



Glass Facts

April - September 2013

SEGA Chairman's Message



The word for this month is "commiserate."

When I came to Florida in the fall of 1981, we were paying more for 1/4" clear tempered glass than we are now and marking up our quotes 35%–40% or more. What has changed, and why? We all know, except for rare occasions, that we are getting less return on our investment. Even if we throw

out the last five years and turn back the clock to 2007, we would not be making as much profit percentage on our investment as we were in 1981, 1991 or 2001 for that matter. In the last few years, aluminum has gone up 30% give or take, and we are making less money. Why is that? Don't worry . . . this is not a lecture and everyone has the answers, but sometimes it helps to get it out in the open.

When I sit back and try to analyze it, the first thing that comes to mind is competition. My impression is that there are a lot more players now. Many brave souls made the decision to strike out on their own, and many have stuck around. We have more out-of-town glaziers coming in to take a share of the local pie. I have also come to the opinion that technology has dulled our competitive edges. As a project manager in 1981, I easily spent 95 percent or more of my time doing my job. I didn't answer phones, I didn't do much filing, I didn't answer e-mails, I didn't talk on my cell phone, I didn't text. Sit back and look at your day. How much of your 9 to 10 hour day (on good days) is spent doing something other than looking at drawings, ordering materials, planning and supervising

your glaziers. In other words, your job? How many hours a day are spent with non-business related activities such as surfing the web, FaceBook, playing video games, sending e-mails and texts, talking on cell phones to friends and families and texting? How much time is spent in the field every day on the very same activities? If you have a smoker and he takes only six breaks a day, 10 minutes each, he has taken away an hour out of his day every day. I'm not waging war on smokers, I was one. Not too many years ago, it was the fashion. Smokers built big successful corporations, created great inventions and developed life saving advancements. Smokers sent men to the moon. Those were the days when we could sit at our desk and work while smoking.

I look at how I spend my day now, and I easily spend 40–50% of my time on the computer, some days even more. Much of this time is spent "communicating." It is probably a good thing we can do this because in most cases you get a general contractor to talk to you unless HE has something to say. He sure isn't interested in what you have to say, but we can force it down with an e-mail. Is this good or bad? You be the judge. If you are an estimator you are lucky to get 10 working days to put together a multi-million dollar bid. How often do you feel really confident about your bid. When you get the job, how much time do you spend looking for what you missed? If you are a project manager, how much time do you have available to put together submittals, order materials, deal with the paper work, plan and supervise? Do you take the time to actually read the contract before you sign it? Typically, where are you on the power curve of your projects?

Now, let's think about the last five years. We have seen a serious reduction in construction. Our construction unemployment rate has hovered around 16%–17%. Competition has driven the prices way

(Continued on Page 3)

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SOUTHEAST GLASS ASSOCIATION CALENDAR OF EVENTS 2013

November

13-15...CILB Board of Director's and Committee Meetings,
Embassy Suites, Fort Lauderdale

2014

January

TBA.....CILB Board of Director's and Committee Meetings,
TBA

February

25-26.....Glass & Glazing Specialty License Exam
TBA.....CILB Board of Director's and Committee Meetings,
TBA

March

TBA.....CILB Board of Director's and Committee Meetings,
TBA

April

TBA.....CILB Board of Director's and Committee Meetings,
TBA

May

TBA.....CILB Board of Director's and Committee Meetings,
TBA

June

17-18.....Glass & Glazing Specialty License Exam
TBA.....CILB Board of Director's and Committee Meetings,
TBA

July

TBA.....CILB Board of Director's and Committee Meetings,
TBA

August

TBA.....CILB Board of Director's and Committee Meetings,
TBA

September

9-11.....GlassBuild America,
Las Vegas Convention Center in Las Vegas, NV
TBA.....CILB Board of Director's and Committee Meetings,
TBA

October

TBA.....Glass & Glazing Specialty License Exam
TBA.....CILB Board of Director's and Committee Meetings,
TBA

November

TBA.....CILB Board of Director's and Committee Meetings,
TBA

**(SEGA Chairman's Message
Continued from Page 1)**

down. Did you ever think you would put 15%–17% markups on your bids? Many of you are doing that in attempt to turn enough dollars to stay afloat. How is that working for you? During every downturn, our clients and vendors have learned a new way to do business with the glaziers, and it's not good. How many prequalification forms have you completed in the last couple of years? How much anxiety do you feel when you sign a subcontract agreement? How do your suppliers feel about working with you when you can't get paid and you are on credit hold? How much junk have you had to handle, usually more than once, without getting paid because a vendor has decided to cut back on the people he employees that knows what they are doing and now they are sending you crap? And all the while, we are getting beat up because we are affecting the project schedule, and we don't have "control" over our vendors.

We are at the bottom of the pole. Out of necessity (another word for extortion), we have unwittingly become poorly managed financial institutions. Poorly managed because we loan money at 0% interest and have no real guarantee we will be paid back. We get paid if and when the owner decides to fund the general contractor for our work. I know I'm painting a very gloomy picture, but we can't change the facts. Everyone is scared to death that they will miss an opportunity to sell a project, and I don't have anything to offer on that. It's a harsh fact of life. All I can say is work hard, spend your money wisely and surround yourself with the best people possible. My purpose here is to commiserate. It's a very big boat, and we are all in it.

Enjoy the cooler weather, and watch out for Trick-or-Treaters. Chocolate is bad for dogs and adults are digging into their children's trick-or-treat bags to "inspect" the goodies. I'll be with you again in December. In the meantime, if any of you want to grab a few margaritas and pretend we are in Islamorada, give me a call. I'm always ready for a change in attitude.

Sincerely,

*Richard Petrie
SEGA Chairman*

2013 Legislative Session

A United Front

Florida lawmakers wrapped up, for the most part, a harmonious Legislative Session . . . on time and at a reasonable hour, 7:16 p.m., on Friday, May 3, 2013. This is in contrast to the last two years when we saw the Legislative Session limp to closure in the wee hours of the morning.

That's not to say this year's session wasn't without its embarrassing moments. The 2013 Legislative Session hit a rough patch during the final week when House Democrats protested the lack of a plan for expanding health coverage for low-income Floridians. An uninitiated viewer might have been baffled to tune in and see House members sitting around listening to an automated voice — named Mary — read bills as part of a procedural move by Democrats to slow down the session. But put aside the protest, Mary's droning voice and the failure to pass pension reform and health care expansion, most political observers would agree it was a successful Legislative Session.

By the time the House and Senate adjourned Friday night, Republican legislative leaders and Governor Rick Scott could tout a successful session. Most of their priorities passed, and Senate President Don Gaetz and House Speaker Will Weatherford orchestrated the 60 days with a certain professionalism that lawmakers on both sides of the aisle seemed to appreciate.

Part of the session's smoothness stemmed from an improving economy that gave lawmakers more money to play with. Unlike the past several years, lawmakers didn't have to make unpopular budget decisions about issues such as cutting funding for universities or trimming payments to hospitals and nursing homes.

Prior to the start of session, both leaders had agreed to several legislative priorities — most of which were met. Senate President Gaetz and House Speaker Weatherford made clear from the beginning that they wanted to reform the state's ethics laws and change the campaign-finance system. The House and Senate whipped together compromises on the issues, and Governor Scott signed the bills on the Wednesday prior to the end of session. Education Reform, an Online University and Local Pension Transparency were other priorities checked off the list by the time the hankies dropped on Friday. The only priority not met was reforming Florida's antiquated retirement

system. As one of the placards hanging in the rotunda suggested, this issue is . . . “to be continued . . .”

The other glaring failure of the 2013 Session was the inability of the two chambers to agree on an expansion of the Medicaid program to uninsured Floridians, or for that matter, any manner of implementing the federal health care mandate. We knew going in that this was not one of the agreed to priorities by the two leaders. Speaker Weatherford was steadfast in his commitment not to accept federal dollars. The Senate had a plan that would accept the federal funds but use them to subsidize private coverage. And the governor flip-flopped on the issue and appeared willing to accept the federal money with no questions asked, angering his tea party supporters.

The construction and business interests had a very successful Legislative Session. Businesses will see a .07% rate reduction in workers’ compensation rates thanks to legislation that caps the rate for repackaged drugs for workers’ comp patients.

Budget

On Monday, May 20, Governor Rick Scott signed the 2013–2014 Florida Families First Budget. In doing so, the Governor exercised his veto authority by striking legislators special projects or so-called “turkeys” in the budget. The budget included a \$1.08 billion increase in K–12 education funding over last year’s budget. The \$1 billion increase the Florida Education Finance Program represents a per student increase of over 6 percent and includes \$480 million to increase teacher salaries. Governor Scott vetoed a 3 percent university tuition increase, citing the need for affordable higher education.

This year marked the first time in seven years that legislators had a budget surplus to work with. They were able to use the extra cash to hand out state worker pay raises, set aside money for Everglades’ restoration and reduce the waiting list for those with developmental disabilities seeking state services.

Final Numbers

Our final report includes issues that we followed and reported on throughout the 2013 Legislative Session.

The 1848 bills filed marks the fewest bills filed in recent memory, while the 286 bills passed is the second lowest number of bills to pass both chambers in the past fifteen years.

We hope that we kept you well informed as Session

2013 LEGISLATIVE STATISTICS

Bills Filed	1,848
Bills Passed (General)	259
Bills Passed (Local)	24
Bills Signed by Governor	272
Bills Vetoed by Governor	11
Bills Allowed to Become Law without Governor’s Signature	0
Line Item Vetoes	2
Concurrent Resolutions	1
Memorials	2

As of 07/20/13

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.

Residential Properties

CS/CS/CS/HB 73 by Moraitis (CS/CS/SB 436 by Altman)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-188, Laws of Florida*

The bill amends laws relating to condominiums, cooperatives and homeowners’ associations. Under current law, a condominium board must adopt hurricane shutter specifications for its buildings. The board may also approve the installation of hurricane shutters, impact glass and code-compliant windows. Unless otherwise provided in the declaration, the expense of installation, replacement, operation, repair and maintenance of hurricane shutters or other hurricane protection by the board pursuant to that provision is a common expense.

Effective with this bill becoming law, the bill allows a condominium board to also approve the installation of code-compliant doors and other types of code-compliant hurricane protection. In addition, the bill includes impact glass, code-compliant windows and doors and other types of code-compliant hurricane protection as common expenses of the condominium.

As to various laws relating to condominiums, cooperatives and homeowners’ associations, the bill:

- Removes a requirement for elevators to be retrofitted to meet certain building codes by 2015;
- Requires associations to allow members to

copy, without charge, official records using smartphones, tablets or other technology capable of scanning or taking pictures;

- Allows an association to create a member directory;
- Requires election or recall challenges to be filed within 60 days; and
- Provides that associations may not suspend delinquent members from using certain common elements.

As to condominiums, the bill:

- Allows board members to serve two-year board terms, if provided for by the association's bylaws or articles of incorporation;
- Allows boards to install code-compliant hurricane doors and other types of code-compliant hurricane protection, and includes these items as common expenses of the condominium;
- Allows extra time for the completion of planned additional phases to a condominium;
- Provides for the creation of a condominium within a condominium;
- Allows the Condominium Ombudsman and his or her staff to engage in other professions; and
- Increases annual revenue thresholds related to financial statement preparation.

As to homeowners' associations, the bill:

- Removes the requirement that a homeowners' association member or parcel owner submit a written request to speak at an association meeting; and
- Increases annual revenue thresholds related to financial statement preparation.

The bill also conforms provisions relating to cooperatives and homeowners' associations with those relating to Condominiums, including provisions relating to:

- Official records;
- Limitation on mortgagee consent to amendment of documents;
- Board meetings on personnel matters; and
- Certification of board members

Assessment of Residential and Nonhomestead Real Property

CS/CS/HB 277 by Rehwinkel Vasalinda and Diaz (SB 1064 by Latvala)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-77, Laws of Florida*

In the November 2008 General Election, Florida

voters approved a constitutional amendment relating to property taxes that authorized the Legislature, by general law, to prohibit consideration of the following in the determination of the assessed value of real property used for residential purposes:

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

The bill provides for partial implementation of the 2008 constitutional amendment. Specifically, the bill defines "renewable energy source device" and provides that a property appraiser may not consider the increase in the just value attributed to the installation of a renewable energy source device when determining the assessed value of real property used for residential purposes.

The bill specifies that the provision applies to new and existing residential real property. Specifically, the provision applies to installations made on or after January 1, 2013.

The Revenue Estimating Conference (REC) has estimated that this bill will have no impact on state revenues.

Lawmakers removed all provisions relating to any change or improvement made for the purpose of improving a property's resistance to wind damage. The REC estimated, assuming current millage rates, that the bill will have no impact on local government revenues in FY 2013-14, but will increase each year thereafter reaching an annual impact of \$12.6 million in FY 2017-18, which is the recurring impact. This prompted the House and Senate to strip wind-hardening from the bill in an effort to cut the fiscal impact to local governments.

Energy Savings Contracting (ESCO)

CS/CS/HB 1357 by Cummings (CS/CS/CS/SB 1594 by Bradley)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-135, Laws of Florida*

Section 489.145, F.S., is the "Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act." The act is based upon a legislative finding that investment in energy, water and wastewater efficiency and conservation measures in agency facilities can reduce the amount of energy

and water consumed and wastewater produced, and produce immediate and long-term savings. It encourages each agency to invest in these measures to minimize energy and water consumption and wastewater production and maximize energy, water, and wastewater savings, and to reinvest any resulting savings in additional efficiency and conservation measures.

An energy, water and wastewater efficiency and conservation measure is a training program incidental to the contract, facility alteration or equipment purchase to be used in new construction, including an addition to existing facilities or infrastructure, which reduces energy or water consumption, wastewater production or energy-related operating costs and includes, but is not limited to:

- Insulation of the facility structure and systems within the facility;
- Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area and other window and door system modifications that reduce energy consumption;
- Automatic energy control systems;
- Heating, ventilating or air-conditioning system modifications or replacements;
- Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system, which, at a minimum, must conform to the applicable state or local building code;
- Energy recovery systems;
- Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a facility or complex of facilities;
- Energy conservation measures that reduce British thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh) consumed or provide long-term operating cost reductions;
- Renewable energy systems, such as solar, biomass or wind systems;
- Devices that reduce water consumption or sewer charges;
- Energy storage systems, such as fuel cells and thermal storage;
- Energy-generating technologies, such as microturbines; or
- Any other repair, replacement or upgrade of existing equipment.

Public-Private Partnership

HB 85 by Steube (SB 84 by Diaz de la Portilla)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-223, Laws of Florida*

Commercial construction continues to suffer from double digit unemployment numbers. Public construction has slowed due to a lack of funding, yet there are critical projects on the sidelines that need to move forward. Public-private partnerships are an acceptable alternative to the standard funding processes.

The bill creates a general framework that local public entities can utilize to enter into a Public-Private Partnerships (PPP) for public projects. This is a job starter for the industry. The goal of this legislation is to have as many public entities as possible comfortable with the PPP process so that if and when the opportunity presents itself to utilize the process, the local entity is comfortable doing so.

In part, the bill requires the responsible public entity and private entity to enter into a comprehensive agreement prior to developing or operating the qualifying project. The comprehensive agreement provides for several requirements to ensure for financial solvency including delivery of performance and payment bonds, letters of credit and other security in connection with the development or operation of the qualifying project.

The bill also creates the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force (task force) to recommend guidelines for the Legislature to consider for purposes of creating a uniform process for establishing PPPs. The seven-member task force is comprised of the Secretary of the Department of Management Services and six members appointed by the Governor who represent the county government, municipal government, district school board and business community. The department must provide administrative and technical support to the task force.

The bill provides that the task force must submit a final report of its recommendations to the Governor, President of the Senate and Speaker of the House of Representatives by July 1, 2014, and it is terminated December 31, 2014. Public entities may participate in public-private partnerships prior to the adoption of any guidelines by the state. The bill provides that a responsible public entity may adopt guidelines so long as such guidelines are not inconsistent with s.

287.05712, F.S.

The Construction Bill: Florida Building Code/Unlicensed Activity/Florida Wood Products HB 269 by Beshears (SB 1080 by Evers; HB 1245 by Davis; SB 1252 by Simpson)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-193, Laws of Florida*

This is the construction industry omnibus bill this year, combining a number of construction and building code issues which started out in separate bills. The bill:

- Revises noticing requirements of alleged violators of local codes and ordinances;
- Requires county officials, boards of county commissioners, school boards, city councils, city commissioners and all other public officers of state boards or commissions to specify the use of lumber, timber and other forest products produced and manufactured in Florida if wood is a component of the project, with certain exceptions;
- Clarifies that when a state agency is required to select a sustainable building rating system or national model green building code, the selection is made on a project-by-project basis;
- Adds that an existing-system inspection or evaluation and assessment of onsite sewage treatment and disposal systems is not required for a residential remodeling addition or modification to a single-family home if a bedroom is not added;
- Provides that certain residential construction may not impact sewage treatment or disposal systems or encroach on septic areas as determined by a local health department floor and site plan review and clarifies that a verification of the location of a system is not an inspection or evaluation and assessment of the system;
- Increases the maximum civil penalty a local governing body may levy against an unlicensed construction contractor or an electrical and alarm system contractor from \$500 to \$2,000;
- Increases the collection retention percentage for local governments who enforce unlicensed activity;
- Revises local government and Department of Business and Professional Regulation (DBPR) collection retention percentages for unpaid fines and costs ordered by the Construction Industry Licensing Board (CILB);
- Eliminates notices of noncompliance requirements to contractors prior to seeking fines and other

disciplinary penalties;

- Prohibits adopting mandatory sprinkler provisions of the International Residential Code within the Florida Building Code or any local amendments to the state code;
- Adds to the Florida Building Commission a representative of a natural gas distribution system;
- Specifies that residential heating and cooling systems need only meet the manufacturer's approval and listing of equipment;
- Changes the purpose of the Florida Building Energy-Efficiency Rating Act from rating system development to energy rating system oversight;
- Removes the requirement that a building energy-efficiency rating system provide a uniform rating scale of the efficiency of buildings and expands the list of entities that may provide building energy-efficiency rating systems; and
- Eliminates DBPR's responsibilities regarding a statewide uniform building energy-efficiency rating system and provides building energy-efficiency system definitions.

Background Screening for Contractors on School Grounds

HB 21 by Perry (SB 318 by Grimsley)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-073, Laws of Florida*

This bill changes the security clearance process for non-instructional workers on school grounds. Currently, all workers need to go through the security clearance process and secure a badge in every school district where they do business. While the clearance process is the same, the 67 different districts have 67 different clearance badges and charge 67 different fees for their specific badges. This bill changes that.

Now, there will be one, statewide badge at one statewide cost. When a worker secures his badge in school district A, he will not have to secure a new badge in school district B. The new law streamlines and improves the clearance process and will save the industry hundreds of thousands of dollars in unnecessary fees.

Preemption of Local Sick Leave Ordinances/ Employment Benefits

HB 655 by Precourt (SB 726 by Simmons)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-200, Laws of Florida*

CS/HB 655 is a compromise between business groups and local governments on the issue of

employee benefits. The bill prohibits political subdivisions from requiring employers to provide employment benefits not otherwise required by state or federal law, but does not prohibit a political subdivision from establishing a minimum wage or “providing” employment benefits:

- for the employees of the political subdivision;
- for the employees of an employer contracting to provide goods or services for the political subdivision, or employees of a subcontractor of such an employer; or
- for the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision.

The bill includes other exceptions including one for tribal governments and an exception where receipt of federal funding would be affected.

The bill creates an Employer-Sponsored Benefits Study Task Force to be organized by September 1, 2013. The 11-member task force is chaired by the President of Workforce Florida, Inc. with the remaining appointments to be made by the President of the Senate and the Speaker of the House. The purpose of the task force is to analyze employment benefits and the impact of state preemption of the regulation of such benefits and to develop a report that includes its findings and recommendations for submission to the Senate President and the Speaker of the House by January 15, 2014.

Design Professionals Indemnity

SB 286 by Negron (HB 575 by Passidomo)

Effective Date: July 1, 2013

Chapter Law: *Chapter 2013-28, Laws of Florida*

The bill provides that contracts executed by a business entity may specify that individual architects, interior designers, landscape architects, engineers and surveyors may not be held liable for negligence in the performance of professional services provided under those contracts so long as the damages are economic only and do not extend to persons not a party to the contract. The design firm is required to comply with any contractual requirements to carry professional liability insurance.

Fraudulent Liens

SB 112 by Dean (HB 915 by Combee)

Effective Date: October 1, 2013

Chapter Law: *Chapter 2013-228, Laws of Florida*

The bill creates a third degree felony offense for filing or directing to file, with the intent to defraud or harass another, a document in an official record which contains materially false, fictitious or fraudulent statements or representations that affect the owner’s interest in the property described in the document. A third-degree felony is punishable by imprisonment of up to five years and the imposition of a fine of up to \$5,000. If a person commits this offense a second or subsequent time, the person commits a second-degree felony. A second-degree felony is punishable by imprisonment of up to 15 years and the imposition of a fine of up to \$10,000. The bill increases the felony degree of these offenses under circumstances outlined in the bill. The bill also provides that a person who files a fraudulent construction lien is subject to penalties under the Construction Lien Law, not the newly-created offense in the bill.

The bill also expands the definition of public officer or employee which establishes a broader variety of crimes relating to impersonating public officers and employees and fraudulently simulating legal process. The bill creates additional civil remedies to grant relief to public officers or employees affected by the offense of filing of false statements or claims.

Texting While Driving – A Scaled Back Version

SB 52 by Detert (HB 13 by Holder and Pilon)

Effective Date: October 1, 2013

Chapter Law: *Chapter 2013-58, Laws of Florida*

After trying for five years, Florida finally has a law banning texting while driving. But there are plenty of loopholes that give Florida drivers more leeway than in other states. They include:

- texting while driving is only a secondary offense.
- first texting ticket is considered a noncriminal traffic infraction, punishable as a non-moving violation, and comes with \$30 fine.
- new law specifically states a driver’s phone records can be used as evidence only if a crash results in a death or injury.

The House tacked on a last-minute amendment limiting law enforcement’s ability to use phone records to identify violations. The sponsor of the amendment, Representative Jose Oliva (R – Miami Lakes) a future House speaker, said that limiting police access to motorists’ texting records would protect the “civil liberties” of Floridians. This would have the effect of restricting the state’s ability to prove whether a violation has occurred. The move stunned

Representative Doug Holder (R – Venice), the House sponsor and Senator Nancy Detert (R – Venice), the Senate measure’s sponsor. In the end, both sponsors reluctantly accept Oliva’s amendment.

The law also notes “a motor vehicle that is stationary is not being operated” and isn’t subject to the ban. This allows for drivers stopped at traffic lights or stuck in traffic to carry on texting. So don’t expect the driver in front of you to be ready to go when the light turns green if they’re in the middle of a text.

The texting law doesn’t go into effect until October 1, 2013.

Ethics Reform

SB 2 by Ethics and Elections (HB 7131 by State Affairs and Ethics and Elections and Boyd)

Effective Date: May 2, 2013 (upon becoming law)

Chapter Law: *Chapter 2013-36, Laws of Florida*

Florida Governor Rick Scott signed an ethics reform bill during the last week of the 2013 Legislative Session, bringing final approval for the first major overhaul of the state’s ethics laws in more than three decades. The new law gives significant new powers to the state’s ethics commission and extends a ban on lobbying for lawmakers after they leave office.

The ethics bill, which passed both chambers of the legislature unanimously, reaches far and wide. It will prevent lawmakers from lobbying government for two years after leaving office. Previously, they were barred from lobbying the legislature but could lobby the executive branch. The measure gives additional powers to the ethics commission to collect unpaid fines and allows the body to initiate investigations based on referrals from law enforcement agencies or the Governor’s office. Until now, the commission could investigate only after receiving a sworn complaint directly. It will also put into law a ban on voting on bills that could affect lawmakers’ finances. Also, financial disclosure forms will be required to be posted online in a searchable database for the public to access.

Campaign Finance Reform

HB 569 by State Affairs Committee and Schenck

Effective Date: November 2, 2013

Chapter Law: *Chapter 2013-37, Laws of Florida*

The bill changes the campaign-finance system by eliminating committees of continuous existence (CCEs) and increases the limits on individual contributions to

candidates.

The legislation makes numerous changes to Florida’s campaign finance law. The changes include: the repeal of committees of continuous existence (CCEs), contribution limits, filing deadlines, modifications to the disposition of surplus funds upon the termination of a candidate campaign and the requirement of individuals running for a political party executive committee to now file a report.

Effective August 1, 2013, committee of continuous existence may no longer accept any contribution as defined in section 106.011, Florida Statutes. Any failure by a committee to comply with this prohibition on accepting contributions constitutes a violation of chapter 106. However, please note that the law further provides that notwithstanding any other provision of law, committees now may make unlimited contributions to a political committee.

Also, the new law automatically revokes the certification of all committee of continuous existence on September 30, 2013. At that time, the committee’s account must have a zero balance. Following the revocation of the committee’s certification, the committee must file any outstanding report as required by law.

Lawmakers also raised the campaign contribution limits. Candidates for statewide office will now be able to accept donations of up to \$3,000 from individuals with all other candidates able to accept up to \$1,000. Previously, the limit for all candidates had been \$500. Governor Scott, who is up for re-election next year, had opposed raising the limits.

Elections Reform

HB 7013 by Ethics and Elections and Boyd

Effective Date: January 1, 2014

Chapter Law: *Chapter 2013-57, Laws of Florida*

Governor Scott signed a bill that will hopefully restore voter confidence here in Florida. Last November, Florida voters endured massive lines and chaotic polling places largely thanks to a barrage of election law changes pushed by Governor Rick Scott and other GOP lawmakers in 2011. This year, they reversed themselves and increased the number of early voting days and locations.

The new law extends early voting from eight to 14 days, extends early voting hours from eight to 12 hours a day and expands polling places to include

courthouses, civic centers, stadiums, convention centers, fairgrounds and government-owned senior and community centers to keep up with crowds.

It also seeks to make ballot length more manageable by restricting constitutional amendments to a maximum of 75 words and loosens some of the restrictions on when voters have to file provisional ballots.

It also permits county supervisors to hold early voting on the Sunday before the election. The bill moves back Florida's primary elections from January to the first Tuesday allowed by Democratic and Republican National Committees.

New Law Allows Businesses to Recover Bad Check Fees

Under a new law that became effective July 1, 2013, a business that receives a bad check, debit card or electronic payment (EFT) from a customer is allowed to recover the bank fees the business incurs, plus a service charge of one of the following:

- \$25 if the payment is less than \$50;
- \$30 if the payment is between \$50 and \$300;
- \$40 if the payment is more than \$300; or
- 5% of the total payment, whichever is greater.

The business can recoup these charges without having to post any special notice at the point of sale or on the invoice. **Please note:** This new law only applies to payments made by check, drafts, orders of payments, debit card transactions or electronic funds transfer. It does not apply to credit card transactions.

New Health Care Notice Was Due to Employees by October 1

The federal Patient Protection and Affordable Care

Act (ACA), also known as Obamacare, required all employers to provide a health care notice to their employees by October 1, 2013. This notice was required whether or not you provide health coverage to your employees, and the notice should have been provided to all employees, both full-time and part-time. Every new employee hired on or after October 1, 2013, must be given the notice within 14 days of starting work.

The purpose of the notice is to inform employees that they can get health insurance through their state's Health Insurance Marketplace, as well as providing contact information and a description of the services offered by the Marketplace. The notice also informs employees that they may be eligible for a premium tax credit if they purchase a qualified health plan through the Marketplace. The notice explains that if the employee purchases a qualified health plan through the Marketplace, the employee may lose his/her employer's contribution (if any) to any health benefit plan currently offered by the employer, and all or a portion of such contribution may be excluded for federal income tax purposes.

The federal government has published two versions of the form: one for employers currently providing health coverage to employees and one for those employers who do not. Unfortunately, both versions have the same number [OMB No. 1210-0149], and the front page of both versions look very similar, so you need to look carefully to make sure you use the right version.

Employers that currently offer a health plan for employees: Your version of the notice is three pages and has a blank towards the bottom of the first page that you need to fill in with the name of the person your employees can contact about their health insurance. This can be someone in your office, like the person in charge of Human Resources, or it can be the contact person at your health insurance company.

Before giving the notice to your employees, you need to fill in the information requested in Part B of the form (questions 3 through 12), which is basic information about your company. You will also need to answer the questions in Part B regarding your current health plan. **Please note:** The information requested on page 3 of the notice is optional. You do not have to fill out questions 13 through 16.

Employers that currently do not offer a health plan for employees: Your version of the notice is only two pages and contains a statement on page 2

telling the employee “You are not eligible for health insurance coverage through this employer. You and your family may be able to obtain health coverage through the Marketplace, with a new kind of tax credit that lowers your monthly premiums and with assistance of out-of-pocket costs.”

Before giving the notice to your employees, you will need to fill in the information requested in Part B of the form (questions 3 through 12), which is basic information about your company.

Scam Alert for Corporations and LLC’s

The state Division of Corporations is alerting business entities registered with the state about a new scam involving certificates of status. A certificate of status is an official document from the Florida Department of State (Division of Corporations) that includes a statement from Florida’s Secretary of State that the company listed is in good standing and in “active” status with the Department of State.

A private company is soliciting Florida-registered business entities about purchasing a certificate of status. **Please note:** Once an entity is properly formed, incorporated, organized or registered on the records of the Department of State, it is **NOT** required to purchase or receive a certificate of status to be considered a valid business entity or registration. The Department of State is advising businesses to disregard any notices or solicitations you may receive to the contrary. These notices are **NOT** from the Department of State, the Division of Corporations or any other state or federal agency.

If your business needs a certificate of status (sometimes banks request them), you can obtain one for \$8.75 from the Department of State’s website at www.sunbiz.org.

When you need to conduct any business with the Division of Corporations, please make sure you go to their official website at www.sunbiz.org. You will know you are at the correct website if you see the State of Florida flag and the words “Florida Department of State, Division of Corporations” at the top of the page. If you type in “.com” instead of “.org,” you will get a private company that offers

corporation services for a fee. This is **NOT** the official website of the Division of Corporations.

Unemployment E-mail Scam Alert

The Florida Department of Economic Opportunity (DEO) is the state agency that handles unemployment claims for Florida workers. DEO is the state agency responsible for paying unemployment benefits (now called “reemployment assistance benefits”) to workers who lose their job and qualify for unemployment benefits.

DEO is alerting Florida employers of a possible scam e-mail that appears to be coming from DEO but is really an identify theft scam. The e-mail is from “Unemployment Assistance@detma.org” and the subject of the e-mail is “Action Required – Time Sensitive Material.” The body of the e-mail states that “A former employee of your company recently filed a claim for benefits with the Division of Unemployment Assistance” and then requests wage information for the employee.

This e-mail is **NOT** from any group or agency affiliated with the State of Florida, DEO, Workforce Florida or Florida Reemployment Assistance. You should **NOT** click on the link contained in the message. DEO will never request information from employers on behalf of a third party company. Legitimate e-mail correspondence from DEO regarding unemployment compensation/reemployment assistance will show the sender’s address ending in “deo.myflorida.com.”

More Reemployment News

The Florida Department of Economic Opportunity (DEO) is the state agency that manages Florida’s reemployment assistance program (formerly called “employment compensation:). DEO decides who is eligible to receive reemployment benefits and handles all claims and benefit award appeals.

DEO’s system for managing the claims process has been redesigned and updated. Under the new system, called CONNECT, employers can:

- Electronically respond to all inquiries regarding claimants.
- Electronically file a protest against a benefit charge.
- Submit paper files or forms electronically, such as information related to an appeal.
- Choose the way you receive information from DEO — either electronically or via U.S. mail.
- Access your account anytime you want.

CONNECT launches October 15. During the transition to the new system, call wait times may be longer. You should have received a notice from DEO with a link to CONNECT with your unique employer login information by mail before October 15. You can download an Employer Guide from DEO's website at www.florida.jobs.org/connect/employer. If you have any questions about the new system, please call DEO at (877) 846-8770.

Poster Update

Your business may have recently received some official-looking mail, advising you of some changes to the federal posting requirements. The envelope may have the words "Compliance Update" on the front, and the notice inside talks about mandatory labor law posters and that if you do not have the latest version, your business can be fined thousands of dollars. The notice makes you think you must purchase an expensive "compliance package" in order to be protected. In particular, the notice mentions that there have been updates to both the Occupational Safety & Health Administration (OSHA) poster, as well as the Employee Polygraph Protection Act Post.

Don't Be Fooled. If you look closely, you will see that this notice is probably from a private company that is in the business of selling posters to businesses. Every time the government changes the wording on one of the required posters, these companies send out mail that looks like it is from the government, trying to scare small business owners into spending hundreds of dollars on posters.

There have indeed been some very minor changes to the OSHA poster and Employee Polygraph Protection Act poster. However these changes are not mandatory and old versions of the poster are still valid and acceptable. As long as your OSHA poster is dated from 2006 or later and your Polygraph poster is dated from 2003 or later, your posters are current.

Here is a list of the general employment posters and their latest revision dates required by federal government and the state of Florida:

U.S. Posters:

- Federal Minimum Wage/Fair Labor Standards Act. *Current version is July 2009.*
- OSHA. *Current version is June 2012 but 2006 version is acceptable.*
- Uniformed Services Employment and Reemployment Rights Act (USERRA). *Current version is October 2008.*
- Equal Employment Opportunity is the Law. *Current version is November 2009.*
- Employee Polygraph Protection Act. *Current version is January 2012 but June 2003 version is acceptable.*

State of Florida Posters:

- Florida Law Prohibits Discrimination. *There is no version date on this poster, but it has not been changed in over 10 years.*
- Workers Comp Works for You (also known as the "broken arm" poster). *Current version is March 2010.*
- "To Employee" Reemployment Assistance (formerly known as unemployment compensation). *Current version is September 2012, due to the name change from unemployment compensation to reemployment assistance. If your version of this panel is dated October 2005, you can download the latest version of this panel by [clicking here](#).*
- Florida Minimum Wage. *Current version is January 2013.*

Please note that other posters may be required, depending on your size or type of business. For example, if you employ teenagers under 18, you are required to post a Child Labor Law poster. If you have 50 or more employees, a Family and Medical Leave Act poster is required.

Division of Workers' Comp Modifies Website

The Department of Financial Services has recently modified the Division of Workers' Compensation website. The new website, though similar to the old,

has been modernized and updated for easier access to the most used areas. As always, your feedback to how they can make the website easier to use is always welcome. The new website address is <http://www.myfloridacfo.com/Division/wc/>.

Feedback should be provided to DWC-IRMAG@myfloridacfo.com.

CILB Update

ADVERTISING: Signs to Social Media, License Numbers Required!

Advertising is important to Florida contractors and can make the difference between a great business year and just making ends meet. Florida contractors have many new ways of promoting their businesses with the increased use of internet websites and the advent of social media technologies. As advertising evolves, it is important for Florida contractors to remember that their license number must be included in all offers of service, bids, business proposals, contracts or advertisements, regardless of the medium. Pursuant to **Rule 61G4-12.011, F.A.C.**, advertisements include any electronic media including Internet sites. So please remember to include your license number on your websites, social media pages and other advertisements.

If you have any questions regarding advertising requirements please review the Construction Industry Licensing Board's **FAQs** or you may contact the Department's Customer Contact Center at (850) 487-1395.

Florida Homeowners' Construction Recovery Fund Receives Additional Funding

Pursuant to House Bill 57 (2013), the Department of Business and Professional Regulation will be permitted to transfer additional funds in the to Florida Homeowners' Construction Recovery Fund (Recovery Fund) to pay outstanding recovery claims during the 2013-2014 fiscal year. Based on the additional funding, Governor Rick Scott and the Florida Legislature have approved an \$8 million dollar annual appropriation for payment of Recovery Fund claims.

Due to the previous economic downturn in the construction industry, the Recovery Fund received insufficient funds to pay all Florida Homeowners' Construction Recovery Fund claims in the same

years that they were received. The Department is diligently working to resolve the resulting backlog of recovery fund claims and will make payments as funds become available. The Recovery Fund has a total of 589 completed claims awaiting review by the Construction Industry Licensing Board (CILB) with a total approximate value of \$13,153,267.45. DBPR anticipates that the additional appropriation will permit 364 outstanding claims to be presented to the CILB for approval and payment.

The Department will continue to process claims until the claims are complete and ready for review by the CILB. The Department will then present claims to the Board, in the order they are completed, as funds become available. The Department will notify claimants by mail when the claims are complete and when they are ready for Board review. For more information, please refer to the **Frequently Asked Questions** or contact the Department's Customer Contact Center at (850) 487-1395.

2014 Membership Investment Dues

At the end of October 2013, SEGA will be mailing out 2014 Membership Investment Dues invoices. Please address your dues responsibility promptly. SEGA depends upon your dues to provide the services that you have come to expect. Dues must be paid to the SEGA office no later than March 15, 2014.

If you have any questions or need additional information, please contact the SEGA office at (407) 831-7342 as soon as possible.

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 \$225 per year.

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.

2014 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 yearly.

If you are interested in serving on the board or a becoming a committee member for 2014, 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.

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 dates and times for future sessions.

October 24, 2013

Jacksonville
9:00 a.m. – 12:00 noon
City of Jacksonville Building Department
214 North Hogan Street
Jacksonville, FL 32202

October 29, 2013

Fort Myers
9:00 a.m. – 12:00 noon
State of Florida Office Building
295 Victoria Avenue, Room 165A
Fort Myers, FL 33901

November 6, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

November 7, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

November 7, 2013

Tampa
9:00 a.m. – 12:00 noon
State Office Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

November 14, 2013

Ocala
9:00 a.m. – 12:00 noon
1644 New 22nd Avenue, Building E
Ocala, FL 34470

November 15, 2013

Lantana
9:00 a.m. – 12:00 noon
Gold Coast Schools
6216 South Congress Avenue, Classroom A
Lantana, FL 33462

November 21, 2013

Pensacola
9:00 a.m. – 12:00 noon
Division of Workers' Compensation
610 East Burgess Road
Pensacola, FL 32504

December 4, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

December 5, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

December 17, 2013

Orlando
9:00 a.m. – 12:00 noon
State Office Building
Hurston Complex, 400 West Robinson Street,
South Tower, Conference Room N-101
Orlando, FL 32801

December 19, 2013

Tallahassee
9:00 a.m. – 12:00 noon
Hartman Building
2012 Capital Circle S.E., Room 102
Tallahassee, FL 32399

December 4, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

December 5, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

January 15, 2014

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

January 16, 2014

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

February 5, 2014

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

February 6, 2014

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

March 5, 2014

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

March 6, 2014

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

The Division of Workers' Compensation is an authorized provider (Provider Number: 0004354) for continuing education purposes through the CILB. Course Number: 0010118 – one hour satisfies the workers' compensation requirement and Course Number: 0010630 – one hour satisfies the workplace safety requirement.

Advanced registration is required. The form is available on the Division's website at www.myfloridacfo.com/WC. For additional information, e-mail bocseminars@MyFloridaCFO.com, or call (813) 221-6518.