SEGA Chairman’s Message

WARNING: THE CONTENTS OF THIS BLOG MAY BE HARMFUL TO YOUR BUSINESS

In approximately 16 days or less, the way we conduct business in the glass industry regarding insurance claims on real and personal property may be obsolete, null and void unless current legislation is modified or changed from its current text. It appears from the governor down through the House and Senate that this is the year they intend to modify Assignment of Benefits (AOB) as it is currently written. The modification to AOB is broad and far reaching when it comes to affecting not only us in the glass business and other construction contractors but to the citizens of Florida who own personal and real property. The two bills that this is primarily addressed in is CS/CS/CS/CS/HB 7065 and CS/CS/SB 122.

CS/CS/HB 7065:
- Eliminates the waiver of deductible under a motor vehicle insurance policy comprehensive for windshields. After July 1, 2019, the citizens of Florida will have to pay the comprehensive deductible shown in their policy. We as glass shops will have to collect the deductible amount directly from the insured prior to beginning installation of the new windshield or other glass part. Example: You have a comprehensive deductible amount of $500.00 and the cost to replace your windshield is $1,500.00, the cost you as the insured would have to pay would be the $500.00 deductible amount and the balance of $1,000.00 would be the responsibility of your insurance company as obligated to pay by statute.
- For suites filed against insurance companies who short pay it creates an attorney schedule which includes a formula where plaintiff, defendant or no one is responsible for attorney fees outside their own.

CS/CS/SB 122:
- Will require a copy of the agreement between service provider (glass shop) and the insured to be provided to the consumer’s insurer within three business days after the agreement’s execution.
- The agreement with the insured may be rescinded or canceled within 14 days of execution or at least 30 days after the execution if the service provider has not begun substantial work on the property. If the insured allows work to commence after agreement has been signed and work is performed prior to 14-day period and insured decides to cancel or rescind the agreement then the insured is responsible for the payment of work done to the property.
- The agreement cannot assign more than $500s, if related to repairing a windshield under a motor vehicle insurance policy’s comprehensive or combined additional coverage. Which means the insured is responsible for any amount over the $500.00 the insurance company will pay.
- Any way you cut it folks, this is going to drastically change how we do business with insurance companies and require more record keeping on our part with the insurance companies and force us as glass shops to enter into agreements (contracts) with consumers on windshield replacements & repair. For every auto owner and real property owner in the state of Florida it is going to substantially increase the out of

(Continued on Page 3)
SOUTHEAST GLASS ASSOCIATION
CALENDAR OF EVENTS
2019

May
14–16 .......... CILB Board of Director’s and Committee Meetings, Marriott Resort Hutchinson Island, Stuart

June
12–14 .......... CILB Board of Director’s and Committee Meetings, One Ocean Resort & Spa, Atlantic Beach

July
10–12 .......... CILB Board of Director’s and Committee Meetings, The Biltmore Hotel, Coral Gables

August
14–16 .......... CILB Board of Director’s and Committee Meetings, One Ocean Resort & Spa, Atlantic Beach

September
11–13 .......... CILB Board of Director’s and Committee Meetings, Marriott Resort Hutchinson Island, Stuart

October
9–11 .......... CILB Board of Director’s and Committee Meetings, Hampton Inn & Suites Bradenton Downtown, Bradenton

November
14–16 .......... CILB Board of Director’s and Committee Meetings, The Shores Resort, Daytona Beach

SEGA 2019 OFFICERS

Chairman of the Board
Woody Watters
Pensacola Glass Company

Vice Chairman
Vacant

Secretary/Treasurer
Vacant

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Thomas Lee, IV – Lee & Cates Glass
Jeff Miller – Lore L. Ltd.
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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.
Comments by Senate President Bill Galvano Regarding the Opening Day of the 2019 Legislative Session

On March 5, Florida Senate President Bill Galvano (R – Bradenton) offered the following comments as part of his address to the Senate marking the opening day of the 2019 Legislative Session.

“In many ways, when we convene in this hallowed chamber, we are building the future. While this session may only last for two months, the work we do may affect millions of Floridians for years to come.

“So this session, let us make every day count to the fullest. As we work together with our Governor and our House colleagues, let us do so recognizing each other’s value and our collective value as the Florida Senate. I ask that we collaborate and truly vet the issues, policies and ideas that are presented. And, if we as a Senate do not feel a bill is right, or ready, let us be willing to step back, rethink, and regroup. Most importantly, if necessary, let us have the discipline to be willing to walk away. History will not judge us based on the number of bills we pass, or the steps towards fulfilling a personal agenda. History will judge us based on the quality of our actions.”

“We will work together with the measure, the deliberation, and the decorum necessary to achieve the best policies for the people of our state.”

For video of President Galvano’s full address to the Senate, please visit www.TheFloridaChannel.org.

(Chairman’s Message Continued from Page 1)

pocket money for them and reduce the overall cost the insurance companies pay on claims.
The unintended consequence in all this and the real loser in this is the citizens of Florida, they are about to get run over by a 2-ton Mack truck after July 1 of this year. For us service providers, it is a huge change that will move us all into the direction of an all cash windshield business model. Finally, the insurance companies will increase their profits by limiting their liability and dollars they spend on claims as the rich get richer.

During the sixth week of Session, Representative Bob Rommell (R – Naples) introduced an amendment, which was later approved, that removes language in the bill dealing with windshield replacement. Representative Rommell stated that he wasn’t sure a “legislative fix” was necessary at this time to address that issue. However, it could be dealt with in future sessions if a need is found. On Thursday, April 11, the full House passed the House Bill, as amendment, on a vote of 96 – 20. The bill will now be sent to the Senate in messages.

Four things still need to be accomplished in order for SEGA to consider this a victory. CS/CS/SB 122 still needs to pass the Senate Rules Committee and be amended to look exactly like the House Bill. Second, the two bills must be linked as identical. Third, the Senate Bill needs to be approved by the full Senate. Fourth, the bill needs to be approved by the governor.

With only 16 days left in the 2019 Legislative Session (of which four of those days are Saturdays and Sundays), that’s not a lot of time.

As I noted at the beginning of this blog, 16 or so days until this AOB legislation may become law; and frankly, I don’t see much in being able to derail these bills other than a full scale up rising by the citizens of this great state in demanding they not do away with waiver of the deductible on windshields. So, with that being said, I urge each one of you to organize a grassroots effort and tell family and friends about what they are about to be strapped with and ask that they contact their Senators and tell them that you oppose the Senate Bill and want to see the bill to be changed to look like the CS/CS/SB 7065 that is being sent in messages from the House.

Until Next Time!

Woody Watters
SEGA Chairman
Over 20 design and building associations' members are gathering for an after-hours social full of great networking opportunities.

May 23, 2019
5:30 - 7:30 p.m.
Ember Orlando
42 W. Central Blvd.
Orlando, FL 32801

With your help fewer Central Florida children will go to bed hungry.

**Admission price:** Donation for Second Harvest Food Bank in the form of a non-perishable food item, cash, or check.

**Free drink ticket to the first 100 people to bring an item for Second Harvest Food Bank**
U.S. DOL Awards Additional Funding to Florida to Continue Disaster Relief Efforts After Hurricane Michael

On April 16, the U.S. Department of Labor awarded additional National Dislocated Worker Grant (DWG) funding to the Florida Department of Economic Opportunity to provide career and training services to individuals forced to relocate in the storm’s aftermath and to continue disaster-relief efforts in response to Hurricane Michael.


Supported by the Workforce Innovation and Opportunity Act of 2014, Dislocated Worker Grants temporarily expand the service capacity of dislocated worker programs at the state and local levels by providing funding assistance in response to large, unexpected economic events that cause significant job losses.

U.S. DOL Releases Overtime Update Proposal

On March 7, the U.S. Department of Labor announced a Notice of Proposed Rulemaking (NPRM) that would make more than a million more American workers eligible for overtime.

Under currently enforced law, employees with a salary below $455 per week ($23,660 annually) must be paid overtime if they work more than 40 hours per week. Workers making at least this salary level may be eligible for overtime based on their job duties. This salary level was set in 2004.

This new proposal would update the salary threshold using current wage data, projected to January 1, 2020. The result would boost the standard salary level from $455 to $679 per week (equivalent to $35,308 per year).

The Department is also asking for public comment on the NPRM’s language for periodic review to update the salary threshold. An update would continue to require notice-and-comment rulemaking.

In developing the proposal, the Department received extensive public input from six in-person listening sessions held around the nation and more than 200,000 comments as part of a 2017 Request for Information (RFI).

“Our economy has more job openings than job seekers and more Americans are joining the labor force,” said Secretary Alexander Acosta. “At my confirmation hearings, I committed to an update of the 2004 overtime threshold, and today’s proposal would bring common sense, consistency, and higher wages to working Americans.”

“Commenters on the RFI and in-person sessions overwhelmingly agreed that the 2004 levels need to be updated,” said Keith Sonderling, Acting Administrator for the Department’s Wage and Hour Division.

The NPRM maintains overtime protections for police officers, fire fighters, paramedics, nurses, and laborers including: non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, and construction workers. The proposal does not call for automatic adjustments to the salary threshold.

A 2016 final rule to change the overtime thresholds was enjoined by the U.S. District Court for the
Eastern District of Texas on November 22, 2016. As of November 6, 2017, the U.S. Court of Appeals for the Fifth Circuit has held an appeal in abeyance pending further rulemaking regarding a revised salary threshold. As the 2016 final rule was enjoined, the Department has consistently enforced the 2004 level throughout the last 15 years.

More information about the proposed rule is available at www.dol.gov/whd/overtime2019. The Department encourages any interested members of the public to submit comments about the proposed rule electronically at www.regulations.gov, in the rulemaking docket RIN 1235–AA20. Once the rule is published in the Federal Register, the public will have 60 days to submit comments for those comments to be considered.

U.S. DOL Issues Proposal to Update Regular Rate Regulations

On March 28, the U.S. Department of Labor announced a proposed rule to clarify and update the regulations governing regular rate requirements for the first time in more than 50 years.

Regular rate requirements define what forms of payment employers include and exclude in the “time and one-half” calculation when determining workers’ overtime rates.

Under current rules, employers are discouraged from offering more perks to their employees as it may be unclear whether those perks must be included in the calculation of an employees’ regular rate of pay. The proposed rule focuses primarily on clarifying whether certain kinds of perks, benefits, or other miscellaneous items must be included in the regular rate. Because these regulations have not been updated in decades, the proposal would better define the regular rate for today’s workplace practices.

“The regular rate proposal would provide clarity for employers to allow them to add more benefits to their employees without unknown overtime consequences or litigation,” said Keith Sonderling, Acting Administrator for the Department’s Wage and Hour Division. “This proposed rule offers a positive path forward to employers and employees alike.”

The Department proposes clarifications to confirm that employers may exclude the following from an employee’s regular rate of pay:

- the cost of providing wellness programs, onsite specialist treatment, gym access and fitness classes, and employee discounts on retail goods and services;
- payments for unused paid leave, including paid sick leave;
- reimbursed expenses, even if not incurred “solely” for the employer’s benefit;
- reimbursed travel expenses that do not exceed the maximum travel reimbursement under the Federal Travel Regulation System and that satisfy other regulatory requirements;
- discretionary bonuses, by providing additional examples and clarifying that the label given a bonus does not determine whether it is discretionary;
- benefit plans, including accident, unemployment, and legal services; and
- tuition programs, such as reimbursement programs or repayment of educational debt.

The proposed rule also includes additional clarification about other forms of compensation, including payment for meal periods, “call back” pay, and others.

More information about the proposed rule is available at www.dol.gov/whd/overtime/regularrate2019.htm. The Department encourages interested members of the public to submit comments about the proposed rule electronically at www.regulations.gov, in the rulemaking docket RIN 1235–AA24. Comments must be submitted by 11:59 pm on May 28, 2019 in order to be considered.

U.S. DOL Issues New Wage and Hour Opinion Letters

On April 2, the U.S. Department of Labor announced today that it has issued three new opinion letters that address compliance issues related to the Fair Labor Standards Act (FLSA). An opinion letter is an official, written opinion by the Department’s Wage and Hour
Division (WHD) on how a particular law applies in specific circumstances presented by the individual person or entity that requested the letter.

The opinion letters issued today are:

- **FLSA2019–3**, addressing whether a youth residential care facility may implement an “8 and 80” overtime pay system;
- **FLSA2019–4**, addressing the application of the teacher exemption to Nutritional Outreach Instructors employed by a public university; and
- **FLSA2019–5**, addressing the application of the agricultural exemption to the freezing, cutting, packing, storing, and/or transportation of a farm’s own fruit, vegetable, or meat products.

The Department offers a search function allowing users to search existing opinion letters by keyword, year, topic, and a variety of other filters; and encourages the public to submit requests for opinion letters to WHD to obtain an opinion or to determine whether existing guidance already addresses their questions. The Division exercises its discretion in determining whether and how it will respond to each request.

**U.S. DOL Announces New Tool to Help Employers Understand Mental Health Issues and Create Supportive Workplaces**

The U.S. Department of Labor has launched a new resource that helps employers better understand mental health issues, and provides guidance on how to cultivate a work environment that supports employees with related conditions.

Created in coordination with the Department’s Office of Disability Employment Policy (ODEP) and its Employer Assistance and Resource Network on Disability Inclusion (EARN), the Mental Health Toolkit is an online gateway to background, tools, and resources for employers. It provides valuable information and guidance for employers seeking to offer a mental health–friendly workplace.

“By some estimates, one in five American adults experiences a mental health condition each year and work plays an important role in their wellness,” said Deputy Assistant Secretary of Labor for Disability Employment Policy Jennifer Sheehy. “Employers that understand the importance of providing a supportive environment that empowers these employees are doing what’s right for their employees and for their businesses.”

The Mental Health Toolkit also provides summaries of research on workplace mental health, descriptions of mental–health initiatives implemented by companies of varying sizes and industries, and links to ready–to–use resources employers can use to start their own.

Funded by ODEP, EARN educates employers on strategies for recruiting, hiring, retaining, and advancing people with disabilities in the workplace.

**New OSHA FAQs Available on Controlling Silica in General Industry**

OSHA posted new frequently asked questions (FAQs) on the standard for respirable crystalline silica in general industry. OSHA developed the FAQs in consultation with industry and union stakeholders to provide guidance to employers and workers on the standard’s requirements, including exposure assessments, regulated areas, methods of compliance, and communicating silica hazards to workers. Visit OSHA’s silica standard for general industry webpage for more information and additional compliance assistance resources.
OSHA Penalties Adjusted in 2019
OSHA’s civil penalties amounts for violations of workplace safety and health standards will increase in 2019 to adjust for inflation. The adjusted maximum penalty amounts will take effect upon publication in the Federal Register. New penalties for willful and repeat violations will be $132,598 per violation; serious, other-than-serious, and posting requirements are $13,260 per violation; and failure to abate violations are $13,260 per day beyond the abatement date.

OSHA Provides Compliance Assistance Resources to Protect Workers from Falls

Falls remain the leading cause of worker fatalities in the construction industry. Working with industry stakeholders, OSHA developed a collection of compliance assistance resources to raise awareness of common fall hazards in construction, educate employers and workers on fall prevention, and reduce the number of fall-related injuries and fatalities. These resources include the National Safety Stand-Down to Prevent Falls in Construction to be held May 6–10; a series of fall safety videos; a Fall Prevention Training Guide; fact sheets on ladders and scaffolding and a brief video, 5 Ways to Prevent Workplace Falls. For more information, read the news release and visit OSHA’s Fall Prevention webpage.

OSHA Issues Final Rule to Protect Privacy of Workers

OSHA has issued a final rule that eliminates the requirement for establishments with 250 or more employees to submit information electronically from OSHA forms 300 and 301 to OSHA each year. These establishments are still required to submit information electronically from OSHA Form 300A. The final rule helps avoid the risk of publicly disclosing sensitive employee information. The rule does not alter an employer’s duty to maintain the OSHA forms and employee records. The deadline for electronic submissions of 2018 data from the OSHA Form 300A was March 2, 2019. For more information, read the news release.

April is Distracted Driving Awareness Month

Just one second of distraction behind the wheel is all it takes to change a life forever. During the month of April, the National Safety Council is leading an effort to raise awareness about the dangers of distracted driving in workplaces, homes and communities. OSHA encourages employers and workers to make safe driving a priority. Visit the campaign website for public education materials to help eliminate fatalities caused by distracted driving.
Employers Must Post Injury/Illness Summary Through April 30

Each year, employers are required to post a copy of OSHA Form 300A from Feb. 1 through April 30. The summary must be displayed in a common area where notices to workers are usually posted. Businesses with 10 or fewer workers and those in certain low-hazard industries are exempt from OSHA recordkeeping and posting requirements. Visit OSHA's Recordkeeping Rule webpage for more information.

Sixth Annual National Stand-Down to Prevent Falls: May 6–10, 2019

OSHA and its partners will host events throughout the country in honor of the sixth annual National Safety Stand-Down to Prevent Falls in Construction May 6–10, 2019. Employers and workers will pause to talk about fall hazards, OSHA compliance, and industry best practices to prevent falls. The 2019 poster is now available on OSHA's publications page.

Get Ready for Safe + Sound 2019

Safe + Sound, OSHA’s year-round campaign to encourage every workplace to have a safety and health program, includes both employers and workers. Participate in quarterly events on building an effective safety and health program in your workplace. Learn about best practices during webinars and put them into action during the 30-day challenges. These events also focus on management leadership, worker participation, and finding and fixing hazards. Share your safety successes during Safe + Sound Week, August 12–18, 2019. Sign up on the Safe + Sound website.


A report from the National Safety Council reviews how employers can increase productivity and safety by reducing workplace fatigue. A single worker suffering from sleep deprivation can cost an employer thousands of dollars in lost productivity, absenteeism, and more. With 97 percent of workers reporting at least one risk factor for fatigue, most employers are affected by this issue. The report discusses the effects of fatigue on the workplace and gives employers specific, actionable guidance on implementing a fatigue risk management system.

Bulletin Addresses Safety for Workers Wearing Devices Containing Lithium Batteries

A new OSHA bulletin addresses hazards associated with small, wearable devices powered by lithium batteries, such as body cameras. If these devices are damaged or defective, they may catch fire or explode. Employers should ensure that workers are trained to properly use, store, and charge these devices; identify, remove, and properly dispose of damaged or defective devices and batteries; and provide information on their health and physical hazards.
Join us for Safe + Sound Week, August 12–18, 2019

Safe + Sound Week is a nationwide event to celebrate the successes of businesses that have implemented safety and health programs in the workplace. Throughout the year, businesses show their commitment to safety by focusing on management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces. Each August we invite them to celebrate their safety successes and efforts to be #SafeAndSoundAtWork.

Why Participate?
Safe workplaces are sound businesses. Successful safety and health programs can proactively identify and manage workplace hazards before they cause injury or illness, improving sustainability and the bottom line. Participating in Safe + Sound Week can help get your program started or energize an existing one.

Who Participates?
Organizations of any size or in any industry looking for an opportunity to celebrate their commitment to safety to workers, customers, the public, or supply chain partners should participate.

How to Participate
Participating in Safe + Sound Week is easy. To get started, select the activities you would like to do at your workplace. You can host an event just for your workers or host a public event to engage your community. After you’ve completed your events, you can download a certificate and web badge to recognize your organization and your workers.

Need ideas? Review activities and events from past years.

Workplace Fatalities Declined in 2017
There were fewer workplace fatalities in 2017 than the previous year, according to the Bureau of Labor Statistics’ National Census of Fatal Occupational Injuries in 2017 (CFOI) report released in December. The fatal injury rate decreased from 3.6 percent in 2016 to 3.5 percent in 2017.

Crane–related workplace fatalities, and fatal occupational injuries in manufacturing and wholesale trade reached their lowest points since the CFOI started in 1992. The number of unintentional overdoses due to the nonmedical use of drugs or alcohol while at work increased by 25 percent – the fifth consecutive year that overdose deaths rose by at least 25 percent. See OSHA’s statement on the report.

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.

April 18, 2019
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

May 7, 2019
Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603
May 7, 2019
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

May 8, 2019
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

May 9, 2019
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

June 12, 2019
Lantana
9:00 a.m. – 12:00 noon
Gold Coast Schools
6216 South Congress Avenue, Classroom A
Lantana, FL  33462

June 12, 2019
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

June 13, 2019
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

June 19, 2019
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 25, 2019
Orlando
9:00 a.m. – 12:00 noon
State Office Florida Hurston Building
400 West Robinson Street, North Tower, N–105
Orlando, FL 32801

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/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, 2019.

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.