



SHEAR BULL



Palm Beach County Roofing & Sheet Metal Contractors Association

Affiliate of FRSA and NRCA

February 2010

Volume 23 • 2

February Program

Asset Protection & Business Entities

By Bill Unger
with CEU Academy

WHERE:

Crown Plaza
Belvedere Rd., & Australian Ave.

DATE & TIME:

February 22, 2010
6:00-7:00 Networking/Cocktails
7:00-9:00 Dinner/CEU Class

COST:

\$40.00 for Members
\$65.00 Non Members

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“We’ll Give You A New Roof, And It Won’t Cost You Anything”

BY Mark Landis, Florida Roofing of Palm Beach County, Inc.

About a year after Hurricane Wilma ripped through Palm Beach County, I began hearing from prospective customers that they had a bid from another roofer that offered to help them with their claim, and do the job for the amount of the insurance settlement. I asked how they could specify a roof system without knowing the settlement amount. The response of many customers is they didn't care, as long as they were getting a roof for free. Over the next few years, these "free roof" scammers became more visible as work dried up. When it appeared licensing authorities and insurance companies were doing little to shut down these operations, some legitimate companies began the practice, figuring "if you can't beat 'em, join 'em". Recently, a home-owner showed me a roofing contract, where the entire proposal and scope of work was as follows: Customer agrees to let us install a new tile roof for whatever we recover from their insurance company. As the window for filing or re-opening Hurricane Wilma claims draws closer, these contractors are becoming more aggressive in an effort to grab every possible dollar before the deadline. The Palm Beach County Roofing and Sheet Metal Contractors Association has decided to put out the following bulletin, explaining the illegality of this practice, as well as a legal alternative that still allows homeowners to go through the same process:

Beware of Contractors Offering Homeowners A “Free Roof”

Palm Beach County Roofing and Sheet Metal Contractors Association
For the past few years, South Florida homeowners have been solicited by an increasing number of scam operators, offering to install a new roof on their house for the settlement amount they obtain from the insurance company. As the October 24, 2010 deadline for filing Hurricane Wilma claims approaches, they have become even bolder, going door-to-door through subdivisions. By offering to assist in the claim process, these contractors are in violation of Florida Statutes, and are committing a third degree felony. Florida Statute 626.8738 states "...any person who acts as a resident or nonresident public adjuster or holds himself or herself out to be a public adjuster to adjust claims in this state, without being licensed by the department as a public adjuster and appointed as a public adjuster, commits a felony of the third degree..." Florida Statute 626.854 section 1 defines a public adjuster as any person, except an attorney, who "...acts or aids in any manner on behalf of an insured or third-party claimant in negotiating for or effecting the settlement of a claim..." and

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2010 Officers & Board of Directors

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Drew Duncan: 626-7397

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Tom Stevens: 561-202-4787

FRSA Affiliate Rep.:

Mark Moretto: 561-737-2383

Golf:

John Pellegrino: 561-891-4706

Tom Stevens: 561-202-4787

Membership:

Jim Hunter: 346-0466

Legal Counsel:

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of Glickman/Witters/Marell 561-478-1111

If you have a problem in relation to this industry, please contact the appropriate committee chairman for assistance. Non-members are accorded the same privilege.

Opinions expressed in any of the articles submitted to the Shear Bull, are not necessarily the opinions of the Palm Beach County Roofing and Sheet Metal Association

Newsletter & Website Maintenance by

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President's Message

The year is off to a fast start. Especially for our association, with the revised BY-LAWS having been voted into effect as well as changes within our Executive Committee (myself included - moving into the President's position). With the activities of January 2010 settling, we now must focus on association initiatives for 2010. Our association will be focusing on investigating and



validating new fees being assessed to permit applications as well as additional documents and procedures affecting our businesses daily. With these complexities and impending 2010 Florida Building Code implementation, it is most important that our general membership stay "PLUGGED IN" to our County, State, and National associations. Code changes along with additional government regulation will impact our daily operations. Given our economic climate, any additional expense has considerable impact on our industry. One new regulation needing addressed is the LEAD paint training and certification program that is being implemented in April of this year. Hefty penalties for non-compliance will result if not in compliance. Be assured that our association will continue to keep its members well informed, and we ask for your participation throughout the year.

I THANK YOU for the opportunity to serve as your President.

Sincerely,

Tim Graboski, Graboski Roofing

March Program

**2 Hour CEU Credit Class -
Improved Management Techniques**
2 Hour class 7 to 9pm during dinner
with Bill Unger

For Details Call Ron Frano:
561-655-5393

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further states this “...also includes any person who, for money, commission, or any other thing of value, solicits, investigates, or adjusts such claims on behalf of any such public adjuster.” If the party offering the “free roof” is a licensed public adjuster, Florida Statute 626.8795 clearly states they cannot participate directly or indirectly in the repair or replacement of the roof. The statute further prohibits the adjuster from soliciting or accepting any remuneration from the entity performing the repair/replacement, nor can the adjuster have any financial interest in the entity performing the work.

The above referenced statutes specifically prohibit the entity assisting in the claim from having anything to do with the performance of the work. This should not discourage homeowners from using public adjusters to help them obtain a fair settlement from their insurance company. A legitimate, properly licensed public adjuster can often help obtain a larger settlement than the homeowner was able to secure on

“Legislative Forum Breakfast 2010”

The Annual Legislative Forum Breakfast was held at the PGA Marroitt in Palm Beach Gardens January 27, 2010 from 7:00am to 10:00 am. The Sponsors were many and included industry leaders from the American Institute of Architects, Palm Beach/Treasure Coast Chapters, Construction Industry Management Council of Palm Beach County, Society of Women Engineers Southeast Florida Chapter, and Florida Association of Environmental Professionals Treasure Coast Chapter to name a few.

On the Legislative panel were, Rep Carl Domino District #83, Rep Maria Sachs District # 86 and Rep Kelly Skidmore District # 90. The Florida House Representatives discussed with the group many items of interest to our industries as well as laws that will effect our communities.

Questions were taken from the audience targeting everything from jobs, new taxes, spending, term limits and who is running for what seat. Each Representative asked if there were any other questions or concerns that were not discussed to please contact there offices since our time was limited.

A reminder was given about “Palm Beach County Legislative Day that will be held in Tallahassee on Wednesday, March 3, 2010, and Treasure Coast Legislative Conference to be held in Martin, St. Lucie, and Indian River Counties March 9-10-11-2010.

their own. The intent of this paper is to point out that, once the public adjuster has obtained the settlement, the homeowner is free to select any licensed roofing contractor they choose to repair or replace their roof. By following the process the proper way, you can achieve the same results without assisting in a crime. You also stand a much better chance of getting a properly installed new roof. Do you think a company already committing a felony will be concerned with installing your new roof to proper code requirements? If you have been contacted by anyone saying they will help with your claim and fix your roof, please report them to the Florida Department of Financial Services at 1-877-693-5236. If you would like the names of public adjusters or roofing contractors who are members of our association, please contact the Palm Beach County Roofing and Sheet Metal Contractors Association at 561-655-5393, or visit us online at www.pbcroofers.com.

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Are you a Florida Building Contractor Firm or do you Work for Yourself?

Do you repair, renovate, or paint pre-1978 buildings? If so, you need to know about a new federal rule, or you could face hefty fines!

The Renovation, Repair, and Painting Rules from the US Environmental Protection Agency (EPA) became law in April 2008. You must now use simple lead-safe work measures to reduce lead dust when working on any pre-1978 housing, child-care centers, and schools. The rule applies to buildings where children under age 6 are often present. It also includes those where a pregnant woman lives.

If your project disturbs more than six square feet of lead-based paint on the interior or 20 square feet of lead-based paint (unless it is KNOWN to be lead-free) on the exterior of any pre-1978 structures, you must follow the rule. You and your crew must be certified and properly trained to follow simple lead-safe work measures to reduce lead dust to ensure human health and safety.

Please See These Important Dates

December 22, 2008 - If you are performing renovations for compensation in pre-1978 child-occupied facilities (e.g., child care facilities, kindergarten and pre-kindergarten classrooms) must provide "Renovate Right" pamphlet to parents/owners before starting work.

April 22, 2009 If you want to seek certification as a renovator or dust sampling technician, you may take accredited training as soon as it is available.

October 22, 2009 Firms may begin applying to EPA for certification to conduct renovations.

April 22, 2010 Renovations in target (pre-1978) housing and child-occupied facilities must be conducted by certified renovation firms, using renovators with accredited training, and following the work practice requirements of the rule.

Do You Have Questions?

Avoid a possible fine of up to \$35,000! Call the US EPA today to learn what the new federal rule requires. Call 1(800) 424-LEAD [5323] from 8 AM to 6 PM, Monday through Friday.

The Florida Department of Professional Regulation and the Florida Department of Health (DOH) want you to be aware of the new EPA rule. The rule affects everyone. Don't risk being exposed to lead or paying a fine!

If you have questions about how to comply with the rule, you may also call Ricky Harrison at the Florida DOH at 1-800-606-5810 from 8 AM to 4 PM, Monday through Friday. Or email him at: Ricky_Harrison@doh.state.fl.us.

Industry Websites

- ASTM - www.guidance-inc.com/~roofroof/
- American Consulting Engineers Council
acec.org
- American Institute of Architects - aia.org
- American Society of Civil Engineers -
asce.org
- Cedar Shake & Shingle Bureau -
www.CEDARBUREAU.org
- Construction Industry Management Council
(CIMC) - www.cimcpbc.com
- Construction Specifications Institute -
<http://www.csinet.org>
- Copper Development Association -
<http://www.copper.org>
- Division of Workers' Compensation -
<http://www.wc.les.state.fl.us./DWC/>
- Florida Roofing, Sheet Metal & Air Condi-
tioning Contractors Association -
www.Floridarroof.com
- Galvalume Sheet Producers -

- www.steelroofing.com
- National Roofing Contractors Association
(NRCA) - <http://www.nrca.net>
- National Society of Professional Engineers -
nspe.org
- Roofing Contractors Association of South
Florida (RCASF) - www.rcasf.org
- Roofing Industry Education Institute -
[http://members.aol.com/RIEIROOF/
classes.htm](http://members.aol.com/RIEIROOF/classes.htm)
- Roof Tile Institute - www.rooftile.org
- Sheet Membrane and Component Suppliers
to the Commercial Roofing Industry (SPRI) -
www.SPRI.org
- Sheet Metal and Air Conditioning
Contractors' National Association
(SMACNA) - <http://www.smacna.org>
- The Council of American Building Officials
(CABO) - <http://www.cabo.org>



March 2010



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 28	March 1	2	CIMC 3 7:45	4	5	6
7	8	9	10 BOD 12:30	11	12	13
14	15	16	17	18	19	20
21	22 BCAB	23	24 General Membership Meeting	25	26	27
28	29 CILB 2:00	30	31	April 1	2	3

FRSA EVENTS

April 29-May 1, 2010

FRSA Board of Directors and Committee Meetings
Boca Raton Marriott, Boca Raton, FL

June 16-19, 2010

FRSA's 88th Annual Convention and Roofing &
Sheet Metal Expo

Shingle Creek Resort, Orlando, FL

For further information on FRSA events,
visit www.floridarooft.com or
call 800-767-3772, ext. 100

PBCR & SMCA

Association Office and Phones

2101 Vista Parkway, Suite 4001

West Palm Beach, FL 33411

Phone 561.655.5393 • Fax 561.688.8807

Website: pbcroofers.com

Email: rfrano@comcast.net

Executive Director - Ronald A. Frano, MBA

Industry Events

February 22 - 24, 2010

International Roofing Expo
Morial Convention Center, New Orleans, LA

For further information
visit www.TheRoofingExpo.com or
email: info@TheRoofingExpo.com



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