



# Glass Facts

January – March 2013

## SEGA Chairman's Message



Hello again. I know that in the past my messages may have seemed more like sermons than salutations, so this quarter I wanted to shy away from doing that. But like many politicians, I don't want to miss an opportunity to make the best of a bad situation. It is possible that success will be determined by how well we recognize and react to an opportunity.

They pop up from time-to-time, and they usually don't hang around very long. In lean times like this, taking advantage of an sudden opportunity can mean the difference between profitability and loss.

All of us may be on the verge of missing an important opportunity. Calendar year 2012 was an eventful year for your association. We had a modest growth in membership, which was fueled by a couple of developments in our industry. The association presented some very informative and useful seminars and a delightful golf tournament at the Dubsdread Golf Club. Unfortunately, not very many of you grasped the opportunity these seminars and activities presented to you; but if you talk to those that attended, they will all tell you how informative and enjoyable they were.

As we roll through the first quarter of this year, we have seen a decline in membership. One can only assume members leave because they do not feel they are receiving a fair value for the cost of their membership. If that is the case, I can't help but wonder why those members didn't take advantage of what the association has to offer. If they had, maybe

their opinion would have changed. Don't forget, the benefits of membership go a lot deeper than attending a couple of seminars.

Like everything else in our business, SEGA is fueled by financial strength, which of course is directly proportional to the size of the membership. If we don't boost membership this year, the association will be in trouble, and that is a shame. Membership in the Southeast Glass Association is an opportunity that should not be wasted. There is no other organization with your special interests at heart. There is no other association that has the ability to gear itself to your specific area of the country. What concerns me the most is many do not realize what could be accomplished with a modest increase in membership.

Please ponder this. Everyone complains about the pay-when-paid clauses in their subcontract agreements, yet we remain disorganized on this issue and nothing changes. I personally do not blame the general contractor for including this in the agreement. When you think about it, there is nothing in legislation that requires the owner to pay for his building. He is exposed to civil suits but because we agree to bond off liens from our suppliers and the general contractor bonds off our liens, the owner can pay or not pay at his leisure. That is where the problem lies. I do not blame the general contractor for not wanting to pay for a building he does not own. We need legislation that a) requires the owner to show proof of his ability to pay for the work in a timely manner and maintain that ability through completion, and b) a requirement that forces the owner to fund the general contractor within a certain period of time. It happened to general contractors. Legislation was passed to limit the amount of time general contractors are allowed without paying their subcontractors once they are funded by the owner.

*(Continued on Page 3)*

## SEGA 2013 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

## SEGA 2013 DIRECTORS

Frank D'Aprile – Designbasis, Inc.  
Troy Hein – YKK AP America, Inc.  
Keith Leombruno – LMG Glass and  
Mirror, Inc.  
Jeff Miller – Lore L. Ltd.

## 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](mailto: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](http://www.southeastglass.org)

## SEGA STAFF

R. Bruce Kershner,  
Executive Director  
E-mail: [bruce@southeastglass.org](mailto:bruce@southeastglass.org)

Julie A. Kershner,  
Assistant Executive Director  
E-mail: [julie@southeastglass.org](mailto:julie@southeastglass.org)

## SOUTHEAST GLASS ASSOCIATION CALENDAR OF EVENTS 2013

### **April**

10-12...CILB Board of Director's and Committee Meetings,  
Mission Inn Resort & Club, Howey-in-the-Hills

### **May**

8-10.....CILB Board of Director's and Committee Meetings,  
Hyatt Regency Jacksonville Riverfront

### **June**

12-14...CILB Board of Director's and Committee Meetings,  
Embassy Suites – Fort Lauderdale  
18-19.....Glass & Glazing Specialty License Exam  
TBA.... SEGA Board of Director's Meeting, Conference Call

### **July**

10-12...CILB Board of Director's and Committee Meetings,  
TBA

### **August**

14-16...CILB Board of Director's and Committee Meetings,  
The Ritz-Carlton Sarasota

### **September**

11-13...CILB Board of Director's and Committee Meetings,  
TBA  
10-12.....GlassBuild America: The Glass, Window & Door  
Expo, Georgia World Congress Center, Atlant, Ga

### **October**

9-11.....CILB Board of Director's and Committee Meetings,  
TBA  
15-16.....Glass & Glazing Specialty License Exam  
18-20.....Auto Glass Week,  
Tampa Convention Center & Tampa Marriott  
Waterside Hotel and Marina, Tampa, FL  
TBA.... SEGA Board of Director's Meeting, Conference Call

### **November**

13-15...CILB Board of Director's and Committee Meetings,  
TBA

## 2014

### **February**

25-26.....Glass & Glazing Specialty License Exam

---

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.

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

With just a few more members, we could present seminars that I will guarantee will save you money, have a couple of social events a year and actually lobby the Florida Legislature to consider our specific interests. This isn't a dream, it's a near reality. The magic number is 65. Once we reach that level, many things become possible. Nobody expects you to attend boring 6:00 p.m. meetings and pay \$25 for dried up chicken. Those days are gone. Gone are the days when a couple of glass shops ran the association. The goal is to provide the benefits you need the most to help you operate your businesses and reduce exposure. With a strong association, the possibilities are endless, but nothing can be accomplished without members.

Like anything else, you receive only after you give. Please consider spending a small amount of time over the course of the next six months or so helping us build our membership to the point where the association can effectively work for you. Without much effort, it can become what you want it to be. It's your association. Don't miss this vital opportunity to grow and mold this association into the best of its kind in the country.

Thank you and until the next time, I wish you and your families health and prosperity. If any of you have any comments, good or bad, you can contact me at rpleatherneck@aol.com. Don't be shy.

Sincerely,

Richard Petrie  
SEGA Chairman

---

## 2013 Legislative Session

With six of the nine weeks gone of the 2013 Legislative Session, who knows how it will end. This year's session started out with the Florida Legislature looking very different. Term limits and redistricting contributed to a significant turnover in the Florida Legislature, which welcomed 59 new lawmakers — including members who shifted chambers. Florida's 120 member House has 44 new members; and in the 40 member Senate, there were fifteen freshmen, twelve of them coming over from the House and one, **Senator Tom Lee (R - Brandon)**, returning after a six-year hiatus.

The following is a recap of some of the issues with the Legislature and/or Cabinet members:

### Week Two

- Legislators and lobbyists mourned the passing of **Senator Larcenia Bullard**. She was 65 and at the Capitol for opening day on March 5 with her son, **Senator Dwight Bullard**, who took her place in the Senate when she was termed out.
- Resignation of Lieutenant Governor Jennifer Carroll after being connected to a company accused of illegally operating gambling casinos.
- Senate and House Committees introduced bills to ban the operation of internet cafes.

### Week Three

The passing of **Representative Clay Ford (R - Gulf Breeze)**. **Representative Ford** was uniformly described as a warm, Southern gentleman who had the distinction of serving in both the Arkansas and Florida legislatures.

### Week Four

- The first bill of the 2013 Legislative Session was on **Governor Rick Scott's** desk awaiting his signature. The bill eliminates the requirement that a nonresident out-of-country visitor purchase an International Driving Permit costing between \$15 and \$25.
- **Representative Ritch Workman** closed out his House Finance & Tax Subcommittee meeting, not with a gavel but, with a proposal. The Melbourne Republican made a motion in the meeting to propose to his girlfriend, Terri Allerton.

### Week Five

- **Speaker Will Weatherford** rejected the expansion of Medicaid.
- **Governor Rick Scott** scheduled a May 14

### Corporations and LLC's: Time to File Your 2013 Annual Report

If your business is a Corporation (INC) or a Limited Liability Company (LLC), the deadline to file your Annual Report with the Division of Corporations is May 1. If you do not file your Annual Report by May 1, you will be charged a \$400 late fee.

Annual reports have to be filed online at [www.sunbiz.org](http://www.sunbiz.org).

special Primary Election and a June 11 special General Election to replace **Representative Clay Ford**, the Gulf Breeze Republican who died after a battle with cancer.

- Legislature sends Internet Café ban bill to the Governor.
- Texting-While-Driving ban bill is approved by the House and Senate.
- Florida's celebrates 500th Anniversary.

### **Week Six**

- The House and Senate don't agree on accepting billions of dollars in federal Medicaid money that would be available to the state during the next decade through the Affordable Care Act.
- House and Senate don't agree on overhauling the state's campaign-finance laws.
- Both the House and Senate approved their respective spending plans. There are differences between the two spending plans. Budget conference negotiations will start soon once the leaders can agree on some basic framework issues.
- Governor signs Internet Café ban bill.
- The Florida House welcomed golf legend Jack Nicklaus to the House floor.

The following is a brief overview of some of the issues that we have been following:

### **Residential Properties**

**CS/CS/CS/HB 73** by *Moraitis*; **CS/CS/SB 436** by *Altman*

The bills amend the statute to include impact glass, code-compliant windows and doors, and other types of code-compliant hurricane protection in reference to hurricane protection. The bill also amend clarifies that a unit owner will receive credit when the shutters are installed. It provides that unit owners, who previously installed impact glass or code-compliant windows or doors that comply with the current applicable building code, are entitled to receive a credit when that hurricane protection is installed. It provides that unit owners who have installed other types of code-compliant hurricane protection that comply with the current applicable building code are entitled to receive a credit when the same type of other code-compliant hurricane protection is installed. The bill deletes the reference to laminated glass architecturally designed to function as hurricane protection. The only difference between the bills is the effective date. The Senate Bill has an effective date of July 1, 2013, while the House Bill's effective date is October 1, 2013.

**STATUS:** The House Bill has been heard by all three of its committee references and is on the House Calendar. The Senate Bill has been heard by two of its three committee references.

### **Assessment of Residential and Nonhomestead Real Property**

**CS/CS/HB 277** by *Rehwinkle Vasalinda and Diaz*; **SB 1064** by *Latvala*

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

The bills provide that, when determining the assessed value of real property used for residential purposes, the property appraiser may not consider the just value of the following:

- Installing storm shutters; or
- Installing opening protections.

Passage of this bill, coupled with Florida's existing Property Assessed Clean Energy (PACE) Act could provide the incentive needed for residential and commercial property owners to consider wind mitigation enhancements. Protecting openings with shutters or impact glass are improvements covered under the Act approved by the Legislature in 2010.

SEGA continues to advocate for the inclusion of wind-hardening improvements in the bill, which was included in the 2008 constitutional amendment approved by the voters.

**STATUS:** The House Bill has been heard by all three of its committee references and is on the House Calendar. The Senate Bill has been heard by one of its three committee references.

### **Local Bids and Contracts for Public Construction Works**

**HB 687** by *McBurney*; **SB 602** by *Hukill*

The bills amend Florida Statute 255.20 by removing the exemption which allows cities and counties to perform work at any value if it is, according to the opinion of the local government, in the "public's best interest." The bills simply strike 255.20(c)(9), F.S., which provides that caveat. The bills do not change the other limited situations when a local government is legitimately allowed to self-perform work including but not limited to:

- emergencies

- work that is considered maintenance and repair
- work valued at less than \$300,000

**STATUS:** The House Bill has been heard by one of its three committee references. The Senate Bill has not been heard by any of its three committee references.

### **Public-Private Partnerships**

**CS/HB 85** by Steube; **CS/CS/SB 84** by Diaz de la Portilla

These bills create a framework for the creation of public-private partnerships for the construction or upgrade of facilities by private entities which are used predominately for a public purpose. The bills require public entities to develop and adopt guidelines governing procedures and criteria for the selection of projects and public-private agreements including payment and performance bond requirements, provide for financing from private sources and public entities, and provide for the applicability of sovereign immunity for public entities with respect to qualified projects. The industry hopes these bills will help to move forward public construction projects and create construction jobs in our state.

**STATUS:** The House Bill has been heard by two of its three committee references. The Senate Bill has been heard by three of its four committee references.

### **Public Works Projects**

**HB 181** by Van Zant; **SB 1118** by Hays

While PLAs do not occur in Florida as frequently as in other parts of the country, their presence on projects has increased over the last few years. Many public projects are a mix of federal, state and local funding. This legislation would require in Florida that project documents remain silent as to the issue of a PLA. The legislation ultimately ensures that competition for public work in Florida is left open and honest.

It also contains issues such as prohibiting state and political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract or performing work on public works projects and revising filing requirements for written protests to contract solicitations from 72 hours to seven days.

**STATUS:** Neither the House or Senate bills have been heard by any of their committee references.

### **Preemption of Local Sick Leave Ordinances**

**CS/HB 655** by Precourt; **CS/CS/CS/SB 726** by Simmons

These bills will preempt the state regulation of

personal or family medical leave and prohibit local ordinances governing the same. In light of efforts by two Florida counties to impose these local regulations, and the recent Orange County court order placing it on the November ballot in that county, this is an important bill for construction and all other Florida businesses. The Senate bill was amended to also include a study by Workforce Florida.

At this point in time, the Senate Bill remains substantially different than the House Bill that already passed. These differences will have to be reconciled.

**STATUS:** The House Bill has been heard by its two committee references and the full House and was sent to the Senate in messages. The Senate Bill has been heard by two of its three committee references.

### **Background Screening for Contractors on School Grounds**

**HB 21** by Perry; **SB 318** by Grimsley

Things are finally looking up for these bills to fix the Jessica Lunsford Act. These bills would require the Department of Education to create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that a contractor has met background screening requirements; providing that the identification badge shall be recognized by all school districts; and requiring the department to determine a uniform cost a school district may charge a contractor for receipt of the identification badge.

**STATUS:** The House Bill has been heard by all three of its committee references and the full House and was sent to the Senate in messages. The Senate Bill has been heard by all three of its committee references and has been placed on the Senate Calendar.

### **Preemption of Local Preference Ordinances**

**CS/HB 307** by Tobia; **SB 684** by Hays

These bills preempt local governments, community colleges and universities from giving a local preference in the award of contracts, including construction contracts, to state certified contractors if any state funds are used for the project.

**STATUS:** The House Bill has been heard by one of its four committee references. The Senate Bill has been heard by one of its four committee references.

### **Building Construction (Florida Building Code)**

**CS/CS/CS/HB 1245** by Davis; **CS/CS/SB 1252** by Simpson

The building code bills are now filed and numbered,

having appeared during the first week of Session. As previously reported, these will be multiple-issue bills addressing code and licensing issues for the construction industry including:

- Clarifies that requirements may not be imposed on an existing septic system where a new bedroom is added or the modification does not encroach on the existing septic system;
- Raises the maximum fine for unlicensed contracting from \$500 to \$2000, and eliminates notices of non-compliance for first violations;
- Allows local code enforcement boards to retain 75% of the fines collected for unlicensed activity;
- Removes a specific International Code reference to the Florida exemption from sprinkler requirements;
- Allows site plans maintained at worksites to be in electronic format;
- Requires product approval applications to be verified as complete within 10 days of receipt by the department which provides an expedited process;
- Renames the Florida Energy Efficiency Code and exempts existing residential HVAC systems from meeting the efficiency requirements;
- Requires rules of the Department (DBPR) to prohibit a sole provider from conducting functions such as building, rating, testing, certifying and training relating to energy efficiency, and makes other technical changes with the intent of breaking up the monopoly currently held by the Florida Solar Energy Center;
- Exempts unpaid volunteers from licensure requirements;
- Deregulates demolition for structures three stories tall or less, reversing provisions passed in last year's bill;
- Includes a voluntary, scaled back version of the "CONCRETE MASONRY PRODUCTS RESEARCH, EDUCATION & PROMOTION ACT."

It appears that when an amendment was passed last week to include a voluntary, scaled back version of the "Concrete Masonry Products Research, Education & Promotion Act" last week, it caused problems with the fate of these bills.

**STATUS:** The House Bill has been heard by two of its three committee references and is on the House Calendar. The Senate Bill started out with three committee references but was referred to an additional committee last week after the amendment discussed above passed. The Senate Bill has been heard by two

of its four committee references.

### **DEO Study of Local Licensure and Taxation**

***CS/CS/HB 121*** by Combee; ***SB 670*** by Brandes

These bills would require the Department of Economic Opportunity to conduct an assessment of all local governments in Florida and to collect data on all locally imposed taxes, fees and licenses that are imposed on businesses in their jurisdiction. The ultimate goal of this study is to accumulate this wealth of information and make it easily accessible in one location on the web. The sponsors want to shine a light on the degree to which Florida's local governments are "business friendly" and whether unnecessary layers of taxation, fees and regulations make doing business in Florida more difficult than it needs to be. A recent Florida Trend article ranked Florida as 23rd in business friendly states.

Because the House Bill was only heard once and the Senate Bill has never been heard, the stand alone versions of these bills are dead for this year. We believe that a combination of local government opposition and a fiscal impact that has been estimated at over \$300,000 is the problem.

**STATUS:** The House Bill has been heard by two of its four committee references. The Senate Bill has not been heard by any of its three committee references.

### **Construction Liens**

***HB 889*** by Fasano; ***SB 1136*** by Joyner

This legislation is an attempt by the sponsors to address constituent issues by changing warnings on forms and requiring residential contractors to provide owners with a notarized affidavit listing all persons or companies owed money. The bill would eliminate the impropriety of payment made after expiration of a Notice of Commencement and change warnings on multiple forms in an effort to encourage owners to file NOC's. There is really nothing in this proposed legislation that can be fixed. Opponents will strongly oppose the bill, and preliminarily word has it that both ABC and the Florida Bar Construction Law Committee will also be opposed.

The House sponsor was not willing to work with opponents to improve this legislation. Neither bill was heard, nor is there a realistic vehicle for amending it, leaving this legislation dead for this year.

**STATUS:** Neither the House and Senate bills have been heard by any of their committee references.

### **Liens on Real Property by Governmental or Quasi-Governmental Entities**

**CS/HB 267** by Wood; **CS/SB 404** by Stargel  
These bills are the culmination of a multi-year effort by the Real Property Section of the Florida Bar to require government liens to be recorded in the public records and to include the property owner's name, tax or parcel I.D. number and property description in order to be valid against creditors or subsequent purchasers of the property. They also remove the blank space for a social security number from deed requirements.

**STATUS:** The House Bill has been heard by all three of its committee references and is on the House Calendar. The Senate Bill has been heard by three of its four committee references.

### **Fraudulent Liens**

**CS/CS/HB 915** by Combee; **CS/CS/CS/SB 112** by Dean

This legislation imposes criminal penalties for the filing of fraudulent liens on real property. It is supported by law enforcement and prosecuting attorneys. We worked with Senator Dean last year, and construction liens which are already addressed in Chapter 713 are exempted out of these provisions in both bills.

**STATUS:** The House Bill has been heard by all three of its committee references and is on the House Calendar. The Senate Bill has been heard by all three of its committee references and the full Senate and has been sent to the House in messages.

### **Design Professionals Indemnity**

**CS/CS/HB 575** by Passidomo; **CS/SB 286** by Negron

There appears to be no stopping these bills this year – at least not in the legislature. They are similar to previous endeavors on the part of the architects and engineers. Similar legislation passed several years back but was vetoed by then Governor Charlie Crist at the urging of the construction industry. This year, the architects have scored by getting the Senate Appropriations Chair to sponsor their bill. The bills provide 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 would have to carry professional liability insurance required under the

applicable contract.

**STATUS:** The House Bill has been heard by all three of its committee references and is on the House Calendar. The Senate Bill has been heard by all three of its committee references and the full Senate and has been sent to the House in messages.

### **Texting While Driving**

**CS/CS/HB 13** by Holder and Pilon; **CS/CS/CS/SB 52** by Detert

These bills, known as the "Florida Ban on Texting While Driving Law," specify penalties for the manual texting, emailing or reading of texts or emails while driving. It specifies the violation as a non-moving traffic violation and provides a point system for violations. Exceptions are made for emergency vehicles, the operation of navigation equipment, emergency traffic or weather alerts, conducting wireless communications that do not require manual entry except to activate, deactivate or initiate a feature or function, and operating an autonomous vehicle – you know, those cars that drive themselves!

We expect the bill to pass this year adding Florida to the majority of states that have regulated this issue.

**STATUS:** The House Bill has passed all three of its committee references and is on the House Calendar. The Senate Bill has passed all three of its committee references and the full Senate and has been sent to the House in messages.

## **OSHA Injury and Illness Recordkeeping and Reporting Requirements**

Under the OSHA Recordkeeping regulation (**29 CFR 1904**), covered employers are required to prepare and maintain records of serious occupational injuries and illnesses, using the OSHA 300 Log. This information is important for employers, workers and OSHA in evaluating the safety of a workplace, understanding industry hazards and implementing worker protections to reduce and eliminate hazards.

### **What am I required to report?**

All employers covered by the OSH Act must orally

report to OSHA the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident within eight (8) hours.

### **Contact Information | 29 CFR 1904.39**

#### **Am I required to prepare and maintain records?**

Employers with more than ten employees and whose establishments are not classified as a partially exempt industry must record work-related injuries and illnesses using OSHA Forms 300, 300A and 301, available [here](#). Partially exempt industries include establishments in specific low hazard retail, service, finance, insurance or real estate industries and are listed in Appendix A to Subpart B and [here](#).

Employers who are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in a workplace every year from February 1 to April 30. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

For more information, read the “Do I need to fill out the OSHA Log of Work-Related Injuries and Illnesses?” brochure (OSHA Publication 3169) [HTML](#).

#### **What is recordable under OSHA’s Recordkeeping Regulation?**

- Covered employers must record all work-related fatalities.
- Covered employers must record all work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid (see OSHA’s definition of first aid in the next column on this page).
- In addition, employers must record significant work-related injuries or illnesses diagnoses by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid or loss of consciousness.
- Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation.
- Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder

(i.e. occupational asthma, pneumoconiosis) or poisoning (i.e. lead poisoning, solvent intoxication).

- OSHA’s definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either caused or contributed to the condition. In addition, if an event or exposure in the work environment significantly aggravated a pre-existing injury or illness, this is also considered work-related.
- For further questions or clarifications, take advantage of the additional resources by calling 1-800-321-OSHA (6742).

#### **Where can I learn more about recordkeeping requirements?**

[Regulatory Text](#) | [Training Module](#) | [Training Presentations](#) | [Compliance Directive \(CPL 2-00-135\)](#) | [Recordkeeping Forms](#) | [NAM settlement agreement](#) | [Recordkeeping NEP](#)

#### **What is the OSHA Data Initiative (ODI)?**

[Background](#) | [The Data Collectors](#) | [The Data Collection Form](#) | [Contact Information](#) | [Stakeholder Meeting](#)

#### **What if I still have questions?**

[FAQs](#) | [Hearing Loss Chart](#) | [Fact sheet](#) | [Letters of Interpretation](#) | [SIC Manual](#) | [BLS injury and illness statistics](#) | [OSHA contacts](#) | [Recordkeeping Advisor](#)

#### **What is first-aid for purposes of OSHA recordkeeping?**

- Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes).
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment).
- Cleaning, flushing or soaking wounds on the surface of the skin.
- Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment).
- Using hot or cold therapy.
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.



(devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes).

- Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.
- Using eye patches.
- Removing foreign bodies from the eye using only irrigation or a cotton swab.
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means.
- Using finger guards.
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes).
- Drinking fluids for relief of heat stress.

### **OSHA Recordkeeping Advisor**

This interactive tool simulates the interaction you might have with an expert on the Recordkeeping rules. It asks questions and provides answers based on your responses. In some cases, you may need additional expert help.

### **The OSHA Recordkeeping Handbook**

The OSHA Recordkeeping Handbook is a compendium of existing agency approved policy, including the 2001 Recordkeeping rule (Regulatory text and relevant decision discussion from the Preamble to the rule), Frequently Asked Questions and the Letters of Interpretation.

### **A Brief Tutorial on Completing the Recordkeeping Forms**

This presentation reviews OSHA recordkeeping requirements at a high level, with an emphasis on how to fill out the forms provided in OSHA's Recordkeeping Forms package. The tutorial covers what types of operations come under the recordkeeping rule, what types of injury and illness incidents must be recorded and what information is to be included in each of the OSHA forms.

## **New I-9 Form Required**

The United States government requires all employers to complete and retain a Form I-9 for all employees hired after November 5, 1986. This form is used to document the employee's identity and to prove he or

she is eligible to legally work in the United States.

The U.S. Citizenship and Immigration Services (USCIS) has released a new version of the Form I-9, and employers should begin using the new Form I-9 no later than May 8, 2013. You can be sure you have the correct form if the revision date of "03/08/13 N" is in the bottom left corner of the document.

Employers do not need to complete a new Form I-9 for current employees whose eligibility was verified using the old Form I-9; however, foreign employees temporarily authorized to work in the U.S. will need to be re-verified using the new Form when their employment eligibility expires.

The new version of the Form I-9 is now two pages, whereas the old Form had only one page. For foreign employees authorized to work in the U.S., the new Form requires information about the foreign employee's passport. The new Form also provides fields for an employee's e-mail address and telephone number (if applicable).

There are also minor differences in the new Form's "Lists of Acceptable Documents" page. The types of documents that may be used to verify employment eligibility have not changed, but the description of certain documents in "List A" and "List C" have been revised to help clarify common questions for employers.

The new Form's instructions have changed to provide employers more detailed guidance and to resolve certain issues that arose when using the old version.

Employers who fail to verify employment eligibility properly using the new Form beginning May 8, 2013 will be subject to penalties from \$110 up to \$1,100 per employee and could also be subject to criminal sanctions in some cases.

Do not send the Form I-9 to USCIS or to any other government agency. Employers must keep these completed forms for three years after the employee's date of hire **or** for one year after the employment ends, whichever is later. An employer's I-9 forms are subject to inspection by the Department of Homeland Security, Department of Labor and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

To download the new Form I-9 with instructions and/or for additional information, please visit the USCIS's

website at [www.uscis.gov/i-9](http://www.uscis.gov/i-9).

## Attention Employers with 50 or more Employees: New FMLA Poster

The Family and Medical Leave Act (“FMLA”) is a federal law that requires employers with 50 or more employees to provide eligible employees with up to 12 weeks of unpaid leave a year for certain family-related issues:

- The birth or adoption of a child.
- To care for an immediate family member who has a serious health condition.
- Medical leave if the employee is unable to work because of a serious health condition.
- In certain circumstances where the employee’s spouse, son, daughter or parent is on active military duty.

To qualify for leave under the FMLA, an employee must have worked for the employer for at least 12 months and must have worked 1,250 hours in the prior year. Employers are required under the FMLA to maintain an employee’s group health benefits during their leave as if the employee had continued working, and employees are entitled to return to their same or an equivalent job at the end of their FMLA leave.

Employers are not required to pay employees for FMLA leave; the FMLA only requires unpaid leave. Employers may require an employee to use excused paid vacation or sick leave for some or all of the FMLA leave period.

All employers with 50 or more employees are required to post a notice explaining the FMLA’s provisions. The U.S. Department of Labor has recently updated the required FMLA poster effective March 8, 2013. Most of the changes to the poster deal with portions of the FMLA that are rarely used, but employers with 50 or more employees should begin using this new poster immediately.

Because the government has changed the FMLA poster, you may receive notices that look like government mail and that mention compliance with

labor law requirements. Please know that these are solicitations from companies that are in the business of selling posters to businesses across the country. Sometimes these solicitations make businesses think they must purchase expensive “Compliance packages” in order to be protected.

## DBPR Update A Message from DBPR Secretary

Dear Friends,

One of the best things about our Department is that it is so unique and covers so many professionals and businesses that are crucial to the success of our state’s economy. Our job is to be partners with those that we regulate and any time we see positive news about those industries, we are excited and we want to celebrate with them.

We have seen various news stories forecasting an uptick in the **real estate industry** and the **construction industry** throughout 2013 in our state. As we all know, the real estate and construction industries employ thousands across Florida and have an impact on nearly all of us. As two of the largest professions that fall under DBPR, we couldn’t be happier at the predictions that say they are on their way to recovery because a strong recovery means more jobs and a successful economy in our state. We will continue to do our part to cheer them on as the predictions come to fruition, and look forward to even more positive news in the future!

Sincerely,

Ken Lawson  
Secretary

Department of Business and  
Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399

**Customer Contact Center:**  
(850) 487-1395  
[www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

## State Agency Unveils Unlicensed Activity Media Campaign

The Department of Business and Professional Regulation (DBPR) unveiled its annual unlicensed activity media campaign to educate consumers on the dangers of doing business with an unlicensed individual. Throughout the multi-component

educational campaign, DBPR will be encouraging consumers in Florida to check for professional licensure and to hire only licensed professionals.

“Unlicensed individuals take away jobs from qualified individuals who have demonstrated competency in their respective field,” said DBPR Secretary Ken Lawson. “Doing business with those who are unlicensed can also cause serious personal and financial harm to consumers, so it is crucial that they hire only licensed professionals.”

This year, the Department is also partnering with the Florida American Institute of Architects (AIA Florida) to conduct a student video contest for architecture students throughout the state. The contest, which offers cash prizes to the teams who produce the best videos about the unlicensed practice of architecture, seeks to engage the student community in an issue that impacts their profession. Information is available online at <http://www.myfloridalicense.com/studentPSAcontest>.

Last fiscal year, the Department received more than 1,100 legally sufficient complaints about unlicensed construction, electrical and contractor activity; 174 legally sufficient complaints about unlicensed cosmetology; 106 legally sufficient complaints about unlicensed architecture activity; and 72 legally sufficient complaints about unlicensed barber activity.

The Department is running similar educational campaigns to educate Floridians about the importance of hiring licensed real estate professionals and licensed certified public accountants. Last fiscal year, the Department received 1,376 legally sufficient complaints about unlicensed real estate or unlicensed appraisal activity and 68 legally sufficient complaints about unlicensed certified public accounting activity. These industries have the highest number of unlicensed activity complaints out of the professions regulated by the Department.

Unlicensed activity occurs when an individual offers to perform or performs services that require a state license and the individual does not hold the required license. Florida law sets specific rules and guidelines for obtaining professional licensure, and the people who have met these requirements are held to professional standards. Consumers can verify professional licenses online at [www.myfloridalicense.com](http://www.myfloridalicense.com).

Floridians can also help protect the jobs of licensed professionals and the safety of consumers by notifying the Department of Business and Professional Regulation of any suspected unlicensed activity. Complaints can be e-mailed to [ULA@dbpr.state.fl.us](mailto:ULA@dbpr.state.fl.us) or reported by phone to (866) 532-1440.

The Department of Business and Professional Regulation’s mission is to license efficiently and regulate fairly. The Department licenses and regulates more than one million businesses and professionals ranging from hotels and restaurants, real estate agents and accountants to veterinarians, contractors and cosmetologists. For more information, please visit [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com).

More information about DBPR is available online at [www.myfloridalicense.com](http://www.myfloridalicense.com). Also, follow @FloridaDBPR on Twitter or Florida Department of Business and Professional Regulation on Facebook for updates about license cycles, events and other important news.

## **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.

## **Certification of Registered Contractor’s Licenses (Grandfathering)**

**House Bill 897**, which passed during the 2012 legislative session, was approved by Governor Rick

Scott on May 4, 2012. This bill will re-open and extend the time period for contractors to request that their registered contractor's license be grandfathered to a state wide certified contractor's license. The time period requesting grandfathering of registered licenses has been extended until November 1, 2015. The re-opening of the grandfathering time period took effect on October 1, 2012. Registered contractors may submit their application for grandfathering of their licenses beginning October 1, 2012.

Please see our [Grandfathering FAQs](#) for more information.

## **Re-activation of Inactive Licenses**

**House Bill 517** passed during the 2012 Legislative Session and was approved by Governor Rick Scott on April 6, 2012. This bill reduces the number of continuing education credits an inactive or delinquent contractor licensee must complete prior to reactivating his or her license. Effective July 1, 2012, an inactive or delinquent licensee will only need to complete the continuing education requirements for the renewal cycle immediately preceding license reactivation.

## **APPLICATIONS AND LICENSURE: Streamlined Applications Released**

In an effort to assist applicants through the licensure process and to reduce the number of deficient applications, the Department of Business and Professional Regulation and the Construction Industry Licensing Board conducted a complete review and revision of construction applications. The new application forms provide clearer instructions, reduce paperwork and provide clear criteria to establish financial stability/responsibility and work experience.

The Construction Industry Licensing Board began accepting the Department's new streamlined applications on April 13, 2012.

If you would like more information on the new bonding form or the required credit score, please visit the Department's financial responsibility and stability website by clicking the following link: [Contractor Financial Responsibility and Stability](#).

## **EXAMINATION AND RE-EXAMINATION: Board Increases Time Limit to Pass of All Examination Parts.**

The Construction Industry Licensing Board has

amended Rule 61G4-16.009, Florida Administrative Code, to grant candidates more time to complete all portions of the initial licensure examination. Beginning November 1, 2011, examination candidates are permitted four years from the date he or she initially sat for the initial licensure examination to pass all portions of the examination and will not be limited in the number of times they may re-take a test during the four year period. If you have any question regarding the Board's change, you may visit [www.myfloridalicense.com/dbpr/pro/cilb/index.html](http://www.myfloridalicense.com/dbpr/pro/cilb/index.html) or call (850) 487-1395 for more information.

## **Florida Homeowners' Construction Recovery Fund Experiencing Funding Shortfall**

Due to a shortfall in funding, there are not sufficient funds available to pay claims received by the Florida Homeowners' Construction Recovery Fund at this time. The Department will monitor revenues for the Recovery Fund and make payments as funds become available.

The Department will continue to process claims until the claims are complete and ready for review by the Construction Industry Licensing Board. 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 regarding the status of the Recovery Fund or contact the Department's Customer Contact Center at (850) 487-1395.

## **Important Reminder for all Business Entities**

If your business is a corporation (Inc.) or a limited liability company (LLC), you should have already received an e-mail message from the Florida Department of State, Division of Corporations. In the subject line of the e-mail, it will say "Notice to File 2013 Annual Report for:" and list the name of your business.

This is not junk or spam e-mail. This is your official notice from the State of Florida (and the only one you will get), reminding you to file your 2013 Annual

Report with the Division of Corporations.

The Annual Report is used to confirm that the information the state has on file about your business is still accurate and up-to-date. It is also your opportunity to report any changes with your business to the state, like a change in address or adding a corporate office.

**If you do not file your 2013 Annual Report on or before May 1st, you will be assessed a \$400.00 late fee.** This late fee cannot be waived.

Annual reports can be renewed at [www.sunbiz.org](http://www.sunbiz.org).

Don't delay, file your Annual Report today.

## Consumer Alert

Please be aware that COMPLIANCE SERVICES (not to be confused with the Florida corporation, Compliance Services, Inc.) is mailing notices to business entities requesting that "Annual Minutes" and a fee of \$125.00 be sent to them for filing. These notices are NOT from the Department of State, Division of Corporations. "Annual Minutes" are NOT required to be filed with any agency. They are to be kept by the business entity itself. Do NOT confuse these notices with the messages sent by the Division of Corporations reminding each business entity to file its 2012 Annual Report.

## 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.

## 2013 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 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](http://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 class dates and times for future sessions.

## **April 23, 2013**

Fort Myers  
9:00 a.m. – 12:00 noon  
State of Florida Office Building  
42295 Victoria Avenue, Room 165A  
Fort Myers, FL 33901

## **May 7, 2013**

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

## **May 8, 2013**

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

## **May 9, 2013**

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

## **May 14, 2013**

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

## **May 16, 2013**

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

## **June 4, 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

## **June 5, 2013**

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

## **June 6, 2013**

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

## **June 11, 2013**

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

## **July 10, 2013**

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

## **July 11, 2013**

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

## **August 7, 2013**

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

## August 8, 2013

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](http://www.myfloridacfo.com/WC). For additional information, e-mail [bocseminars@MyFloridaCFO.com](mailto:bocseminars@MyFloridaCFO.com), or call (813) 221-6518.

## Protecting Personal Information: A Guide for Businesses

Most companies keep sensitive personal information in their files — names, Social Security Numbers, credit card or other account data — that identifies customers or employees. This information is necessary to fill orders, meet payroll and perform other necessary business functions. However, if sensitive information falls into the wrong hands, it can lead to fraud, identify theft or other bad situations. Given the cost of a security breach — losing your customers' trust and perhaps even defending yourself against a lawsuit — safeguarding personal information is a good idea for all businesses.

Some businesses have the in-house expertise to implement an appropriate plan to keep sensitive data safe. Those who don't will benefit from a brochure published by the Federal Trade Commission (FTC) that explains the five key principles of a sound data security plan:

- Take stock – Know what personal information you have in your paper files and on your computer.
- Scale down – Keep only what you need for your business.
- Lock it – Protect the information that you keep.

- Pitch It – Properly dispose of what you no longer need.
- Plan ahead – Create a plan to respond to security incidents.

The FTC also has an interactive tutorial on safeguarding data on their website. For the interactive tutorial, please [click here](#).



*Our thoughts, prayers and condolences are with the families of those who were injured or died during the explosions at the Boston Marathon this past Monday, April 15.*

*We thank all of the first responders for their calm strength and leadership while they protected people from other potential harm and went running into danger after the explosions to help the injured.*