



Glass Facts

April - June 2009

SEGA Chairman's Message



It has been a busy few months with SEGA. We started off with a Regional Meeting on March 12 in Orlando. Vince Horton with Coastal Construction Products and Tom Grzegorzcyk

presented a program on proper installation and selection of sealant products. I don't think anyone left without learning something new. Thank you to Vince and Tom for your time and great program. Our door prize sponsor for the night was Flat Glass Distributors.

April brought in the Board of Director's and Regional Tallahassee Meetings. We were honored to have Dr. Necati Aydin, Senior Research Analyst with the Florida State University Center for Economic Forecasting and Analysis, who gave a presentation on the economic downturn. It was interesting to hear another economist's view on our current and future conditions. We held the Board of Director's Meeting the next morning and afterwards a few headed to the Capitol to walk the halls.

We also held our one day SEGA Golf Tournament at the Sarabande Country Club in April. After a lot of planning and some great weather, the tournament ended up being a great day for all who attended. We had a total of 39 golfers and 16 sponsors. If you happen to see one of the sponsors, please be sure to thank them for their support of SEGA.

Thank you to the following. Without your help, the tournament would not have been a success! Door Control, Inc.; Major Industries; Designbasis, Inc.; RF Supply; Oldcastle Glass; AGC Glass, Inc.; Protective

Glass Coatings, Inc.; R/JL Associates, Inc.; Coastal Construction Products, Inc.; C.R. Laurence Co., Inc.; Flat Glass Distributors; Guardian Industries; YKK AP America, Inc.; CSW Design; Brian Ragsdale; and Kawneer Company, Inc.

If you enjoyed the day, please be sure to keep an eye out for our multi-day tournament to be held this fall.

The May Orlando Regional Meeting was held and Chris Matthews with Glazing Consultants, Inc. gave a presentation on field testing of aluminum systems. Chris spoke about the misconceptions on how these tests should be performed. Field testing is quickly becoming normal in our specification section. I am sure that everyone in attendance will have something to take back to their field personnel. The next time they have this on one of their projects, they will now know if it is being done properly. Thank you to all that attended and to our door prize sponsor, Flat Glass Distributors.

The Building Officials Association of Florida (BOAF) held their 57th Annual Educational Conference and Trade Show in Daytona Beach on May 17-21. SEGA was asked to present our program on Wind Mitigation for Openings. This was a great opportunity for us to give this program to building officials to show them we are an integral part of the building envelope.

I would like to ask all of you to take a minute and send us your suggestions on how to raise attendance at the SEGA monthly regional meetings. We continue to bring in quality programs and speakers, yet attendance for the programs has been low. I thank everyone involved for their efforts. I especially thank the speakers and those who attend. We realize it is not easy to take time away from your office and families, but we do feel these programs are important and want to continue them.

*Sincerely,
Troy Hein
SEGA Chairman*

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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 or (888) 869-7961 for current rates and information.

SOUTHEAST GLASS ASSOCIATION 2009 CALENDAR OF EVENTS

June

16-17 Glass & Glazing Specialty License Exam

July

9 SEGA Board of Director's Meeting,
Dubsdread Country Club, Orlando
9 SEGA Orlando Regional Meeting
Dubsdread Country Club, Orlando

August

TBA SEGA Jacksonville Regional Meeting

September

30-Oct. 2 GlassBuild America:
The Glass, Window & Door Expo
Georgia World Congress Center, Atlanta, GA
TBA SEGA Prep Course, Orlando/Longwood area
TBA SEGA Orlando Regional Meeting
TBA Golf Classic (three day)

October

TBA Board of Director's Meeting, Longwood
TBA Glass & Glazing Specialty License Exam

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2009 Post-Session Report

The House and Senate both adjourned around 7:30 p.m. on Friday, May 1, 2009, the last scheduled day of the regular session, but not before passing a resolution to extend the session into next week to finish the state budget. The session was extended until Friday, May 8, and the resolution stated that the Legislature may only consider the budget, budget implementing bill and any bill for which a conference committee has already been established. All other bills on the calendar and in committee are now dead.

Most will agree that this was a session to forget. Long time political observers will tell you there has never been a session like this. There were changes in the House leadership, indictments, no money, polarized budgets and a general lack of direction from the top down. All of the ingredients for a “perfect storm.” Many lawmakers will say that this has been one of the most challenging and emotionally difficult years.

A quick count reveals that 271 bills passed this year. Of those, four are concurrent resolutions, 27 are local bills, three are joint resolutions and two are memorials. That leaves 235 general bills having passed during the 2009 Legislative Session . . . less than half of what typically passes.

If you would like a good general synopsis of legislative issues, go to the *Florida Trend* list of bills that passed: http://floridatrend.com/print_article.asp?aID=50980.

Workers’ Compensation (CS/HB 903) For the construction industry, the biggest win is passage of **CS/HB 903** to address the Workers’ Compensation Attorneys’ Fee issue that had been stricken down by the Florida Supreme Court late last year. Passage of **CS/HB 903** was no easy feat but will keep workers’ compensation savings that have been achieved over the last several years and avoid the 18.6% premium increase that was estimated by NCCI because of the Supreme Court decision. When I say no easy feat, this is how it went down. The House passed the bill several weeks ago, and sent it to the Senate. The Senate couldn’t keep their bill clean and added a trial lawyer amendment in committee that negated any savings in the bill. In the last two days of Session, the Senate amended the House Bill to include the bad amendment and sent it back. The House stripped off the amendment and returned it to the Senate. The Senate took up and passed the House bill clean by a vote of 22 to 16. Then, **Senator Larcenia Bullard (D - Miami)** tried to have the vote reconsidered, but the

Senate President avoided the reconsideration with some very slick maneuvering.

Many bills died in the last two days of Session while the House and Senate continued to amend and send them bouncing back and forth. Building codes and energy legislation were victims of those bizarre sequence of events.

Besides workers’ compensation, the following are:

BILLS THAT PASSED

Competitive Bid of Public Projects/Contracting by Governmental Entities (CS/CS/HB 611)

Although the bill substantially changed from the original version and does not contain provisions prohibiting local bid preferences, it does more clearly define “repairs” and “maintenance” for purposes of work that can be performed by local government with their own forces, increases the threshold where local governments are required to put projects out for competitive bid to \$300,000 and \$75,000 for electrical work.

In addition, the bill:

- Defines “repair” and “maintenance” for purposes of this section.
- The bill increases the public notice time for the public meeting wherein the local government will decide whether or not to bid a project or use its own staff from 14 to 21 days.
- Provides for transparency by requiring public notice before local governments perform certain projects using its own resources.
- Specifies that the notice must include information about the scope of the work and all costs associated with the work, including: employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The bill requires the local government to make available to the public a detailed itemization of each component of the project.
- Provides for transparency by requiring certain public notices to contain detailed cost estimates. Contractors or vendors may present evidence to the governing board regarding the project and the accuracy of the estimated cost of the project.
- Changes the index for determining the rate of inflation from the Consumer Price Index to the Engineering News Records Building Cost Index.

Repair is defined as corrective action to restore an existing public facility to a safe and functional condition. Maintenance is defined as preventative or

corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline.

However, “repair or maintenance” does not include:

The construction of any new building, structure, or other public works construction. Any substantial addition, extension, or upgrade to an existing public facility where its cost, in accordance with generally accepted cost-accounting principles, is more than 20 percent of the total cost of the repair or maintenance project.

If approved by the Governor, these provisions take effect October 1, 2009.

These bills were a high priority for the contractor members of The Construction Coalition.

Regulation of Professions (Construction Contracting/DBPR) (CS/CS/CS/CS/HB 425)

This is the good DBPR package which was discussed at length throughout our weekly Legislative Reports. The bill eliminates the QB license and provisions in various practice acts relating to the core building code course. It makes numerous technical changes to Chapter 489 relating to local licenses. It also contains a host of other DBPR provisions relating to other professions.

HB 425 by Representative Scott Plakon (R – Longwood) passed the 2009 Florida Legislature and has been enrolled. It has not yet been sent to the Governor for final action (as of May 13, 2009). The companion bill was filed by Senator Don Gaetz (R – Fort Walton Beach).

The success of this piece of legislation, during a year when the least number of bills passed since 1998, was largely due to the hard work of Representative Plakon who felt strongly about passing some “streamlining” provisions for the Department and worked endlessly to make sure it passed. In addition, credit goes to DBPR’s new Secretary, Chuck Drago, DBPR’s lead lobbyist, Darrick McGhee, and the wisdom of Construction Coalition chair, Lori Killinger, who established a 489 subcommittee this year. Not only did the bill pass, but through the efforts of the subcommittee, the beginnings of a great working relationship with the Department under Secretary Drago’s leadership were forged.

Although HB 425 contains provisions relating to multiple professions, it contains provisions relating to all professions and giving flexibility to the department to move forward with some of their priorities. It also includes a number of provisions specifically relating to construction. The provisions of interest to the

construction industry are as follows:

Elimination of signature notarization for licensure application and renewal. The elimination of the required notarization will allow the Department to implement on-line licensure and renewal programs.

Establishes additional grounds for discipline of professions. The failure of any licensee to report to the department a criminal conviction, plea of no contest, adjudication, or termination from a treatment program for impaired practitioners, within 30 days of the event, will be grounds for discipline. Within 30 days of this act becoming law, all current licensees must make a report regarding any of these events to the department.

Authorizes a DBPR representative to appear in criminal proceedings and provide assistance to the court. Departmental representatives may appear voluntarily or, if a criminal proceeding relates to the practice under a license issued by the department the court may order a department representative to appear in any criminal proceeding.

Deletes Florida Building Code core curriculum course for building code administrators and inspectors, engineers, architects, interior designers, landscape architects, construction contractors, journeyman licensees, and electrical and alarm contractors. Although the individual practice act provisions were deleted in HB 425, the provisions creating the Building Code Compliance and Mitigation Program which are contained in s. 553.841 which would have been repealed if the code legislation had passed, are still in effect. I guess the industry will have to finish the job next year.

Revises the disclosure statement that local permitting agencies must provide to property owners who apply for building permit under the owner-builder exemption. The owner-builder disclosure statement provided by statute is substantially revised into a more comprehensive checklist form to insure owner-builders understand the risks and responsibilities they assume and the requirements for hiring licensed individuals to perform the work. Before a building permit can be issued, the new disclosure statement must be completed and signed by the owner-builder and returned to the local permitting agency. A copy of the owner’s driver’s license, a notarized signature or other verification acceptable to the permitting agency is also required.

Revises the definition of “specialty contractor” and makes clarifying changes differentiating between state specialty contractors created by rule and locally required licenses. A complete review of the

references to specialty contractor in Chapter 489 revealed a confusing mix of terminology. With this change, the definition of “specialty contractor” in chapter 489 is more clearly defined, and together with other clarifying changes to the statute, the difference between state created specialty licenses and locally required licenses often referred to as “specialty licenses” becomes clearer for statutory purposes.

Deletes obsolete provisions which allowed local governments to provide local license information to the CILB and required the board to track local disciplinary actions for contractors licensed by local ordinance. This provision was at best confusing. Not since its creation in the 1960’s has DBPR tracked disciplinary activities against locally licensed contractors who are regulated by local ordinance. This change has no affect on the discipline or tracking of discipline against state registered contractors who are locally licensed.

Gives local jurisdictions the ability to impose a civil fine pursuant to 489.127(5) against any person who is not certified or registered by the state and claims to be licensed but is not licensed, or claims to be insured but is not covered by workers’ compensation or general liability insurance. This provision gives local jurisdictions another tool to fight unlicensed activity at the local level, and allows a civil fine up to \$500 per violation against purported businesses who misuse the terms “licensed and insured” when soliciting for construction work.

Deletes obsolete provisions requiring DBPR to establish uniform licensure categories. Since uniform contractor licensing categories are established by statute, this provision which was contained in both Parts I and II of Chapter 489 was unclear at best.

Raises biennial licensing and renewal fees for construction licenses from \$200 to \$250. This fee increase was necessary according to revenue estimates, for the CILB to operate in the black.

Eliminates the requirement for a “certificate of authority,” also frequently referred to as the “qualified business” or “QB license,” and requires contractors to make application as qualifying agent for a business organization. DBPR will continue to collect the \$50 fee for a business license when the qualifying agent makes application, but one license will be issued for the contractor and the business together. A business may have more than one qualifying agent, but a qualifying agent will still have to make special application to qualify an additional entity.

Allows the CILB to deny an application for

registration or certification to qualify a business organization if the applicant or any partner, officer, director or stockholder of the company has been involved in past disciplinary actions or any action which is grounds for denial of an individual registration or certification.

Eliminates references to local licenses from statutes which deprive unlicensed contractors of lien and contract rights. This reference to local licenses was a glitch change enacted by the 2006 legislature in an effort to clarify the statute. Although some would argue that it has been useful in fighting unlicensed activity, it has been removed because of damaging consequences that were never intended by those responsible for its original passage. The removal of the reference to local does not affect the ability to require or enforce local licensing requirements, and does not remove any provisions which were in statute prior to the 2006 changes.

Replaces all references to local occupational licenses to conform with the 2006 change to “local business tax receipt.” This is merely technical clean up of the statutes but also reiterates for purposes of Chapter 489 that a contractor must only have this registration in the jurisdiction(s) where his or her primary place of business is located.

Creates the Division of Service Operations within DBPR and transfers functions of the Division of Technology relating to the development, preparation and evaluation of examinations to the Division of Service Operations.

Most provisions of this Act take effect October 1, 2009.

Construction Defects (SB 2064). This bill makes technical changes to the construction defects statute, Chapter 558.

Service of Process (CS/SB 412). This bill raises service of process fees for Sheriffs to \$40.

Impact Fees (CS/CS/HB 227). This bill requires the governmental entity to prove by a preponderance of the evidence that the imposition or amount of an impact fee meets the requirements of state legal precedent and statute and prohibits the court from using a deferential standard.

BILLS THAT DIED

Regulation of Professions (CS/HB 1413, SB 2598). These bills were introduced on behalf of the Governor and would have addressed numerous

troublesome issues for the construction industry including the smooth path to licensure created for out of state contractors.

Sales Tax Exemptions. HB 7159 would have repealed a few exemptions (including charter fishing, magazine and newspaper subscriptions delivered by mail, memberships in hospital physical fitness facilities, coin-operated amusement machines, ostrich feed, etc.) and used them to pay for back to school and hurricane preparedness sales tax holidays and some new exemptions to promote Florida's aviation and marine industries, including fractional aircraft programs.

Local Government Workplace Safety (HB 1029, SB 1878). Among other provisions, these bills would have required local governmental entities to comply with OSHA regulations.

Construction Contracting – Local Regulation (HB 1327). The substance of the bill is included in CS/CS/CS/CS/HB 425, the DBPR bill.

Construction Liens and Bonds (HB 299, CS/SB 560, SB 466).

Building Codes (An act relating to everything) (CS/CS/SB 2100, CS/HB 7143). These bills contained provisions relating to elevators, manufactured housing, building codes, product approval, home inspection and licensing fees.

Small Claims Processes (SB 1338).

Small Business Arbitration Act (CS/HB 1135, SB 2192). These bills would have required numerous contractual disclosures.

Court Fee Increases (HB 5117, CS/SB 1718). These bills would have raised court filing fees and divided the revenues between the courts and the clerks.

You may view and print the above bills by visiting the SEGA website at www.southeastglass.org. Go to the Legislative Reports section (if you do not have the user name and password, please contact the SEGA office) and view the bills from this week's Legislative Report. Other legislative information can be found by going to www.leg.state.fl.us.

Regional Meeting

Join us for the upcoming Regional Meeting on Thursday, July 9, 2009 at the Dubsread Country Club in Orlando in the Fairview Room in the pro shop. Registration and Social Event is at 12:00 noon, lunch

starts at 12:30 p.m. and the program is from 1:30 p.m. – 2:30 p.m. The cost to attend is \$25.00 per person.

Sheryle Birdsong, DFS, Workers' Compensation, Compliance Bureau, will present the seminar entitled Workers' Compensation (Provider/Course #: 0004354/0010118). This presentation provides participants with information related to Florida's Workers' Compensation laws, including coverage requirements, exemptions, contractor responsibilities and enforcement provisions. The intent of the course is to provide business owners with the information that they need so as to manage subcontractors and to avoid costly fines and penalties. This course is one hour of continuing education of which one hour covers the workers' compensation requirement.

All attendees of the Regional Meeting are invited to join the SEGA Board of Directors for the board meeting on the same date from 9:00 a.m. – 11:30 a.m.

For the Orlando Regional Meeting Registration and Sponsorship forms, please visit our website at www.southeastglass.org.

SEGA Holds Golf Tournament



On Friday, April 17, 2009, 39 golfers participated in the SEGA Golf Tournament at the Sarabande Country Club in Howey-in-the-Hills. It was a beautiful and sunny day for golf. Before golfing, the golfers headed to the club house for a deli buffet lunch. After golfing, the golfers headed to the club house for the awards presentation.

Trophies were presented to the First, Second and Third Place teams as well as an Integrity Award was presented to the highest scoring teams. Congratulations to the following winners: **First Place:** Jeff Miller, Richard Gailey, John Faour and Angelo Rivera. **Second Place:** David Cates, Lee Baggs, Mike Hoelle and Don Burgess. **Third Place:** Walter Basso, Brian Driscoll, Christian Basso and Chad Renaud. **Integrity Award:** Bryan Yarborough, Brian Klein and Robert Palmer. **Longest Drive on #18:** Sean Woodard. **Closest to the Pin #16:** Dwight Swearengin. **Longest Putt on #9:** Mitch McQueen.

SEGA would like to thank all the Sponsors as well as Door Prize contributors. Without your support, the success of the tournament would not have been possible. The sponsors are as follows: **Closest to the Pin Sponsors:** Door Control, Inc. and Flat Glass Distributors. **Longest Drive Sponsors:** AGC Glass,

Inc. and Oldcastle Glass. **Longest Putt Sponsors:** RF Supply, Inc. and RjL Associates, Inc. **Range Ball Sponsors:** C. R. Laurence Co., Inc.; Coastal Construction Products, Inc.; and Brian Ragsdale. **Trophy Sponsors:** Protective Glass Coatings and Acme Glass, Inc. **Lunch Sponsors:** Major Industries and Designbasis, Inc. **Beverage Cart Sponsors:** Guardian Industries and YKK AP America, Inc. **Goodie Bag Contributors:** Door Control, Inc. – DCI divot tool; Kawneer Company, Inc. – Tee packs; and YKK AP America, Inc. – Pens, pencils and post its. **Door Prize Contributions:** Guardian Industries – Golf balls and shirts; and RF Supply, Inc. – Golf club.

Membership

Dick Petrie

Programs/Events

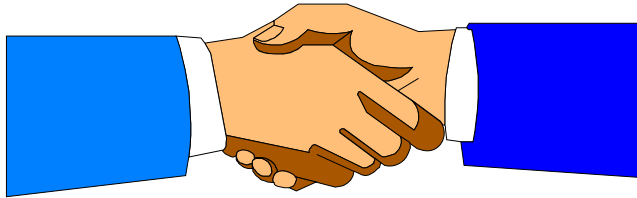
Dick Petrie, Chair
 Scott Cates
 Troy Hein

The officers and directors need your help and input on the committees. By serving on a committee, 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.

The twelve members of the board cannot do everything. This is why it is important for others to be involved. SEGA belongs to all of the members . . . not just the officers and directors. Thinking about becoming a board member in the future? Why not get your feet wet by serving on a committee? Get involved today.

Please contact the SEGA office at (407) 831-7342 and let them know which committee(s) you want to be involved with.

Welcome New Member!



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

Altamonte Glass & Mirror, Inc.
 2591 Clark Street, Suite 208
 Apopka, FL 32703
 Phone: (407) 770-1400
 Fax: (407) 770-1402
 E-Mail: bruce@altamontegm.com
 Glass & Glazing Contractor

SEGA Committee Members Needed

When the 2009 Board of Directors met on Saturday, October 4, the first order of business was to select committee members and chairpeople for the various committees of SEGA. The following individuals volunteered for the various committees:

Auto Glass

Scott Cates, Chair
 Woody Watters

Education

Stoney Stonaker, Chair
 Dick Petrie

Golf Tournaments

John Faour, Chair
 Jeff Miller

Legislative

Woody Watters, Chair
 Dick Petrie

Leading Economist Confirmed for GlassBuild America®

Dietrich to offer latest forecast, discuss Window & Door Retail market

Attendees at the GlassBuild America Expo in Atlanta will be treated to an outstanding array of distinguished speakers and leaders of the global glass industry, including noted economist Jeff Dietrich of EcoTrends.

Dietrich, one of the most popular speakers at previous NGA events, will offer his most up-to-date economic forecast for the nation as a whole, as well as for the North American glass industry specifically. He will specifically incorporate his insights on the Window & Door retail market, recognizing the unique nature of the industry.

During his presentation in February at the National Auto Glass Conference in Orlando, Dietrich warned that we are further from the “bottom” of the current economic cycle than we’ve been led to believe. His

analysis suggested that the nation will not begin to feel the effects of a broad-based recovery until early-to-mid-2010.

All eyes will be on Dietrich in Atlanta when he updates his forecast and looks ahead to 2010 and beyond. His projections have proven to be invaluable to glass industry executives as they develop their short- and long-term strategic plans.

Dietrich will likewise address the 4th annual NGA Glazing Executives Forum, held September 30, in conjunction with GlassBuild America.

For a complete line-up of speakers and to register for GlassBuild America: The Glass, Window & Door Expo™, scheduled for September 30 through October 2 at the Georgia World Congress Center in Atlanta, please visit www.glassbuildamerica.com.

Blue-Chip Solar Panel Presentation Slated for GlassBuild America: Cutting-edge technology to be showcased at industry's leading event

Executives from several of the world's leading solar panel manufacturers and supplier firms have agreed to participate in a high-profile, interactive panel discussion at the year's largest and most important showcase for the North American glass industry.

The blue-chip panel presentation will be held in conjunction with GlassBuild America: The Glass, Window & Door Expo® on October 1st at the Georgia World Congress Center in Atlanta. Panelists will offer a comprehensive overview of the global industry, including the latest solar panel research, current and long-term market trends and developments in both photovoltaic and mirror technologies.

The panel discussion, presented by the Global Fair Alliance (www.global-fair-alliance.com), will be moderated by Russell Ebeid, Glass Group President for Guardian Industries Corp. Mr. Ebeid will facilitate the presentations and Q&A with audience participants.

Panelists representing top companies in both the domestic and global solar panel markets, include -

Steve Coonen
Vice President
Applied Solar

Dr. Gerald Fine
President & CEO
SCHOTT North America

Daniel Lau, B.Sc., M.Sc., Ph.D.
Managing Director
XYG GLASS, a division of
Xinyi Glass Holdings Ltd

Scott Thomsen
Chief Technology Officer
and Group Vice President
Guardian Industries Corp.

"We're very pleased to add this groundbreaking session to the agenda for our 2009 show," said David Walker, NGA vice president of association services. "GlassBuild America has long been the most important annual gathering of the North American glass industry, and we believe our attendees will value this comprehensive overview of the rapidly evolving solar movement."

For more information, visit www.glassbuildamerica.com.

MyGlassClass.com subscriptions and bundles!

The 25% discount has been so successful, we have decided to extend the deadline to May 31, 2009! The discount applies to all full priced subscriptions, courses, and bundles as listed in the course catalog. To use the discount on courses or bundles, simply create an account on MyGlassClass.com, log-in, and use the discount code SPRINGSAVINGS. To purchase a subscription, e-mail myglassclass@glass.org. The discount can be used on one transaction per account.

MyGlassClass.com will prepare you to take your NGA Auto Glass, Auto Glass Master, and Glass Installer on-line certification exams. MyGlassClass.com also includes 11 InstallationMasters™ Window and Door courses, with more to come in 2009. MyGlassClass.com is continually expanding to meet the training needs of the industry - OSHA and Customer Service training will be launched in May 2009. Keep watch for more information.

If you have any questions, contact the NGA at 866/DIAL NGA (342-5642), ext. 151, or e-mail myglassclass@glass.org.