



Ditchmen

Online

Underground Utility Contractors of Florida, Inc.

SEPTEMBER 2010

UUCF President's Cup Golf Tournament *(See page 4 for details)*



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In This Issue

UUCF Schedules Three-Day President's Cup Golf Tournament at PGA National in Palm Beach Gardens ..	Page 4
UUCF PAC Primary Score Card	Page 7
George Spofford article	Page 9
UUCF President's Cup Golf Tournament Registration Form	Page 10
UUCF President's Cup Golf Tournament Sponsorship Form	Page 11
Did You Receive Your Copy of the UUCF 2010-2011 Directory?	Page 14
President's Message	Page 15
Summary of Legislative Changes . . . Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S., . . . Changes Effective October 1, 2010	Page 16
Calendar of Events	Page 20
SSOCOF Holiday Schedule	Page 21
FDOT Letting Dates	Page 21
Chapter News	Page 22
New Cranes and Derricks Rule Published in <i>Federal Register</i>	Page 23
Welcome New Members ...	Page 23
Consider Using New SSOCOF Alternative Dispute Resolution	Page 24
Amendment 4: What Every Floridian Needs to know .	Page 25

Index of Advertisers

CNA Insurance	Page 27
Flagler Construction Equipment	Page 26
Florida Drug Screening	Page 9
Mabey Bridge & Shore, Inc.	Page 7
MWI Corporation	Page 19
Oldcastle Precast, Inc.	Page 6
R. H. Moore & Associates	Page 13
Reduced Business Card Ads	Pages 12, 15, 16 & 24
The Blue Book	Page 14
Thompson Pump & Mfg. Co., Inc.	Page 4
Trench Shoring Services ..	Page 17
United Rentals Trench Safety	Page 2
U.S. Precast Corporation	Page 18





UUCF Schedules Three-Day President's Cup Golf Tournament at PGA National in Palm Beach Gardens

Come and enjoy three wonderful days and two nights at the PGA National in Palm Beach Gardens, Florida on October 1-3. You will enjoy three fun-filled days of golfing on three different 18 hole courses. Participants will have the opportunity to play on the Palmer Course on Friday, Champion course on Saturday and Squire course on Sunday. A different tournament will be held on each course. The format will be a two-man scramble, two-man best ball and two-man alternate shot. All tournaments will be handicapped so everyone will have an equal opportunity to win.

Mike Woodall with John Woody, Inc. is chairing this year's tournament. A portion of the proceeds from this year's tournament will benefit the UUCF Legal Defense Fund.

Palmer Course – Named after its designer, Arnold Palmer, this course is one of the more forgiving at PGA National from tee to fairway and known as a risk reward course. The open fairways and larger "Champion Bermuda" greens can be quite accommodating and invite players to take a chance if they dare as golfers are not overly penalized for missing the fairway or primary rough on most holes. There is a considerable amount of undulation through the fairway presenting the opportunity for uneven lies and creative shot making. The Palmer has a great series of finishing holes, with the 18th being one of the most scenic and picturesque par 5's on the property.

Champion Course – Originally designed by Tom and George Fazio for major tournament play, The Champion course at PGA National



Resort & Spa was redesigned by Jack Nicklaus in 1990 and now hosts the Honda Classic each March on the PGA TOUR. Although The Champion has generous landing areas and spacious and accepting tee-eagle greens, golfers are presented with course management challenges throughout the round. This South Florida golf resort course has five sets of tees to make the course more playable for golfers of




all levels. A "must play" stop on any avid golfer's list, The Champion features "The Bear Trap," which spans three demanding holes designed by Jack Nicklaus. Considered one of Florida's most notable golf challenges, USA Today calls The Bear Trap "one of the toughest stretches in golf."

Squire Course – Named after the immortal Gene Sarazen, the first golfer ever to win the professional Grand Slam, "the thinking man's course" is the ultimate test of accuracy and precision. Designed by Tom and George Fazio, the Squire is the shortest and the most exacting of the courses at PGA National Resort & Spa. Accuracy with fairway woods

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and long irons is tested on many tees and the new smaller "Emerald Bermuda" greens demand precise approach shots. Several doglegs provide a risk reward opportunity for any longer hitter as well. The Squire is surrounded by natural environmental areas and teeming with native vegetation, which attracts an abundance of wildlife. The 5th hole even runs along part of the wilderness preserve, which borders the west side of the PGA National community.

The entry fee for the three-day tournament is only \$565.00 per player. The entry fee includes three rounds of golf for the tournament, two nights' accommodation, breakfast on Saturday and Sunday, \$30.00 dinner voucher for Friday and Saturday, one free mulligan for each day (option to purchase additional mulligans will be available), skins game on Friday and Saturday and beverages on the course during tournament play. A Hospitality Suite will be available for your enjoyment.

UUCF is also selling the Survival Kit. Included in the package are: **Friday:** three mulligans, putting contest and ball in the circle contest; **Saturday:** three mulligans, two throws, putting contest, ball in the circle contest and Hole in One Contest; and **Sunday:** three mulligans, two throws, putting contest and ball in the circle contest. If the above items were purchased

separately, it would cost \$185.00. However, for golfers who purchase the Survival Kit prior to the first day of the tournament, the cost is only \$175.00. Golfers may also participate in the optional skins game on Sunday at a cost of \$50.00 per team.

There will be great prizes (first and second place each day), optional purchase of the skins game on Sunday and a lot of fun. There will also be prizes for Longest Drive and Closest to the Pin. We will also be holding a putting contest each day.

The tournament is open to the first 60 teams. Hurry and mail your entry fee along with the registration form as soon as possible. Sleeping accommodations consist of two people per one bedroom (two double beds).

UUCF is now accepting sponsorships for the President's Cup Golf Tournament. The following is a list of the various sponsorship programs:

- **Hospitality Suite Exclusive Sponsor** at \$1,000.00 (one slot only available). (Sponsor will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsor will also be permitted to display their company's promotional items in the Hospitality Suite throughout the

tournament.)

OR

- **Hospitality Suite Sponsors** at \$500.00 (two slots available). (Two sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsors will also be permitted to display their company's promotional items in the Hospitality Suite throughout the tournament.)
- **Beverage Cart Sponsors** at \$350.00 each (unlimited slots available). (All sponsors will be recognized on signage on the beverage cart during tournament play.)
- **Tournament Sponsors** at \$200.00 each (unlimited slots available). (All sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament.)
- **Cigar Sponsors** at \$200.00 each (unlimited slots available). (Attendees of the tournament will each received a cigar on Saturday during play at the tournament. Must secure at least two sponsors. If two sponsors are not secured, those who sponsored will be moved to a Tournament Sponsor. All

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**Watch future issues of the *Ditchmen*
for additional information.**

sponsors will be recognized on signage located at a hole on the course on Saturday where the cigars will be distributed to the golfers.)

- **Mulligan Sponsor** at \$100.00 each (unlimited slots available). (All sponsors will be recognized on signage located at registration each day throughout the tournament.)

- **Putting Contest Sponsor** at \$100.00 each

(unlimited slots available). (All sponsors will be recognized on signage located at the Putting Contest each day throughout the tournament.)

To obtain the UUCF President's Cup Golf Tournament Registration or Sponsorship form, please see pages 10 and 11 in this issue of the *Ditchmen* or visit the UUCF website at www.uucf.com. If you have any questions or need additional information, please feel free to contact the UUCF office at (407) 830-1880. Even though the deadline to register or sponsor has passed, we are still accepting registrations and sponsors.

Hope to see you all at the UUCF President's Cup Golf Tournament on October 1-3 at PGA National in Palm Beach Gardens.



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UUCF PAC Primary Score Card

The 2010 Primary Election is over, and the General Election will take place on Tuesday, November 2.

Facts pertaining to the 2010 Election:

- For the first time ever, every member of the state's Cabinet will be up for grabs in the same election. Governor, attorney general, chief financial officer and agriculture commissioner will each be filled by new people.
- The U.S. Senate race will lead the parade.
- All 120 state House seats are up for grabs and more than half of the Senate.
- Independent voters, about one in five in Florida, will be a focus in all the statewide races.

The UUCF PAC and your local chapter has worked hard this election cycle meeting and interviewing candidates and attending fundraisers.

The UUCF PAC Committee elected to make contributions toward the candidates listed on page 8 during the Primary Election cycle. The process will start all over again for the General Election cycle.

Over the years, the UUCF PAC has enjoyed many successes through its day-to-day lobbying efforts. The reasons for this success are clear — we are visible, vocal and effective. The UUCF PAC is one vehicle we use to reach our goals.

The UUCF PAC had a successful Primary Election cycle, supporting 36 candidates. A number of members of the Florida Legislature

who were elected or re-elected, received critical support from the UUCF PAC, demonstrating the impact the underground utility industry can have for our supporters in the Florida Legislature. The UUCF PAC overall score card indicates 15 wins, 4 losses and 17 unopposed for an impressive 89% success rate. The UUCF PAC also made contributions to the leadership.

As you can see, UUCF has a great win-loss record. This represents our PAC dollars at work for you. So, the next time you are asked to make a contribution to the UUCF PAC, you will know your money is being invested wisely.

We would like to take this opportunity to thank all the UUCF members who have made contributions to the UUCF PAC. It helped make Election 2010 Primary successful.

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Florida Senate

District	Candidate	Primary Results	General Election
2	Greg Evers	Won	Has TEA & WRI opponent
8	John Thrasher	Won	Has Democrat & WRI opponent
12	Jim Norman	Won	Has two WRI opponents
16	Jack Latvala	Unopposed	Has Democrat opponent
25	Ellyn Bogdanoff	Won	Has Democrat & NPA opponent
25	Carl Domino	Defeated	-
26	Mike Haridopolos	Unopposed	Elected Unopposed
27	Sharon Merchant	Defeated	-
32	Jeremy M. Ring	Unopposed	Has Rebpulican opponent

Florida House of Representatives

District	Candidate	Primary Results	General Election
3	C.V. "Clay" Ford	Unopposed	Has Democrat opponent
16	Charles W. McBurney, Jr.	Won	Has NPA opponent
17	Lake G. Ray, III	Unopposed	Has WRI opponent
19	Mike B. Weinstein	Unopposed	Elected Unopposed
21	Charles Van Zant	Unopposed	Elected Unopposed
28	Dorothy L. Hukill	Won	Has WRI opponent
30	Ritch Workman	Unopposed	Has Democrat Opponent
34	Chris Dorworth	Unopposed	Has Democrat & TEA Opponent
35	R. Dean Cannon, Jr.	Unopposed	Has Democrat & TEA Opponent
40	Eric Eisneagle	Unopposed	Has Democrat & TEA Opponent
45	Kathryn Elizabeth Starkey	Defeated	-
47	Brian Blair	Defeated	-
52	Jeffrey Brandes	Unopposed	Has Democrat Opponent
57	Dana Young	Won	Has Democrat & TEA Opponent
60	Shawn Harrison	Won	Has Democrat Opponent
61	Will Weatherford	Unopposed	Has Democrat & NPA Opponent
66	Ben Albritton	Won	Has WRI opponent
67	W. Greg Steube	Won	Has Democrat & NPA Opponent
71	Kenneth L. Roberson	Unopposed	Has Democrat Opponent
73	Matt Caldwell	Won	Has Democrat & TEA Opponent
75	Trudi K. Williams	Unopposed	Has NPA Opponent
79	Mike Horner	Won	Has Democrat, WRI & TEA Opponent
80	Debbie Mayfield	Won	Has WRI Opponent
113	Carlos Lopez-Cantera	Unopposed	Has Democrat & NPA Opponent
115	Jose Felix Diaz	Won	Has Democrat & TEA Opponent
117	Michael Bileca	Won	Has Democrat Opponent
120	Ron Saunders	Unopposed	Has Republican, NPA & TEA Opponent

The top priority for UUCF during the 2011 Legislative Session will be Competitive Bid. Over the past six months, reports have been coming into the UUCF office that local governments are trying to self perform water and sewer projects. Florida Statute 255.20 requires local governments to competitively bid projects that are estimated to be in excess of \$300,000. UUCF will be proposing amendments to the

existing Competitive Bid Statute in order to close up loopholes and put some teeth in the law.

UUCF will also be working on or monitoring other construction and business legislative issues that could include:

- revising the statutory formula for the Workers' Compensation Special Disability Trust Fund.

- DBPR will probably introduce a legislative package that could address pre-licensure education and contractor licensing bonds.
- proposed changes to the Florida Construction Lien Law.
- anti-geographic bid preference.
- crane ordinances.
- immigration tied to e-verify
- revisions to the Notice of Nonpayment statute.



Executive Order 13496 and What It Means For Federal Contractors and Subcontractors

By — George E. Spofford, IV

Glenn Rasmussen Fogarty & Hooker, P.A.

P. O. Box 3333

Tampa, Florida 33601-3333

(813) 229-3333

If your company works on federal projects as a prime contractor or subcontractor, you now have a new labor law poster that must be posted where your employees can see it and you also have several other new requirements to satisfy or your company could be fined or even debarred from working on federal projects. All of this is a result of Obama's Executive Order 13496 which was issued in 2009 as a

"thank you" for Organized Labor's support of Obama. Executive Order 13496 required the Department of Labor to issue new rules implementing the Order, and those rules went into effect on June 21, 2010.

Executive Order 13496 changed the requirements that federal contractors and subcontractors have regarding notification of employee rights under the National Labor Relations Act

(NLRA). Under the new Order and rules, federal contractors and subcontractors must post an "Employee Rights Notice," which informs employees about their right to form, join, assist or support unions and bargain collectively with their employer; lists several examples of conduct by employers and unions that violates employees' rights; and tells employees how to contact the

(Continued on Page 12)



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**Underground Utility Contractors of Florida
Proudly Presents The
Annual President's Cup
Two-Man, Three-Day Golf Tournament
October 1-3, 2010
PGA National Resort & Spa, Palm Beach Gardens, Florida**



Come and enjoy three wonderful days and two nights at the PGA National Resort & Spa in Palm Beach Gardens, Florida on October 1-3, 2010. You will enjoy three fun-filled days of golfing on three different 18 hole courses. Friday is on the Palmer course, Saturday is on the Champion course and Sunday is on the Squire course. The format will be a two-man scramble, two-man best ball and two-man alternate shot. All tournaments will be handicapped so everyone will have an equal opportunity to win. Each day's tournament is a shotgun start.

The entry fee for the three-day tournament is only \$565.00 per player. The entry fee includes three rounds of golf for the tournament, two nights' accommodations, breakfast on Saturday and Sunday morning, a \$30.00 dinner voucher for Friday and Saturday evening, one free mulligan for each day (option to purchase additional mulligans will be available), skins game on Friday and Saturday and beverages on the course during tournament play. There will be great prizes (first and second place each day), optional purchase of skins game on Sunday and a lot of fun. There will also be prizes for Longest Drive and Closest to the Pin. We will also be holding a putting contest each day. A HOSPITALITY SUITE will be available for your enjoyment and a location to turn in your score cards each day.

The tournament is open to the first 60 teams. So, hurry and mail your entry fee of \$565.00 per player along with this registration form to the UUCF office. Please make sure you write in your handicap and smoking preference as well as your partners. All handicaps will be checked. Sleeping accommodations consist of two people per a one bedroom suite (two double beds). Dress code for men is collared shirts not less than quarter length sleeves, shorts will have pockets. Cut-offs, jogging shorts, swimwear, jeans or T-Shirts/Tank tops are not allowed. Women may wear dresses, skirts, culottes, slacks and proper shorts, no jeans or cut-offs. Blouses and shirts must be of customary nature, no T-Shirts. Soft spikes are required on all courses.

REGISTRATION FORM

1. Name _____
USGA Handicap _____
Company _____
Address _____
City, State, Zip _____
E-mail address _____
Phone _____ FAX _____
Smoking Room: _____ Non-Smoking Room: _____

2. Person's Name to Golf With _____
USGA Handicap _____
Company _____
Address _____
City, State, Zip _____
E-mail address _____
Phone _____ FAX _____
Smoking Room: _____ Non-Smoking Room: _____

3. Name _____
USGA Handicap _____
Company _____
Address _____
City, State, Zip _____
E-mail address _____
Phone _____ FAX _____
Smoking Room: _____ Non-Smoking Room: _____

4. Person's Name to Golf With _____
USGA Handicap _____
Company _____
Address _____
City, State, Zip _____
E-mail address _____
Phone _____ FAX _____
Smoking Room: _____ Non-Smoking Room: _____

- Enclosed please find a check for _____ person(s) at \$565.00 each for a total of \$_____ to cover the cost of the golf package.
- Please send an invoice to the person listed as #_____ for _____ person(s) at \$565.00 each for a total of \$_____ to cover the cost of the golf package.
- Enclosed please find a check for _____ person(s) at \$175.00 each for a total of \$_____ to cover the cost of the 2010 Special Events Survival kit.
- Please send an invoice for _____ person(s) at \$175.00 each for a total of \$_____ to cover the cost of the 2010 Special Events Survival kit.
- Enclosed please find a check for _____ team(s) at a cost of \$50.00 for the Optional Skins game on Sunday.
- Please send an invoice for _____ team(s) at a cost of \$50.00 for the Optional Skins game on Sunday.

Name of person completing registration form: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: (_____) _____ FAX: (_____) _____
E-mail address: _____

Please complete and return this registration form along with payment to the UUCF office **no later than September 1, 2010**. Please make checks payable to UUCF and mail to: 231 West Bay Avenue, Longwood, FL 32750-4125. Cancellations after September 1, 2010 and no shows will not be eligible to receive a refund. Registrations will be taken after September 1, 2010 if space is available. If you have any questions or need additional information, please feel free to contact the UUCF office at (407) 830-1880 or FAX at (407) 260-1582.



**Underground Utility Contractors of Florida
Proudly Presents The
Annual President's Cup
Two-Man, Three-Day Golf Tournament
October 1-3, 2010
PGA National Resort & Spa, Palm Beach Gardens, Florida**



The UUCF President's Cup Golf Tournament will be held at the PGA National Resort & Spa in Palm Beach Gardens, Florida on October 1-3, 2010. UUCF has set up different sponsorship categories in which your company can participate. Your support is greatly appreciated.

The following sponsorships are available: Hospitality Suite at \$1,000.00 for exclusive sponsorship or two sponsors at \$500.00 each; Beverage Cart Sponsors at \$350.00 each (unlimited sponsorship slots available); Tournament Sponsors at \$200.00 each (unlimited slots available); Cigar Sponsors at \$200.00 each (unlimited sponsorship slots available); Putting Contest Sponsors at \$100.00 each (unlimited sponsorship slots available); Mulligan Sponsors at \$100.00 each (unlimited sponsorship slots available). A portion of the proceeds from this tournament will benefit the UUCF Legal Defense Fund.

SPONSORSHIP FORM

I would like to sponsor the following:

- ☐ Hospitality Suite Exclusive Sponsor at \$1,000.00 (one slot only available). (Sponsor will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsor will also be permitted to display their company's promotional items in the Hospitality Suite throughout the tournament.)

OR

- ☐ Hospitality Suite Sponsor at \$500.00 (two slots available). (Two sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsors will also be permitted to display their company's promotional items in the Hospitality Suite throughout the tournament.)
- ☐ Beverage Cart Sponsor at \$350.00 each (unlimited slots available). (All sponsors will be recognized on signage on the beverage cart during tournament play.)
- ☐ Tournament Sponsor at \$200.00 each (unlimited slots available). (All sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament.)
- ☐ Cigar Sponsor at \$200.00 each (unlimited slots available). (Attendees of the tournament will each received a cigar on Saturday during play at the tournament. Must secure at least two sponsors. If two sponsors are not secured, those who sponsored will be moved to a Tournament Sponsor. All sponsors will be recognized on signage located at a hole on the course on Saturday where the cigars will be distributed to the golfers.)
- ☐ Mulligan Sponsor at \$100.00 each (unlimited slots available). (All sponsors will be recognized on signage located at registration each day throughout the tournament.)
- ☐ Putting Contest Sponsor at \$100.00 each (unlimited slots available). (All sponsors will be recognized on signage located at the Putting Contest each day throughout the tournament.)

Name: _____

Company: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ Fax: (____) _____

E-mail Address: _____

Enclosed is my check in the amount of \$_____ (please make check payable to UUCF). Please invoice me _____

Please complete and return no later than **Wednesday, September 1, 2010** to:

UUCF/PC Sponsorship
231 West Bay Avenue
Longwood, FL 32750-4125
Phone: (407) 830-1880 • FAX: (407) 260-1582



(Executive Order 13496 and What It Means For Federal Contractors and Subcontractors Continued from Page 9)

NLRB to ask questions or file charges. The regulations that went into effect June 21, 2010 implementing Obama's Order also require federal contractors to include in every contract, subcontract and purchase order, a pledge to honor the employee notice requirements. The "Employee Rights Notice" consists of a mandatory poster that all federal contractors and subcontractors are required to post without modification.

Under the prior Executive Order issued by President Bush federal contractors were merely required to post a notice (commonly known as a "Beck" notice) to their employees informing them that they were not required to join or maintain membership in a labor union, and

that those who were not union members, but were still required to pay union dues, could object to paying a portion of those dues or fees to support activities that are not related to collective bargaining, contract administration or grievance adjustment. So, instead of informing employees of their right not to be part of Organized Labor, now employers must inform employees that they have the right to be part of Organized Labor and employers must "pledge" to require all sub-tier contractors to also provide such a notice via contracts and subcontracts.

Obama's Executive Order applies to all construction contractors doing business as a prime contractor or subcontractor on federal projects. Copies of the Notice are available for download at the U.S. Department of Labor's web site (<http://www.dol.gov/olms/regs/compliance/EO13496.htm>).

Employers must post the Notice exactly as issued by the DOL, meaning that it cannot be altered in size, color or content. If your work force is not proficient in English, then you are also required to provide the notice in the language(s) your employees speak.

Any employee of a covered contractor or subcontractor may file a complaint that his employer has failed to post the Notice or failed to include the required notice clause in subcontracts or purchase orders, and employers are prohibited from retaliating against any employee for filing such a complaint.

Even without an employee complaint, the Office of Federal Contract Compliance Programs (OFCCP) may conduct compliance reviews to determine whether a contractor or subcontractor under a covered contract is complying with Executive Order 13496 and the

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rules. As you may know, the OFCCP is responsible for ensuring that contractors doing business with the federal government do not discriminate and take affirmative action. All federal contractors and subcontractors should anticipate that any OFCCP compliance review will include an evaluation for compliance with Executive Order 13496, just as they now review compliance with affirmative action and Form I-9 rules.

Penalties for violating the Executive Order may include cancellation, suspension or termination of the contract or subcontract, or debarment of the employer from future federal contracts or subcontracts.

Compliance with Executive Order 13496 is not insurmountable, but it does impose additional burdens on U.S. employers and will require additional housekeeping if your

projects include work on federal projects.

George Edson Spofford, IV of the Tampa law firm, Glenn Rasmussen Fogarty & Hooker, P.A., prepared this article. Spofford has represented the construction industry since 1985. Spofford is Board Certified by the Florida Supreme Court in Construction Law and practices throughout Florida representing owners, contractors, subcontractors, and sureties. Feel free to contact the author at (813) 229-3333 or gspofford@glennrasmussen.com.

Disclaimer: The information contained in this article is for general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation. Regulations and laws may vary depending on your location. Consult with a licensed attorney in your area if you wish to obtain legal advice and/or counsel for a particular legal issue.

In Memory Of

We are deeply saddened by the death of Morgan Tyler "Ty" Gainer, who is the son of NUCA Past President Walt Gainer and employee of W.F. Wilson & Sons, Inc. of Ellicott City, MD. Ty was struck in the head by an industrial construction machine and pronounced dead at the scene.

Officials say no foul play is suspected. The Maryland Occupational Safety and Health Administration is also investigating the apparent accident.

Donations in his memory may be made to the AUC Scholarship Fund at 2913 Crabapple Lane, Ellicott City, MD 21042.

Our thoughts and prayers are with the Gainer family and friends.

Best Management Practices

Erosion and pollution control practices employed during construction to protect surface waters and wetlands from construction activities



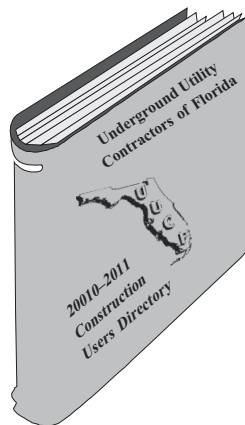
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Did You Receive Your Copy of the UUCF 2010–2011 Directory?



The UUCF 2010–2011 Construction Users Directory was mailed in August to all UUCF members.

This directory is your best

reference guide to members of the four chapters and three districts in the state of Florida.

If you did not receive your free copy of the UUCF Directory or need an additional copy for your office, please contact your local chapter or the UUCF office at (407) 830-1880.

Registered Contractor License Renewal Reminder

Just a reminder that the Registered Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2011. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors).

Don't forget to notify the DBPR office of any address change. Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing of the licensee's current mailing address and phone number.

Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

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President's Message



It seems that the two main topics of conversation in Florida is the economy and politics. Many

counties and cities have been fired at for voter problems and our close elections. We have always been told our vote counts, and we should vote in every election. Well, I am starting to disagree with the latter. To some degree, I believe that if you are being subsidized by the government, do not own property or cannot pass a voting test that maybe you should not be allowed to vote. With respect to every vote counts, I would like to share a story that was in our local paper.

Jay, Florida is a small agriculture town in north Santa Rosa County about 45 miles north of Pensacola. The people that live there make their living



farming or working in what is left of the oil field business.

Like all

small communities in our area, everyone knows each other and we get along with each other pretty well. And your right, everyone knows more about the neighbors' business than the neighbor. This year, two men ran for the office of Mayor. The incumbent was Mr. Qualls and his opponent was Mr. Hudson. Both are long time residents of Jay and good friends. In the small town like Jay, you vote with paper ballots; and, if you are disabled, touch screen machines are set up. When the voting booths closed and the paper ballots were counted, Mr. Hudson had 71 votes and Mr.

Qualls had 70 votes. Late that night, the touch screen machines were delivered to the Elections Office and were counted. At the end of the day, Mr. Qualls had 72 votes and Mr. Hudson had 71 votes. I would like to say the two had enough faith in the counting process and the equipment that a recount was not necessary. We have all heard about close elections, and this is certainly proves that every vote counts.

October 1-3 is our Annual President's Cup Golf Tournament. Mike Woodall has the tournament set up at the PGA National Resort and Spa in Palm Beach Gardens and will be three good days of golf. I have played two rounds of golf in my life and am not considered a golfer, but I am looking forward to the

(Continued on Page 23)

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Summary of Legislative Changes

Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.

Changes Effective October 1, 2010

556.101 Short Title; legislative intent. –

s.556.101(3)(d) Prevents local governments from adopting or enforcing ordinances that regulate underground facility markings such as linking the permitting process to underground facility identification, requiring premarking or marking, specifying paint types or other marking devices, or requiring marks removal.

Impact

- Promotes consistency of underground facility marking throughout Florida's 67 counties.
- Eliminates any confusion over

marking requirements for utility operators and excavators that operate in numerous counties.

556.105 Procedures. –

s.556.105(11) Gives members the option of providing separate documentation in addition to locates for underwater work sites. This documentation can serve as a backup form of underwater facility identification in the event the original underwater locates are removed or no longer visible. Backup documentation allows the excavator to continue excavation after the marks are destroyed without needing the lines re-located. At this time, adequate documentation parameters

have not been defined and will be up to an individual member's discretion.

556.110 Costs assessed among member operators. –

s. 556.110 Removes the monthly payment exemption for members that receive fewer than 10 notifications in one month.

Impact

SSOCOF no longer bills on a per-notification basis and has changed to an assessment billing method based on the activity (ticket volume) in the territory of each member for the preceding year.

(Continued on Page 19)

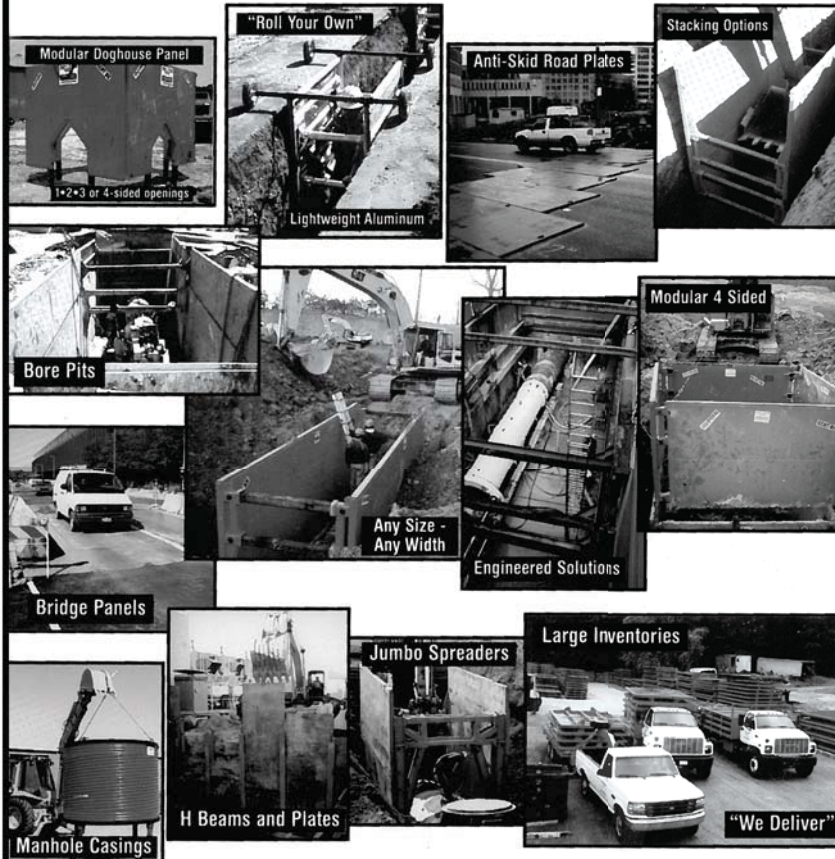
<p>Linkhorst & Hockin, P.A. Attorneys at Law</p> <p>ADAM C. LINKHORST Board Certified Construction Law Attorney</p> <p>4495 Military Trail, Suite 106 Jupiter, FL 33458 Tel. 561-626-8880 Fax. 561-626-8885</p> <p>Tel. 954-776-5990 Cell. 954-562-9199 acl@FloridaHardhatLaw.com www.FloridaHardhatLaw.com</p>	<p>Your Business Card Could Be Here!</p> <p>Call (407) 830-1880</p>	<p>Don't adjust your manholes with bricks anymore! Use precast concrete grade rings! Do the job faster- easier! Call for pricing! Delivery Available!</p> <p>SCP</p> <p>3702 OLSON DRIVE DAYTONA BEACH, FL 32124</p> <p>OFFICE 386-238-6020 FAX 386-258-3788</p> <p>SOUTHEAST CONSTRUCTION PRODUCTS</p>
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(Summary of Legislative Changes Continued from Page 16)

556.107 Violations. –

1. s. 556.107(1)(c) Raises the minimum fine from \$250 to \$500 for all citable violations of Chapter 556, F.S.

Impact

- Potential increase in citations written for violating Chapter 556, F.S. The higher penalty will help local governments recover any costs associated with enforcing the law.
- The higher amount will hopefully promote greater compliance with the law.

2. s. 556.107(1)(a)6 and s. 556.109(2) Creates a non-criminal violation for requesting emergency locate tickets for non-emergency situations. An emergency situation is defined by s.556.109, F.S. as any condition constituting a clear and present danger to life or property; a situation caused by the escape of any substance transported by means of an underground facility; any interruption of vital public service or communication caused by any break or defect in a member's underground facility; or any impairment of public roads or utilities that requires immediate repair, as determined by FDOT or another affected political subdivision.

Impact

- The only time an emergency ticket is to be requested is when there is an emergency, as defined above. Not wanting to wait two full business days for marking is not an emergency.
- During the locate ticket process, a caller is required to answer six questions to verify the emergency. If a caller cannot answer yes to one or all of the questions but still insists on an emergency ticket, the caller could be cited for falsely requesting an emergency ticket.
- Excavators that damage an

underground facility and create an emergency situation, as defined above, should cease excavation and notify the member directly. The member operator is then required to send personnel to the site to effect temporary or permanent repairs of the contact or damage. The member operator may, but is not required to obtain, an emergency ticket before repairing the damage.

- Reduce costs for members that choose to respond immediately to emergency tickets received after hours and on weekends.

3. s.556.107(1)(a) Creates a non-criminal violation for failure to follow the low impact marking practices outlined in s. 556.114(1), (2), (3) and (4).
4. s.556.107(1)(d) Eliminates the ability of enforcement personnel to require a court appearance for a non-criminal infraction violator.

556.114 Low-impact marking practices. –

s.556.114(3) and (4) Establishes low impact marking practices for excavators and member operators. The sections replace s. 556.105(5)(a), F.S. related to premarking.

- Excavator Low Impact marking guidelines
 - Locate ticket requests should cover only those portions of a job site where digging will

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occur within 30 calendar days of the date the ticket is requested.

- When renewing tickets for jobs lasting longer than 30 calendar days, identify only the areas where excavation will occur (i.e. eliminate any areas where digging is complete).
- Difficult-to-explain dig sites should be pre-marked if the excavator and member have not mutually agreed otherwise.
- Acceptable marking products for excavators to pre-mark a job site: flags, stakes,
- Member Low Impact marking guidelines
 - All locate marks must be in the color identified for each utility.
 - Acceptable marking products to identify facilities: flags, stakes, temporary, nonpermanent paint, other industry accepted low-impact marking practices.

(Continued on Page 21)





Calendar of Events

UUCF

Oct. 1-3 President's Cup Golf Tournament,
PGA National Resort & Spa, Palm Beach Gardens
Nov. 5 Board of Director's Meeting, Orlando

2011

Jan. 28 Board of Director's Meeting, Orlando
Mar. (TBA) Board of Director's Meeting, Tallahassee
Mar. (TBA) Tallahassee Summit, Tallahassee
June 3 Board of Director's Meeting, Orlando
July 21 Board of Director's Meeting,
Casa Marina Resort & Beach Club, Key West
July 21-24 Annual Convention,
Casa Marina Resort & Beach Club, Key West
Sept. (TBA) President's Cup Golf Tournament
Nov. 4 Board of Director's Meeting, Orlando

Northwest Florida UCA

Oct. 14 Board of Director's Meeting, Pensacola
Oct. 22 Clay Tournament, Pensacola
Nov. 2 Board of Director's Meeting, Pensacola
Nov. 12 Annual Meeting, Pensacola

Southwest Florida UCA

Oct. 21 General Membership Meeting, Holiday Inn,
Gulf Coast Town Center, Fort Myers
Nov. 18 Board of Director's Meeting
Dec. 4 Christmas Party

SUCA

Oct. 7 .. Board of Director's Meeting/Hall of Fame Night
Nov. 4 Board of Director's/General Membership
Meetings/Installation of Officers & Directors,
Rusty Pelican
Nov. 5 Clay Shoot, TBA
Dec. 2 Board of Director's Meeting, Tampa Club
Dec. 4 December Banquet, Tampa Club

UCA of North Florida

Oct. 2 Fishing Tournament,
Sister's Creek Marina/City of Jacksonville
Oct. 6 Bettering Your Business Luncheon Series
Oct. 12 Executive Committee Meeting,
Conference Room/UCA of North Florida Office
Nov. 3 Safety Director's Forum
Nov. 9 Executive Committee Meeting,
Conference Room/UCA of North Florida Office

Nov. 18 Election of Officers Meeting
Dec. 14 Executive Committee Meeting,
Conference Room/UCA of North Florida Office

NUCA 2010

Oct. 14-15 Board of Directors Meeting,
Chicago Marriott O'Hare, Chicago, IL

2011

Jan. 18-21 Expo '11, The Executive Experience,
The El Conquistador Resort, Las Croabas, Puerto Rico

Sunshine State One Call of Florida, Inc. (SSOCOF) Meetings 2010

Nov. 18 Committee Meetings,
DeBary Call Center
Nov. 19 Board of Director's Meeting,
DeBary Call Center
Dec. 17 Executive Committee Meeting,
DeBary Call Center/Conference Call

2011

Feb. 17 Committee Meetings, DeBary Call Center
Feb. 18 Board of Director's Meeting,
DeBary Call Center
Mar. 18 Executive Committee Meeting,
DeBary Call Center/Conference Call
May 19 Annual, Board of Director's and Committee
Meetings, DeBary Call Center
May 20 Golf Tournament, DeLand
June 17 Executive Committee Meeting,
DeBary Call Center/Conference Call
Aug. 18 Committee Meetings
Aug. 19 Board of Director's Meeting
Sept. 16 Executive Committee Meeting,
DeBary Call Center/Conference Call
Nov. 17 Committee Meetings,
DeBary Call Center
Nov. 18 Board of Director's Meeting,
DeBary Call Center
Dec. 16 Executive Committee Meeting,
DeBary Call Center/Conference Call

Construction Industry Licensing Board Meetings

Oct. 13-15 Doubletree Hotel, Tampa Westshore
Airport, Tampa
Nov. 10-12 Embassy Suites Orlando-North,
Altamonte Springs

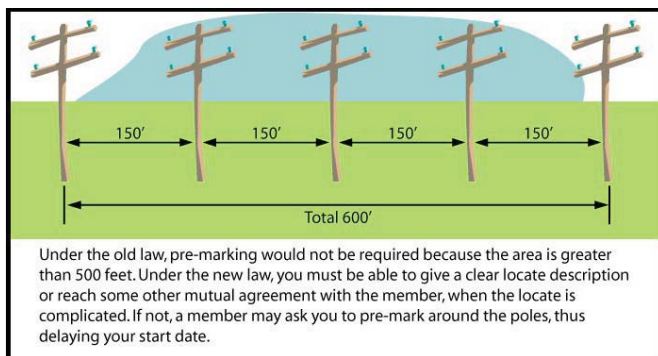




**(Summary of Legislative Changes
Continued from Page 19)**

Impact

- Low impact marking guidelines are designed to reduce the amount of locate marks at dig sites by requiring a more efficient locate ticket.
- Temporary, non-permanent marking paint will shorten the lifespan of marks.
- Excavators will need to plan ahead and determine how much excavation can be done within the 30-day ticket life.
- Simply renewing a locate ticket will not suffice any longer. Excavators who use office staff to renew tickets may need to change procedures. For instance, staff should contact the excavator to confirm whether the ticket should be renewed and clarify what portion of the ticket remains to be excavated.
- Reduced locating time.
- The 500-foot limitation for premarking a job site has been eliminated. See diagram below.



New Section 556.115 Alternative dispute resolution. –

Creates a voluntary alternative dispute resolution process (arbitration) to settle disputes relating to damage to an underground facility and the consequences of that damage. Arbitration is open to anyone involved in the incident.

SSOCOF has developed parameters for an arbitration process that involves the Department of Administrative Hearings. Procedures will be available in the near future.

New Section 556.116 High-priority subsurface installations; special procedures. –

Creates a new process for responding to serious incidents involving underground transmission or distribution pipelines used to transport any refined petroleum product or hazardous/highly volatile liquid such as anhydrous ammonia or carbon dioxide, if the facility is deemed to be critical by the member operators of the pipeline and is identified as a high priority subsurface installation.

SSOCOF has developed a set of procedures and reporting process for incidents involving high-priority subsurface installations. Procedures will be available in the near future.

**Sunshine State One Call of
Florida, Inc.
2010 Holiday Calendar**

Thanksgiving Day	11/25/10
Day after Thanksgiving Day	11/26/10
Christmas Eve	12/23/10
Christmas Day	12/24/10

2011 Holiday Calendar

Observance of New Year's Day	12/31/11
Martin Luther King Day	01/17/11
Memorial Day	05/30/11
Independence Day	07/04/11
Labor Day	09/05/11
Thanksgiving Day	11/24/11
Day after Thanksgiving Day	11/25/11
Christmas Eve	12/23/11
Christmas Day	12/26/11

SSOCOF's business hours are Monday through Friday from 7:00 a.m. to 5:00 p.m. **Please keep the above dates in mind when calling for locates two business days prior.** The law now requires two full business days prior to digging.



2010 FDOT Letting Dates

September 29
October 27
December 1

2011 FDOT Letting Date

January 26
February 23
March 30
April 27
May 25
June 22





Chapter News

Northwest Florida UCA

The Northwest Florida Chapter Utility Contractors Association welcomed over 90 members and guests to the After Hours Event held August 19 at the Fish House's Deck Bar in Pensacola. Guests included area engineers and candidates running for the Emerald Coast Utility Authority and Escambia County Commission. In addition to the fellowship, fantastic food and view of Pensacola Bay, attendees were afforded a one on one opportunity to voice their concerns and learn the candidate's position on the issues. Special thanks goes to the event sponsors: Brown Construction of N.W. Florida, Gulf Equipment Corp., Kelson Electric, Molton, Allen & Williams, Pensacola Concrete Construction and Utility Service Company.

The Northwest Florida UCA Chapter will offer an event that's new and different on Thursday, September 23 – a fun bowling tournament. Mark your calendars for an afternoon diversion filled with fun and games and lots of surprises. Details will be forthcoming or contact the chapter office at (850) 434-8328 for details.

SUCA

SUCA's September General Membership Meeting will be held on Thursday, September 9 at Café Don Jose in Temple Terrace. Registration and cocktails begin at 6:30 p.m. and dinner will be served at 7:15 p.m. Cost is \$30.00 per person. Kathleen Peters, Mayor of City of South Pasadena and Vice President of Public Affairs for the Clearwater Regional Chamber of Commerce, will be our guest speaker for the evening. Mrs. Peters will address our membership regarding the dangers of Amendment 4. Please plan to attend this important meeting. All members in attendance will have the opportunity to participate in a question and answer session.

Hundreds of tickets have been mailed for SUCA's 15th Annual Fish Fry. This event will again be held at Largo Central Park on Thursday, September 16 from 11:00 a.m. – 1:30 p.m. This ever popular event draws over 300 people year after year for seafood cooked on site and a chance to make those important business contacts over lunch. Ten tickets have been mailed out to each member firm. Please remember to return any unwanted tickets to the SUCA office by September 10 to avoid being charged for unwanted tickets. The ticket price remains \$12.00 per person and includes two kinds of fish, hush puppies, grits, cole slaw and peach cobbler.

SUCA's Nominating Committee is currently working on our leadership for 2011. If you are interested in serving on SUCA's Board of Directors or in serving on a committee, please e-mail the SUCA office of your interest to mtjader@suca.org.

SUCA's Hall of Fame Night will take place Thursday, October 7 at the Tampa Club. Three long-time SUCA members will be inducted into the Hall of Fame for their outstanding contributions to the association over many years. Previous Hall of Famers will also be in attendance. This meeting will also serve as the Annual Meeting and Elections where SUCA's leadership for 2011 will be elected.

SUCA's Membership Committee, chaired by Ken Wachman, continues promoting the half year dues promotion. This is a great time to have a prospective member who may not be sure about joining the association to try membership for six months at half price. Please contact the SUCA office for more information.

SUCA's 5th Annual Clay Shoot will be held on Friday, November 5 at

Tampa Bay Sporting Clays (formerly Deer Creek) in Land O' Lakes. Registration and breakfast begins at 8:00 a.m. and the tournament will begin at 9:00 a.m. The tournament will be followed by a barbecue lunch and awards. The cost for a four man team remains \$350.00. This price includes the fifty target, eight station event, ammunition, breakfast, lunch and awards. Tickets will also be sold for a shotgun raffle at the event. If you are interested in sponsoring this event, please contact the SUCA office.

IMPORTANT: There are very specific safety rules and regulations for the clay shoot. Each person involved (shooting or not) must sign a waiver and wear ear and eye protection (ear protection provided, bring your own safety, sun or prescription glasses).

Mark your calendars now for SUCA's Annual Installation Banquet on Saturday, December 4, 2010 at the beautiful Tampa Club. Information on rooms will be out to the membership shortly. The banquet this year will be event packed with the reverse raffle drawing, a silent auction, awards and presentations, dinner and live entertainment. The infamous photo booth will also return this year! Tickets are available for \$50.00 each for the reverse raffle drawing to be held at the banquet. Contact the SUCA office for a ticket or a list of board members who are selling tickets.

If you are interested in SUCA's projects or events, please contact our office at (813) 355-4879 or visit our website at www.suca.org.

UCA of North Florida

Thanks to the UUCF Legal Defense fund, we have Vote No on 4 yard signs and bumper stickers for our members. Please contact the UCA of North Florida office at (904) 296-1230 to get signs for your office and





stickers for your vehicles. These are being offered FREE to UCA of North Florida members. Supplies are limited.

Jeff Blomgren, Petticoat-Schmitt Civil Contractors, Inc., provided our members with some valuable information on "What to do when OSHA arrives at your Jobsite" at our August meeting. If you were unable to attend and would like a copy of the handouts, please let Kathy know.

On behalf of UUCF, Ryan Schmitt presented Lauren Atwell with the 2010 **Mitch Ellington Award** at our August Membership Meeting. Lauren was unable to attend the UUCF Convention this year due to a previous commitment.



We will be holding our 2010 Candidate's Forum on Thursday, September 16 at 6:00 p.m. at River City Brewing Company. We have invited candidates for the November 2010 election to come and spend time with our members for a meet and greet. Please RVSP to UCANF1@gmail.com if you are interested in attending.

Our annual Fishing Tournament will be held on Saturday, October 2 at Sister's Creek Marina/City of Jacksonville. Sponsors and Anglers are needed. Sponsorships are available for \$125.00 to \$1,500.00. Thank you to the following companies who have already agreed to sponsor: Duval Asphalt, Reynolds, Inc., Jax Utilities Construction and Tucker Equipment. Please contact the UCA of North

Florida office for registration and sponsorship information.

NUCA will be holding a Board of Directors Meeting on October 14-15 at the Chicago Marriott O'Hare in Chicago, IL. The Safety Directors Forum will be held October 26-28 at the Flamingo Las Vegas Hotel & Casino in Las Vegas, NV. For additional information, please visit the NUCA website at www.nuca.com.

We are pleased to have Professional Shoring & Supply as a new monthly sponsor. We appreciate all of our monthly sponsors including: A. J. Johns, Inc., Ellis & Associates, Industrial Tractor Company, Regan, Zebouni & Walker, P.A., Reynolds, Inc., Standard Precast and Thompson Pump & Manufacturing. Thank you for your continued support!

(UUCF President's Message Continued from Page 15)

comradery and adventure. If you have not signed up, the forms are in last and this month's issue of the *Ditchmen* and on the UUCF website at www.uucf.com. It should be three fun days of golfing.

In closing, UUCF is working for our membership on several local and state issues, we are gaining membership in areas that are not represented by our four chapters and some of the members are seeing a little business opportunity that wasn't there several months ago. We need to continue to be optimistic and continue doing business with each other.

Looking forward to seeing everyone on the golf course in October.

Sincerely,

Bill Lee
UUCF President

New Cranes and Derricks Rule Published in *Federal Register*

OSHA's **new rule** addressing the use of cranes and derricks in construction was published in the **Federal Register** on August 9, 2010. The rule, which replaces a decades-old version based on outdated standards, will take effect November 8, 2010. It addresses critically important provisions for crane operation and incorporates technological advances that will provide improved protection for about 4.8 million workers employed by 267,000 construction, crane rental and crane certification establishments.

Welcome New UUCF Members September 10, 2010

Gate Fuel Services, Inc.

Mike Love, Lisa Terry
Jacksonville, Florida
(904) 448-2952
Affiliate

Chapter: UCA of North Florida

Professional Shoring & Supply

John Shiver
Jacksonville, Florida
(904) 437-9387
Associate

Chapter: UCA of North Florida





Consider Using New SSOCOF Alternative Dispute Resolution

S SOCOF has created an alternative dispute resolution process for disputes over excavations that cause loss of service, down time, delays, similar economic disruptions, and non-use of facilities during restoration or replacement. This is a voluntary process and is open to anyone involved in the incident. Each party pays for DOAH services. The alternative dispute resolution process can be stopped anytime before the final decision. Parties can then pursue a formal court proceeding.

The Alternative Dispute Resolution

1. Parties agree to handle the dispute through the DOAH and accept the DOAH law judge's

- decision as binding.
2. Parties sign and send an Alternative Dispute Resolution Expense Reimbursement Contract and \$500 deposit to SSOCOF. Copies will be posted online October 1.
3. SSOCOF sends contract to DOAH.
4. An administrative law judge (ALJ) is assigned to the case.
5. The ALJ's office works with parties to schedule proceedings.

Benefits of Alternative Dispute Resolution

- Faster than formal court proceeding
- More flexible process
- Less costly

STAY INFORMED!

- An electronic version of the Excavation Guide, now called Damage Prevention Guide, is posted online at www.callsunshine.com.
- Updated Damage Prevention Guides, will be available in SSOCOF's online store after October 1.
- Visit the new legislation link on SSOCOF's home page for updated materials about the new legislation.
- Sign up to receive Tweets when new Hot Topics are posted. <http://twitter.com/florida811>.
- Visit www.callsunshine.com and sign up to receive SSOCOF's electronic newsletter, unearthed.
- Schedule an in-person presentation with an SSOCOF liaison. Contact information is available online.

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AMENDMENT 4: WHAT EVERY FLORIDIAN NEEDS TO KNOW

What are the facts?

On November 2, you will be asked to vote yes or no on a plan to alter Florida's Constitution called Amendment 4. Special interest lawyers, adult entertainment interests and population control groups have designed, funded and proposed this amendment to our Constitution. Take a moment to learn more about who's backing Amendment 4 and why.

What is the issue?

Amendment 4 will prolong the recession and put recovery out of reach for thousands of working Floridians. As a result, leading business, labor, and civic groups oppose Amendment 4.

What will the measure do?

This proposed change to Florida's Constitution would require a taxpayer-funded referendum for every single change to a local government comprehensive plan. Simply stated, Amendment 4 would force Floridians, not the representatives they elect, to decide hundreds of minor, technical comprehensive plan changes each year on issues like drainage, traffic circulation, and intergovernmental coordination.

What does that mean for you?

Here is what Amendment 4 means for you: (1) a Florida with drastically fewer jobs, (2) a significantly weaker economy, and (3) unbearably higher taxes to feed the Amendment 4 "litigation" bureaucracy.

The Florida Chamber of Commerce asked leading economists to study the impact of Amendment 4. The study indicates that Amendment 4 would likely put more than 267,000 Floridians out of work, shrink Florida's economic output by more than \$34 billion annually, and take nearly \$12 billion out of the pockets of working families.

With Florida's jobless rate reaching well into double digits, our state's top business and labor groups have put politics aside to oppose Amendment 4. Mark Wilson, president of the Florida Chamber of Commerce wrote: "If you like the recession, you'll love Amendment 4." Frank Ortis, executive board member with Florida's AFL-CIO noted that "Amendment 4 will devastate Florida's economy by costing hundreds of thousands of jobs and driving the unemployment rate even higher."

According to the Orlando Sentinel, "The cost to local governments of [Amendment 4] would soar into the millions." Those costs would be shouldered by Florida's taxpayers who could expect to see not only more government waste, but also nonstop lawsuits as special interests wage war in court over the technical wording of endless ballot summaries. Referencing a failed experiment in Amendment 4-style rule in the small Florida town of St. Pete Beach, the St. Petersburg Times wrote that Amendment 4 leads to "shortterm thinking" and "invites lawsuits..."

What is the conclusion?

Florida's jobless rate is high—but it could get much, much worse with the passage of Amendment 4. At a time when many families and small businesses are struggling to make ends meet, that's the last thing we need. Please take the time to learn more about Amendment 4 by visiting www.Florida2010.org.

Vote No on Amendment 4 on the ballot on Tuesday, November 2.
Don't forget to tell your co-workers, friends and family to do the same.

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