

# Florida Pool Pro<sup>sm</sup>

A PUBLICATION OF  
FLORIDA SWIMMING POOL ASSOCIATION

www.FloridaPoolPro.com

## December 19 deadline fast approaching

By Jennifer Hatfield, Director of Government & Public Affairs

There are many questions surrounding the implementation of the federal Virginia Graeme Baker Pool & Spa Safety Act (VGB Act) within Florida and across the nation. The Consumer Product Safety Commission (CPSC), charged with implementing and enforcing the VGB Act, and the Florida Department of Health (DOH), continue to provide information on what they will require and how to implement both federal and state rules respectively. FSPA will continue to update this information at [www.floridapoolpro.com](http://www.floridapoolpro.com).

The federal VGB Act requires that by December 19, 2008 ALL public pools and spas must have installed a drain cover compliant with the 2007 ASME A112.19.8 standard, and all public pools and spas with a direct suction single drain install an additional device (SVRS, vent line, gravity feed, automatic shut-off, or drain disablement). Approved covers and other devices can be found on the CPSC website or via the FSPA website.

However, public pools and spas in Florida must also meet the DOH requirements found in 64E-9, F.A.C. Specifically, these 2007 ASME A112.19.8 approved covers must also meet the Florida maximum flow rate of 1.5 fps. Until recently there were very few covers available that met both the federal and state regulations, but there are now a few, with more forthcoming. For a list of drain covers that meet both the federal and state requirements go to the FSPA or DOH

websites.

The approximately 7,000 public pools/spas in Florida that have single drain direct suction will be required by the DOH to be retro-fitted to gravity drainage within the next four years. These pools/spas can either retro-fit to gravity drainage now to meet the VGB Act and the pending DOH requirement, or use one of the other options found in the VGB Act as a temporary solution until the pool/spa must comply with the revisions to 64E-9, F.A.C.

If your customers include public pool owners, help get the word out by notifying them of the federal and state requirements. Continue to watch for compliant drain covers coming into the marketplace and place an order as soon as possible. If your order becomes backlogged consider keeping this information on file and providing written documentation to the public pool owner that a compliant drain cover is forthcoming. The CPSC recognizes that there may be difficulties in complying with the VGB Act prior to the December 19, 2008 deadline. Making a good faith effort to comply is an important step in the right direction. Continue to watch for further updates from the CPSC and FL DOH, all of which can be found at [www.floridapoolpro.com](http://www.floridapoolpro.com), <http://www.doh.state.fl.us/environment/water/swim/>, or [www.cpsc.gov](http://www.cpsc.gov)

If you have additional questions, contact Jennifer Hatfield at: [Jennifer@floridapoolpro.com](mailto:Jennifer@floridapoolpro.com)

## Election Night Brings Some Surprises

By Kari Hebrank, FSPA Lobbyist, and Jennifer Hatfield, Director of Government & Public Affairs

The election results for the Florida House of Representatives and Florida Senate races provided a few surprises. In the House races, the Democrats gained HD 10, formerly held by Republican Will Kendrick, with Bemby beating out the Republican candidate Curtis. The Democrats also picked up HD 81 with Fetterman beating Republican contender DiTerlizzi, a seat held previously by Republican Gayle Harrell. The Republicans were able to take HD 32 away from the incumbent Democrat Tony Sasso, with Republican Crisafulli winning the seat. Two House races were too close to call the morning after Election Day, but final results kept HD 9 seat in Democrat hands with Vaslinda edging out Republican candidate Boulware, and HD 11 incumbent Democrat Debbie Boyd winning re-election over Republican challenger Porter. Of the 56 House races FSPA PIPAC supported, 52 of those supported won their respective race, reflecting a 93% success rate in the House races that we supported this election cycle.

On the Senate side, the Republicans maintained their 26-14 advantage over the Democrats. The Republicans held onto SD 9 with former House member Republican Andy Gardiner taking over the slot

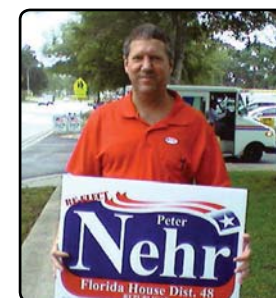
vacated by Sen. Webster and kept SD 24, previously filled by Sen. Posey, with former Rep. Altman beating Democrat Moore. Additionally, Sen. Carlton's seat remained in Republican hands with Republican candidate Detert capturing SD 23 over Democrat Bentley. The Democrats managed to hold onto previously held democratic slots with Sen. Siplin keeping SD 19 by a 50.5% to 49.5% margin over Republican challenger Ortiz, and former House members Sobel and Gelber winning SD 31 (formerly held by Geller) and SD 35 (Margolis' seat) respectively. Also, former legislator Chris Smith easily won SD 29, vacated by term-limited Dawson. FSPA's PIPAC had a 100 percent success rate in the Senate races that we supported this election cycle.

There were six proposed state constitutional amendments on this year's ballot; four of them passed and will become part of the State Constitution. The Florida Marriage Protection Amendment passed with 61.9% approval. The Changes and Improvements Not Affecting the Assessed Value of Residential Real Property barely passed the 60% threshold needed with 60.5% approval. This amendment authorizes the Legislature, by general law, to prohibit

*Continued on page 6*



Rep. Ron Reagan, Kari Hebrank, Speaker Ray Sansom and Jennifer Hatfield



Rick Howard, Rick's Pool Service, Inc., showing his support

## News Splash

- **FSPA member appointed to the FBC.** Ken Greory has been appointed by Governor Crist as the first pool contractor member of the Florida Building Commission. Page 3
- **Insurance Update:** Check your company vehicle insurance for coverage of chemical spills in an auto accident. Page 3
- **Meet your 2009 Executive Committee.** Read about each individual's background in the industry and FSPA, and see what goals they each have for the next year. Page 5
- **Energy Talk:** Pool covers have changed over the years. There are several types and several different savings they provide. Page 4
- **Workers' Compensation** attorney fee limitations were overturned. It is too early to know what the impact will be in Florida. Page 6

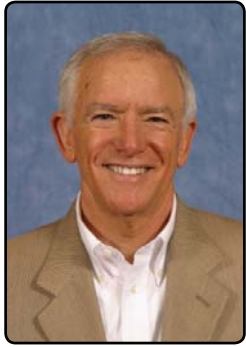
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**FSPA**

# President's Column

## The Executive Committee's role



Alan Cooper  
FSPA President

On December 1 your newly elected Executive Committee members assumed office.

We are looking forward to serving you, the members, and our association

and are already hard at work. Our committee chairman positions should be filled before the end of the year. Anyone who was interested in one of the chairmanships should have already contacted a member of the Executive Committee. This year each Executive Committee member has been assigned as a liaison between the committees and the Executive Committee. This should provide us with more up-to-date information regarding committee activities. Also, a member of the Executive Committee will be visiting each Chapter sometime during the year. Our visit will allow us to hear directly from the members and allow us to better serve each of you.

The Executive Committee's function is to carry out the Board's decisions and policies and to make decisions between Board meetings when required. All Executive Committee meeting minutes are posted and I urge you to read them. I would also urge each of you to attend at least one Executive Committee meeting during the year. Remember, you do not have to be a Board member to attend any committee meeting including the Executive Committee meetings.

Many members are under the impression that staff and the Executive Committee run our organization. You would be correct if you were talking about the day-to-day things that are done in each of our businesses. However, it is you the members who set the guidelines for how our organization is operated. You, the Chapter members, elect the Executive Committee and Board members. FSPA members serve as committee members and committee chairmen. The committees bring proposals to the Board and the Board votes to accept or reject these proposals. It is the responsibility of staff and the Executive Committee to see that the proposals the Board approves are implemented.

By the time you read this government elections will long be over and hopefully our new leaders will have a direction that will lead us to the beginning of an economic recovery. From everything I hear this has been a very tough year for many and it may not be over yet. However, I want to take this opportunity to thank each and every one of you for renewing your membership and to thank those who volunteer to serve the Chapters and state organization. We could not have accomplished all that we have without you and your support.

I would be remiss if I did not mention how lucky we are to have the great staff we do and how hard they work for us. Please let us know if there is any way we can better serve you.

On behalf of the Executive Committee we thank you for your support and confidence.



5445 Forbes Place, Orlando

### Thursday, January 15

3:00 p.m. Executive Committee Meeting  
(at Alan Cooper's home) - if you are interested in attending please contact Wendy Parker

### Friday, January 16

|                         |  |
|-------------------------|--|
| 8:00 a.m. - 9:30 a.m.   | Energy Task Force                          |
| 9:45 a.m. - 11:00 a.m.  | Membership Committee                       |
| 11:00 a.m. - 12:30 p.m. | Builders Council                           |
| <i>Break for lunch</i>  |  |
| 1:00 p.m. - 2:00 p.m.   | GR Update for Builders and Service Council |
| 2:00 p.m. - 3:30 p.m.   | Service Council                            |
| 3:30 p.m. - 4:15 p.m.   | Consumer Awareness Committee               |
| 4:15 p.m. - 5:00 p.m.   | Safety Council                             |
| 5:00 p.m. - 5:45 p.m.   | Trade Show Meeting                         |
| 6:00 p.m.               | Presidents & Executive Committee           |

### Saturday, January 17

8:00 a.m. Finance Committee / Budget Presentation  
9:00 a.m. Board of Directors Meeting  
Includes Board Orientation - all local Chapter Boards are invited to join (RSVP please)

Lunch Provided

**Florida Pool Pro<sup>sm</sup>**  
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Association Mission: Promoting Florida's swimming pool industry.

|  |   |
|--|---|
| <p>President<br/><b>Alan Cooper</b><br/>Alan Cooper Consulting<br/>Orlando</p> <p>Vice-President<br/><b>Clay Andrews</b><br/>Aquapool of Jacksonville, Inc.<br/>Jacksonville</p> <p>Secretary<br/><b>Keith Johnson</b><br/>Tri-FL Water Treatment<br/>d/b/a Pool Works<br/>Auburndale</p> <p>Treasurer<br/><b>Eva Adcock</b><br/>Best Pools of Brevard, Inc.<br/>Melbourne</p> | <p>At-Large Director<br/><b>Pete Coccaro, Jr.</b><br/>Nautilus Pools, Inc.<br/>Port Charlotte</p> <p>At-Large Director<br/><b>Richard Moseley</b><br/>Champagne Pools of Central FL<br/>Sanford</p> <p>Past President<br/><b>Dominick Montanaro</b><br/>M &amp; M Pools, Inc.<br/>Satellite Beach</p> <p>Executive Director<br/><b>Wendy Parker Barsell, APR, CEM,</b><br/>Ext. 102</p> <p>Director of Government &amp; Public Affairs<br/><b>Jennifer Hatfield, Ext. 111</b></p> <p>Technical Training Coordinator<br/><b>Bernice Ryder-Smit, Ext. 109</b></p> <p>Communications Specialist<br/><b>Charis Tyson, Ext. 103</b></p> <p>Administrative Assistant<br/><b>Valerie Swika-Bundy, Ext. 100</b></p> |
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# FSPA member appointed to the Florida Building Commission

By Jennifer Hatfield, Director of Government & Public Affairs

On November 5, Governor Charlie Crist announced several appointments to the Florida Building Commission (FBC), including that of **Ken Gregory**, of Orlando, from **Holland Commercial Pools** and **Park Square Pools**. The FBC has 25 members representing Engineers, Architects, Contractors, Building Owners and Insurers, State and Local Government and Persons with Disabilities. Each of these 25 members is appointed by the Governor and can serve two consecutive four-year terms or a total of 11 years. Legislation supported by FSPA and signed into law by the Governor provided two additional seats on the FBC. Mr. Gregory will be the first to serve as the newly created pool contractor member of the FBC; his appointment is for a term beginning November 5, 2008 and ending November 5, 2012.

The Florida Building Code was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. This code was developed and is updated and maintained by a state commission whose goal the law directs to be the

consistency of standards throughout the state and full accessibility to information on the standards. The law allows for differences in the standards in different locales based on compelling differences in physical conditions. However, it establishes procedures for administration of the Code at all levels that will constrain unwarranted differences and ensure the availability of information on local differences to all parties throughout the state and nation. The law established the Florida Building Commission as the body which is responsible for the development of the Code and the other elements of the system which support its implementation.

The Florida Swimming Pool Association is proud to have a member of the association appointed to this important body. We would also like to thank all those who sent letters and made calls in support of Mr. Gregory. Congratulations Ken, we know you will serve the citizens of Florida well and we appreciate your commitment in representing your industry!

To view the press release and see the names of the eight people the Governor appointed to the FBC, go to <http://www.flgov.com/release/10330>.

# Insurance Update

## Pollution liability on the road

by Debra Tomaselli, CPCU, ARM, Insurance by Ken Brown, Inc.

The swimming pool industry can face many types of pollution exposures. Some arise from the storage and sale of bleach from tanks, others occur in the transportation of chemicals and others happen at the jobsite.

If you clean swimming pools, you are most likely transporting chemicals. Are you covered for the exposure that might result from an automobile accident causing a spill of those chemicals?

Maybe, like Robert, you did not consider this exposure until it was too late.

Robert knew he had time to make his last service stop of the day. Traffic swirled around his pickup at a busy intersection where he was blinking his intention to turn left. Suddenly Robert heard a loud bang and his truck was thrust forward.

He gripped the steering wheel and hit the brakes. Moments later, still reeling from the impact, Robert exited his vehicle. Surveying the damage he discovered that several of the tanks carrying pool chemicals had collided and were oozing hazardous pollutants onto the blacktop.

The cleanup was complicated; hazardous materials specialists had

to be called in.

Robert reported the claim expecting the insurance company would pay for the cleanup expenses but it did not. While standard automobile forms will cover losses stemming from gas and oils used in the normal operation of a vehicle, coverage specifically excludes pollutants. That means spills from the chemicals you may be hauling in your truck, like Robert, are not covered.

How can I cover losses arising from the transportation of chemicals?

An endorsement entitled Pool Contractors Pollution Incident—Automobile Liability Reimbursement Coverage, (CA 71 37 01 05) adds the coverage. Reasonably priced, the form is designed to provide reimbursement to an insured for bodily injury, property damage and the expenses incurred in a cleanup resulting from a 'pollution incident.'

Nobody expects to have an accident, but everybody wants to be prepared. Are you hauling chemicals? Are there tanks in your pickup? We suggest you talk to your agent about your existing insurance and make sure this coverage is added to your policy.

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# Florida Pool Permits

Provided by HBW. [www.hbweekly.com](http://www.hbweekly.com).



| County Name         | October 2007 | October 2008 |
|---------------------|--------------|--------------|
| Alachua County      | 12           | 9            |
| Bay County          | 19           | 14           |
| Brevard County      | 73           | 25           |
| Broward County      | 120          | 51           |
| Calhoun County      | 0            | 0            |
| Charlotte County    | 34           | 15           |
| Citrus County       | 36           | 18           |
| Clay County         | 12           | 5            |
| Collier County      | 59           | 26           |
| Dade County         | 140          | 67           |
| Duval County        | 70           | 8            |
| Escambia County     | 14           | 6            |
| Flagler County      | 32           | 13           |
| Franklin County     | 0            | 3            |
| Gadsden County      | 0            | 0            |
| Gulf County         | 0            | 0            |
| Hernando County     | 44           | 10           |
| Highlands County    | 10           | 6            |
| Hillsborough County | 101          | 44           |
| Holmes County       | 0            | 0            |
| Indian River County | 20           | 23           |
| Jackson County      | 0            | 1            |
| Jefferson County    | 0            | 0            |
| Lake County         | 64           | 14           |
| Lee County          | 133          | 61           |
| Leon County         | 15           | 5            |
| Liberty County      | 0            | 0            |
| Manatee County      | 51           | 34           |
| Marion County       | 48           | 17           |
| Martin County       | 37           | 17           |
| Nassau County       | 6            | 1            |
| Okaloosa County     | 25           | 10           |
| Orange County       | 142          | 61           |
| Osceola County      | 65           | 20           |
| Palm Beach County   | 133          | 74           |
| Pasco County        | 78           | 24           |
| Pinellas County     | 34           | 38           |
| Polk County         | 103          | 41           |
| Putnam County       | 1            | 3            |
| Santa Rosa County   | 24           | 9            |
| Sarasota County     | 65           | 23           |
| Seminole County     | 36           | 10           |
| St Johns County     | 45           | 25           |
| St Lucie County     | 45           | 26           |
| Sumter County       | 27           | 8            |
| Volusia County      | 59           | 15           |
| Wakulla County      | 4            | 1            |
| Walton County       | 15           | 11           |
| Washington County   | 0            | 0            |
| TOTAL               | 2051         | 892          |

- Continuing Education Monitors needed at the Orlando Pool & Spa Show, February 20-21
- Help with sign-in and ID check for courses and be reimbursed for your CE classes! Visit [www.OrlandoPoolShow.com](http://www.OrlandoPoolShow.com) and click on education to view the courses.
- Contact Bernice Ryder-Smit to sign up (866-930-3772) or Bernice@FloridaPoolPro.com



## New Member Applications

### Florida Gulf Coast Chapter

Brasent Services, Inc. d/b/a Brasent Marble & Granite  
(Sub-Contractor) SCC131150094  
Diogo Felix

### Polk County Chapter

Elite Gunite, LLC  
Carel J. Bakkes (Sub-Contractor) SCC131150455  
  
Larry Bosse Jr. Pools, Inc. (Service Company) RP252554947  
Larry Bosse, Jr.

### North Central Florida Chapter

Joy's Pool Service Service Company  
Joy VanDerbeck

If you have actual knowledge of any grounds why the above companies do not meet FSPA criteria, contact the Chapter Director in writing

## Energy Talk



### Not my father's pool cover

By Darlene Fuggetta, Vincent L. Fuggetta Jr. L.L.C.

Growing up in Pennsylvania we had to drag a huge pool cover over our swimming pool every fall. We would anchor the cover with awkward and heavy water bags. I don't even want to remember how we got it off in the spring.

Many things have changed since then. Modern manual covers can be mounted to reels which can hide them out of sight and can be opened and closed from a stationary, standing position; no more dragging or kneeling. Automatic covers can open or close at a rate of one foot per second by turning a removable key.

These covers pay for themselves in energy savings and make it affordable to heat your pool. The U.S. Department of Energy Web site states pool covers can save up to 70 percent when heating a pool. For example, using a pool cover in Miami while heating a pool to 82 degrees saves \$1,435/ year for an electric heater. When using a gas heat pump, the savings increase to \$2,800/ year. When using solar heating systems, as **Scott Egglefield, Mirasol FAFCO Solar**, wrote in August's *Florida Pool Pro*<sup>sm</sup>, "If a pool blanket is used with a nighttime temperature 15 degrees cooler than the desired pool temperature, the savings will approach 90 percent."

Do the math. An automatic cover on a 15'x 30' pool pays for itself in 5.57 years! There are many covers with 7 to 20 year warranties. Even without a heater, many covers will keep the pool water six to eight degrees warmer.

But wait, there's more! Each pound of 80 degree water that evaporates takes 1,048 Btu of heat out of the pool. Pool covers have a possible savings of 50 – 70 percent of what is becoming a precious resource. You can also save on chemicals by 35 – 60 percent and keep out debris. There are even covers that can be left on during a hurricane!

Why should you care? Your clients want and deserve options when choosing a safety barrier. Many of these covers are ASTM certified to meet the barrier laws. You will also be doing your part to save energy. Show potential clients that you are on the cutting edge in your profession with knowledge of these state-of-the-art products. It may set you apart from your competition. Also, you can make money offering them while having the cover providers install them.

Maybe you've tried offering covers in the past but have been disappointed by the product or the service. The kinks have been worked out of the automatic covers and there are now installers in Florida who have been doing nothing but installing safety certified, energy saving covers for ten years. Ask for references from the installer and ask to see the cover's warranty. You'll get the best quality in both the product and the installer that way.

Even in this economy pool covers are selling fast and furious because pool owners are beginning to realize the energy savings are well worth the initial investment.

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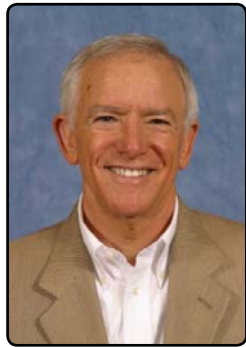


HBW, Inc. provides permit information on new swimming pool construction as well as residential and commercial construction for Florida, Georgia, Texas and Alabama.

Refer to [www.hbweekly.com](http://www.hbweekly.com) for county coverage.

**HBW, Inc. 877-332-1411**

# Meet your 2009 FSPA Executive Committee



**President**  
**Alan Cooper**  
Alan Cooper Consulting, Orlando

Alan Cooper has served as FSPA Vice President, Treasurer and as Secretary twice. He also served as the Central Florida Chapter President for three years and has received Chapter Director of the Year three times. In addition, Alan has served on numerous FSPA committees, was co-chairman of F.S. 489 committee and was FSPA chairman of the Finance Committee for four years.

As FSPA President, Alan's goals for 2009 are:

- to continue the organization's success in the legislative arena
- to have better communication between Chapters and their members and the State organization
- for everyone to realize that this is your organization and that every Chapter and member is important
- and to continue services members want, add new services that benefit members and if we have any services that do not benefit members, delete them.



**Treasurer**  
**Eva Adcock**  
Best Pools of Brevard, Inc., Melbourne

Eva Adcock has been a member of FSPA since 1992. She has served on the Board of Directors for the Space Coast Chapter and has been Vice President as well as Treasurer since 2005.

Eva stepped in to the Executive Committee during 2007 as Treasurer and was elected in 2008 to the same position. She has been a Certified Public Accountant since 1988. Eva started working at Best Pools of Brevard in 1992 as an accountant, but after a few years she

became a co-owner with Art Lueck.

In 2009, Eva hopes to use her extensive accounting training and ability, combined with her knowledge of the swimming pool business, to navigate the FSPA through the economic times it is facing.



**Vice President**  
**Clay Andrews**  
Aquapool of Jacksonville, Inc.

This is Clay Andrew's 38th year in the swimming pool industry and he has been President of Aquapool of Jacksonville, Inc. for the past 33 years. Clay has served as Vice President and Secretary of the FSPA and has been on the FSPA Board of Directors for the past seven years. Clay is a charter member of the Northeast Florida Chapter and has served as its president in 1981, 2001 and 2002.

Clay also serves as the swimming pool member of the Duval County Construction Trade Qualifying Board and a master arbitrator for the FSPA.

Clay says that quality swimming pool construction along with fair and adequate regulation of our industry are the most important issues facing our organization at the present time. He believes FSPA has a professional obligation to be the flag bearer for everyone involved in the sale and construction of pools throughout our state.



**Secretary**  
**Keith Johnson**  
Tri-Florida Water Treatment d/b/a Pool Works, Auburndale

Keith Johnson is a licensed pool service contractor and a license certified water plant operator. He is the owner of Tri-Florida Water Treatment, Inc. and started a swimming pool service division, Pool Works, in 1998.

Keith has served on the state Board of Directors for the past five years. During these years he has been on numerous committees including serving as Service Council chair in 2008. He was the Polk County Chapter President in 2004, 2005, 2007 and 2008, and was chosen as Director of the Year in 2006.

Keith's primary focus for 2009 will be to accentuate the positive aspects and goals of our organization.



**At-Large Director**  
**Richard Moseley**  
Champagne Pools of Central Florida, Sanford

Richard Moseley has been in the pool industry and with Champagne Pools of Central Florida for more than 20 years. He has served on the state Board for a total of nine years. Throughout those years, he has chaired and served as a member on numerous committees. Richard is also a past president for the Central Florida Chapter.

Richard feels it is important to look out for the small member companies that aren't able to send someone to participate in the Board. He sees these companies

as a vital part of the FSPA membership base and wants them to have a voice. What really matters to Richard is his daughter and because of that, safety is an important issue to him as well.



**At-Large Director**  
**Pete Coccaro, Jr.**  
Nautilus Pools, Inc., Port Charlotte

Pete Coccaro has been in the pool industry since 1979 and has been president of Nautilus Pools, Inc. since 1989. He is a certified contractor for residential and commercial pools and is a certified aluminum specialty contractor.

Pete has been active in the Charlotte Harbor Chapter since 1990. He has served three terms as Chapter President, four years on the FSPA Board of Director and was vice chair of the Builders Council in 2008.

In 2009 Pete would like to continue the momentum of the organization's strong foundation to promote growth, membership and influence non-members with the benefits of becoming a member of the FSPA.



**Immediate Past President**  
**Dominick Montanaro**  
M & M Pools, Inc., Satellite Beach

Dominick Montanaro served as FSPA 2004 Treasurer, FSPA 2005 Secretary, FSPA 2006 Vice President and FSPA 2007 and 2008 President. He served as PIPAC Chairman for six years and the Service Council Chairman for three years. He also served four terms as Space Coast Chapter President. Dominick has been on the Design Awards Committee, Bylaws Review Committee and the 2004 Show Committee.

He holds his bachelor's degree from SUNY College of Technology in Utica, NY. Dominick is the president of M & M Pools, Inc in Satellite Beach and serves as a Satellite Beach City Councilman.

One of Dominick's goals for 2009 is to move forward with a license for pool cleaning and water treatment under F.S. Chapter 489.

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## Election Night Brings Some Surprises

*Continued from front page*

the consideration of the following in assessing the value of real property used for residential purposes: any change or improvement made for the purpose of improving the property's resistance to wind damage; or the installation of a renewable energy source device.

Both the Property Tax Exemption of Perpetually Conserved Land and the Assessment of Working Waterfront Property Based Upon Current Use Amendments passed with 68.6% and 70.6% approval respectively. The two amendments that did not receive the 60% vote needed for passage were the Declaration of Rights amendment (47.9%) and Local Option Community College Funding amendment (43.5%).

A complete list of the 2008-2010 Florida Senate and House members follows:

SD = Senate District, Rep = Republican, Dem = Democrat, HD = House District

### 2008-2010 Florida Senate

|       |  |
|-------|--|
| SD 1  | Tony Hill (Dem)                          |
| SD 2  | Durell Peaden (Rep)                      |
| SD 3  | Charlie Dean (Rep)                       |
| SD 4  | Don Gaetz (Rep)                          |
| SD 5  | Stephen Wise (Rep)                       |
| SD 6  | Al Lawson (Dem)<br>(Democratic Leader)   |
| SD 7  | Evelyn Lynn (Rep)                        |
| SD 8  | Jim King (Rep)                           |
| SD 9  | Andy Gardiner (Rep)                      |
| SD 10 | Ronda Storms (Rep)                       |
| SD 11 | Mike Fasano (Rep)<br>(President Pro Tem) |
| SD 12 | Victor Crist (Rep)                       |
| SD 13 | Dennis Jones (Rep)                       |
| SD 14 | Steve Oelrich (Rep)                      |

|       |   |
|-------|---|
| SD 15 | Paula Dockery (Rep)                                 |
| SD 16 | Charlie Justice (Dem)                               |
| SD 17 | JD Alexander (Rep)                                  |
| SD 18 | Arthenia Joyner (Dem)                               |
| SD 19 | Gary Siplin (Dem)                                   |
| SD 20 | Carey Baker (Rep)                                   |
| SD 21 | Mike Bennett (Rep)                                  |
| SD 22 | Lee Constantine (Rep)                               |
| SD 23 | Nancy Detert (Rep)                                  |
| SD 24 | Thad Altman (Rep)                                   |
| SD 25 | Jeff Atwater (Rep)<br>(Senate President)            |
| SD 26 | Mike Haridopolos (Rep)                              |
| SD 27 | Dave Aronberg (Dem)                                 |
| SD 28 | Ken Pruitt (Rep)                                    |
| SD 29 | Chris Smith (Dem)                                   |
| SD 30 | Ted Deutch (Dem)                                    |
| SD 31 | Eleanor Sobel (Dem)                                 |
| SD 32 | Jeremy Ring (Dem)                                   |
| SD 33 | Frederica Wilson (Dem)                              |
| SD 34 | Nan Rich (Dem)                                      |
| SD 35 | Dan Gelber (Dem)                                    |
| SD 36 | Alex Diaz de la Portilla (Rep)                      |
| SD 37 | Garrett Richter (Rep)                               |
| SD 38 | Alex Villalobos (Rep)<br>(Rules Committee Chairman) |
| SD 39 | Larcenia Bullard (Dem)                              |
| SD 40 | Rudy Garcia (Rep)                                   |

### 2008-2010 Florida House

|       |  |
|-------|--|
| HD 1  | Greg Evers (Rep)                           |
| HD 2  | Dave Murzin (Rep)                          |
| HD 3  | Clay Ford (Rep)                            |
| HD 4  | Ray Sansom (Rep)<br>(Speaker of the House) |
| HD 5  | Brad Drake (Rep)                           |
| HD 6  | Jimmy Patronis (Rep)                       |
| HD 7  | Marti Coley (Rep)                          |
| HD 8  | Alan Williams (Dem)                        |
| HD 9  | Michelle Rehwinkel Vasilinda (Dem)         |
| HD 10 | Leonard Bembry (Dem)                       |
| HD 11 | Debbie Boyd (Dem)                          |
| HD 12 | Janet Adkins (Rep)                         |
| HD 13 | Jennifer Carroll (Rep)                     |
| HD 14 | Mia Jones (Dem)                            |
| HD 15 | Audrey Gibson (Dem)                        |
| HD 16 | Charles McBurney (Rep)                     |

|       |  |
|-------|--|
| HD 17 | Lake Ray (Rep)   |
| HD 18 | Ronald Renuart (Rep)                                   |
| HD 19 | Mike Weinstein (Rep)                                   |
| HD 20 | Bill Proctor (Rep)                                     |
| HD 21 | Charles Van Zant (Rep)                                 |
| HD 22 | Larry Cretul (Rep)<br>(Speaker Pro Tempore)            |
| HD 23 | Charles Chestnut (Dem)                                 |
| HD 24 | Kurt Kelly (Rep)                                       |
| HD 25 | Alan Hayes (Rep)                                       |
| HD 26 | Pat Patterson (Rep)                                    |
| HD 27 | Dwayne Taylor (Dem)                                    |
| HD 28 | Dorothy Hukill (Rep)                                   |
| HD 29 | Ralph Poppell (Rep)                                    |
| HD 30 | Ritch Workman (Rep)                                    |
| HD 31 | John Tobia (Rep)                                       |
| HD 32 | Steve Crisafulli (Rep)                                 |
| HD 33 | Sandy Adams (Rep)                                      |
| HD 34 | Chris Dorworth (Rep)                                   |
| HD 35 | Dean Cannon (Rep)                                      |
| HD 36 | Scott Randolph (Dem)                                   |
| HD 37 | Scott Plakon (Rep)                                     |
| HD 38 | Bryan Nelson (Rep)                                     |
| HD 39 | Geraldine Thompson (Dem)                               |
| HD 40 | Eric Eisnagle (Rep)                                    |
| HD 41 | Stephen Precourt (Rep)                                 |
| HD 42 | Marlene O'Toole (Rep)                                  |
| HD 43 | Ron Schultz (Rep)                                      |
| HD 44 | Robert Schenck (Rep)                                   |
| HD 45 | Tom Anderson (Rep)                                     |
| HD 46 | John Legg (Rep)  |
| HD 47 | Kevin Ambler (Rep)                                     |
| HD 48 | Peter Nehr (Rep)                                       |
| HD 49 | Darren Soto (Dem)                                      |
| HD 50 | Ed Hooper (Rep)  |
| HD 51 | Janet Long (Dem)                                       |
| HD 52 | Bill Heller (Dem)                                      |
| HD 53 | Rick Kriseman (Dem)                                    |
| HD 54 | Jim Frishe (Rep)                                       |
| HD 55 | Darryl Rouson (Dem)                                    |
| HD 56 | Rachel Burgin (Rep)                                    |
| HD 57 | Faye Culp (Rep)  |
| HD 58 | Michael Scionti (Dem)                                  |
| HD 59 | Betty Reed (Dem)                                       |
| HD 60 | Ed Homan (Rep)   |
| HD 61 | Will Weatherford (Rep)                                 |
| HD 62 | Rich Glorioso (Rep)                                    |
| HD 63 | Seth McKeel (Rep)                                      |
| HD 64 | Kelli Stargel (Rep)                                    |
| HD 65 | John Wood (Rep)  |
| HD 66 | Baxter Troutman (Rep)                                  |
| HD 67 | Ron Reagan (Rep)<br>(Majority Whip and Floor Leader)   |
| HD 68 | Bill Galvano (Rep)<br>(Chair Rules & Calendar Council) |
| HD 69 | Keith Fitzgerald (Dem)                                 |
| HD 70 | Doug Holder (Rep)                                      |

|        |  |
|--------|--|
| HD 71  | Ken Roberson (Rep)   |
| HD 72  | Paige Kreegel (Rep)  |
| HD 73  | Nick Thompson (Rep)  |
| HD 74  | Gary Aubuchon (Rep)  |
| HD 75  | Trudi Williams (Rep)   |
| HD 76  | Tom Grady (Rep)  |
| HD 77  | Dennis Grimsley (Rep)  |
| HD 78  | Kevin Rader (Dem)  |
| HD 79  | Mike Horner (Rep)  |
| HD 80  | Debbie Mayfield (Rep)  |
| HD 81  | Adam Fetterman (Dem)   |
| HD 82  | William Snyder (Rep)   |
| HD 83  | Carl Domino (Rep)  |
| HD 84  | Priscilla Taylor (Dem)   |
| HD 85  | Joseph Abruzzo (Dem)   |
| HD 86  | Maria Sachs (Dem)  |
| HD 87  | Adam Hasner (Rep)<br>(Majority Leader)                         |
| HD 88  | Mark Pafford (Dem)   |
| HD 89  | Mary Bradenburg (Dem)  |
| HD 90  | Kelly Skidmore (Dem)   |
| HD 91  | Elynn Bogdanoff (Rep)<br>(Vice-Chair Rules & Calendar Council) |
| HD 92  | Gwyndolen Clarke-Reed (Dem)                                    |
| HD 93  | Perry Thurston (Dem)   |
| HD 94  | Hazelle Rogers (Dem)   |
| HD 95  | Jim Waldman (Dem)  |
| HD 96  | Ari Porth (Dem)  |
| HD 97  | Martin Kiar (Dem)  |
| HD 98  | Franklin Sands (Dem)<br>(Minority Leader)                      |
| HD 99  | Elaine Schwartz (Dem)  |
| HD 100 | Evan Jenne (Dem)   |
| HD 101 | Matt Hudson (Rep)  |
| HD 102 | Eddy Gonzalez (Rep)  |
| HD 103 | Oscar Braynon (Dem)  |
| HD 104 | Yolly Roberson (Dem)   |
| HD 105 | Joe Gibbons (Dem)  |
| HD 106 | Richard Steinberg (Dem)  |
| HD 107 | Luis Garcia (Dem)  |
| HD 108 | Ronald Brise (Dem)   |
| HD 109 | James Bush (Dem)   |
| HD 110 | Esteban Bovo (Rep)   |
| HD 111 | Erik Fresen (Rep)  |
| HD 112 | David Rivera (Rep)   |
| HD 113 | Carlos Lopez-Cantera (Rep)                                     |
| HD 114 | Anitere Flores (Rep)<br>(Deputy Majority Leader)               |
| HD 115 | Juan-Carlos Planas (Rep)                                       |
| HD 116 | Marcelo Llorente (Rep)   |
| HD 117 | Julio Robaina (Rep)  |
| HD 118 | Dwight Bullard (Dem)   |
| HD 119 | Juan Zapata (Rep)  |
| HD 120 | Ron Saunders (Dem)   |

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# Chapter News

Check out Chapter Web sites for current information!

## Broward

Executive Director: Kathy Bohlander  
(866) 414-4771  
FSPABroward@FloridaPoolPro.com  
www.FSPABroward.com

Happy holidays! Change is taking place in Broward, we have a new Board! **President Brian Kelly, Shamrock Pools; Vice President Gary Kaplan, Ike's Carter Pool Companies; Secretary Bjarne "Ike" Eikevik Jr., Swimming Pools by Ike Jr.; and Treasurer Jim Smith, LaGasse Pools.** The Directors are **Rick Myers, Aqua-Cal/Auto Pilot; Bob Anthone, Mike O'Brien's Pools; Dan Lockwood, Proline Distributors; Bill Kent, HornerXpress; Dolly Imbert, Regency Pools;** and welcome back **Don Cesarone Jr., Van Kirk and Sons.**

Moving forward to 2009, Broward plans on being a members' Chapter. All of the votes are not in at this time from the members on what programs Broward will offer, but we would like to shake it up a little and offer some different things.

Please watch you snail mail and e-mail for your 2009 calendar of events.

## Central Florida

Executive Director: Mary Manion  
(800) 416-6774

FSPACentralFlorida@FloridaPoolPro.com  
www.FSPACentralFlorida.com

Congratulations to **Ken Gregory, Holland Commercial Pools,** on his appointment by Governor Crist to the Florida Building Commission. Thank you for all of your hard work and dedication on the Central Florida Chapter Board of Directors as well as the State Board, and for the diligent job you have done as the chairman of the Central Florida Chapter Builders Council. You are truly a "pool professional" and we are very proud to have you representing the swimming pool industry.

Congratulations are also in order for the newly elected Chapter Board of Directors: **President Steve Bludsworth, All-Pool Service & Supply; Vice President Jackie Arnault, The Pool Pleaser;** and

**Secretary/ Treasurer Barbara Austin, HornerXpress.** They will also serve on the State Board of Directors along with **Ken Brown, Insurance by Ken Brown; Ken Gregory, Holland Commercial Pools;** and **Adam Alstott, Tropical Pools & Spas.** The Chapter Directors At-Large are: **Joyce Bowles, Backyard Aquatics; Donna Christensen, SCP; Alan Cooper, Alan Cooper Consulting; Lyn Feldman, Florida Pools; Scott Jones, American Pools and Spas; Richard Moseley, Champagne Pools; Paul Roth, Roll-A-Way Pool Fence; Colleen Salvage, Ad Design of Central Florida; Richard Smith, Superior Solar;** and **Ken Vierk, Sunsational Electric.**

Remember, all Board meetings are open to our members. We encourage you to attend the meetings and we look for your input in the decisions to be made by the Chapter. The Board meets two hours prior to the Chapter meetings, so come on down and join us!

Congratulations to **Adam Alstott, Tropical Pools & Spas,** who was selected by the Chapter Board of Directors as the Central Florida Chapter Director of the Year! Adam has served for two years as Chapter President and has done a great job. Adam will continue to serve on the Chapter and State Board of Directors and will be recognized for his leadership at the Orlando Pool & Spa Show in February.

There will be no meeting in December, and we will kick off the new year with a two-hour CE program presented by **Connie Sue Centrella, HornerXpress.** Watch your fax, e-mails, and newsletter for time and place.

We wish you all a very happy and blessed holiday season, and keep in mind... things will be fine in 2009!

## Charlotte Harbor

Executive Director: Andy Mallison  
(800) 569-6774 Ext. 11

FSPACHarlotteHarbor@FloridaPoolPro.com  
www.FSPACHarlotteHarbor.com

The Charlotte Harbor Chapter staff would like to wish all of our members a safe and enjoyable holiday season. Happy holidays!

Don't forget! The Chapter holiday party will be held on Thursday, December 4 at Visani's Restaurant and Comedy Club. Make your reservation with the Chapter office.

Many thanks to **Vivian Cardarelli, HornerXpress,** for the CE course on effective collections and getting the best results. There will be no Board of Directors meeting in December due to the busy holiday season. The next Chapter membership meeting will be held on January 7, 2009.

## East Central Florida

Executive Director: Lynn Hecklinger  
(386) 673-0038

FSPAEastCentralFlorida@FloridaPoolPro.com  
www.FSPAEastCentral.com

Since everyone is always busy with holiday plans, the ECF Chapter will not meet in December.

Thanks to **Jonathan Parker, Amerisure,** for presenting the CILB-required course on workplace safety to the Chapter at our November meeting. A special "thank you" goes to **Ken Brown, Insurance by**

**Ken Brown,** for making it possible for Chapter members to complete both the workers' compensation and workplace safety courses this fall. It's great to have two required courses completed so early in the license renewal cycle!

The Chapter's new officers and Board of Directors met for the first time on November 20. The new officers are **President Don Bryant, Bryant Pools; Vice President Billy Moore, Gorman Company; Secretary Lori Bryant, Bryant Pools;** and **Treasurer Ted Buckels, Atlantic Pools & Spas.** The Chapter Board of Directors are **Terry Bachi, American Leak Detection; Bill Gallagher, Solar-Fit; Wes Haigh, Guaranteed Pool & Spa; Jeff Lucas, The Pool House; Wayne Phillips, Wayne's Solar;** and **Shannon Smith, SCP.**

Congratulations and thanks to all for volunteering to serve the Chapter in leadership positions.

A huge congratulations goes to **Roy Lenois, Artesian Pools of East Florida,** for being named to the pool contractor position on the Construction Industry Licensing Board by Governor Charlie Crist!

Happy holidays to all!




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## Florida Gulf Coast

Executive Director: Andy Mallison  
(800) 569-6774 Ext. 11  
FSPAFloridaGulfCoast@FloridaPoolPro.com  
www.FSPAGulfCoast.com

Many thanks to **Dan Johnson, Swim, Inc.**, for his CE presentation at the November Chapter meeting. The attendance was the best ever for our Chapter since earlier this year.

There are no meetings scheduled for December due to the busy holiday season. The next meetings will be held on Tuesday, January 20. The meeting will feature a panel discussion with our local building officials at the local Department of Health. Bring your questions! The Board meeting will begin at 5:30 p.m. and the social will start at 6:30 p.m.

The Florida Gulf Coast Chapter staff would like to wish all of our members a safe and enjoyable holiday season. Happy holidays!

## Florida West Coast

Executive Director: Malinda Howard  
(727) 442-4343  
FSPAFloridaWestCoast@FloridaPoolPro.com  
www.FSPAWestCoast.com

The FSPA High School Invitational Swimming and Diving Meet in Orlando was held in October and the Chapter was able to send three volunteers to help. The Chapter sponsored three local teams at the meet and all of them placed in the top ten! Countryside High School placed second, Palm Harbor University High School placed fourth and Northeast High School placed seventh! Congratulations to all who participated in this event!

The Annual Tampa Bay Pool Industry Table Top Event was held on October 28 at Ruth Eckerd Hall. It was a fun night for all. Over 20 exhibitors participated. Food was provided by Ker's Wing House and music by Dave Perri. There was also a Halloween Costume Contest. Our winners were Pebbles Flintstone, Rachel Gangelhoff, along with her parents Fred, **Brian Gangelhoff, A Pool's Best Friend**, and Wilma, Linda Gangelhoff, in third place; Sarah Palin, one of the Wing House staff, in second place; and The Beer Keg, **Rick Howard, Rick's Pool Service**, in first place. Thank you to everyone who came in costume. Also, a special thank you to **Tim Conroy, Retriever Payment Systems**, who organized the event for the Chapter again this year! (See page 11 for photos)

The Chapter officers for 2009 are **President Rick Howard, Rick's Pool Service; Vice President Brian Gangelhoff, A Pool's Best Friend; and Secretary/Treasurer David Oxley, Belleair Pool Supply**. The Board members are **Don Ball, The Pool Works of Pinellas County** and **Amy Smith-Heinritz, Florida Leak Locators**. The Chapter is trying to establish a Builders Council and a Service Council. If you are interested in serving in this capacity, please contact the Chapter office or attend the next Board meeting.

The next Board of Directors meeting will be held at noon on Tuesday, December 2 at Belleair Pool Supply, 1702 West Bay Drive, Largo. Remember, any Chapter member can sit on the Board of Directors and every member is encouraged to attend Board meetings. The Board of Directors meetings are usually scheduled for the first Tuesday of the month, but please call the office if you plan to attend.

## Greater Miami

Please contact the FSPA office  
(866) 930-FSPA  
www.FSPAMiami.com

No news this month.



## Manasota

Executive Director: Andy Mallison  
(800) 569-6774 Ext. 11  
FSPAManasota@FloridaPoolPro.com  
www.FSPAManasota.com

There will be a special industry meeting Tuesday, December 9 to discuss the Virginia Graeme Baker Pool & Spa Safety Act and the effects it will have on our local industry members. What is your liability regarding this act? Will any of the drain covers meet with the approval of the Florida Department of Health requirements in time? What are your responsibilities?

The social will start at 5:00 p.m. Heavy hors d'oeuvres will be served and there will be a cash bar. The meeting begins at 5:30 p.m. and will include the CE course "Advanced Florida Building Code: Entrapment Protection for Suction Inlets" (CILB course #0010596, two hours, meets ADV requirement, FPSA d/b/a FSPA CILB providership #0000917). This will be taught by **Dan Johnson, Swim, Inc.**, and will focus on the ANSI-7 standard and the new residential requirements. The Holiday Inn Lakewood Ranch will serve as the location.

The Manasota Chapter staff would like to wish all of our members a safe and enjoyable holiday season. Happy holidays!

## North Central Florida

Chapter President: Dino Muggeo  
(352) 333-7946  
FSPANorthCentralFlorida@FloridaPoolPro.com  
www.FSPANorthCentral.com

The North Central Florida Chapter enjoyed their golf tournament on October 18. This annual event was once again a successful fundraising benefit. Many thanks are extended to those at **SCP** and **HornerXpress** for their platinum level support. Hats off to the cooks "**Chef Lenny**" and **Mike Stewart** whose barbeque ribs and baked beans were out of this world.

Keeping his winning streak alive, Dustin Hitchler and **Team SCP** won the event with **Team Pentair** coming in second. (See photo on page 11)

## Northeast Florida

Executive Director: Mitch Brooks  
(800) 569-6774 Ext. 12  
FSPANortheastFlorida@FloridaPoolPro.com  
www.FSPANortheast.com

A big thanks to all 104 members who made our Oktoberfest a grand success. A special thanks to **David Pruette, David Pruette's Electric**, for chairing the event this year. We are looking forward to next year's party which is promising to be bigger and better!

There is an important Chapter meeting December 11. We are pleased to have as our guest speaker Jennifer Hatfield, FSPA Director of Government & Public Affairs. She will be speaking about the federal Virginia Graeme Baker Pool & Spa Safety Act as well as touching on ANSI-7 and the 64E-9 public pool code revisions. This is a must attend meeting to get the full scope of what is federally required and how it affects you and your company (this is not a CE course)! Don't miss it.

## Northwest Florida

Chapter President: John Salvo  
(850) 668-4202  
FSPANorthwestFlorida@FloridaPoolPro.com  
www.FSPANorthwest.com

I would like to apologize to all the members of the Northwest Florida Chapter for letting you down. Twelve to 18 months ago we had a very strong Chapter with excellent attendance at our meetings. Then in the spring with the downturn in the economy, it seemed we were all too busy trying to survive

and did not have the time to stay involved with the Chapter and meetings.

Although I can understand why many members did not renew their memberships, let me assure you there has been a lot going on at the state and Chapter levels.

We have arranged a Chapter meeting on December 11 with **Dan Johnson, Swim, Inc.**, as the speaker on ANSI-7 and the federal Virginia Graeme Baker Pool & Spa Safety Act. If you attend, you will get two CE credit hours for the ANSI-7 course. The CE course is "Advanced Florida Building Code: Entrapment Protection for Suction Inlets" (CILB course #0010596, two hours, meets ADV requirement, FPSA d/b/a FSPA CILB providership #0000917).

If you are not 100 percent sure what you need to do to comply with ANSI-7, you need to attend. If you do not understand what the Virginia Graeme Baker Pool & Spa Safety Act is about, you need to attend. If you believe a building contractor cannot pull a permit and build a pool, you need to attend. If you want to meet your local building inspectors (all building officials from Tallahassee to Pensacola will be invited), you need to attend.

We need to get this Chapter organized and moving again. If we don't, we may find that every homebuilder is changing their sign to say they build swimming pools as well.

Jennifer Hatfield, FSPA Director of Government & Public Affairs, is in discussion with building officials to see if the issue with building contractors pulling permits to build swimming pools can be resolved.

Your membership fee is hard at work defending your livelihood – but you need to support this effort as well by attending our next meeting on December 11. It will be held at Ryan's in Crestview from 5:00 p.m. until we are done.

**Mike Esmond, Pensacola Pools**  
Chapter Secretary

## Palm Beach

Executive Director: Doris Rohner  
(888) 818-9618  
FSPAPalmBeach@FloridaPoolPro.com  
www.FSPAPalmBeach.com

For our December 10 meeting Jennifer Hatfield, FSPA Director of Government & Public Affairs, will be speaking about understanding and implementing the Virginia Graeme Baker Pool & Spa Safety Act (VGB Act). She will focus on understanding the overall goals of the VGB Act and will break down the federal requirements for public pools and spas, as well as the voluntary grant program for residential pools and spa. The program will include additional speakers representing the County Department of Health and manufacturers of drain covers.

Jennifer and these representatives will provide the latest information on what drain covers are available, any new information from the Consumer Product Safety Commission on how they are implementing the VGB Act, and how state agencies are handling this federal legislation. Information will also be provided on the results of the public hearing on 64E-9, the public pool code revisions. Call the Chapter office to reserve your spot early, seating is limited.

Mark your calendars. Starting in January, 2009, meetings will be on the first Thursday of each month. Mark your calendars. Exciting programs are coming which include propane gas sales, hands-on, dismantle and repair, how to get paid, how to get the sale by asking the right question, combined table top and picnic, fire up and pool balance, poker night and business-to-business presentations. The next meeting will be January 8, 2009.

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## Polk County

Executive Director: Mary Manion  
(800) 416-6774

FSPAPolkCounty@FloridaPoolPro.com  
www.FSPAPolkCounty.com

Congratulations Lake Region High School and George Jenkins High School for participating in the FSPA High School Invitational Swimming & Diving Meet. Both teams were sponsored by the Polk County Chapter and the coaches and teams were thrilled to be able to participate because of our donations. Also a special thanks to our Chapter swim meet volunteers: **Michele, Rick and Kayla Green, Florida Sunrise Pools & Spas, and Judy Williams, SCP**. As always, it is great to see our members participate in this event.

Polk County Chapter has elected a new Board of Directors. The Board has increased in number and participation and we are looking forward to an exciting 2009! **Ed Delafield, Griffin Pools**, is our new Chapter President and a delegate to the State Board. As the Chapter knows, Ed has been a driving force in the Florida Swimming Pool Association for more years than he cares to admit, and how great for our Chapter to have a Hall of Fame recipient at our helm again. **Tracy Thompson, SCP**, is Vice President and a State Board delegate. Tracy was one of the "founders" of the Polk County Chapter, has been one of the Chapter's ardent supporters and has served in varying capacities on the Board for the past 15 years! **Michele Green, Sunrise Pools and Spas**, will also serve on both the Chapter and State Boards and brings her

enthusiasm and dedication to the swimming pool industry. Michele is one of those special people who is always willing to give a hand where needed.

Returning to the Chapter Board will be **Joe Montoya, Action Pool Cleaning; Dillon Daniels, Solar Source; Keith Johnson, Pool Works; and Andy Hernan, Genworth Financial Securities**. We are thrilled to add new representation to the Chapter Board: **Bill Hillebrand, Pleasure Pools; Joanna Messier, HornerXpress – Lakeland; and David Mills, Kristi's Pools Service**. In addition, the Board has expanded to include **Jesse Montoya, Action Pool Cleaning; Rick Green, Sunrise Pools & Spas; Mike Postoll and Judy Williams, SCP - Lakeland; and Kristi Creamer, Kristi's Pool Service**. They will serve as auxiliary members, as the by-laws state one vote per company. It definitely is going to be a great year for the Chapter. We welcome all members to participate at Board meetings. Please become part of the decision making team.

Our next Chapter meeting will be on January 14 and will feature a CE program sponsored by **HornerXpress** and featuring **Connie Sue Centralia**. Watch for details in January.

While reflecting on the words "great year," your Board wishes you and yours a most happy, healthy, safe and memorable holiday season, and may all your bids come to you!

## Space Coast

Executive Director: Bill Britz  
(321) 779-0103

FSPASpaceCoast@FloridaPoolPro.com  
www.FSPASpaceCoast.com

The Space Coast Chapter's general membership, Builders Council and Service Council will not meet this month.

The Space Coast Chapter Board of Directors will meet at 4:30 p.m. on Thursday, December 11 at the Executive Director's home.

Remember, the Chapter Christmas Party is on December 6. Be prepared to dance and have fun.

The Space Coast Chapter would like to extend to all of you our best wishes for the holiday season and the rapidly approaching new year.

## Tampa Bay

Executive Director: Karen Cobo  
(813) 265-2907

FSPATampaBay@FloridaPoolPro.com  
www.FSPATampaBay.com

Our Chapter dinner meeting was held on November 12. Our guest speaker was **Ken Gregory, Holland Commercial Pools and Park Square Pools**. He has been in the pool industry for over 30 years and was recently appointed to the Florida Building Commission by Governor Christ. This was a newly created position which our association fought legislatively to gain in the last session. Ken will be the first to fill this pool contractor seat. We also had Jennifer

Hatfield, Director of Government & Public Affairs, with us and FSPA President **Alan Cooper, Alan Cooper Consulting**, also attended.

The meeting was very informative with Ken covering the new federal Virginia Graeme Baker Pool & Spa Safety Act and explaining how this will affect all pool builders, service technicians and owners. Ken went through many of the specifics as far as replacing main drain covers and how to determine the maximum flow rates in order to figure out which cover to use.

Ken also explained the importance of having a Builders Council in our Chapter in order to stay on top of all of the new code changes. There may be many builders caught off guard on these issues. Currently we do not have any builders on our Board of Directors nor do we have an active Builders Council. If you are interested in starting one or becoming more involved with these issues, please contact Karen. We were also informed that the hearings for the approval of the changes to 64E-9 will take place on December 2. Thank you all who attended and helped make this meeting our biggest of the year! We also want to wish everyone a safe and happy holiday.

Our Chapter Christmas Party is scheduled for Wednesday, December 10 at The Clarion Hotel & Conference Center, Tampa. Check-in and cash bar begin at 6:30 p.m. and dinner is at 7:00 p.m. The cost is \$25 per person and no-shows will be billed. Reservations must be made to the Chapter office by fax or phone by Friday, December 5.

After dinner we will have a gift

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exchange. Gifts should be in the \$10 - \$20 range. Each person who brings a wrapped gift receives a ticket and when that number is called the person selects the gift with the same number. We hope you will join us for a festive, fun evening. Members, non-members and guests are welcome.

## Treasure Coast

Executive Director: Susan Gilbert  
(772) 263-2653

FSPATreasureCoast@FloridaPoolPro.com  
www.FSPATreasureCoast.com

We would like to give a big thank you to our 2008 Board of Directors for a job well done: **President Mauread Slack, Palm City Pool & Spa; Vice President Derek Proffitt, Harbor Bay Pools; Treasurer Mike Widner, Treasure Coast Surfaces; Secretary Jacque Walker, Solar Energy Systems;** and Directors: **Ken Parker, Ken Parker Pools and Joe Janis, Superior Pool Products.**

We want to welcome our new Board: **President Derek Proffitt, Harbor Bay Pools; Vice President Michael Widner, Treasurer Coast Surfaces; Treasurer/ Secretary Ken Parker, Ken Parker Pools; Past**

**President Mauread Slack, Palm City Pool & Spa; and Directors: Vinnie Fuggetta, Safety Pool Covers and Jacque Walker, Solar Energy Systems.** Thank you for your willingness to serve!

Our Christmas party will be December 11 at 6:30 p.m. Have a happy and safe holiday! Happy New Year!

For additional information about any of the events or meetings listed in the Chapter News, please contact the Executive Director listed at the top of each Chapter's News. Event meeting and information can also be found in Chapter newsletters sent to members and available at local distributors.



Team SCP at the North Central Florida Chapter Annual Golf Tournament: Rod Gonzalez, Matt Crawford, Kirk Sereda, Dustin Hitchler and Steve Silliman

# Workers' Compensation Attorney Fee Limitations Overturned

The Florida Association of Insurance Agents  
Phone: 850-893-4155; fax: 850-668-2852; Web: www.faia.com

The 2003 reforms to the Florida Workers' Compensation system faced their first serious legal challenge in the case of Murray vs. Mariner Health/Ace: USA, Florida Supreme Court Case No. SC07-244. For years, the plaintiff's trial bar has been searching for the perfect case in which to challenge the attorney fee limitations that were a cornerstone of the 2003 reform. In the Murray case, they believe they found their best chance in overturning the law and once again making workers' compensation litigation a "profit center" in Florida.

Facts of the case: The facts of the case are as follows. On January 1, 2004, the claimant, Emma Murray, filed a Petition for Benefits for injuries she said occurred on the job on October 31, 2003, shortly after the 2003 reform package took effect. The employer challenged the claim, but lost. The Judge of Compensation Claims (JCC) awarded Ms. Murray a total of \$3,244.21. The JCC held a separate hearing to determine the proper award of attorney fees. The claimant's attorney was asking \$200 per hour for 84.4 hours for a total attorney's fee of \$16,880, or over five times the amount of the benefits secured. After a hearing on the fees, the JCC applied the statutory formula and awarded \$648.84, or approximately \$8.11 per hour. Needless to say, the ruling was appealed to the First DCA and, after that, to the Florida Supreme Court.

Florida Supreme Court Rules: On October 23, the Supreme Court (Court) ruled the limitations invalid. In a 5-0 decision, the Court held that "...when a claimant is entitled to recover attorney fees from a carrier or employer as provided in

section 440.34(3)(a), (b), (c), or (d), the claimant is entitled to recover a reasonable attorney's fee." The Court further ruled that section 440.34(3) does not define "reasonable attorney's fee," and, therefore, an ambiguity results when subsections (1) and (3) are read together. The Court then said that the definition of "reasonable" found in the old Lee Engineering case (209 So. 2d 454, 458, Fla. 1968) should be used. Those standards include things such as the time and labor required, the novelty and difficulty of the question involved, the skill and experience of the lawyer, and the contingency or certainty of a fee. Finally, the Court remanded the case back to the JCC for an award in the amount of \$16,000, plus reasonable attorney fees for both the appeals to the DCA and the Supreme Court. It should be noted, that the Court's ruling relies on statutory interpretation rationale, rather than addressing the constitutional issues raised by the plaintiff.

Impact of the ruling: It is too early to determine just what the impact of this decision will be on workers' compensation rates in Florida. As you may already know, the NCCI's (National Council on Compensation Insurance, Inc.) original filing of an overall 14.1 percent rate reduction for 2009 was further decreased by the Florida Office of Insurance Regulation (OIR) to 18.6 percent, bringing the cumulative decrease since the 2003 reform to more than 60 percent. Most experts agree that, absent legislative intervention, this new decision puts those savings in serious jeopardy. We will do a more in-depth analysis. In the meantime, stay tuned.



Brian, Linda and Rachel Ganglehoff - 3rd place in the costume contest at the Florida West Coast Table Top Event



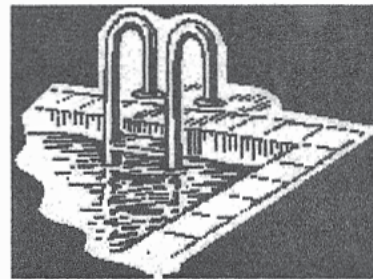
Florida West Coast Chapter's Pool Industry Table Top Event



Florida West Coast Chapter's display at their Pool Industry Table Top Event on October 28

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# Calendar of Events

## December 2008

- 2 FSPA Florida West Coast Chapter Board Meeting  
Noon at Belleair Pool Supply, 1702 West Bay Drive, Largo
- 4 FSPA Charlotte Harbor Chapter Holiday Party  
Visani's Restaurant and Comedy Club
- 4 FSPA Tampa Bay Chapter Board Meeting  
11:30 a.m. Grillsmith, 14311 N. Dale Mabry, Tampa
- 6 FSPA Space Coast Chapter Holiday Party
- 9 FSPA Manasota Chapter Meeting and CE Course  
5:00 p.m. Social  
5:30 p.m. Dinner/ Meeting/ CE Course  
Holiday Inn Lakewood Ranch
- 10 FSPA North Central Florida Chapter Annual Christmas Party/ Social  
Ocala
- 10 FSPA Palm Beach Chapter Meeting  
Will include information on the Virginia Graeme Baker Act & ANSI-7
- 10 FSPA Central Florida Chapter Builders Council Meeting  
2:00 p.m. Home Builders Association, 301 Mayo Dr., Maitland
- 10 FSPA Tampa Bay Chapter Christmas Party and Gift Exchange  
6:30 p.m. Check-in and Cash Bar  
7:00 p.m. Dinner
- 11 FSPA Treasure Coast Chapter Christmas Party  
6:30 p.m.
- 11 FSPA Northeast Florida Chapter  
Will include information on the Virginia Graeme Baker Act & ANSI-7  
5:30 p.m. Board Meeting  
6:30 p.m. Chapter Meeting  
Baymeadows Holiday Inn
- 11 FSPA Northwest Florida Chapter Meeting and CE Course  
5:00 p.m. Ryan's in Crestview

## January 2009

- 6 FSPA Manasota Chapter Board Meeting
- 7 FSPA Charlotte Harbor Chapter Meeting

- 8 FSPA Palm Beach Chapter Meeting
- 13 FSPA Central Florida Chapter CE Course
- 14 FSPA Polk County Chapter CE Course
- 20 FSPA Florida Gulf Coast Chapter  
5:30 p.m. Board Meeting  
6:30 p.m. Chapter Meeting
- 21 FSPA Charlotte Harbor Chapter Board Meeting
- 22 FSPA Manasota Chapter Meeting
- 22 FSPA Northeast Florida Chapter  
5:30 p.m. Board Meeting  
6:30 p.m. Chapter Meeting  
Baymeadows Holiday Inn



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