not commonly use. The meaning that is most applicable to the context of this letter is: “to deprive (a business concern, etc) of some privilege or right.” Immediately after the original bill was passed into law, a number of things happened. Many glass and glazing contractors did what they could to get their license as quickly as possible. As many of us know this is not a pleasant experience, and it can be somewhat expensive. Many glass and glazing contractors hesitated because they were not sure of their ability to pass both tests and continued to work under fear of getting caught. New companies were started to establish businesses geared to help glass and glazing contractors get their licenses. Many glass and glazing contractors that got

Continued on Page 3
**SEGA 2012 OFFICERS**

**Chairman of the Board**
Dick Petrie
Architectural Glass Services

**Vice Chairman**
Woody Watters
Pensacola Glass Company

**Secretary/Treasurer**
Will Smith
Glazing Consultants International, LLC

**Immediate Past Chairman**
Fred Poynor
Area Glass, Inc.

**SEGA 2012 DIRECTORS**

Frank D’Aprile – Designbasis, Inc.
Troy Hein – YKK AP America, Inc.
Keith Leombruno – LMG Glass and Mirror, Inc.
Jeff Miller – Lore L. Ltd.
Bill Smith – Coral Architectural Products

**SEGA CONSULTANT**
Roland “Stoney” Stonaker
6741 Hidden Creek Boulevard
St. Augustine, FL 32086
Phone: (904) 806–3949
FAX: (904) 797–4473
E–mail: stoneystonaker@yahoo.com

**SEGA OFFICE**
231 West Bay Avenue
Longwood, FL 32750–4125
Phone: (407) 831–7342
FAX: (407) 260–1582
Website: www.southeastglass.org

**SEGA STAFF**
R. Bruce Kershner
Executive Director
E–mail: bruce@southeastglass.org

Julie A. Kershner
Assistant Executive Director
E–mail: julie@southeastglass.org

**SOUTHEAST GLASS ASSOCIATION**

**CALENDAR OF EVENTS**

**June**
13–15..............CILB Board of Director’s and Committee Meetings, Four Seasons Palm Beach, Palm Beach
19–20...Glass & Glazing Specialty License Exam

**July**
9..................SEGA Board of Director’s Meeting, Conference Call
11–13..............CILB Board of Director’s and Committee Meetings, The Bohemian Celebration Hotel, Celebration

**August**
8–10..............CILB Board of Director’s and Committee Meetings, Casa Monica Hotel, St. Augustine

**September**
12–14..............CILB Board of Director’s and Committee Meetings, The Biltmore Hotel, Coral Gables
12–14..............GlassBuild America: The Glass Window & Door Expo, Las Vegas Convention Center in Las Vegas, NV
TBA.................Regional Meeting, Orlando

**October**
10–12..............CILB Board of Director’s and Committee Meetings, Embassy Suites Orlando – North, Altamonte Springs
23–26..............Glasstec, Dusseldorf, Germany
TBA.................SEGA Board of Director’s Meeting, Conference Call

**November**
14–16..............CILB Board of Director’s and Committee Meetings, Embassy Suites Tampa/USF, Tampa

Please submit your news releases, articles and comments for this publication to the SEGA office, attention: Julie, 231 West Bay Avenue, Longwood, FL 32750–4125. Advertising Space is also available. Please call the SEGA office at (407) 831–7342 for current rates and information.
their licenses, and the owner of many of those new businesses will consider themselves disfranchised because in the end it was something they ultimately did not have to do.

I think everyone understands SEGA’s official position on mandatory licensing for glass and glazing contractors. It is my intention not to debate the pros and cons of this issue. What I want to point a big finger at is our political system. Three bills were passed and virtually all of the legislators that voted on them had no clue whatsoever as to what was included in those bills. And none of them were anywhere near 1,000 pages. I suggest that all of you reading this letter express concerns to your Senators and Representatives about not only the fact hundreds of people were disenfranchised because of the way they conducted themselves and demonstrated their lack of desire to do their job correctly and with concern for the people whose interests they are supposed to be protecting. Sometime in the not-to-distant future, the issue of mandatory licensing for glass and glazing contractors will once again be taken to Tallahassee for consideration. Licensing has never been about competition. It is about those individuals that have trusted us to build buildings that are healthy and safe. Licensing is not only good for our trade, it is of utmost importance to the people that live, work, recreate, learn and worship in our buildings. They deserve better than what they are getting now, and licensing can go a long way to make that happen.

I wish you all health and prosperity in the months to come. Stay tuned for our announcement for our Second Quarter Regional Meeting. If you missed the first one, you missed out on some very important information and the opportunity to discuss your questions and concerns with the professionals with the answers. Till the next time.

Sincerely,

Richard Petrie
SEGA Chairman

2012 Legislative Session Overview

The 2012 Legislative Session came to a close at midnight on Friday, March 9, 2012. It was the oddest of sessions with so many House and Senate priorities falling apart at one point or another and final agreements on the budget and conforming bills being reached only in the “nick of time.” Controversial issues identified as priorities by the House and Senate, including casino gambling, personal injury protection (PIP) for motor vehicle insurance, depopulation of Citizens Property Insurance Corporation and deregulation, took up a great deal of time and did not come to fruition. In the end, there was a smooth landing . . . the traditional sine die ceremony and, of course, notice of a Special Session to readdress the Senate’s redistricting proposal which was rejected by the Florida Supreme Court. At the end of April, the Supreme Court ruled that the revised Senate Districts complied with the constitutional amendment.

We hope that we kept you well informed as Session progressed. If there are any issues not mentioned in this report that you have questions about, please do not hesitate to contact the SEGA office.

Glass & Glazing License

Efforts to stop the deregulation of the glass and glazing contractors failed. In the end, both CS/CS/SB 704 and CS/CS/HB 887 included language removing glass and glazing contractors from the list of Division II contractors. As a result, it eliminates the mandatory licensure of glass and glazing contractors as regulated by Chapter 489, F.S.

The Construction Industry Licensing Board (CILB) will move the licensure requirement back to rule under the Florida Administrative Code (FAC). The CILB also plans to reopen the rule and add structurally anchored impact–resistant opening protection (shutters) to the scope of work.

Building Construction and Inspection (Florida Building Code)

CS/CS/SB 704 Enrolled by Bennett
Companion Bill: CS/CS/HB 651 by Davis
Vote: Senate 40–0; House 114–0
Effective date: July 1, 2012, except as otherwise expressly provided.

Chapter Law: Chapter 2012–13, Laws of Florida

This legislation amends a number of provisions related to building construction and inspection in Florida. Changes made include:

- modifies how local government code enforcement boards serve notices on property owners;
- requires public bodies to open sealed bids for construction and repairs to public buildings at a public meeting;
- revises permitting measures, establishes title transfer procedures and provides for the
applicability of rules governing on–site sewage treatment and disposal systems;
• authorizes building and fire code administrators to accept electronically transmitted construction plans and related documents for permit approval purposes;
• includes fire safety inspectors among those eligible to take the building code inspector or plans examiner certification exam and shortens the time length of a provisional certificate for newly employed or promoted inspectors or examiners;
• includes landscape architecture in the mold assessment exemption;
• clarifies that a landscape design practitioner may submit planting plans independent of, or as a component of, construction documents;
• creates an owner–as–contractor licensure exemption for persons engaged in solar panel projects through the U.S. Department of Energy’s Sunshot Initiative; provisions to facilitate the electronic submission of permitting applications for these solar projects are created;
• expands the meaning of ‘demolish’ as it is used to define licensed contractors;
• modifies plumbing contractor scope of services to include drain cleaning and clearing and installation or repair of rainwater catchment systems;
• expands the roofing contractor licensure scope of work to include skylights;
• expands air conditioning and mechanical contractor licensure to include the testing and evaluation of ventilation systems and duct work;
• provides that subcontractors may perform construction work under the supervision of a certified or registered contractor if the work falls within the scope of the supervising contractor’s license;
• eliminates the Division II glass and glazing contractor license;
• establishes the remedial nature and retroactive application of contracts related to the sale of manufactured or factory–built buildings;
• specifies that certain Florida Building Code permit fee surcharges be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program; beginning in fiscal year 2013–2014, funds allocated to the Compliance and Mitigation Program shall be $925,000;
• exempts specified hunting structures from the Florida Building Code;
• when denying a building permit, requires local enforcing agencies and local building code administrators and inspectors to provide denied applicants with the specific building codes or sections that were out–of–compliance;
• extends an expiration provision from the 2010 Florida Building Code to the 2013 Florida Building Code related to exposed mechanical equipment or appliances fastened to a roof or installed on the ground;
• directs the Florida Building Commission to adopt a rule outlining an alternative method of screen enclosure design and establishes a workgroup to assist the commission in developing a rule for implementing the design.

Unemployment Compensation
CS/HB 7027 Enrolled by Business & Consumer Affairs
Companion Bill: CS/CS/SB 1416 by Bogdanoff
Vote: Senate 39–1; House 108–11
Effective date: Upon becoming law, retroactive back to June 29, 2011.

Chapter Law: Chapter 2012–30, Laws of Florida
This legislation is a large omnibus package relating to unemployment compensation which, among other things rebrands the state’s unemployment compensation program as the “reemployment assistance program.” Of particular interest to employers is the issue of Employer Contributions which were scheduled to rise dramatically early in 2012.

This legislation provides tax relief to Florida employers through two changes. This legislation lowers the wage base by $500 from $8,500 to $8,000 for tax years 2012 through 2014. This legislation also increases the recoupment period used in the calculation from 3 years to 5 years until tax year 2018.

This legislation also creates a work group to study the contribution tax calculation and provide recommendations for changes to the calculation that ensure the long–term solvency of the reemployment assistance program while promoting equitable, minimal tax burdens on Florida employers. The work group must report back to the Legislature with recommendations by December 31, 2012.

Electronic Filing of Construction Plans
CS/HB 387 Enrolled by Ahern
Companion Bill: CS/CS/SB 600 by Bennett
Vote: Senate 39–0; House 115–0
Effective date: July 1, 2012
Chapter Law: Chapter 2012–58, Laws of Florida
This legislation was the first example we’ve seen where identical bills passed both the House and Senate, but still hadn’t passed the Legislature. This is
because in order for a bill to become law, one House must pass a bill that has been passed by the other House. In this case, the House sent a strong message to the Senate during the last week of Session that they had no intention of taking Senate bills until the final budget deal had been cut. Instead of taking up the Senate bill, the House passed their version and sent it to the Senate. Late in the final week, after everything was worked out, the Senate pulled the House bill up and passed it just so that Representative Ahern could pass his bill. The issue had already passed in the omnibus building code bill described above. This is just one example of the games that took place during the last few weeks of the Session.

This legislation provides that if a local building code administrator or building official provides for electronic filing, then construction plans, drawings, specifications, reports, final documents or documents prepared or issued by a licensee may be transmitted electronically to the building code administrator or building official for approval and may be dated and electronically signed and sealed by the licensee in accordance with the “Electronic Signature Act of 1996.”

Reducing and Streamlining Regulations (Department of Business & Professional Regulation)
CS/HB 517 Enrolled by Grant
Companion Bill: CS/CS/SB 762 by Hays
Vote: Senate 40–0; House 88–29
Effective date: July 1, 2012
Chapter Law: Chapter 2012–61, Laws of Florida
This legislation is a DBPR bill relating to multiple professions. Specific provisions which affect construction are:

- This legislation waives the initial licensing fee, initial application fee and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service.
- This legislation reduces the continuing education hours required to reactivate an inactive license to only one renewal cycle of hours, instead of the hours required for each year the license was inactive, for the following professions: community association managers, home inspectors, providers of mold–related services, cosmetologists, architects, landscape architects, construction contractors and electrical and alarm system contractors.
- Conforms with exemptions for other utilities by removing a requirement for persons repairing, maintaining, removing or disposing of asbestos–containing pipe or conduit used for gas service to be licensed as an asbestos consultant or contractor;
- Expands exemptions regarding mold–related services to include landscape architects if they are not holding themselves out for hire to the public using names implying that they perform mold assessment services or stating or implying that they are licensed under Part XVI of Ch. 468, F.S.

Department of Business & Professional Regulation (Local Contractor Grandfathering)
CS/CS/HB 887 Enrolled by Ingram
Companion Bill: CS/CS/SB 1252 by Jones
Vote: Senate 40–0; House 115–0
Effective date: October 1, 2012
Chapter Law: Chapter 2012–72, Laws of Florida
This legislation relates to the Department of Business and Professional Regulation (department) and revises the following provisions which affect construction licensing processes:

- Waives the initial licensing fee, initial application fee and initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service;
- Authorizes the department to approve continuing education providers and courses without a review by the appropriate board if the provider or course application does not require expert review or denial (this is an issue which had the unanimous support of the Construction Coalition);
- Authorizes the department, in lieu of a board, to approve applications for reinstatement of a void license if the department determines that the individual failed to comply due to illness or economic hardship;
- Authorizes the department to send the license renewal notice to the licensee’s last known e–mail address if provided;
- Permits continuing education instructors to complete their continuing education through distance learning;
- Repeals the mandatory license requirement for glass and glazing contractors;
- Extends from November 1, 2005 to November 1, 2014 the period for registered contractors who are limited to practicing within the county or counties in which they are registered to qualify for statewide certification.

Developments of Regional Impact (Growth...
Management
CS/CS/HB 979 Enrolled by Diaz
Companion Bill: CS/CS/SB 1180 by Bennett
Vote: Senate 36–3; House 87–31
Effective date: July 1, 2012
Chapter Law: Chapter 2012–75, Laws of Florida
The bill makes a number of changes to the Development of Regional Impact (DRI) program. A DRI is any development that has a substantial effect upon the health, safety, or welfare of citizens of more than one county.

Specifically, this legislation requires that comprehensive plan amendments proposing certain developments follow the state coordinated review process. This legislation limits the scope of certain recommendations and comments by reviewing agencies regarding proposed developments. Also, it revises certain review criteria for reports and recommendations on the regional impact of proposed developments. This legislation requires regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts. Additionally, this legislation provides that specified changes to a development order are not substantial deviations and provides an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions. This legislation revises conditions under which a local government is required to rescind a development-of-regional-impact development order.

This legislation creates a section of law which provides for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave.

Growth Management
CS/HB 7081 Enrolled by Community Affairs & Workman
Companion Bill: CS/CS/CS/SB 842 by Bennett
Vote: Senate 38–2; House 101–13
Effective date: Upon becoming law, April 8, 2012
Chapter Law: Chapter 2012–99, Laws of Florida
This legislation makes a number of modifications and clarifications to Chapter 2011–139, L.O.F., the Community Planning Act (act). Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the act made obsolete such as references to the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that no longer is required.

This bill authorizes a regional planning council to provide consulting services to a private developer or landowner for a project, if not serving in a review capacity in the future, except that statutorily mandated services may be provided by the regional planning council regardless of its review role.

This legislation also addresses the following items:

- Grandfathering of local government charter provisions in effect on June 1, 2011, relating to a local initiative or referendum process for the approval of development orders and comprehensive plan or map amendments;
- Requiring comments by military installations to be considered by local governments in a manner consistent with s. 163.3184, F.S.;
- Removing criteria that exempts certain municipalities from being signatories to the school interlocal agreement as a prerequisite to implementing school concurrency, because school concurrency is now optional, and restoring criteria to exempt certain municipalities from being a party to the school interlocal agreement;
- Extending the time for the state land planning agency and the Administration Commission to issue recommended and final orders, since the current time requirement is unworkable, and providing a time requirement for the state land planning agency to issue a notice of intent for a plan amendment adopted pursuant to a compliance agreement;
- Deleting a required annual report by the Department of Economic Opportunity related to the optional sector plan pilot program; and
- Requiring that population projections for municipalities and unincorporated areas of a county must be reflective of their proportional share of the total county population and total county population growth. Effectively this requires a minimum amount of land use be set aside in municipality’s comprehensive plan proportional to its share of the county’s population growth.

State Court Revenues (Growth Management – One Stop Permitting)
HB 5501 Enrolled by Government Operations Appropriations Subcommittee
Companion Bill: HB 5503 by Hooper
Vote: Senate 40–0; House 116–0
Effective date: July 1, 2012
Chapter Law: Chapter 2012–139, Laws of Florida
This legislation provides for the following:
• Directs the Department of Revenue (DOR) to establish and implement a One–Stop Business Registration Portal, through an internet website, to provide individuals and businesses with a single point of entry for transacting business in the state.

• Provides that the One–Stop Business Registration Portal must provide businesses and individuals a single point–of–entry for:
  • Completing and submitting applications for various licenses, registrations or permits that are issued by state agencies or departments to do business in the state.
  • Filing of documents that must be submitted to state agencies or departments to transact business in the state.
  • Remitting of payments for the various fees that must be paid to state agencies or departments to obtain licensure, registration or a permit.

• Authorizes the DOR to competitively procure and contract for services to develop and maintain the portal, and directs the Departments of Business and Professional Regulation, Economic Opportunity, Financial Services, Lottery, Management Services and State to cooperate with the DOR in the development and implementation of the portal.

Residential Construction Warranties
CS/HB 1013 Enrolled by Artilies
Companion Bill: CS/CS/SB 1196 by Bennett
Vote: Senate 36–4; House 106–10
Effective date: July 1, 2012
Chapter Law: Chapter 2012–161, Laws of Florida
This legislation was a major priority for FHBA on behalf of its developer members and passed over the objections of both the Florida Bar and trial lawyers. It provides that a purchaser of a new home or a homeowners’ association does not have a cause of action for damages based on an implied warranty of fitness and merchantability or habitability, relating to an offsite improvement for a new home. Under this legislation, an “offsite improvement” includes a street, driveway, road, sidewalk, drainage, utilities or any other improvement or structure that does not immediately and directly support the fitness and merchantability or habitability of the home itself.

Transactions by Secondhand Dealers and Metals Recyclers
CS/CS/HB 885 Enrolled by Ford
Companion Bill: CS/CS/SB 540 by Smith
Vote: Senate 40–0; House 114–0
Effective date: July 1, 2012
Chapter Law: Chapter 2012–179, Laws of Florida
Similar bills attempting to strengthen laws relating to secondary metal recyclers died in committees last year. This legislation amends provisions found in part I and II of Ch. 538, F.S., which deals with secondhand dealers and secondary metals recyclers.

As it relates to secondhand dealers, this bill does the following:
• Defines the term “appropriate law enforcement official;” and
• Requires that individuals purchasing, consigning or trading secondhand goods at a flea market be regulated by secondhand dealer laws.

As it relates to secondary metal recyclers, this bill does the following:
• Defines the terms “appropriate law enforcement official,” “personal identification card,” “restricted regulated metals” and “utility”;  
• Requires that secondary metals recyclers maintain and transmit daily an electronic record of all the previous day’s purchase transactions to the appropriate law enforcement official; 
• Revises the timeframe that secondary metals recyclers are required to maintain purchase transaction records; 
• Limits the liability of secondary metals recyclers for the conversion of motor vehicles to scrap metal, as well as in premise liability cases; 
• Modifies the acceptable forms of payment; and 
• Prohibits the purchase of regulated metals before 7:00 a.m. or after 7:00 p.m.

As applied to secondary metal recyclers, this bill does the following with respect to preemption:
• Provides that the regulation of purchase transactions involving regulated metals property is preempted to the state with the exception that any ordinance enacted by a county or municipality before March 1, 2012 is precluded from such preemption. Such ordinances or regulations may subsequently be amended to incorporate provisions found under the secondary metal recycler law section; and 
• Creates a specific exception to preemption for Miami–Dade County until July 1, 2013.

With respect to metal theft, this bill does the following:
• Increases the penalty for violation of secondary metals recycler laws to a third degree felony; 
• Increases the penalty for three or more violations
defines the term “electrical substation” in the theft of copper statute; and
• Provides that a person who knowingly and intentionally engages in the unlawful removal of copper from an electrical substation commits a felony of the first degree.

Department of Business & Professional Regulation (Inactive Licenses)
HB 693 Enrolled by Ingram
Companion Bill: CS/SB 1120 by Jones
Vote: Senate 39–0; House 118–0
Effective date: Upon becoming law
Chapter Law: Chapter 2012–208, Laws of Florida
This legislation repeals various DBPR licensing provisions. Specific to construction, this legislation repeals the requirement that professional licensees who change from inactive to active status during the renewal of their license must complete a licensure cycle on active status before they can return to inactive status.

Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud
CS/CS/HB 729 Enrolled by Pilon
Companion Bill: CS/SB 1276 by Latvala
Vote: Senate 39–0; House 112–0
Effective date: July 1, 2012
Chapter Law: Chapter 2012–210, Laws of Florida
This legislation adds delivery by a courier service with tracking capability to the existing certified mail service provisions, would toll the time for a response from the renter from the date of certified mailing or delivery by the courier service, creates a rebuttable presumption that fraud was committed once service is made and the rental property is not returned, clarifies that possession of personal property or equipment by a third party is not a defense and allows car rental companies who have satisfied the notice requirements of the statute to report the vehicle stolen and list it as stolen on any registry of stolen vehicles.

Construction Contracting (Liens & Bonds)
CS/CS/HB 897 Enrolled by Moraiti
Companion Bill: CS/SB 1202 by Bogdanoff
Vote: Senate 40–0; House 114–0
Effective date: October 1, 2012, except as otherwise expressly provided.
Chapter Law: Chapter 2012–211, Laws of Florida
This top priority for ICPC began as a shortened and scaled back version of prior year’s legislation with some added new issues of importance. As it moved through Session, it was amended substantially to include negotiated issues and amendments – working with AGC, ABC, UUCF, the Florida Bar Construction Law and Landlord–Tenant Committees, the Florida Surety Association, several Construction Coalition groups and this legislation sponsors. In the end, ICPC consideration of including these other issues was a good decision which helped get an agreed-upon (although certainly not a leaner lien bill) to the finish line.

The following is a detailed section by section analysis of the 35 page bill:

Section 1
This section makes technical changes to the statute of limitations for actions on construction bonds, by removing conflicting provisions in s. 95.11, Florida Statutes, and inserting appropriate cross references.

Section 2
This section is a lengthy section which makes multiple changes to s. 255.05 governing construction bonds for public projects. In addition to the changes outlined below, the bill breaks the rather lengthy s. 255.05 into subsections for clarity.

• Amends s. 255.05 to require the surety’s bond number to be listed on the front page of the bond.
• Requires the contractor to record the bond and provide a certified copy to the public owner prior to commencement of construction. Prohibits the public owner from making payment to the contractor until they have been provided a certified copy of the recorded bond. This change is intended to insure bonds are properly recorded.
• Although the law currently requires governmental entities to provide a copy of their contract and the bond to any claimant, upon request, the bill specifically provides that they must furnish the claimant a copy of the recorded bond, giving claimants yet another option for obtaining the bond copy.
• Requires the contractor who records a notice of contest of claim against the payment bond to serve the notice on the claimant and have evidence of proper service. Current mailing by the clerk of court is effective upon mailing and requires no proof that the claimant received the notice, making this a substantial improvement in this process.
• Specifies that the duration of a payment bond
cannot be limited or expanded, and the bond cannot impose additional conditions precedent to enforcement of claims against the bond. In other words, the bond must cover all claims allowed by statute for the duration of the project. This change will ensure that bonds for Florida projects cannot expire before completion of the project and payment to all claimants, addressing a Colorado appellate court decision. This applies to all bonds issued on or after October 1, 2012.

- Clarifies that service of a notice to contractor is a prerequisite to a claim against the bond only when the claimant was required to serve the notice to contractor.
- Requires all bond forms used by public entities to include the face page which lists owner, contractor and surety bond information in a clear and concise manner, making bonds easier to locate in the public records.
- If approval is given by the surety, new s. 255.05(11) prohibits a public owner from requiring the contractor to produce waivers, releases and other similar documents as a condition to receiving payment which is due to the contractor. This subsection applies to contracts entered into on or after October 1, 2012.

Section 3
This section addresses recent problems with bid openings on public projects, and requires all bid openings to be made “in the sunshine” in a properly noticed public forum. The opening of sealed bids in a public setting is critical to insuring the bid process is properly conducted and no “funny business” is transacted. This helps avoid any appearance of impropriety and also allows contractors to know early on if they are not serious contenders on a project, thus freeing up their bonding capacity to go after other projects. This section is effective upon becoming law.

Section 4
This section makes an additional change to s. 713.10 regarding leasehold property to provide that if the language prohibiting liens for leasehold improvements is not identical in every lease for the subject property, the recorded notice by the landlord will still serve to protect the units whose leases prohibit such liens. Under existing law the failure to include the verbatim language in every lease could invalidate the protection for all units.

Section 5
- This section changes the Notice of Commencement form to remove language passed in 2011 that the notice “could not expire before completion of construction and final payment to the contractor.” It also removes the verification requirement. These are changes negotiated with the Florida Bar, and although were not necessarily desirable to us, were part of the bargain for other provisions of importance in the bill.
- Gives lienors the option to serve notices on private projects where a notice of bond is served, within the normal time periods or within time periods calculated from the date the notice of bond is served, giving lienors the option of extended time periods when needed to preserve bond rights.

Section 6
Reenacts grandfathering provisions for locally licensed contractors to become state certified. The grandfathering provision expired in 2005, and will be restored to give contractors until November 1, 2015, to meet the requirements and get state certification.

Section 7
This section amends the notice of termination statute to insure that all lienors including those hired directly by the owner must be served with a notice of termination of a notice of commencement. Perhaps an oversight – the current statute only requires the notice to be served on “each lienor who has given notice,” leaving lienors in privity with the owner out of the equation.

Section 8
- Amends s. 713.16 to ensure that all demands made under the lien law contain sufficient information for the recipient to identify the project including a description of the property and the name of the owner, the contractor and the lienor’s customer as set forth in the lienor’s notice to owner or notice to contractor.
- Allows a lienor to make a written demand for a sworn statement from the owner at the time the lienor is perfecting its lien, rather than waiting until after the lien is recorded to make the demand.

Section 9
- Updates service provisions to include modern methods of delivery by any common carrier who can provide evidence of delivery.
- Allows the use of the USPS’s Global Express Guaranteed® service for oversees delivery. Although this service is more costly, it is considerably more reliable than registered mail.
- Allows incomplete address information to be corrected utilizing information obtained from
the property appraiser or another public record, and allows addresses to be properly formatted according to USPS addressing standards (adding zip+4 for example) in order to ensure service on the intended recipient. Most important: the protections provided in the lien law for anyone who attempts to serve a notice to the proper address that is not received through no fault of the sender are preserved if these changes are necessary.

Section 10
Although notices of contest of lien will continue to be served by the clerk, this change requires the clerk to do so in accordance with the service requirements of s. 713.18 which will require the clerk to maintain evidence of delivery of the notice. The notice is no longer effective upon mailing.

Section 11
Like Section 2 of this legislation, Section 11 is a lengthy section. It makes multiple changes to s. 713.23 governing construction bonds for private projects.

- Revises the statutory notice to contractor form to follow the language and format of a claim of lien, making combining of these two forms, as currently allowed by statute, more compatible and accurate.
- Provides the lienor with additional time to serve a notice to contractor and requires that a copy of the bond actually be served on the lienor (eliminating weaker language that simply required the lienor to be notified of the existence of a bond).
- Clarifies that a notice to owner that has been timely served on the contractor will satisfy the requirement for serving a notice to contractor.
- If a bond is not recorded before commencement of construction, this change gives lienors the option to serve a notice of nonpayment within the normal time periods or within time periods calculated from the date a copy of the bond is served on the lienor, giving lienors the option of extended time periods when needed to preserve bond rights.
- Requires the contractor who records a notice of contest of claim against the payment bond to serve the notice on the lienor and have evidence of proper service. Current mailing by the clerk of court is effective upon mailing and requires no proof that the claimant received the notice, making this a substantial improvement in the process.
- Specifies that the duration of a payment bond cannot be limited or expanded, and the bond cannot impose additional conditions precedent to enforcement of claims against the bond. In other words, the bond must cover all claims allowed by statute for the duration of the project. This change will insure that bonds for Florida projects cannot expire before completion of the project and payment to all claimants, addressing a Colorado appellate court decision. This applies to all bonds issued on or after October 1, 2012.
- Requires a copy of the bond to be attached to a notice of bond and requires the person recording the notice of bond to also “serve” the notice in accordance with s. 713.18. Again, this replaces current mailing by the clerk of court.

Effective Legal Notices
CS/CS/HB 937 Enrolled by Workman
Companion Bill: CS/CS/SB 292 by Bennett
Vote: Senate 39–0; House 111–3
Effective date: July 1, 2012, except as otherwise expressly provided. The act applies to legal notices published on or after that date.

Chapter Law: Chapter 2012–212, Laws of Florida
Current law provides requirements for publishing legal notices and official advertisements. Publications must be in a newspaper that is printed and published at least once a week and that contains at least 25 percent of its words in the English language. In addition, the newspaper must qualify or be entered to qualify as periodicals matter at the post office in the county where published and be generally available to the public for the purpose of publication of official or other notices.

This legislation creates a new section of law requiring a legal notice to be placed on a newspaper’s website on the same day the notice appears in the newspaper at no additional charge. Effective July 1, 2013, a newspaper that publishes legal notices must provide a free link to access legal notices on its website; optimize online visibility; dominantly present the notices on the website; provide a search function for the notices; upon request, provide free e-mail notification of the notices; and place the notice on the Florida Press Association website established for such notices, www.floridapublicnotices.com.

The bill also:
- Authorizes electronic proof of publication affidavits;
• Limits the rate that may be charged for certain government notices required to be published more than once;
• Requires certain local governmental maps that appear in newspaper advertisements to be noticed online;
• Deletes the requirement that a legal notice be published in Leon County for agency licensee actions, bond validation actions, market offerings for state owned oil or gas leases and certain administrative complaints;
• Requires that notice to certain professional licensees be posted on a newspaper website and provided to certain broadcast network affiliates;
• Amends requirements relating to the publication of certain notices relating to the sale of bonds by the Division of Bond Finance within the State Board of Administration;
• Deletes requirements relating to newspaper publication of certain notices relating to Department of Agriculture and Consumer Services marketing orders and provides for Internet publication and for information to certain broadcast network affiliates; and
• Allows the Department of Financial Services to require notification of insurer insolvency by e-mail or telephone instead of by newspaper.

SEGA Holds Quarterly Regional Meeting

On Friday, March 30, 2012, SEGA held a Quarterly Regional Meeting at the Building Officials Association of Florida, Inc. (BOAF) office in Lake Mary. The meeting was well attended, and the speakers provided valuable information.

The program consisted of:
• Elizabeth Broadway, President of Broadway Engineering, P.A. – ASCE 7 topic as it relates to Wind Speed, Contour Line, Exposure D (coming back into the code) and Importance Factor (being taken out of the code).
• Ramona Zavacky, Flagler County Licensing Manager – Local licensing as it pertains to the glass and glazing contractor.
• Alan Plante, Orange County Building Official – Local code enforcement.
• David Warden, Brand Manager, enerGfacade for YKK AP America – Energy Code.

SEGA extends appreciation to the following companies who were Meeting Sponsors:
• Coral Industries, Inc.
• Door Control, Inc.
• YKK AP America, Inc.

SEGA will be scheduling another Quarterly Regional Meeting in late August or early September. Watch your e-mails for information.

SEGA Holds Golf Tournament

SEGA held its Golf Tournament on Friday, May 4, 2012 at the Dubsdread Country Club in Orlando. Mother nature was good to them by providing a nice breeze and mild humidity.

After the tournament, the golfers gathered in The Tap Room for a buffet lunch and the awards ceremony.


SEGA thanks the members of the Golf Tournament Committee for their help in planning this tournament. Dick Petrie (Architectural Glass Services) and Troy Hein (YKK AP America, Inc.).


Membership Drive Results

On January 1, 2012, SEGA launched a Membership Drive which ended on April 13, 2012. The following is the results of the Membership Drive:

Dick Petrie secured three new members which were:
Not a Member of SEGA?
Are you receiving the Glass Facts but are not a member of SEGA? Need help with the glass and glazing licensing process? Join SEGA today for as low as $112.50 per year. SEGA is now offering half year dues.

To take advantage of this pricing today and join the southeast’s premier glass and glazing trade association, please click here for a SEGA Membership Application or contact the association office at (407) 831–7342 and request a membership application.

Welcome New Members!
SEGA extends a hearty welcome to the following new members. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

Lemon Bay Glass & Mirror
Cliff Gielow
2840 Avenue of the Americas
Englewood, FL 34224
Phone: (941) 475–1281
FAX: (941) 474–8134
E–mail: cliff@lemonbayglass.com
Website: www.lemonbayglass.com
Glass & Glazing Contractor; Retail

Merritt Glass Company, Inc.
Chip Merritt
P. O. Box 2785
Pensacola, FL 32513–2785
Phone: (850) 434–1668

The Glassman
Dan Bojara
2930 South Orange Blossom Trail
Orlando, FL 32805
Phone: (407) 841–0234
FAX: (407) 841–6130
License Number: CG G131151003
E–mail: dantheglassmand@bellsouth.net
Glass & Glazing Contractor; Export; Retail; Consultant

Trulite Glass & Aluminum Solutions
Bill Bellis
10110 Lindelaan Drive
Tampa, FL 33618
Phone: (954) 759–1613
E–mail: bbellis@trulite.com
Website: www.trulite.com
Manufacturer; Commercial Sales

2012 SEGA Board of Directors
SEGA needs your help. We need members to volunteer to serve on the SEGA Board of Directors. By serving on the board of directors, you can develop self–satisfaction; get an insight into how the organization is run; sharpen your leadership abilities; build prestige for you and your company; network with other peers; share various responsibilities; have an opportunity to give something back to the industry as well as help the industry; and develop a sense of accomplishment.

Term:
• The term of the office for a member of the Board of Directors is one year starting on January 1.

Responsibilities:
• Board of Directors shall be responsible for the entire management of the association and of the income and property thereof, including authority to issue debentures or borrow money for corporate purposes.
• The Board of Directors shall establish all rules and regulations necessary to conduct its business and may change the same from time to time.
• Attend at least three Board of Director’s Meetings
If you are interested in serving on the board or becoming a committee member for 2012 or 2013, please contact the SEGA office at (407) 831–7342.

**SEGA is Connected through LinkedIn**

SEGA has set up a link on its home page for LinkedIn. What is LinkedIn? It is the world’s largest professional network with over 100 million members and growing rapidly. LinkedIn connects you to your trusted contacts and helps you exchange knowledge, ideas, and opportunities with a broader network of professionals.

SEGA is now an open group on LinkedIn. We are available for open discussion group. All future discussions will be fully visible, searchable and shareable on the web. All past discussions are now closed in a members–only archive. Your network is full of industry experts willing to share advice. Have a question? Just ask.

We look forward to our future discussions now joining the broader conversation of the wider web. Join today by going to the SEGA website at www.southeastglass.org and click on the LinkedIn logo.

**NLRB Poster Requirement Update**

In last quarter’s newsletter, we reported that the new poster that was going to be required by the National Labor Relations Board (NLRB) was postponed until April 30, 2012. The NLRB is an agency of the federal government that oversees employees’ rights to form unions in the workplace. This poster advises employees of their right to unionize.

A court in Washington, D.C. has temporarily stopped the NLRB from requiring this new poster, so the new poster requirement will not take effect until this court decision is resolved. Until we receive further notice, you do not have to post this poster.

**Division of Workers’ Compensation Offers Free Classes**

The Florida Department of Financial Services, Division of Workers’ Compensation, is offering free classes regarding Florida’s workers’ compensation laws and workplace safety to business owners, licensed contractors and employers.

**Workers’ compensation topics covered include:**

- Review of Key Statutory Definitions
- Contractor Responsibilities
- Exemptions
- Insurance Coverage Requirements
- Enforcement Provisions

**Workplace safety topics presented by OSHA (U.S. Dept. of Labor, Occupational Safety and Health Administration) include:**

- Direct and Indirect Costs
- Inspections
- Florida Fatalities

The following is a list of class dates and times for future sessions.

**June 12, 2012**
Orlando
9:00 a.m. – 12:00 noon EST
State Office Building, Hurston Complex
400 West Robinson Street, South Tower, Room 706
Orlando, FL  32801

**June 13, 2012**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**June 14, 2012**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**June 19, 2012**
Lantana
9:00 a.m. – 12:00 noon EST
Gold Coast Schools
6216 South Congress Avenue
Lantana, FL  33462
Do You File and Pay Your Florida Sales Tax Electronically? If Not, You Will Lose Your Collection Allowance

Under a new Florida law, starting with tax returns and payments due in July 2012, only businesses that file and pay their sales tax electronically can keep a collection allowance. Businesses that are required to collect the state sales tax are allowed under law to keep 2.5% of the amount of tax due as a “collection allowance” intended to compensate them for the work they do in collecting and remitting the tax to the state.

Effective July 1, 2012, businesses that continue to file paper tax returns and/or pay their sales tax to the State by check, cash or money order will not receive this 2.5% credit on their tax return. In June, the
Florida Department of Revenue will mail replacement coupon books to all businesses that use coupons to file quarterly and monthly tax returns. If you choose not to switch to electronic filing and payment, you should use the DR–15 or DR–15EZ payment coupons included in your replacement book.

This change will affect returns and payments due beginning in July 2012 for:

- **Monthly** filers’ June 2012 tax returns and payments;
- **Quarterly** filers’ April–June 2012 returns and payments; and
- **Semi–annual** filers’ January–June 2012 returns and payments.

If you are not already filing and remitting sales tax electronically and you want to continue receiving your collection allowance, you can enroll for the Department of Revenue’s e-Services at [http://dor.myflorida.com/dor/eservices/enroll.html](http://dor.myflorida.com/dor/eservices/enroll.html). Before you can file and pay your taxes or fees electronically, you must register with the Department and then enroll. Then, you will be able to file and pay your taxes electronically using the Department of Revenue’s free online filing application. After enrolling, you must wait two business days in order for your account to be ready for filing.

SEGA would like to thank all of our veterans and wish them a safe, happy and enjoyable Memorial Day and weekend. Your service to our country and our freedoms are sincerely appreciated.

On this day, I ask each of you take a moment to remember those who have paid the highest price for our freedom!