SEGA Chairman’s Message

INFOMANIA
“Workers distracted by e-mail and phone calls suffer a fall in IQ more than twice that found in marijuana smokers, new research has claimed.”

I did a double take on that as I was scanning through some articles recently and came across this one that reached out and grabbed me or grabbed my attention I should say. This was a study conducted for Hewlett Packard back some time ago, and, yes, it warned of a rise in “Infomania” with people becoming addicted to e-mail and text messages. Researchers found that 62% of people checked work related messages at home or on holidays. The firm went on to say that new technology can help productivity but users must learn to turn computers and phones off.

The researchers interviewed more than 1,100 responders and more than half of them said that they always responded to an e-mail “immediately” or as soon as possible with 21% admitting that they would interrupt a meeting to do so. The study concluded that those distracted by incoming e-mail and phone calls saw a 10 point fall in their IQ which is more than twice of that found in studies on the impact of smoking marijuana. “Unbelievable” is my only comment folks!

I could not pass up sharing the above tidbit with you. But as we approach the end of yet another year, I certainly have many things to be thankful for including family and friends, my health, the relationships and friendships I have developed in this industry we all work in today and many more could be listed. However, it is impressed in my brain more today than ever before and that is the realization that there are more and more in our cities, our counties, our state and our nation that are hurting and are hungry. Some have no way of making an income, some are not healthy and cannot make a living.

I encourage each one of you who reads this blog to think about these people, and if you can do something for them or an organization who feeds them by giving a contribution to one of your choosing.

I wish each and every one of you a very Merry Christmas and a Happy New Year!

Until next time!

Woody Watters
SEGA Chairman
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Woody Watters
Pensacola Glass Company

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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.

SOUTHEAST GLASS ASSOCIATION
CALENDAR OF EVENTS

2017

January
11–13...CILB Board of Director’s and Committee Meetings, Courtyard Palm Beach Jupiter, Jupiter

February
7...............................Florida Building Commission Meeting, Hyatt Regency Jacksonville, Jupiter
8–10.....CILB Board of Director’s and Committee Meetings, Embassy Suites Jacksonville – Baymeadows,, Jacksonville
21–22.....................Glass & Glazing Specialty License Exam

March
8–10.....CILB Board of Director’s and Committee Meetings, DoubleTree by Hilton Orlando East – UCF, Orlando

April
4.........................Florida Building Commission Meeting,TBA
12–14.....CILB Board of Director’s and Committee Meetings
Embassy Suites Orlando – North, Altamonte Springs

May
10–12...CILB Board of Director’s and Committee Meetings, Courtyard Palm Beach Jupiter, Jupiter

June
13.........................Florida Building Commission Meeting,TBA
13–14......................Glass & Glazing Specialty License Exam
14–16...CILB Board of Director’s and Committee Meetings,
Renaissance St. Augustine Resort, St. Augustine

July
12–14...CILB Board of Director’s and Committee Meetings,
Streamsong Resort, Streamsong

August
9–11.....CILB Board of Director’s and Committee Meetings,
Renaissance St. Augustine Resort, St. Augustine
TBA.......................Florida Building Commission Meeting,TBA

September
12–14......GlassBuild America: The Glass, Window & Door Expo, Georgia World Congress, Atlanta, GA
13–15...CILB Board of Director’s and Committee Meetings,
Innisbrook Resort & Golf Club, Palm Harbor

October
11–13...CILB Board of Director’s and Committee Meetings,
Sandestin Golf and Beach Resort, Destin
TBA.......................Florida Building Commission Meeting,TBA
TBA.......................Glass & Glazing Specialty License Exam

November
8–10.....CILB Board of Director’s and Committee Meetings, Embassy Suites Orlando – North, Altamonte Springs
22–24.............Glasstech Asia, Ho Chi Minh City, Vietnam

November
TBA.......................Florida Building Commission Meeting,TBA
2017 Legislative Session Update

The Florida House and Senate just wrapped up their first week of interim committee meetings in preparation for the 60-day 2017 Legislative Session which begins on March 7. The Florida Legislature looks much different after November’s election courtesy of the new court drawn state districts. The Florida Senate welcomes a bevy of new members who have served in the House, many of whom were House members turned “Senator.” There will be plenty of new faces in the House as well. A total of 46 new House members will make up the 120-member chamber.

Both Senate President Joe Negron and House Speaker Richard Corcoran have appointed their leadership teams and completed committee assignments for their members.

There’s a New Sheriff in Town

Florida’s new House speaker has put in place a long list of rules to crack down on lobbyists, vowing to battle back against perceptions of corruption and influence peddling. Speaker Richard Corcoran has proposed new rules for 2016–2018 that include:

- Requiring lobbyists to file electronic disclosures on what specific issues they are lobbying for or against.
- Prohibiting lobbyists from texting members while they are in committees or in floor sessions.
- Requiring separate bills to be filed on budget projects.
- Banning House members from flying on planes provided by lobbyists or their clients.

The Florida Senate did not adopt similar rules. It will be interesting to see how the process evolves this session with the stark differences in the rules, especially with regards to the budget process.

It’s early in the process and only a few bills have been filed to date. Legislative issues looming on the horizon for the 2017 Legislative Session include:

- **Workers’ Compensation Insurance:** The most important issue facing the legislature for the construction industry and SEGA members will be how to address two Florida Supreme Court decisions handed down this past summer. Those rulings have already sparked an increase on Workers’ Compensation rates for every business in Florida. In the most damaging ruling, the court ruled that the existing provision for providing attorney fees in workers’ compensation cases is unconstitutional. With this ruling, the Florida Office of Insurance Regulation (OIR) has issued a Final Order granting approval to the National Council on Compensation Insurance (NCCI) for an overall combined statewide average rate increase of 14.5%. This rate increase applies to both new and renewal workers’ compensation insurance policies effective in Florida as of December 1, 2016. House and Senate leadership expect the issue to be taken up during the 2017 session, which beings next March.

- **Florida’s Construction Lien Law:** Make no mistake, incoming House Speaker Richard Corcoran has already put in motion a proposal that would eliminate statutory lien rights for contractors, subcontractors and/or material suppliers. The construction industry functions on a credit–based system. Without it, every general, residential and building contractor would have to have the financial ability to finance all their ongoing projects themselves. In short, without the current credit scheme which relies upon the construction lien law as an additional remedy if payment is not made, many contractors would simply be unable to compete and do business.

- **Revamp How Florida’s Building Code is Amended:** Many in the construction industry have complained how cumbersome it is to amend Florida’s Building Code. Currently, the Florida Building Commission is required to update the Florida Building Code every three years to reflect the most current version of various international codes. Senator Tom Lee (R–Thonotosassa) wants to take a more common sense and cost effective approach to updating the code. He recently announced that he will lead the Senate’s effort to revamp and streamline this process.
On December 12, the House announced the 2016 – 2018 committee and subcommittee assignments and chairs. The process for selection as a chair – in line with Speaker Corcoran’s initiative to decentralize authority and seek input from all 120 members of the House – consisted of Member consultations, Member preferences, committee chair interviews, leadership team meetings, and input from the Minority Leader. Upon announcing the assignments and chairs, Speaker Corcoran said,

“I am excited about the team of committee and subcommittee chairs announced today. I am also proud of the way the new process was handled by all involved – applicants and chairs alike. Those chairs announced today, as well as all those who applied, can know that there were far more qualified Members than there were chairmanships available. All who participated have my respect and will be called upon to use their talents and knowledge to transform the way government works for the people of Florida.”

The Speaker went on to say, “For years, many of us engaged in this fight have advocated for reform. From requiring every Member project to be voted on individually, to changing the way the Speaker is elected, to curbing the power of lobbyists and special interests and more, we will continue to do what we said we would do. We’ve changed the Rules of the House to increase accountability and transparency and we’ve changed the way committee and subcommittee chairmanships are chosen to decentralize authority. These reforms, and those to come, clearly demonstrate our commitment to changing the way business is done in Tallahassee. They should also reassured the people of Florida that when the House makes a promise, it is kept.”

For a detailed breakdown of assignments, please click here.

Speaker–Designate, Richard Corcoran, Proposes Bold and Transformative Ethics and Lobbying Reforms

Unprecedented level of openness and transparency – from the budget process to lobbying – proposed in the Florida House

On August 16, 2016, the Florida Office of Insurance Speaker–designate of the Florida House Richard Corcoran released the following statement upon introduction of the 2016 – 2018 proposed House Rules.

“It is time that government embodies the very highest of standards and serve citizens and not self. The Florida House, in adopting these rules, will take a transformational leap into a new era of accountability, professionalism, transparency, and fairness. There is something here impacting every player within the political process – Members, lobbyists, AND the public. The Florida House will set the standard for others to emulate. And those who cannot live up to the highest ethical and professional standards will find the Florida House a difficult place to work or visit. Now it is time to live out the trust placed in us by the citizens of our great state. I know the House is up to the challenge.

House leaders from around the state weighed in to support the new rules proposal.

Representative Jose Oliva
Incoming Rules and Policy Committee Chairman

“When it comes to a state government citizens can be proud of, the Florida House is leading by
example. If we are going to hold agencies and programs accountable, we must ensure that our own House is held to even higher standards. I am proud of the proposed changes and of the spirit with which they will be adopted.”

Representative Ray Rodrigues  
Incoming Majority Leader

“My constituents are rightfully skeptical of government today. They believe lobbyists have too much power, fundraising is too time consuming, and politicians are more interested in private enrichment than public service. Our hardworking taxpayers feel like outsiders looking in on a process that only benefits politically connected insiders. Our system is broken and now Florida will lead the way in its repair. These rules that bind all of us are a huge leap forward toward restoring trust and confidence in our system. I’m proud of incoming Speaker Corcoran and incoming Chair Oliva and I look forward to sharing this proposal with citizens of my district.”

Representative Chris Sprowls  
Tampa Bay

“Transparency – whether in health care pricing or lobbyist disclosures – is a good thing for the taxpayers of Florida. These bold reforms will change the way business is done in the House of Representatives for the better. My neighbors and constituents, and all Floridians, can know that their Representative is not flying on private jets, not being lobbied when they are listening to debate, not slipping millions of dollars into the budget in the dark of night, and so much more. Incoming Speaker Corcoran and incoming Chairman Oliva deserve a ton of credit for offering such a transformative rules package.”

Representative Jim Boyd  
Sarasota/Manatee

“These proposed rules, when adopted, will represent a seismic shift in the balance of power in Tallahassee and a return to a more open, accountable, and responsive state government. I am honored to join my colleagues from both sides of the aisle in supporting these changes and look forward to informing my constituents about these reforms.”

Representative Jose Felix Diaz  
Miami/Ft. Lauderdale

“In a time when corruption and backroom deals seem to dominate our politics, what we will do with these rules will shake the establishment in Tallahassee and at the same time open up the process to unprecedented scrutiny. I thank incoming Speaker Corcoran for these changes and the spirit in which they were created.”

Representative Jason Brodeur  
Central Florida/Orlando

“Today’s proposal strikes at the heart of temptation and corruption, and I’m excited to support it. From online lobbyist disclosures to closing the legislator to lobbyist revolving door, these proposed rules will mean unprecedented openness and accountability. The people of Florida deserve this level of reform, and I hope our friends in the Senate will join us in this endeavor.”

Representative Travis Cummings  
Northeast Florida/Jacksonville

“The people of Florida – as well as American citizens across the country – are sick and tired of public servants who neither serve nor personify the values of the public they represent. These new rules are truly monumental and are good for Floridians and quite frankly good for America. The Florida House will show the nation how government should work and what public service truly is. I’m excited and look forward to adopting these as soon as possible.”

Representative Clay Ingram  
North Florida/The Panhandle

“We are at a crossroads in America. Will we accept unending breaches of public integrity as the new normal or will we stand and say enough. Well I’m proud that the Florida House, for its part, is choosing the latter. We are saying enough to insider influence and new jobs for legislators that don’t pass the smell test. And we are saying yes to a level of budget and lobbyist transparency unheard of in most states and definitely in Florida. I commend the Speaker and will proudly fight by his side for this new day.”

Click here for the full press release, with a chart on Rule Topics, what the Substantive Effect is, and Why It Is Needed, here.
Jeff Brandes Files Amendment 4 Implementing Bill

Senate Bill 90 will exempt solar and renewable energy devices from property taxes

On December 1, Senator Jeff Brandes (R-St. Petersburg) announced that he filed SB 90, titled Solar and Renewable Energy Source Devices, to implement Amendment 4 passed by Florida voters on the statewide primary ballot earlier this year. This bill follows efforts by Senator Brandes, and Representatives Ray Rodrigues (R-Fort Myers) and Lori Berman (D-Boynton Beach) to advocate for an exemption from property tax for solar and renewable energy devices.

“The voters of Florida spoke loud and clear that they expect the sunshine state to make the expansion of solar and renewable energy a priority,” stated Senator Brandes. “I have been committed to diversifying our energy portfolio, and I am excited about the opportunity to bring further investment in solar and renewable energy production. This legislation has broad, bipartisan support and I look forward to an early passage of this important bill in the 2017 Session.”

On the August 30, 2016 primary Amendment 4 passed with a wide margin of support, securing 73 percent approval, which is well above the required 60 percent approval by voters to adopt this amendment into the state constitution. This amendment makes some changes the state’s property tax system allowing the legislature to exempt the value of solar and other renewable energy devices from consideration for property tax purposes. During session, this effort was supported by a very diverse business groups, environmental organizations, and consumer advocates and is expected to encourage further development of solar and renewable energy in Florida.

Senator Tom Lee Takes Lead on Updating Florida’s Building Code Amendment Process

Senator Tom Lee (R-Thonotosassa) recently announced that he will lead the Senate’s effort to revamp and streamline the process by which the Florida Building Code is amended.

Currently, the Florida Building Commission is required to update the Florida Building Code every three years to reflect the most current version of various international codes. Senator Lee’s bill will streamline this process by removing this requirement and, using Florida’s existing Building Code as the foundation, by giving the Commission authority to decide which provisions of the international codes are appropriate and necessary for Florida.

“The Florida Building Code has been an effective tool for improving the structural integrity and energy efficiency of our state’s housing stock, leading to lower property and casualty insurance rates and minimizing windstorm damages,” Senator Lee said. “However, now that the most dramatic gains have been realized, it’s time to look for a more common sense and cost effective approach to updating the code.”

Under the proposed bill, the Florida Building Commission will retain its ability to adopt annual technical amendments to the Code that relate directly to public health, safety and welfare.

“The goal is to strike a balance between keeping our code current without letting trivial updates and pressure from suppliers create an unnecessary burden on the industry and the consumer,” Senator Lee added.
Florida’s 20-Year Quirk: The Upcoming Constitution Revision Commission

Among its many oddities, the Florida Constitution of 1968 has a provision that is as unique as the state it governs: the creation of a Constitutional Revision Commission (“CRC” or “the Commission”), to be held every 20 years, with the authority to propose revisions to the state’s Constitution. The only check on this extraordinary committee’s work is the ballot box – there is no judicial review, executive veto or legislative remedy. In fact, there is not even a single subject requirement where the proposed measure must focus on only one topic to make it easier for voters to understand and further clarify intent. This extraordinary committee, comprised of appointments from each of the three branches of government, has unexpected yet almost total power over the way our state is structured.

The history of the Constitutional Revision Commission is helpful to both its purpose and effectiveness. Perhaps as a sign of humility (or uncertainty in their work product), the authors of the 1968 Constitution had the CRC begin 10 years after the ratification of the Constitution, which gives us, the modern citizenry, only two data points to analyze the effectiveness of this unusual entity: the first Commission in 1977–78 and the second in 1997–98.

The first Commission was appointed by a single party (the Democrats) and operated under an abbreviated schedule. Not a single measure received the required simple majority of the voters. The second CRC, with the benefits of more time to plan and bipartisan nominators, saw the citizenry ultimately approve eight of the nine final proposals. The 1998 Commission benefited from the lessons and discussions of its predecessor in many ways. Notably, many of the proposals in the first Commission were adjusted, moderated, and ultimately successful proposals in the second. Therefore, one should expect to see many of the discussions of the 1998 Commission repeated when the upcoming Commission begins in 2017.

Many organizations, including the Florida Chamber of Commerce and The James Madison Institute, have already begun the discussions on what this Committee means to Florida. As before, broad coalitions of Floridians will attempt to inform and bring policy research into the process. However, in the modern political arena, it is easier than ever before to message difficult policy decisions in 140-character tweets, television ads and Internet memes. One should be concerned about how the modern media landscape will affect the final product. And in the post–Citizens United era, the risks for unusual campaigns are greater than before.

Regrettably, bad ideas still exist and the policy ramifications for a poorly constructed constitution are immense. As much as the revision can be seen as an opportunity, it is important to realize that the ordinary checks and balances on power do not apply to this committee. What follows is a brief exploration of the history, structural basis, and efficacy of the Constitutional Revision Commission, along with potential strategies, opportunities, and risks for the upcoming Commission.

A Brief History of the Constitutional Revision Commission

The CRC itself is an unusual creature of constitutional construction and is not within one of the traditional three branches of government. The “rules of the road” for the professionalized lobbying core, stakeholders, and, most importantly, the citizenry are unclear and likely to cause confusion. Very few Florida Statutes directly address the CRC. For example, it is unclear what, if any, sunshine law requirements are applicable – which could make backroom dealing possible. Perhaps the only law passed with the CRC specifically in mind is the requirement of a separate lobbyist registration. Understanding the structure of the CRC is vital to effectively appreciate how this Committee can change the way Florida is governed.

The CRC is comprised of 37 members, which are appointed as follows: the Governor appoints 15, the Senate President appoints nine, the Speaker of the House appoints nine, the Chief Justice of the Florida Supreme Court appoints three, and the Attorney General (the honorable Pam Bondi, in the upcoming case) serves herself. The Commission must be named within 30 days of the start of the 2017 regular session of the Legislature, which falls on Tuesday, March 7, 2017. In prior years, the applicants have numbered in the hundreds.
After the full Commission is named, Article XI, Section 2(c) of the Florida Constitution grants the Commission its authority. It reads, in its entirety:

Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

The CRC is led by the Chair, who is appointed by the Governor. The most recent Chair relied on a “Steering Committee” comprised of gubernatorial appointments to iron out the logistics of the statewide meetings. By statute, the Chair of the Constitutional Revision Commission is able to hire staff and spend appropriations. (There was no money appropriated specifically for the Commission or a Steering Committee in the 2016–17 budget.) In the past, the Executive Office of the Governor has provided full time staff, including an Executive Director. After creation, the 1998 Commission held public hearings throughout the state. Once the proposals have been approved by the CRC, the proposals will be placed directly on the 2018 General Election ballot.

Per the Florida Constitution, the Commission must adopt its own rules of procedure. The Chair is responsible for setting the rules and the structure for the Commission, making the Chair significantly more powerful than the rest of the members. If there is one thing that nearly every alumna of the Commission seems to agree on, it is that the internal rules the Commission adopts have a serious impact on the effectiveness of the CRC. As Robert Nabors, who served on the 1998 Commission said, “the rules govern how the process works. Once the public is heard – and the public has to be heard – there needs to be a way to filter out those proposals that have good merit and those that don’t.”

Unlike in the Legislature, the recommendations of the Commission do not have a single subject requirement. Because there is no such prohibition, the CRC has an unusual opportunity in Florida government – the ability to bundle non-germane options in the hopes of increasing the likelihood of passage. Robert Nabors summed it up nicely: “The genius of this process is that you’re not bound by that.” For example, the 1998 Commission tried to increase the term limits for legislators by “pairing it” with an independent panel handling reapportionment. That proposal lost by one vote of the Commission and therefore was not on the ballot.

Measured solely on the number of passing proposals, the first Constitutional Revision Commission was a failure, but it does show how important the planning and internal rules are to success. The Commission itself was delayed by confusion over the start date, which required a Florida Supreme Court ruling. With a shorter timeframe and no guidance from prior Commissions, the 1978 Commission spent much time on internal procedure, and eventually settled on a simple majority vote to place measures on the ballot. Though seven proposals were approved by the Commissioners, the ballot box was less forgiving. The 1978 CRC was unsuccessful in placing a single measure in the Florida Constitution.

According to one member of the 1998 Commission, the fact that the 1978 Commission had no measures adopted “was well noted” by the next body. As the 1978 CRC found, achieving a simple majority in a collegial body is easier than achieving a majority in the popular vote. Believing that the barrier was too low, the 1998 Commission required a supermajority vote to place a measure on the ballot. As former Attorney General Bob Butterworth said of the supermajority requirement, “Why spend all the time and have it not pass?” The 1998 Commission also created a committee structure with the hopes of creating a more polished product before full deliberation, but ultimately did not allow committees to “kill” proposals. Under the 1998 rules, any public proposal receiving 10 votes of the Commission had to be considered by the full Commission rather than being defeated at the committee level. As some CRC members recounted, dozens of doomed proposals had to be heard, rather than die in committee. To prevent a similar situation, former members of the CRC have suggested that a system could be designed to defeat proposals in smaller groups with an opportunity to revisit later in the process.

The 1998 Constitutional Revision Commission had far more success at the ballot box, with eight of the nine finalized ballot proposals successfully adopted by the public. To show the breadth of what an effective CRC can accomplish, here are a few of the successful measures:

1. The creation of Fish and Wildlife Conservation Commission, which passed with 72 percent of the popular vote.
2. Adjustments to the education system, which passed with 71 percent of the vote.
3. The restructuring of the State Cabinet, which eliminated the elected Cabinet positions of the Secretary of State and Secretary of Education, and merged the offices of Treasurer and Comptroller into the Chief Financial Officer. That measure passed with 56 percent.
4. Increased ballot access, which (among other things) gave third party candidates easier access to the ballot, passed with 64 percent.
5. The creation of a local option for criminal history records check and waiting period for the purchase of firearms, which passed with 72 percent.

Looking Ahead Toward the 2017–2018 Commission

The State of Florida has certainly changed in the decades since the first Constitutional Revision Commission met in 1977. Over the past 40 years, the population has increased from around more than 9 million to over 20 million. According to the Florida Chamber Foundation and the Florida Office of Economic and Demographic Research, Florida can expect to have up to 6 million more residents in 2030. Last year, Florida welcomed 105 million tourists to the state. The state has become significantly more globalized, with more connections to the world than ever before. Employers have become more flexible and the marketplace has become more competitive. Education has changed from a one–size–fits–all to a marketplace of options. Each of these new innovations has brought with them their own opportunities and challenges to the state.

Despite changes, much has stayed the same. The issues that the first two Commissions discussed could have easily been pulled from current headlines – term limits being too short, redistricting being too difficult, and the distribution of power between the Governor and the Cabinet being too cumbersome.

For decades, state officials have been concerned about the overreach of the federal government in environmental, energy and labor issues. The 1978 and 1998 Commissions worried about the strain of a growing population on water resources, roads and the environment. The decisions of the CRC did not eliminate these problems, but rather made structural adjustments to the way our state operates.

The 2018 Commission will face several key structural differences that warrant discussion. In 2006, thanks to leadership from the Florida Chamber of Commerce, the Florida Constitution was amended to require 60 percent of the popular vote for adoption rather than a simple majority. With the new threshold, three of the 1998 proposals would have failed. Politically, this will be the first time that the appointing elected officials will all be Republicans. The 1978 Commission’s appointing officers were Democrats. The 1997–98 appointing officers were a mix of Democrats and Republicans. Although far from the only reason for more successful proposals, the bipartisan makeup of the 1998 Commission may have helped the success of the amendments at the ballot box.

As for what the CRC might discuss, the possibilities are immense. One only has to look at the recent constitutional ballot initiatives to get an idea of how vast the potential topics or proposed changes could be. Through the ballot initiatives, citizens of this state have placed into the constitution unusual policies such as restrictions on pregnant pigs and unclear bans on commercial fishing nets. Votes have come close to legalizing medical marijuana and initiatives have changed the taxing structure for utility companies. Some of the citizen proposals discussed by the 1998 CRC included an increase in minimum wages, the right of all employees to unionize, and – a crowd favorite among some – a ban on attorneys serving in the legislature. It is harder to imagine what political issue of the past 50 years could not be up for discussion.

Perhaps the more popular proposals will be those that former members debated in years passed. Alumni of the CRC have been quick to suggest or resurrect specific proposals. Governor Buddy McKay suggested recalling elections for state officers. In addition to compiling a list of proposed “housekeeping” changes, former Chair and Professor Talbot “Sandy” D’Alemberte suggested penal reforms, lottery reforms, and criminal restitution for those wrongly incarcerated. One suggestion that has been repeated frequently is the adoption of a citizen statutory amending process rather than the current constitutional system. The current debate over whether or not the Secretary of Education should be a Cabinet officer will likely be revisited.

The most significant question that has not been answered is whether or not this unique system is a threat or an opportunity. For many, the dependability of the laws and the underlying Constitution have provided the stability for free enterprise and society. For others, the system might be seen as cumbersome or inefficient. However, when Florida modernized its Constitution a half–century ago, the authors created
a Committee with the potential to solve political problems outside of the normal political system.

Helped by the obscurity of this once-in-a-generation process, these 37 men and women have the ability to change the relationship Floridians have with their government. But unlike the legislative process, these decisions will not be made in Tallahassee by those that travel to Tallahassee. This Revision Commission will be comprised of appointees, working across the state, to make suggestions for the entire state. It requires attention and vigilance from citizens throughout Florida.

Not all those seeking to influence the process agree on the vision of Florida’s future. There is no doubt that plaintiff lawyers, extreme environmentalists, union officials and out-of-state billionaires will seek to use this process to accomplish what they cannot do through the legislative process. Much work has already been done by those that advocate for free market solutions and opportunity for all. As has been the case for the past two Constitutional Revision Commissions, many groups including the Florida Chamber of Commerce and The James Madison Institute will play a leadership role in shaping the future of our state’s central document. Many other organizations including the Leroy Collins Center at Florida State University and Inns of Courts have already held informational events about the CRC.

Make no mistake – the accomplishments of those grounded in the principles that promote economic freedom are in jeopardy any time the Florida Constitution is changed. Citizens should get involved in this unique and important Commission in any way possible. More than any other political process in Florida, it is vital for the citizens to be informed, engaged and skeptical of what may seem like special interests seeking to further their gain through our state’s Constitution.

With this change to the Florida minimum wage, a new Florida-specific minimum wage poster will be required starting January 1, 2017.

Update on Florida Workers’ Compensation Rates

The rates Florida businesses pay for workers’ compensation insurance coverage were set to increase an average of +14.5% starting December 1, 2016. The rate increase was to be applied to existing workers’ compensation policies only when the policy renewed.

However, a judge in Tallahassee has invalidated the new rates and decided that the rate increase should not take effect as scheduled December 1.

The Florida Office of Insurance Regulation, which sets the workers’ compensation rates for Florida businesses, had approved an average rate increase of 14.5% due to the Florida Supreme Court making changes to the state workers’ compensation laws earlier this year, in particular, increasing the amount of money that attorneys representing injured workers can make.

The Office of Insurance Regulation has appealed the judge’s decision, meaning that the rates that were to take effect December 1 are still in place for now, pending further legal action.

Obama White-Collar Overtime Pay Mandate Blocked by Judge

An Obama administration policy that would have given more white-collar workers overtime starting December 1 was blocked nationwide by a federal judge in Texas. The decision is a victory for 21 states and dozens of business groups that sued, complaining the new rule would increase government costs in their states by $115 million next year alone and would put private employers on the hook for millions of dollars more,

Florida Minimum to Increase January 1, 2017

The Florida minimum wage will increase $.05 for calendar year 2017. Starting January 1, 2017, the minimum hourly wage employers pay their employees will increase from $8.05 per hour to $8.10 per hour. The cash wage required to be paid to tipped employees is also increasing, from $5.03 per hour to $5.08 per hour.
It’s the fourth time in 21 months that a federal judge in Texas has issued a nationwide injunction blocking one of President Barack Obama’s executive orders. Other stalled Obama initiatives involve shielding undocumented immigrants from deportation, mandating bathroom access for transgender students, and requiring labor–violation disclosures by federal contractors.

The rule would have doubled the maximum salary cap to $47,892 a year for full–time executive, administrative and professional workers to be exempt from overtime pay requirements. The higher cutoff, along with a provision to periodically increase it, would have extended overtime protections to millions of full–time salaried workers, just 7 percent of whom are currently protected by the Fair Labor Standards Act compared with 62 percent in 1975, according to the government.

U.S. District Judge Amos L. Mazzant, III in Sherman, Texas, rejected a request by the federal government to limit any order to the states that filed the lawsuit and issued a preliminary injunction blocking the new salary cutoff nationwide.

**Congress’s Intent**

By requiring employers to pay overtime wages based on salary rather than an employee’s duties, the Labor Department exceeded its authority under the Fair Labor Standards Act and ignored Congress’s intent, Mazzant said in his ruling. “If Congress intended the salary requirement to supplant the duties test, then Congress and not the department should make that change,” he said.

“We strongly disagree with the decision by the court, which has the effect of delaying a fair day’s pay for a long day’s work for millions of hardworking Americans,” the Labor Department said in a statement. “The department’s overtime rule is the result of a comprehensive, inclusive rule–making process, and we remain confident in the legality of all aspects of the rule. We are currently considering all of our legal options.”

The U.S. Labor Department failed to consider regional salary and economic differences in setting the nationwide base pay rate, opponents said in challenging the new rule. They also complained the Obama administration disregarded the abilities of smaller public and private employers to pay higher salaries that would automatically ratchet up every three years.

The arguments by both sides turned partly on rule–making requirements under federal law.

**Republican Governors**

The states — all of them except Louisiana headed by Republican governors — claim the Obama administration usurped Congress’s exclusive authority to set minimum wages and ignored the requirement to allow public comment before the statutory salary level automatically indexes every three years.

Labor Department officials said they followed all federal rule–making procedures, evaluating more than 270,000 public comments before finalizing the change.

Justice Department lawyers had asked Mazzant to at least let the new rule take effect in the 29 states that didn’t sue, to update salary triggers that haven’t changed since 2004. Rising wages and broad workplace definitions of what constitutes white–collar jobs have “left employees who should not be exempt without overtime protection,” the government said in court filings.

The case is *Nevada v U.S. Department of Labor*, 16–00731, U.S. District Court, Eastern District of Texas (Sherman).

**OSHA Issues Recommended Practices to Promote Programs in Construction**

The Occupational Safety and Health Administration (OSHA) recently issued *Recommended Practices for Safety and Health Programs in Construction* to help industry employers develop proactive programs to keep their workplaces safe. The recommendations may be particularly helpful to small– and medium–sized contractors who lack safety and health specialists on staff.

Safety and health programs encourage finding and fixing workplace hazards before they cause injuries, illnesses and deaths. Implementing these programs also helps reduce the financial difficulties these events can cause for workers, their families and their employers.
Contractors can create a safety and health program using a number of simple steps that include: training workers on how to identify and control hazards; inspecting the jobsite with workers to identify problems with equipment and materials; and developing responses to possible emergency scenarios in advance.

“The recommendations outlined in this document will help contractors prevent injuries and illnesses on their construction sites and make their companies more profitable,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels.

The recommended practices for a safety and health program are flexible and can be adjusted to fit small and large construction companies handling short-term or multi-year projects. Working with employees to implement a program can offer other benefits including improvements in production and quality; greater employee morale; improved employee recruiting and retention; and a more favorable image and reputation among customers, suppliers and the community.

These recommendations are advisory only and do not create any new legal obligations or alter existing obligations created by OSHA standards or regulations.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

OSHA Issues Final Rule Clarifying the Ongoing Obligation to Make and Maintain Accurate Records of Work-Related Injuries and Illnesses

The Occupational Safety and Health Administration has issued a final rule that clarifies an employer’s continuing obligation to make and maintain an accurate record of each recordable injury and illness. The final rule becomes effective January 18, 2017.

OSHA’s longstanding position has been that an employer’s duty to record an injury or illness continues for the full five-year record-retention period, and this position has been upheld by the Occupational Safety and Health Review Commission in cases dating back to 1993. In 2012, the D.C. Circuit issued a decision in AKM LLC v. Secretary of Labor (Volks) reversing the Commission and rejecting OSHA’s position on the continuing nature of its prior recordkeeping regulations.

The new final rule more clearly states employers’ obligations. “This rule simply returns us to the standard practice of the last 40 years,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “It is important to keep in mind that accurate records are not just paperwork; they have a valuable and potentially life-saving purpose.”

The amendments in the final rule add no new compliance obligations and do not require employers to make records of any injuries or illnesses for which records are not already required.

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OSHA Issues Final Rule Updating Walking-Working Surfaces Standards and Establishing Personal Fall Protection Systems Requirements

The U.S. Department of Labor’s Occupational Safety and Health Administration recently
issued a final rule updating its general industry Walking–Working Surfaces standards specific to slip, trip and fall hazards. The rule also includes a new section under the general industry Personal Protective Equipment standards that establishes employer requirements for using personal fall protection systems.

“The final rule will increase workplace protection from those hazards, especially fall hazards, which are a leading cause of worker deaths and injuries,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “OSHA believes advances in technology and greater flexibility will reduce worker deaths and injuries from falls.” The final rule also increases consistency between general and construction industries, which will help employers and workers that work in both industries.

OSHA estimates the final standard will prevent 29 fatalities and more than 5,842 injuries annually. The rule becomes effective on Jan. 17, 2017, and will affect approximately 112 million workers at seven million worksites.

The final rule’s most significant update is allowing employers to select the fall protection system that works best for them, choosing from a range of accepted options including personal fall protection systems. OSHA has permitted the use of personal fall protection systems in construction since 1994 and the final rule adopts similar requirements for general industry. Other changes include allowing employers to use rope descent systems up to 300 feet above a lower level; prohibiting the use of body belts as part of a personal fall arrest system; and requiring worker training on personal fall protection systems and fall equipment.

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Sunbiz.org Launches Updated Website!
The Department of State, Division of Corporations, recognizes the value that its stakeholders and users bring to www.sunbiz.org, and they want to keep you informed of important updates and changes that may affect you.

Recently, the Department launched its updated www.sunbiz.org website! The updated website provides an enhanced user experience with updated features, more options and better navigation tools.

In order to facilitate a smooth transition period, no additions or changes to online filings are being made at this time. Click on the “Corporations Crosswalk” on their page or click here for a quick and easy reference guide that can help you locate your favorite links on our new site.

Sunbiz.org remains the only official website of the Department of State, Division of Corporations. You’ll know you’re in the right place when you see their official Sunbiz.org logo and header identifying the website as “an official State of Florida website.”

Visit www.sunbiz.org to see the changes and check out what’s new!

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.

**January 11, 2017**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**January 12, 2017**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**January 18, 2017**
Jacksonville
9:00 a.m. – 12:00 noon
Jacksonville Regional Service Center
921 North Davis Street, Building B, Suite 350
Jacksonville, FL  32209

**January 19, 2017**
Fort Myers
9:00 a.m. – 12:00 noon
State of Florida Office Building
2295 Victoria Avenue, Room 165 C & D
Fort Myers, FL  33901

**February 8, 2017**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**February 9, 2017**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**February 15, 2017**
Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL  33603

**February 16, 2017**
Orlando
9:00 a.m. – 12:00 noon
State Office Florida Hurston Building
400 West Robinson Street, North Tower, N–101
Orlando, FL 32801

**February 21, 2017**
Miami
9:00 a.m. – 12:00 noon
State of Florida Rhode Building
401 N.W. 2nd Avenue, South Tower, Room N–106
Miami, FL 33128

**March 8, 2017**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**March 9, 2017**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**March 21, 2017**
Fort Lauderdale
9:00 a.m. – 12:00 noon
1400 West Commercial Boulevard, Suite 195
Fort Lauderdale, FL  33309

**April 12, 2017**
Jacksonville
9:00 a.m. – 12:00 noon
Jacksonville Regional Service Center
921 North Davis Street, Building B, Suite 350
Jacksonville, FL  32209

**April 13, 2017**
Orlando
9:00 a.m. – 12:00 noon
State Office Florida Hurston Building
400 West Robinson Street, North Tower, N–101
Orlando, FL 32801

**April 13, 2017**
Pensacola
9:00 a.m. – 12:00 noon
Division of Workers’ Compensation
610 East Burgess Road
Pensacola, FL  32504

**May 17, 2017**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class
May 18, 2017
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

May 18, 2017
Miami
9:00 a.m. – 12:00 noon
State of Florida Rhode Building
401 N.W. 2nd Avenue, South Tower, Room N–106
Miami, FL 33128

June 8, 2017
Lantana
9:00 a.m. – 12:00 noon
Gold Coast Schools
6216 South Congress Avenue, Classroom A
Lantana, FL  33462

June 13, 2017
Tallahassee
9:00 a.m. – 12:00 noon
Division of Workers’ Compensation
2012 Capital Circle, S.E., Hartman Building, Room 102
Tallahassee, FL  32399

June 27, 2017
Orlando
9:00 a.m. – 12:00 noon
State Office Florida Hurston Building
400 West Robinson Street, North Tower, N–101
Orlando, FL 32801

June 28, 2017
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

June 28, 2017
Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL  33603

June 29, 2017
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: 0010630 – one hour satisfies the workers’ compensation requirement and Course Number: 0010118 – one hour satisfies the workplace safety requirement.

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

Registered Contractor License Renewal Reminder
Just a reminder that the Registered Contractor licenses issued by the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2017.

Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers’ compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors).

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 DBPR’s Customer Contact Center at (850) 487–1395.
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.