

AlumiNews

Published Quarterly by The Aluminum Association of Florida, Inc. for its Members and the Aluminum Industry



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President's Message

Let's Kick it Up a Notch!

Have you ever seen that cooking show with the chef who's always yelling "Bam!" He's "kicking it up a notch." And that's exactly what your Association is doing on a number of fronts this year. The most evident, of course, is this current issue of *AlumiNEWS*. We've redesigned the publication to give it more impact and make it more readable. We certainly hope you like the change.

We're working on improving other areas—such as our Annual Trade Show, *AlumiNOTES* and other Association communications—in order to give you the most bang for

your membership buck. Don't hesitate to take advantage of the benefits the AAF offers to its members. These programs and services save you time and money—can you afford to squander either of them?

Do you want to make sure you get the absolute MOST out of your membership? GET INVOLVED. The rewards are immeasurable!



Scott Myers

Scott Myers

AAF Trade Show

Mardi Gras in August

Plans for the August Convention and Trade Show are well under way under the direction of Chairman, Kevin Sciglia and co-chair, Mike Moberley. Once again, the Southeast Glass Association will be participating and the weekend of August 18-21, 2005 will be occupied with social, business and sporting events that will fill each and every day. From the opening golf tournament on the 18th at the beautiful Champions-GATE courses, the business seminars that will earn valuable CEUs, the tremendous showing of product on the 19th and 20th, the great social activities, prizes and raffles that never fail to generate excitement, and the great all-suite Caribe Royale hotel that hosts our meeting, this is the annual event that you and your family have made so important over the years.

If you can access the AAF website, you can read about some of the particulars. Starting in the next edition of *AlumiNEWS*, we will publish the list of those companies who are already committed to participate in the 2005 show. As you can see from the headline above, this year's theme is Mardi Gras, and our social events will

feature fine New Orleans style food and music. And once again, someone will go home with a brand new Harley-Davidson Sportster.

So, be on the look-out for your attendee packet which will be in the mail soon and make your reservations early. Remember that in 2004, our block of rooms sold out well before the show dates. The information on the business seminars is being prepared by our friends at SEGA and will also be available shortly via the mail as well as on both association web sites. The golf tournament sign-up forms will be included in your packet and once again, we will be playing on both courses with a great buffet to close out the day. Mark those dates on your calendar and be on the lookout for more details.

If you are interested in exhibiting your product at our show in August, you can go to our web site and see the spaces that are available as well as seeing which companies occupy the spaces near the booths of your choice. We welcome new companies to the show and encourage your inquiries. ■

Chapter Locations and Meeting Information



If you wish to attend a meeting in your area, please refer to the chapter meeting and contact information below:

- Brevard County:** Contact Don Leggett at 813.927.9993
- Central Florida (Marion County):** Contact Tim Carstens at 352.821.3609.
- Citrus County:** Second Tuesday of every month. Location varies, 12 pm. Contact Mike Moberley at 352.795.4226
- Palm Beach:** Fourth Thursday of every month. Location varies, 6 pm. Contact Michael Sonsini at 561.793.6029
- Greater Volusia:** Contact Todd Orie at 386.673.0054
- Manatee-Sarasota-Charlotte:** First Tuesday of every month. Location varies, 7 pm. Contact Glen Kohlenberg at 941.955.3282
- Mid-Florida (Orange, Osceola & Seminole Counties):** First Thursday of every month. Location varies, 6:30 pm. Contact Wanda Classe at 407.896.1015
- North Central Florida (Alachua, Bradford, Columbia, Gilchrist & Union Counties):** Contact Carl Holmberg at 904.497.1010
- Northeast Florida (Clay, Duval & St. Johns Counties):** Third Wednesday of every month. Jones Groff Aluminum Office, Noon. Contact Jeff Briar at 904.731.5580
- Suncoast:** For information, contact John DeCosmo at 727.521.2675 or the AAF State Office at 561.362.9019
- Southeast (Broward & Miami-Dade Counties):** First Tuesday of every month. Contact Bob Monsour at 305.822.3141
- Southwest (Collier and Lee Counties):** Every other month. Contact Ron Carpenter at 239.633.9090
- Treasure Coast (Indian River, Martin, Okeechobee & St. Lucie Counties):** Third Thursday of the month as announced. Location varies, 6 pm. Contact Sheryl Moore at 772.335.1177
- Northwest:** Contact Alan Moore at 850.763.7676

UMDA: Contact Scott Cribby at 813.727.4625

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Meetings, Meetings, Meetings!

By Paul Saunders, AAF Executive Director

You may be wondering where the pictures that appear on this page were taken. Well, the answer to that question—as well as the answer to the ever-popular question “What has the Association done for me?”—can be summarized by a description of what those photos represent.

During the first quarter of 2005, a series of meetings took place, including a meeting of the AAF Executive Committee, a meeting of the AAF Board of Directors, a meeting of the AAF Technical Committee and, most recently, a meeting of the engineers throughout the State of Florida who work in the aluminum industry (this meeting was sponsored by the AAF.) And while all of this was going on, two of our Executive Committee members, namely John DeCosmo



Committee, particularly since the recent hurricanes and the damage sustained by our industry product. So, while the AAF *Guide to Construction in High Wind Areas* is poised to become the code compliant engi-

ed the idea of involving as many engineers as possible in our deliberations. To the delight of all concerned, the reaction from the engineering community has been enthusiastic and supportive. The first meeting of this newly-formed group was held in Fort Pierce on March 4.

I have an ulterior motive in describing these activities. I want and need more volunteers, and my hope is that many of you who pay your dues each year and ask that ever-popular question quoted above will find a reason and the time to contribute your talents to our Association and our industry. Contact one of our officers or Committee Chairman and offer some help, or you can even call me, and you know that I will find the right job for you. The main thing is to make yourself available. The surprising thing is that you will be surprised that you will enjoy yourself. We do have some fun, too! (Check those pictures one more time!) Good people tend to get along with other good people, and it can be a very rewarding experience. So, don't just sit back and wait for the other guy to do it. Give us a hand now. ■



and Don Leggett, found time to attend the swearing-in of the new 2005 officers for our Mid-Florida Chapter.

In addition to demonstrating the time and effort of so many volunteers in this Association, the photographs are the very best evidence of the work that goes on every day for the benefit of our AAF members. The Executive Committee, comprised of 16 of our officers and Committee Chairs, meet on a Saturday in Orlando, generally from 8:00 am to 4:00 pm, and help steer the course for the Association during a given year. These meetings are held four times a year, generally two weeks before the quarterly board meetings. This year, the first board meeting of 2005 was held in Sarasota. As a habit, most attendees arrive on Friday evening to prepare for a full Saturday working session.

This particular year, there has been an emphasis on the work of the Technical

neering for the Florida Building Code on July 1, 2005, the work of revisions and/or modifications to the Code, in light of the evidence revealed by the summer storms, has already begun, and your Association is at the forefront of those discussions.

The AAF Technical Committee generat-



Questions and Answers for Contractors

By Don Leggett, Chairman, Membership/Member Benefits Committee

Can I legally drug test my employees?

—Lisa Ezzell; Port Charlotte, FL

Lisa, Florida statutes clearly state “to ensure that the workplace is a drug-free environment and to deter the use of drugs and alcohol at the workplace, if the employer has reason to suspect that the injury was occasioned primarily by the intoxication of the employee or by the use of any drug, as defined in this chapter, which affected the employee to the extent that the employee’s normal faculties were impaired, and the employer has not implemented a drug-free workplace pursuant to state statute the employer may require the employee to submit to a test for the presence of any or all drugs or alcohol in his or her system.

If the employee has, at the time of the injury, a blood alcohol level equal to or greater than the level specified in state statute or if the employee has a positive confirmation of a drug as defined in this act, it is presumed that the injury was occasioned primarily by the intoxication of, or by the influence of the drug upon, the employee. “If the employer has implemented a drug-free workplace, this presumption may be rebutted only by evidence that there is no reasonable hypothesis that the intoxication or drug influence contributed to the injury. In the absence of a drug-free workplace program, this presumption may be rebutted by clear and convincing evidence that the intoxication or influence of the drug did not contribute to the injury. If the injured worker refuses to submit to a drug test, it shall be presumed in the absence of clear and convincing evidence to the contrary that the injury was occasioned primarily by the influence of drugs.

The small discount provided for our safety meetings does not offset the time lost away from the job. I am considering discontinuing them. What do you think?

—Charles Allen; Cocoa Beach, FL

Charles, first, think of the profitability of keeping your employee on the job. Usually, healthy employees equal more profit. (If this is not true for your company please attend the next AAF Putting Profit in your Business class) Second, If an injury is caused by the knowing refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully adopted by the department, and brought prior to the accident to the employee’s knowledge, or if injury is caused by the knowing refusal of the employee to use a safety appliance provided by the employer, the compensation as provided by your policy shall be reduced 25 percent. This reduction of benefits will help reduce the overall affect of the claim on your modification factor.

Besides saving money are there any drawbacks to exempting corporate officers?

—Roger Rafferty; Pensacola, FL

Roger, you will save money by exempting your officers... until they are injured, then, they or their spouses will be able to sue you under common law. In effect, you will have to defend yourself and your corporation in a court of law. A better way to handle that situation might be to look at taxation of the corporation based on the benefit to the corporate officer



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Can an insurance carrier cancel me for hiring an employee who has filed a previous workers compensation claim?

—Brad Pendelgrass; Tampa, FL

Brad, the short answer is NO. It shall be unlawful for any insurance entity to revoke or cancel a workers' compensation insurance policy or membership because an employer has returned an employee to work or hired an employee who has filed a workers' compensation claim. BUT, there are employers who indicate that an employee that has been injured previously has a slightly higher probability of being injured again. The best indicator of the probability of a reoccurrence appears to be the number of days missed from work.

My employees get free medical insurance, the insurance carrier gets all the money—what do I get?

—Dan Penny; Brandon, FL

Dan, at times it might appear that the employer does not receive benefits from the Workers compensation insurance there is in reality one great benefit. You, the employer are relieved of any liability for an employee getting injured on the job.

From the Florida State Statutes

The liability of an employer shall be exclusive and in place of all other liability, including vicarious liability, of such employer to any third-party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law. There are exceptions 1. The employer deliberately intended to injure the employee; or 2. The employer engaged in conduct that the employer knew, based on prior similar accidents or on explicit warnings specifically identifying a known danger, was virtually certain to result in injury or death to the employee.

The words "virtually certain" would make a guilty verdict against the employer unlikely. The defense cost in this type of litigation would be paid by the Insurance carrier.

Continued on page 6



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It's Been An Extraordinary Year

By Bruce Peak, Corporate Sales Manager, Phifer Wire Products, Inc.

Everyone will certainly remember 2004 as a challenging year thanks to an unprecedented number of hurricanes. The challenge continues into 2005 due to this extraordinary situation.

Hurricanes do particular damage to pool and screen enclosures. This damage and the need for repair creates an immediate urgent demand for insect screening. While no manufacturer can plan for an immediate increase in demand of this magnitude, there are many things that Phifer has done to produce and ship the maximum amount of screen to your distributors in Florida.

Since the first hurricane of last season, we have operated our plant at peak capacity which virtually means 24 hours a day, 7 days a week. Last year, we produced by far the highest volume of screening ever for the Florida market. In 2005, our goal is to even surpass our 2004 record volume produced and delivered.

In addition, we have limited the sale of Florida product to our existing customers in the Florida market and we are

servicing these customers based on historical sales levels. Since the hurricanes of last year, we have made capital investments for additional production capacity, which will be realized in the second quarter of '05. All of these things are being done to increase our capacity without sacrificing our quality. The products we make for the Florida market have the highest quality standards of any product we manufacture - all 100 ft. rolls, all first quality product.

We fully understand the hardship a supply shortage causes to your business, however, please be assured Phifer is doing everything we can to minimize this hardship for you and ship every square foot of screen possible to Florida. Also know that your association, the AAF, has offered a great deal of support in response to last season's hurricanes and they are to be highly commended.

We look forward to an excellent 2005 season and we pledge to do the very best we can to serve you, our valued customer. ■

Ask the Expert

Continued from page 5

Is failing to provide Workers Compensation Insurance a misdemeanor?

—Mark Roberts; Ocala, FL

Mark, failing to provide workers compensation insurance is a felony. The degree of felony is dependent on the amount of premium that was not paid by the employer. If the premium was less than \$20,000, the offender commits a felony of the third degree. If the premium was \$20,000 or more, but less than \$100,000, the offender commits a felony of the second degree. If the premium is over \$100,000 the offender commits a felony of the first degree. Criminals that go over the \$100,000 threshold usually get the cell with Otis, who hasn't seen a women in 20 years and thinks orange jumpsuits make men look sexy. ■

Don Leggett is Vice President of Risk Management for Insurance Office of America and insurance consultant to the AAF. Do you have a question? Send it to Don via e-mail at DLEGGETT@ioausa.com. If your question is used in this column, you'll receive a free AAF gift Pack.

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