



# Glass Facts

January - March 2009

## SEGA Chairman's Message



As we near the end of the first quarter of 2009, SEGA has already held two Regional Meetings. We kicked off the year on January 8 in Orlando with Ron Leiseca with RJL Associates. Ron

presented a program on the changes to building code, and how they related to fire glass. I am sure that everyone in attendance shares in my appreciation to Ron for taking time to speak to us about this very important topic. I would also like to thank Flat Glass Distributors for sponsoring our door prize which was won by Don Burgess with RF Supply, Inc.

Our second Regional Meeting was held in Jacksonville on February 26. We were honored to have Jim Bleech, a professional consultant, come in and speak to us about leading our companies through the difficult times that we are facing. Jim is currently the CEO of Parliment Steel and has over 25 years of experience in private industry. He made a lot of interesting points and gave some great ideas on how to deal with the current market. I highly recommend you visit Jim's website at [www.no-excuses.com](http://www.no-excuses.com) and look into one of his programs or publications. Congratulations to Fred Poyner with Area Glass, Inc. in winning the door prize that was sponsored by Flat Glass Distributors. I would also like to thank Door Control, Inc for being our Dinner Meeting Sponsor for the evening!

Our next Regional Meeting will be in Orlando on

March 12. Vince Horton with Coastal Construction Products, Inc. and Tom Grzegorzcyk with Dow Corning Corporation will be our speakers for the evening. If you have not yet signed up to attend, please contact the SEGA office as soon as possible.

Mark your calendars for our upcoming Golf Tournament. We will be holding this event on April 17 at the Sarabande Country Club in Howey-in-the-Hills. I hope this proves to be a successful event. We have really tried to keep this a reasonable tournament and think we have done well. I don't know of too many golf outings where a foursome can play for \$200.00 including lunch! Call the SEGA office to register or to sponsor this event today!

I think the association is putting together some great programs and hope to see more of you at upcoming events. If anyone has a program they would like to see, please contact myself or the SEGA office, and we will try to put it together.

I would also like to extend a welcome to three new board members.

- Fred Poyner with Area Glass, Inc. in Panama City Beach, Florida
- Will Smith with Glazing Consultants, Inc in West Palm Beach, Florida
- Susan Story with Brevard Plate Glass, Inc. in Cocoa, Florida

Thank you to all of them for volunteering. I look forward to their participation.

*Sincerely,*

*Troy Hein  
SEGA Chairman*

## SEGA 2009 OFFICERS

### **Chairman of the Board**

Troy Hein  
YKK AP America, Inc.

### **Vice Chairman**

Terry Downs  
Glass Systems, Inc.

### **Secretary/Treasurer**

Bryan Yarborough  
Glass Doctor

### **Immediate Past Chairman**

Jim Jackson  
Architectural Glass Services

## SEGA 2009 DIRECTORS

Greg Burkhart  
Key Glass, LLC  
Scott Cates  
Lee & Cates Glass, Inc.  
John Faour  
Faour Glass Technologies  
Jeff Miller  
Lore L. Ltd.  
Fred Poynor  
Area Glass, Inc.  
William Smith  
Glazing Consultants International, LLC  
Susan Story  
Brevard Plate Glass, Inc.  
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 or (888) 869-7961 for current rates and information.

## SOUTHEAST GLASS ASSOCIATION 2009 CALENDAR OF EVENTS

### **April**

1 ..... SEGA Tallahassee Regional Meeting,  
Quality Inn & Suites, Tallahassee  
2 ..... Board of Director's Meeting,  
Quality Inn & Suites, Tallahassee  
17 ..... Golf Tournament (one day),  
Sarabande Country Club, Howey-in-the-Hills

### **May**

TBA .....SEGA Prep Course, Orlando/Longwood area  
TBA .....SEGA Orlando Regional Meeting

### **June**

16-17 ..... Glass & Glazing Specialty License Exam  
TBA ..... SEGA Tampa Regional Meeting

### **July**

TBA .....SEGA Orlando Regional Meeting

### **August**

TBA .....Board of Director's Meeting, Longwood  
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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### **SEGA OFFICE**

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# Regional Meeting

Join us for the upcoming Regional Meeting:

## **Wednesday, April 1, 2009**

Quality Inn & Suites located at 2020 Apalachee Parkway, Tallahassee, Florida 32301.

Registration and Social Hour are at 5:00 p.m. and the program will begin at 5:30 p.m.

There is no charge to attend this meeting.

Dr. Necati Aydin, Senior Research Analyst with the Florida State University Center for Economic Forecasting and Analysis, will give a presentation on the economic downturn as it relates to the construction industry.

All attendees of the Tallahassee Regional Meeting are invited to join the SEGA Board of Directors at dinner (dutch treat) at 7:00 p.m. (location to be determined at a later date). If you plan to stay over, please join the SEGA Board of Directors for the board meeting on Wednesday, April 2 from 8:00 a.m. – 12:00 noon. SEGA has secured a room block at the Quality Inn & Suites.

For the Tallahassee forms, please visit our website at [www.southeastglass.org](http://www.southeastglass.org) or go to <http://www.southeastglass.org/RegionalMeetings/TallahasseeMeeting04-01-09.pdf> or <http://www.southeastglass.org/RegionalMeetings/DinnerTallahasseeDoorPrizeSponsorFlyer04-01-09.pdf>. **The deadline to sponsor or register for the Tallahassee Regional Meeting is Wednesday, March 25, 2009.**

# SEGA to Hold Board of Director's Meeting in Tallahassee

The 2009 Legislative Session began on March 3. The Southeast Glass Association (SEGA) Board of Director's Meeting will be held in Tallahassee while the state legislature is in session. The date is Thursday, April 2, 2009. As with every board meeting, SEGA members are invited to attend. However, this is a special invitation to all SEGA members to attend this "legislative session" Board of Director's Meeting.

The SEGA Board of Director's Meeting will be held on Thursday, April 2, 2009 at the Quality Inn & Suites

located at 2020 Apalachee Parkway in Tallahassee. The Board of Director's Meeting will be held from 8:00 a.m. – 12:00 noon.

Immediately following the Board of Director's Meeting, attendees are encouraged to walk the halls of the Capitol and meet with representatives and senators.

SEGA has secured a block of rooms at the Quality Inn & Suites. The rate is \$99.99 single/double occupancy. Information, along with a Hotel Reservation Form, was e-mailed to all SEGA members. Please feel free to contact the hotel directly at (850) 877-4437 or call the SEGA office for a Hotel Reservation Form. **The room block will expire on Wednesday, March 25, 2009**, so make your room reservations now. Tallahassee is busy this time of year.

# SEGA to Hold Golf Tournament in April



SEGA will be holding a one-day Golf Tournament on Friday, April 17, 2009 at the Sarabande Country Club in Howey-in-the-Hills. The cost is \$50.00 per person which includes cart, green fees, range balls, one free



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mulligan, two drink tickets for beverages on the course and lunch prior to the tournament. Additional beverages will be available on the course on a cash basis. The tournament will begin at 1:00 p.m. with a shotgun start. The scoring format will be a scramble. After the tournament, there will be an awards presentation. A buffet lunch will be available starting at 11:30 a.m.

SEGA has set up different Sponsorship categories in which your company can participate. Your support is greatly appreciated. The following sponsorships are available: Closest to the Pin Sponsors at \$100.00 each (2 slots available); Longest Drive Sponsors at \$100.00 each (2 slots available); Longest Putt Sponsors at \$100.00 each (2 slots available); Range Ball Sponsors at \$100.00 each (2 slots available); Lunch Sponsors at \$250.00 each (3 slots available) and Beverage Cart Sponsors at \$250.00 each (3 slots available).

Also available is the Survival Kit. The Survival Kit includes two Mulligans at \$10.00. If you pre-purchase the Survival Kit, you will receive one opportunity for a "SURVIVAL DRIVE" – pick one hole and tee off from the LADIES tee!! (Cannot be used on the Closest to the Pin or Longest Drive holes.)

For the SEGA Golf Tournament forms, please visit our website at [www.southeastglass.org](http://www.southeastglass.org) or go to:

- <http://www.southeastglass.org/GolfTournament/GolfTournamentRegistrationForm.pdf>
- <http://www.southeastglass.org/GolfTournament/GolfTournamentSurvivalKit.pdf>
- <http://www.southeastglass.org/GolfTournament/GolfTournamentSponsorshipForm.pdf>

**The deadline to register, sponsor and purchase the Survival Kit is Wednesday, April 8, 2009.**

## SEGA Welcomes Three New Board Members

In February 2009, the SEGA Board of Director's approved the following three individuals to serve as board members of SEGA for the 2009 term.

- Fred Poyner with Area Glass, Inc. in Panama City Beach, Florida
- Will Smith with Glazing Consultants, Inc. in West Palm Beach, Florida
- Susan Story with Brevard Plate Glass, Inc. in

Cocoa, Florida

SEGA welcomes Fred, Will and Susan and looks forward to their participation on the SEGA Board of Directors.

If you are interested in serving on the SEGA Board of Directors, please contact the SEGA office at (407) 831-7342.

## SEGA 2009 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

### **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.

# OIR Issues Order on NCCI's Florida Law Only Filing in Response to *Emma Murray vs. Mariner Health*

## Workers' Compensation Rate Changes Effective January 1, 2009

Code Number	Description	2008 Rate	1/1/2009 Rate	Percentage Change
4130	Glass Merchants	7.93	6.28	-20.81%
5606	Construction Executive Superintendent	2.74	2.08	-24.08%
5462	Glazier – Away from Shop – & Drivers	9.91	8.24	-16.85%
8227	Contractor Permanent Yard	6.68	5.72	-14.37%
8742	Estimator	.64	.49	-23.43%
8810	Clerical	.37	.28	-24.32%

On October 23, 2008, the Florida Supreme Court issued its opinion in the case of *Emma Murray vs. Mariner Health Inc.* and ACE USA, No. SC07-244 (“*Emma Murray*”). The Supreme Court interpreted the statutory attorney fee changes included in Senate Bill 50A (“SB 50A”), a comprehensive workers’ compensation reform bill implemented on October 1, 2003. The impact of the Supreme Court’s decision is to eliminate the statutory schedule for claimant attorney fees and to return Florida to pre-SB 50A law on claimant attorney fees, namely hourly fees.

On November 14, 2008, NCCI submitted a workers’ compensation rate filing to the Office of Insurance Regulation (OIR) in response to *Emma Murray*. The filing proposed an increase of 8.9% to the January 1, 2009 rate level. NCCI estimated that the full impact of *Emma Murray* would be an increase in overall Florida workers’ compensation system costs of 18.6%. NCCI anticipated that it would take two years for the full impact to be realized, and therefore proposed a first-year increase of half of the full impact or 8.9% in

overall system costs. NCCI proposed an effective date of March 1, 2009 applicable to new, renewal and outstanding policies.

On January 26, 2009, the OIR issued an order denying the 8.9% increase and requested that NCCI make an amended filing for an overall workers compensation rate level increase of 6.4% applicable only to new and renewal policies effective April 1, 2009 (not applicable to outstanding policies). The OIR’s order requested that NCCI amend its filing by February 2, 2009. NCCI has the option to appeal. NCCI is currently in the process of reviewing the order and making a decision on how to respond.

The rates shown above are effective with policies that renew between January 1, 2009 and March 31, 2009. New rates will apply to policies that renew on or after April 1, 2009.

As additional information becomes available, the SEGA office will keep you posted.

# Workers' Compensation Rates Will Increase April 1

Effective January 1, workers' compensation rates were reduced an average of 18.6%. This was the sixth straight yearly rate decrease and is due in large part to significant changes to the workers' compensation law by the Florida Legislature in 2003. However, these savings to employers have been threatened by a recent decision by the Florida Supreme Court that struck down a limit on attorney fees which has been one of the reasons workers' compensation rates are down over 60% since 2003.

Effective April 1, 2009, the state will increase workers' compensation rates by 6.4%. The rate increase will affect all workers' compensation policies written or renewed on or after April 1, adding about \$172 million in insurance costs for Florida employers.

It is estimated that rates will need to go up as much as 18.6% over the next two years unless changes are made to the workers' compensation system to minimize the impact of attorney involvement. This is very bad news for Florida's construction industry given the state our economy is in.

## 2009 Pre-Session Report

Florida's budget crisis and the economy will take center stage again when the Legislature convenes next month for its regular session. With an anticipated budget gap for 2009-2010 of anywhere from \$3.8 billion to \$5.8 billion and revenue forecasts continuing to shrink, the state is in for some extreme belt-tightening.

A signal of just how bad times are came from **House Speaker Ray Sansom and Senate President Jeff Atwater** at the annual GOP retreat last November. **Sansom and Atwater** warned fellow lawmakers not to even bother asking for funds for pet projects. Lawmakers have also indicated they won't be taking up any legislation with a negative fiscal impact as they look for places to cut spending.

When the Florida House convened Tuesday, March 3, 2009, they elected (again) a Speaker of the House. **Representative Ray Sansom**, the embattled House Speaker, was recently removed from that position due

to allegations of steering millions of dollars to a college in his district. Enter **Representative Larry Cretul**, a largely unknown from Ocala, who was tapped by **Sansom** to be his Speaker Pro Tempore. He was unanimously approved as the new leader of the GOP by the Republican caucus earlier this month and was elected as permanent speaker by the entire 120 House members on the first day of session.

The following are just a few of the issues SEGA will be working on this session:

### **Local Government Procurement**

#### **HB 611 by Hukill and SB 616 by Haridopolos**

The Construction Coalition's number one priority for the 2009 Legislative Session is to strengthen Florida's competitive bid statute that requires work in excess of \$200,000 to be competitively bid.

It has been the long-standing policy of the state and local governments to put public construction work out for competitive bid. There are many reasons, such as economic efficiency, technical expertise, safety and construction experience.

More and more local governments are abusing the specified exceptions provided by the law as means to allow them to self-perform construction work. The most egregious abused exceptions to competitive bid are for "repair and maintenance."

After much discussion between the construction industry and cities and counties in 2008, the key components of the 2009 bill are as follows:

- Maintenance and Repair – The original 2008 bill would have required all maintenance and repair work over \$200,000 to be competitively bid. The 2009 bill would better distinguish between "maintenance" and "repair," allowing a local government to perform all of its own maintenance work and all minor repairs but requiring competitive bidding for any repair work above the \$200,000 threshold.
- "Self-Performing" Work with City/County Employees – Unless some other exception applies, a local government would be able to self-perform construction work only if it first puts the project out for bid and all bids are more than 10% higher than the local government's cost estimate. The local government could then decide to self-perform the work, but only if it determines that it can do the work at least as cheaply as the lowest-cost bidder. The 2008 bill would have required a local government to hire an independent engineer and accountant to verify the project costs as a condition of self-performing the work, but this requirement was removed from the 2009 bill in response to

objections from the cities and counties.

- **Local Contractor Bid Preferences** – The 2009 bill would allow a local government to award a contract to a locally-based contractor in the event of tie bids, but would otherwise prohibit a local government from favoring local contractors over contractors based elsewhere in the state when the local government evaluates bids.

In response to objections from the cities and counties to the 2008 bill, the 2009 bill does not include: (a) provisions limiting “no damage for delay” clauses in public construction contracts, which are used by some local governments to avoid paying any damages for delays caused by the local government or its agents; and (b) substantial changes to the procurement process governing city and county road work.

### **Workers’ Compensation**

Business groups all agree that workers’ compensation rates could escalate following a 2008 Florida Supreme Court decision that struck down a cap on attorney fees in workers’ compensation cases. The court concluded that claimant attorneys are entitled to “reasonable” fees in workers’ compensation insurance cases, rather than a fee formula put in place in a 2003 package of reforms. While rates in Florida have fallen 60% following the 2003 reforms, the National Council of Compensation Insurance (NCCI), which represents 200 workers’ compensation insurers in the state, recently proposed an 18.6% rate hike that it says companies will need to cover the increased attorney fees associated with claims. Any increase in costs for workers’ compensation insurance could prove disastrous for companies already reeling from the recession.

### **Construction Bonds and Liens**

**HB 299 by Tobia and SB 560 by Bennett** –

Requires surety to record in public records payment bond for public construction projects.

**SB 696 by Jones** – Legislative intent to revise laws relating to the Florida Construction Lien Law.

**SB 466 by Wise** – Establishes owner’s rights and responsibilities under the Florida Construction Lien Law.

### **DBPR Licensing**

**HB 425 by Plakon**

The Department of Business & Professional Regulation (DBPR) has filed a bill that makes several changes to professions that they regulate. For construction, the bill deletes the provisions for the Certificate of Authority, also known as Qualified Business license (QB). The bill would require the contractor to apply as qualifying agent for the business organization.

The Construction Coalition has held

several meetings with the department including Secretary Chuck Drago to provide them with additional suggestions to streamline the licensing process.

## **CILB Considers Pre-Licensure Education**

At the February Construction Industry Licensing Board (CILB) Meeting, Chairperson Jackie Watts unveiled a concept to require Pre-licensure Education. Citing an inability to verify experience of individuals making application to the CILB for licensure, the chairman discussed the revolutionary plan with members of the CILB ad hoc Committee and public last week.

Details are sketchy, but it would include 360 contact hours with half of that time being devoted to trade knowledge. Ms Watts also envisions at least half of the 360 hours to be classroom with the other half being completed on-line or in labs. The chairman also would like to see an exit exam given at the completion of the required hours.

The pre-licensure education would replace the experience verification currently required. The CILB would have to seek legislative change to enact these sweeping changes to licensure.

The SEGA office will monitor this issue and provide updates when more information is available.

## **E-Verify Postponed!**

U.S. companies who do business with the government got a short reprieve when the deadline for using the controversial E-Verify system was pushed back a month.

The new rule demands all companies working on federal contracts electronically check the legal working status of employees through the Department of Homeland Security’s E-Verify system.

It was set to go into effect January 15, but has been postponed until February 20 because the U.S. Chamber of Commerce is pushing back on its legality.

Needless to say, the folks at the chamber are thrilled and they’re hoping that President Barack Obama will nix the requirement all together.

The rule as it stands now: any company on a federal

contract has to use an Internet-based system that checks the names and Social Security numbers of all its workers against Social Security Administration and DHS data.

The system either confirms the information matches or gives the employer a “tentative non-conformation.”

Then it is up to the employee to resolve any problems with Social Security Administration officials. If the mismatch isn't cleared up and the employee remains with the company, the employer could lose its federal contracts.

Currently, the use of E-Verify is voluntary and applies only to new hires. But the new law changes that and businesses are howling that the extra work and bother is the last thing they need in this lousy economy.

The lawsuit challenges an Executive Order making E-Verify mandatory for federal contractors with projects exceeding \$100,000 and for sub-contractors with projects exceeding \$3,000. In short, just about everyone who does business with the feds.

Considering the stimulus package that the new president is proposing, this could mean even more businesses would get hit by the rule. With IT a big part of the new president's agenda, it could be a big headache for shops looking to add staff for new initiatives or projects.

#### **Information for Federal Contractors**

Federal contracts awarded and solicitations issued after February 20, 2009 will include a clause committing government contractors to use E-Verify. The same clause will also be required in subcontracts over \$3,000 for services or construction. Contracts exempt from this rule include those that are for less than \$100,000 and those that are for commercially available off-the-shelf items. Companies awarded a contract with the federal government will be required to enroll in E-Verify within 30 days of the contract award date. They will also need to begin using the E-Verify system to confirm that all of their new hires and employees directly working on federal contracts are authorized to legally work in the United States.

#### **Will it die or become mandatory under Obama?**

A coalition of business groups, including the Society for Human Resource Management and the U.S. Chamber of Commerce, filed a lawsuit at the end of last month to block the regulation. They claim E-Verify was enacted as a strictly voluntary program, and that requiring companies to use it violates the law Congress passed to authorize it.

President Obama has expressed support for E-Verify.

#### **State mandates**

E-Verify is already mandatory for some or all employers in 11 states: Arizona, Arkansas, Colorado, Georgia, Mississippi, Missouri, North Carolina, Oklahoma, Rhode Island, South Carolina and Utah.

The laws vary from state to state: Some only apply to companies that contract with the state government, while the mandates in Arizona, Mississippi, Missouri and South Carolina apply to all companies.

Arizona's rule was recently challenged by businesses and immigration advocacy groups, but it was upheld in court.

## **Welcome New Members!**

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

#### **Coastal Construction Products, Inc.**

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Distributor

#### **Curry Ford Glass & Mirror**

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Glass & Glazing Contractor

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