



Glass Facts

October - December 2009

SEGA Chairman's Message



As we end the year, I would like to say thank you to everyone that has supported the association through 2009. We had a busy year holding Regional Meetings in Orlando,

Jacksonville and Tallahassee, being able to present our Wind Mitigation program to the Building Officials Association of Florida (BOAF) at their annual conference and our Golf Tournament at Sarabande.

The past year has been a struggle for many people and companies. The association has also been effected. Membership and participation are both down significantly from past years. The board and staff are currently discussing some ways that we can continue to operate in some capacity for 2010. We hope to have a plan together shortly after the first of the year.

As I mentioned in the previous newsletter, we need everyone's support to be a successful association. Please think about what you can do to make a difference in your industry. How can you leave your mark? If you are interested in becoming more involved or know of someone else that you would like to volunteer, please call the SEGA office and let us know.

I hope that we are all able to take some time to spend with our friends and family over the holiday season.

Merry Christmas and a Happy New Year to you all!

Sincerely,

*Troy Hein
SEGA Chairman*



Certified Contractor License Renewal Reminder

Just a reminder that the Certified Contractor licenses issued by the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2010.

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).

SEGA 2009 OFFICERS

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Troy Hein
YKK AP America, Inc.

Vice Chairman

Scott Cates
Lee & Cates Glass, Inc.

Secretary/Treasurer

Bryan Yarborough
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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 2010 CALENDAR OF EVENTS

September

14-16 (Tuesday-Thursday)..... GlassBuild America:
The Glass, Window & Door Expo
Las Vegas Convention Center in Las Vegas, NV

2011 CALENDAR OF EVENTS

September

7-9 (Wednesday-Friday) GlassBuild America:
The Glass, Window & Door Expo
Georgia World Congress Center, Atlanta, GA

2012 CALENDAR OF EVENTS

September

12-14 (Wednesday-Friday) GlassBuild America:
The Glass, Window & Door Expo
Las Vegas Convention Center in Las Vegas, NV

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2010 SEGA Board of Directors

SEGA needs your help. We need members to volunteer to serve on the SEGA 2010 Board of Directors. By serving on the board of directors, you can develop self-satisfaction; get an insight into how the organization is run; sharpen your leadership abilities; build prestige for you and your company; network with other peers; share various responsibilities; have an opportunity to give something back to the industry as well as help the industry; and develop a sense of accomplishment.

Term:

- The term of the office for a member of the Board of Directors is one year starting on January 1.

Responsibilities:

- Board of Directors shall be responsible for the entire management of the association and of the income and property thereof, including authority to issue debentures or borrow money for corporate purposes. The Board of Directors shall establish all rules and regulations necessary to conduct its business and may change the same from time to time.
- Attend three Board of Director's Meetings yearly.

If you are interested in serving on the board or a becoming a committee member for 2010, please contact the SEGA office at (407) 831-7342.

St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpayers

Backers of the Amendment 4 campaign reacted to several of Floridians For Smarter Growth's arguments about the fundamental flaws in their proposal.

It is clear that they are now embarrassed by the story of St. Pete Beach (Paradise News Editorial: Florida must defeat "Hometown Democracy" or suffer the fate of St. Pete Beach). The chaos that has unfolded in St. Pete Beach (after this small Florida town adopted a local version of Amendment 4) is proof positive that their proposal is costly, chaotic and ultimately, unworkable.

Not surprisingly, Amendment 4 supporters have chosen to distance themselves from the serious problems in St. Pete Beach, rather than attempt to defend their idea. At the end of the day, they may not like the unflattering St. Pete Beach comparison. However, facts are stubborn things and – as many in the media have pointed out – these comparisons are valid:

The Tampa Tribune Editorial (May 28, 2008) – "Voting on Everything dispirits tourist business in a tourist town": <http://www2.tbo.com/content/2008/may/28/na-voting-on-everything-dispirits-tourist-business/>.

The Orlando Sentinel (June 25, 2009) – "Hometown Democracy: Eve of Destruction?": <http://www.florida2010.org/media2.php?id=126&t=2>.

The St. Petersburg Times Editorial (June 28, 2009) – "A formula for gridlock": <http://www.tampabay.com/opinion/editorials/article1013823.ece>.

This important issue deserves nothing less than a rigorous debate.

Thank you,

Ryan Houck

Floridians for Smarter Growth Executive Director

St. Pete Beach Abandons Local Experiment in Amendment 4 By — Ryan Houck

Since beginning a three-year experiment in Amendment four-style rule, St. Pete Beach residents have seen endless lawsuits, higher taxes and widespread economic turmoil. In recent elections, the citizens of St. Pete Beach voted to scale back their local version of Amendment 4 so that only certain land use changes require a referendum. With Florida voters set to soon decide the fate of Amendment 4 – a statewide Vote on Everything initiative – it is telling that St. Pete Beach voters chose to rein in their own local experiment by a decisive 60-40 margin.

More telling still are the words of Ward Friszolowski, former St. Pete Beach Mayor who retired in 2008. "St. Pete Beach residents are tired of voting on

everything, especially issues that don't even relate to development," said Friszolowski. "This amendment doesn't work. It has resulted in chaotic, confusing and expensive elections driven by sound bites rather than sound planning."

No other state in the union has adopted an amendment as heavy-handed and extreme as the one now being sold to Florida voters as Amendment 4. Even the type of planning by sound bite that takes place in California would pale in comparison to what is being proposed in our state. However, we can draw lessons from the story of St. Pete Beach, the first community in Florida to adopt a local version of Amendment 4.

The St. Pete Beach TIMELINE:

November 2006: St. Pete Beach narrowly adopts a local version of Amendment 4, requiring a referendum for all changes to the local comprehensive plan. Amendment 4 supporters promise that they just want to give "the people a right to vote."

June 2008: St. Pete Beach voters approve a new comprehensive plan at the ballot box.

June 2008: After losing the election, Amendment 4 supporters in St. Pete Beach file a string of legal challenges to invalidate the will of the people.

September 2008: Numerous administrative challenges are subsequently filed by Amendment 4 co-author and co-founder Ross Burnaman.

June 2009: The St. Petersburg Times reports that St. Pete Beach has exhausted its legal budget months before the end of the fiscal year.

September 2009: Amidst rising legal bills, St. Pete Beach raises taxes.

October 2009: Court-ordered mediation collapses when Amendment 4 supporters refuse to join the City and the business community in supporting a compromise.

St. Pete Beach is proof positive that Amendment 4 is not designed to give the people a say on growth. It is designed to give anti-growth lawyers another legal avenue to stop common sense progress, even when voters approve it. In St. Pete Beach, the taxpayers' legal bills continue to mount. Unfortunately, there is no end in sight.

Floridians for Smarter Growth leads opposition to Amendment 4. To date, more than 170 organizations throughout Florida have opposed Amendment 4. More join the fight every day. For more information, please visit www.florida2010.org.

New Workers' Compensation Whistle-Blower Website

The State Division of Workers' Compensation has established a new Non-Compliance Referral Database for citizens to report employers suspected of not providing workers' compensation insurance for their employees. The new website makes it easier to submit a complaint on-line and provides real-time feedback to those making a complaint. Over \$500,000 in penalties has already been assessed due to referrals made through the website.

Examples of non-compliant workers' compensation coverage include:

- Working without workers' compensation insurance.
- Under-reporting payroll of employees.
- Paying employees in cash instead of checks from payroll.
- Misclassifying employees' job duties in order to receive a lower workers' compensation rate.

The new website is located at www.fldfs.com/WC/. Click on the peach-colored box that says "Report Suspected Workers' Comp Non-Compliance."

OSHA 300-A Form - Summary of Work-Related Injuries and Illnesses - Must be Posted

This is a reminder that all companies are required to post the *Summary of Work-Related Injuries and Illnesses (Form 300-A)* — by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year.

The OSHA 300-A Form, along with OSHA Forms 300 and 301, is available on OSHA's website at <http://www.osha.gov/recordkeeping/RKforms.html>.

Employers must keep a Log of Work-Related Injuries and Illnesses and Summary for each establishment or site. If you have more than one establishment, you must keep a separate *Log* and *Summary* for each physical location that is expected to be in operation for one year or longer. Note: you can use a workers' compensation or insurance form, if it contains the same information.

Note that your employees have the right to review your injury and illness records. You must keep the *Log* and *Summary* for five years following the year to which they pertain.

OSHA Begins National Emphasis Program on Recordkeeping to Determine Accuracy of Worker Injury and Illness Data

On October 1, 2009, The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced that it is initiating a national emphasis program (NEP) on recordkeeping (www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf) to assess the accuracy of injury and illness data recorded by employers.

The recordkeeping NEP involves inspecting occupational injury and illness records prepared by businesses and appropriately enforcing regulatory requirements when employers are found to be under-recording injuries and illnesses.

"Accurate and honest recordkeeping is vitally important to workers' health and safety," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "This information is not only used by OSHA to determine which workplaces to inspect, but it is an important tool employers and workers can use to identify health and safety problems in their workplaces."

The inspections include a records review, employee interviews and a limited safety and health inspection of the workplace. The NEP will focus on selected industries with high injury and illness rates.

At the request of the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and Labor, the Government Accountability Office (GAO) issued a study on the accuracy of employer injury and illness records. This NEP will help OSHA work cooperatively with the GAO. It also complements the Labor Department's Bureau of Labor Statistics' (BLS) efforts to investigate factors accounting for differences between the number of workplace injuries and illnesses estimated by BLS and those estimated by other data sources.

Under the Occupational Safety and Health Act of 1970, OSHA's role is to promote safe and healthful working conditions for America's men and women by setting and enforcing standards and providing training, outreach and education. For more information, visit www.osha.gov.

U.S. Department of Labor releases are accessible on the Internet at <http://www.dol.gov>. The information in this news release will be made available in alternate format (large print, Braille, audiotape or disc) from the COAST office upon request. Please specify which news release when placing your request at (202) 693-7828 or TTY (202) 693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit <http://www.dol.gov/compliance>.

OSHA Welcomes GAO's Report on Under-Reporting of Workplace Injuries and Illnesses

OSHA Finds Problems Identified in Report Alarming

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) welcomes the Government Accountability Office's (GAO) report on the under-reporting of workplace injuries and illnesses and OSHA's audit process.

The report identifies a number of factors that may contribute to the inaccuracy of employer injury and illness records, as well as problems with the audits that OSHA conducts to ensure their accuracy.

“Accurate injury and illness records are vital to protect workers’ health and safety,” said Secretary of Labor Hilda L. Solis. “They not only enable OSHA to better target its resources and determine the effectiveness of its efforts, accurate numbers are also an important tool that workers and employers can use to identify hazards in their workplaces.”

The report identifies worker intimidation as well as a number of disincentives that may discourage workers and employers from reporting work-related injuries and illnesses. The report also notes widespread reports from occupational health practitioners who were pressured not to record an injury or illness.

Acting Assistant Secretary for OSHA Jordan Barab announced that the agency will move swiftly to implement the recommendations made by the GAO. Additionally, in response to numerous studies of under-reporting and congressional interest, on October 1, OSHA implemented a National Emphasis Program on Recordkeeping. OSHA will send inspectors into worksites across the country to review the occupational injury and illness records prepared by businesses. “Many of the problems identified in the report are quite alarming, and OSHA will be taking strong enforcement action where we find underreporting,” Solis said.

Under the Occupational Safety and Health Act, OSHA’s role is to promote safe and healthful working conditions for America’s working men and women by setting and enforcing standards, and providing training, outreach and education. For more information, visit <http://www.osha.gov>.

OSHA Provides Workplace H1N1 Influenza Precaution and Protection Information for Workers and Employers

New Website offers fact sheets with practical information

The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has issued common sense fact sheets that employers and workers can use

to promote safety during the current H1N1 influenza outbreak.

The fact sheets inform employers and workers about ways to reduce the risk of exposure to the 2009 H1N1 virus at work. Separate fact sheets for health care workers, who carry out tasks and activities that require close contact with 2009 H1N1 patients, contain additional precautions.

“Protecting our nation’s workers is OSHA’s top priority,” said Jordan Barab, the agency’s acting assistant secretary. “These fact sheets are tools we have developed to help ensure America’s workers stay healthy and our businesses remain viable. OSHA’s new fact sheets will help all employers identify appropriate actions to protect their workers.”

OSHA’s “Workplace Safety and H1N1” Website provides easy to understand information appropriate for all workplaces and more extensive guidance for those involved in higher risk health care activities. The fact sheets are advisory in nature and informational in content.

As new information about the 2009 H1N1 virus becomes available, these workplace fact sheets will be updated. Employers and workers should review OSHA’s <http://www.osha.gov/h1n1> site often to ensure they have the most up-to-date information when making decisions about their operations and planning.

Under the Occupational Safety and Health Act, OSHA’s role is to promote safe and healthful working conditions for America’s working men and women by setting and enforcing standards, and providing training, outreach and education. For more information about the agency, visit <http://www.osha.gov>.

Letter from Outgoing DBPR Secretary

November 20, 2009

Dear Friends:

Serving Florida’s businesses and professionals as the Secretary of the Department of Business and Professional Regulation has been an unparalleled and rewarding experience. By working closely with industry partners and the people we serve, we have built tremendous momentum toward streamlining processes and eliminating unnecessary burdens. I am pleased to share that I will continue to support Florida’s businesses

and professionals in a new capacity—Deputy Chief of Staff to Governor Charlie Crist. Recently, he selected me to serve in this new role, and I am grateful and honored by this appointment. I will begin serving you in this position on November 30.

I would like to thank each of you who took the time to meet with me and share your input on how to do business better. The foundation upon which we built better customer service was based on feedback from the end-user. From "On the Road to Better Business," where I met with licensees around the state, to attending numerous board meetings, I realized that the insight provided by those we serve is invaluable. I thank you for sharing this gift—without which we could not have made many of the improvements that we did.

I assure you that the momentum gained over the past several years will not be lost. Chief of Staff Charlie Liem will take the helm of the Department of Business and Professional Regulation as Interim Secretary. He shares the department's common mission to: License Efficiently. Regulate Fairly. We will continue to strive to provide you with the best service possible.

Finally, I thank you for your partnership on this

endeavor and, moreover, for what you do to support Florida's economy. I will miss working with you as closely as I have in the past, yet I am excited about serving you in my expanded role as Deputy Chief of Staff to Governor Crist.

Sincerely,
Charles W. Drago
Secretary

Interim DBPR Secretary

Prior to his appointment as the Interim Secretary, Charlie Liem had served as Department of Business and Professional Regulation's Chief of Staff. Charlie has nearly 40 years management experience, 25 of those years serving the state of Florida as staff in the executive branch as well as both houses of the Legislature. He has worked as an executive manager in both the Florida Medicaid program and the Department of Elder Affairs, and he has served as the Governor's policy and budget coordinator for Health and Human Services programs. He has been a staff



director and analyst in the House of Representatives and Florida Senate.

A Pensacola native, he worked with various community social-services agencies in Colorado from 1970 to 1985, before returning to Florida. He is a graduate of Pensacola High School and the University of the South in Seawee, Tennessee. Charlie is the winner of multiple Davis Productivity Awards, was named one of "Andrew's Angels" by Metro Dade County, and was recognized with the state's Distinguished Service Award by the Governor and Cabinet for his work following Hurricane Andrew in 1993. He was a city councilman when he lived in Colorado, has been a volunteer firefighter, and is active as a volunteer in Tallahassee disaster services organizations. He is married and has three adult children.

OIR Issues Order on Florida Workers' Compensation Rate Filing

Florida's workers' compensation rates are going down 6.8 percent due to a new law reinstating fee limits for lawyers who represent employees claiming injuries. The law restored limits originally passed in 2003 but struck down last year by the state Supreme Court. Insurance Commission Kevin McCarty on October 15, 2009 cited the new law as he approved the decrease. It's effective January 1, 2010. McCarty had approved a 6 percent increase effective April 1, 2009; but after the new law was passed, he repealed it. The new cut brings the total rate reduction since the 2003 legislation was passed to 63 percent. Florida's rates, once one of the nation's highest, now are among the lowest.

The rate reduction is based on the annual review of the National Council on Compensation Insurance (NCCI), which made their initial filing on August 20, 2009 proposing an overall workers compensation rate level decrease of 6.8% for the voluntary market industrial classes effective January 1, 2010. The Office of Insurance Regulation (OIR) issued an order accepting the overall workers compensation rate level decrease of 6.8% with two amendments.

The first amendment is a limitation on the roofing (5551) rate decrease to the average decrease for the contracting industry group which is 10.8%. The second amendment is to maintain the current minimum premium multiplier (MPM). NCCI had proposed an increase to the MPM. The MPM is used to calculate the lowest premium required in order to provide insurance under the standard workers compensation policy.

The OIR's order requested that NCCI amend its filing by October 28, 2009.

On October 19, 2009, NCCI submitted an amended filing in accordance with the OIR order. Commissioner McCarty announced on October 26, 2009 acceptance of NCCI's amended filing. Rates will take effect January 1, 2010 on all new and renewal policies.

With the approval, the overall average rate impact at an industry group level will be as listed below:

	1/1/10 Filing	Cumulative 10/1/03 - 1/1/10
Manufacturing	- 4.7%	-60.0%
Contracting	-10.8%	-65.4%
Office and Clerical	- 6.2%	-63.3%
Goods and Services	- 3.8%	-62.2%
Miscellaneous	- 6.7%	-62.1%
TOTAL	- 6.8%	-63.2%

