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NOVEMBER 2009



SSOCOF Update

*(see page 4 for
details)*

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SSOCOF Update

Committee Hammers Out Legislative Revisions, Seeking Consensus Within Industry

Sunshine State One Call of Florida, Inc.'s (SSOCOF) Legislative Ad Hoc Committee continues its work to revise the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. As always, the committee seeks consensus among all stakeholders. The Underground Utility Contractors of Florida (UUCF) is represented on the committee by Mike Woodall, John Woody, Inc. of Jacksonville and UUCF Vice President, who is the excavator representative on the SSOCOF Board, along with R. Bruce Kershner, UUCF Executive Vice President.

Several areas within the law have stirred controversy among industry constituents. "We will continue to work with our members," states Dave Erwin, SSOCOF Legal Counsel and principal legislative writer, "to negotiate through the issues and seek consensus."

Some of the items still being negotiated include prohibiting local governing bodies from adopting ordinances that contradict Chapter 556, F.S., defining high priority facilities, requiring mandatory damage reporting, using the Division of Administrative Hearings in cases of catastrophic damage and specifying low impact marking instructions.

The Board of Directors authorized Mike Moore, SSOCOF Lobbyist, to seek sponsors for the proposed amendments that will be sought during the 2010 Legislative session.

Though there are numerous proposed changes to the "one call law" in the upcoming Legislative Session, 85% or better have nothing to do with underground utility contractors. Some of those changes entail cleaning up old language, getting rid of a few items that have never been used and getting language making utility owners and contractors report damages to the one call system. The last issue might

not make it because there is opposition from the large utilities.

There will probably be an increase in fines. Unfortunately, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) is becoming more involved with all "one call" systems around the country. PHMSA has nine elements or rules that one call systems must meet. SSOCOF currently meets the majority of them; however, the fines and penalties elements are not one of them. After much debate, the SSOCOF Board agreed to try and comply with PHMSA and proposed fines ranging from \$500 to \$5,000. Though the fines might sound excessive, they are cheap compared to other one call systems around the country. In other states like Virginia, the same penalties range from \$1,500 to \$25,000.

The life of a locate ticket will probably be changed back to 20 days from the current 30 days. This is to help with the urban graffiti




problem which has led to many communities adopting local ordinances to control marks and their removal. White lining will probably become a part of the changes in the law. Though many may view this as being onerous to the excavator, the alternative of placing the responsibility of the removal of all marks on the excavator is unacceptable. In an abundance of caution, locators tend to over mark based on the description in the ticket. Under the current proposal, excavators will only be responsible for marks inside the white lined construction area.

UUCF has worked with SSOCOF to include in the proposed changes the creation of an alternative dispute resolution process. The proposed arbitration suggestion came to UUCF from some of its members. It is also one of PHMSA's nine elements. The program would be available to excavators and member operators regarding disputes arising from excavation activities including loss of service, down time, delays or loss of

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use of facilities.

UUCF will continue to monitor and update members on the progress of this proposed legislation.

Emergency Procedures Vary, Chapter 556 Has Clear Instructions

Handling emergency situations varies among utility companies and their locators, but the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S., is clear. The following are some tips to help guide you through an emergency whether you're an excavator or member operator.

By definition, an emergency situation is when a damage occurs to an underground facility that results in clear and present danger to life or property. This can happen when the underground facility damage causes a substance to leak, there is an interruption in vital public or communication services or when street or road traffic becomes dangerous (i.e., no traffic light at a busy intersection). Forgetting to request a locate ticket two days ago does not constitute an emergency.

When an excavator damages an underground facility, he must notify the facility owner of the damage. Contact information can be found on the locate ticket. ITE users have an online copy of the ticket and others can receive it by e-mail or by calling 811. An emergency ticket does not need to be requested.

The utility that needs to make the repairs should request the emergency

ticket. Excavators must stop any digging that will further damage the facility until the owner has taken appropriate actions to repair the damaged facility. It is extremely important to note that a simple nick should not be covered up. Even the tiniest hole in an outer covering can cause a future outage.

After being notified of a damage, members have some options for responding. If the damage is severe, causing immediate danger to the surrounding area, they can begin repairs immediately and request an emergency ticket after the repair is made. In this case, the ticket serves to notify other members with underground facilities in the area that a repair involving digging occurred.

In some cases, repair will be delayed when there are no crews available or there is another more critical emergency. In such a case, a member could request an emergency ticket which specifies when a work crew will be at the site.

Some companies require locates to be done within a short amount of time after receiving an emergency ticket; however, there is no mandate in Chapter 556, F.S., to provide these locates other than within two full business days.

New Markers Showing Up At Florida Dig Sites

Orange and white striped flags began showing up at excavation sites a few months ago causing several to wonder what they were since locate flags are solid. The striped flags are actually

being used by AT&T to mark high profile lines. The flags instruct excavators to call a number before digging so AT&T can be present during excavation and provide additional protection to the high profile lines. As of this newsletter's publishing, AT&T is the only telecommunications company using the striped flags.

Founding Member Retires, Leaves Legacy of Innovation

After 16 years serving in the damage prevention industry as a Sunshine State One Call director, Jeff Rodger, formerly of TECO Peoples Gas, retired, leaving behind a legacy of innovation and a passion for safety within the industry.

Rodger was one of SSOCOF's founding members. He participated in the call center's ground-breaking ceremony, attended numerous national meetings and was always seeking innovative technologies and new ways to solve problems facing the organization.

Throughout the years, Rodger has served as chairman of the board in addition to chairman of several committees including Legislative, Operations and Bylaws.

He was also instrumental in SSOCOF's decision to convert to the Irth Solutions ticket management system and in looking forward to the requirements enacted by the Pipeline and Hazardous Materials Safety Administration.

SSOCOF will miss his dedication and pioneering spirit.

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Certified Contractor License Renewal Reminder

Just a reminder that the Certified Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2010. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors).

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

New Website offers fact sheets with practical information

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued commonsense fact sheets that employers and workers can use to promote safety during the current H1N1 influenza outbreak.

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

"Protecting our nation's workers is

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

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

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

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

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St. Pete Beach Abandons Local Experiment in Amendment 4

By — Ryan Houck

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

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

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

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

Amendment 4.

The St. Pete Beach TIMELINE:

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

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

June, 2008: After losing the election, Amendment 4 supporters in

(Continued on Page 16)

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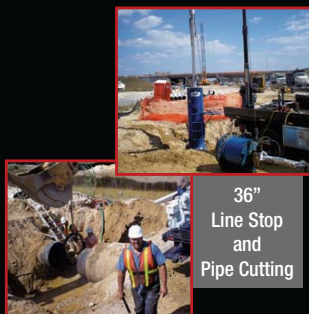
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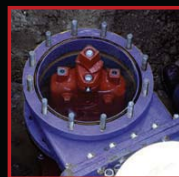
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Battle of the Forms (Part I of II)

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How many times has this happened to you? A supplier sends you a written proposal to supply materials. Your purchasing department sends the supplier a written purchase order. Neither document is signed by the receiving party. When there is a problem, no one is really sure what documents make up the contract or what terms are part of the contract. That situation is commonly referred to as a “Battle of the Forms,” and problems like that are what help to keep lawyers’ kids in private schools. This article may help you avoid a Battle of the Forms, or at least help you figure out what your rights and obligations are next time forms are exchanged.

At its most basic level, in order to have a contract there must be an offer and an acceptance of the offer. That seems like a simple rule, but on any given construction project there can be two sets of rules regarding what is a legitimate offer and what is a qualifying acceptance. One set of rules applies if the proposed contract is for the sale of “goods and services” (such as a subcontract to supply and install pipe), and a different set of rules applies if the proposed contract is for “goods” (for example a contract to supply pipe). It is important to know which set of rules applies, because the rules determine whether you have an enforceable contract and what terms can be enforced. In a Battle of the Forms the form that wins the battle can determine which party wins a

dispute. So, maybe this article will help you win (or better, avoid) your next Battle of the Forms.

The “Mirror Image Rule” applies to contracts for goods and services and contracts for just services. That means the acceptance has to be a mirror image of the offer. If the acceptance proposes terms different or in addition to the terms in the initial offer, then the “acceptance” is deemed a rejection and a counteroffer and there is no deal. A counteroffer does not create a contract until it, in turn, is accepted by a qualifying acceptance that is the mirror image of the counteroffer. An example may help illustrate this point. Assume that Prime Contractor, Inc. has a roadway improvement project and Subcontractor, Inc. offers to supply and install 1,000 feet of galvanized steel guardrail for \$100. Obviously \$100 per 1,000 feet is a joke, but given the number of bidders at lettings today and depressed prices, it isn’t a funny joke. Subcontractor, Inc.’s written offer excludes all mounting hardware. Prime Contractor, Inc. sends Subcontractor, Inc. a letter stating that Prime Contractor, Inc. accepts the subcontractor’s offer, but states that Subcontractor, Inc. must also provide all mounting hardware and traffic attenuators. At that point, Prime Contractor, Inc.’s “acceptance” is really a counteroffer because the acceptance of the offer to provide labor and material was not a mirror image of the subcontractor’s offer. Unless and until the

counteroffer is accepted by the subcontractor, there is no contract. If Prime Contractor, Inc. had merely said “deal” with no revisions to the offer, then the acceptance would have been valid and both the prime contractor and subcontractor would have enforceable contract rights.

In contrast, if instead of labor and materials, the offer solely involves the sale of “goods” between “merchants,” then the Mirror Image Rule does not apply. In that situation, the Uniform Commercial Code (UCC) applies. Under the UCC, a “merchant” is someone who regularly buys and sells “goods.” The UCC defines “goods” generally as all moveable things other than money. Therefore, when the deal involves the supply (but not installation) of materials or equipment on a construction project, most prime contractors and suppliers qualify as “merchants” dealing in “goods” and the UCC rules apply.

The UCC was developed to promote commerce, and one way it accomplishes that goal is by doing away with the Mirror Image Rule. When an acceptance does not have to be the mirror image of the offer, it is easier for an enforceable contract to be formed. Under the UCC, when an offer has been made to buy or sell goods, any “definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time” operates

(Continued on Page 12)





Underground Utility Contractors of Florida/Andrew Scott Johnson Memorial Scholarship Foundation



Charitable Contribution Form

Looking for a business or personal charitable contribution for this year? Why not contribute to the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation? The foundation has been approved as a non-profit corporation under section 501(c)(3) of the Internal Revenue Code.

Since its inception in 2000, the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation has awarded \$155,500 in scholarships to very deserving individuals. The foundation's only current source of revenue is its Annual Bass Tournament which is held each spring.

The UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Inc. was established in memory of the son of two-time Past President of UUCF, Scott Johnson (Johnson-Davis, Inc.). On December 28, 1999, Scott and Robin Johnson's son Andrew "Andy" Scott Johnson was tragically killed in an automobile accident at the age of 19. At the time of his death, Andy was a sophomore at Vanderbilt University studying Civil Engineering with hopes of entering the family business.

In less than three years since its formation, the foundation, through the generous gifts of family, friends and a concerned industry, has established a scholarship fund that will hopefully serve the association's membership to enable college bound students and forever memorialize a bright young man. Please consider taking this opportunity to continue funding the foundation by making a contribution today.

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(Battle of the Forms (Part I of II)) Continued from Page 10)

as an acceptance even though it states terms that are additional to or different from those contained in the offer. A contract is formed under the UCC when there is a definite and seasonable expression of acceptance and any additional or different terms contained in the acceptance are deemed to be proposals to be added to the contract. Unless the new terms materially alter the deal or they are objected to, they become part of the deal. Thus, even an acceptance that does not mirror the offer can result in a binding contract under the UCC when the deal is between merchants and involves the sale of goods (not services or goods and services).

Of course, there are exceptions to the UCC acceptance rule. Without exceptions to the rules, there would be no need for lawyers, and then I would have to get a real job. Next

month in Part II, we will discuss the exceptions to the UCC acceptance rules and describe methods sellers and buyers can use to eliminate the uncertainty regarding the terms of their deal.

George Edson Spofford, IV and Brian Bagwan 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.

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OSHA's New Letter of Interpretation Requires that Construction Workers Wear High-Visibility Warning Garments

High-visibility warning garments are required safety attire for highway and road construction workers according to a new *letter of interpretation* recently released by the Occupational Safety and Health Administration.

"Highway construction workers should not suffer serious or fatal injuries simply because they could not be seen," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "Requiring the use of reflective vests is essential to help prevent workers from being injured or killed."

In 2004, OSHA issued a letter of interpretation about the use of high-

visibility apparel in highway construction. The letter emphasized that section 5(a)(1) of the OSH Act requires workers in highway work zones to wear high-visibility apparel.

However, the Occupational Safety and Health Review Commission ruled that OSHA's letter indicated a more limited position: high-visibility garments are only required where the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) mandates their use.

Therefore, OSHA is issuing a new letter stating that all highway and road construction workers must wear high-visibility apparel regardless of

whether the MUTCD requires them. OSHA considers road and construction traffic a well-recognized hazard to highway/road construction workers. Bureau of Labor Statistics reinforced the need for using safety apparel when data from 2003 to 2007 showed there were 425 road construction work zone fatalities.

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

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Did You Receive Your Copy of the UUCF 2009 Directory?



The UUCF 2009 Construction Users Directory was mailed in August to all UUCF members.

This directory is your best reference guide to

members of the seven chapters 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.

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President's Message



I would like to continue updating you about what is going on within our association. Last month, our goal was to have a contract with the R. Bruce Kershner Company ready for each chapter's review and comments. We were also forming a performance review committee made up of chapter representatives. With all the different ideas that have come up during the past month, I thought it best we hold off and discuss in more detail these ideas at our November Board of Director's Meeting. In our meeting, we will cover the financials, PAC business, political agendas and then have a discussion on reorganizing and improving our association.

We all know that the heart and soul of our association is our membership. As everyone knows, we have letters from three chapters stating their intention



of not renewing their membership. My goal was to be able to change

their minds and retain their membership without hurting the four chapters that have elected to continue their UUCF membership. If you are a member of one of the three chapters that intend not to renew and you would like to continue your membership with UUCF, please let me know. It would be our honor to continue your membership.

In closing, I would again like to thank everyone for their input and help. The difference of opinions can make for some unpleasant times for us. I hope there will be a silver lining for both groups. Both groups have the same common causes, both

groups have the best interest in mind for the industry, and we should be pulling on the same rope together in the same direction. I wish the both of us success.

I hope everyone has a Happy Thanksgiving! Even with the poor economy, we have a great deal to be thankful for. I am thankful for my family and friends, our good health, and our religious and political freedoms. I am thankful for being a U.S. citizen and thankful to the men and women protecting these freedoms. If you can, please help someone that may be less fortunate than you. Also, if you pass someone in the military, thank them for the good job they are doing. You may never know when you may be the angel that someone needs.

*Sincerely,
Bill Lee
UUCF President*

 <p>FLORIDA CONCRETE PIPE CORP. DBE/WBE FIRM</p> <p>352-742-2232 352-742-1539 FAX 800-357-4737</p> <p>P.O. Box 435 Atatula, FL 34705</p>	<p>Florida Carter Corporation 12905 phillips Highway, Jacksonville, FL 32256</p> <p>Linda L. Daniels Vice President email: Linda@floridacarter.com</p> <p>Phone 904-262-2402 Fax 904-292-9642 Mobile 904-591-5133</p> <p>www.floridacarter.com</p> <p>There's A Growing Difference!</p>	 <p>WADE TRIM Design Build Construction Survey Services Construction Management Services</p> <p>8745 Henderson Road · Suite 220 · Tampa, FL 33634 888.499.9624 www.wadetrim.com Daytona · Key Largo · Palm Bay · Palm Coast · Tampa</p>
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(St. Pete Beach Abandons Local Experiment in Amendment 4 Continued from Page 8)

St. Pete Beach file a string of legal challenges to invalidate the will of the people.

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

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

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

October, 2009: Court-ordered mediation collapses when Amendment 4 supporters refuse to join the City and the business

community in supporting a compromise.

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

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

Ryan Houck is Executive Director of Floridians for Smarter Growth. They are located at 605 East Robinson Street, Suite 750, Orlando, FL 32801. Ryan can be reached at (407) 608-5914.



Mark your calendar now for the UUCF 2010 Convention. UUCF will be celebrating its 30th Anniversary aboard the Royal Caribbean Grandeur of the Seas on July 22-26, 2010.

Watch future Ditchmen for additional information.

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Attorneys at Law

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Board Certified Construction Law Attorney

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The Florida Department of Financial Services, Division of Workers' Compensation, is offering free classes regarding Florida's Workers' Compensation Laws and Workplace Safety to Business Owners, Licensed Contractors and Employers.

Workers' compensation topics covered include:

- Review of Key Statutory Definitions
- Contractor Responsibilities
- Exemptions
- Insurance Coverage Requirements
- Enforcement Provisions

Workplace safety topics presented by OSHA (U.S. Dept. of Labor, Occupational Safety and Health Administration) include:

- Direct and Indirect Costs
- Inspections
- Florida Fatalities

The following is a list of class locations, dates and times for future sessions.

December 3, 2009


Pinellas County
9:00 a.m. – 12:00 noon (English)
Pinellas County Construction
Licensing Board
12600 Belcher Road, Suite 102
Largo, FL 33773

December 10, 2009

Jacksonville
9:00 a.m. – 12:00 noon (English)
State Office Building Complex
921 North Davis Street, Building E
Jacksonville, FL 32209

Compensation is an authorized provider (Provider Number: 0004354) for continuing education purposes through the CILB. Course Number: 0010118 – one hour satisfies the Workers' Compensation requirement and Course Number: 0010630 – one hour satisfies the Workplace Safety requirement.

Advanced registration is required. The form is available on the Division's website at www.myfloridacfo.com/WC. For additional information, e-mail bocseminars@MyFloridaCFO.com, call (813) 221-6518 or Fax (813) 233-3742.



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Calendar of Events

UUCF 2010

Jan. 29 Board of Director's Meeting, Orlando
Mar. (TBA) Board of Director's Meeting, Tallahassee
June 4 Board of Director's Meeting, Orlando
July (TBA) Board of Director's Meeting
July 22-26 30th Anniversary Cruise
Royal Caribbean Grandeur of the Seas
Nov. 5 Board of Director's Meeting, Orlando

Central Florida U&TCA

Dec. 4 Annual Christmas Party,
Radisson Resort at the Port

Southwest Florida UCA

Dec. 5 Christmas Party & Installation of Officers
& Directors, Holiday Inn,
Gulf Coast Town Center, Fort Myers

SUCA

Dec. 3 Board of Director's Meeting, Tampa Club
Dec. 12 December Banquet, Dinner & Dance,
Tampa Club, Tampa

UCA of South Florida

Dec. (TBA) Holiday Party & Officer Installation,
Maggiano's, Boca Raton

UCA of North Florida

Dec. 15 Executive Committee Meeting,
Conference Room at UCA of North Florida office

NUCA

Dec. 2 Safety Directors Forum,
New York New York Hotel, Las Vegas, NV

2010

Jan. 11-13 Expo '10, Walt Disney World Dolphin
Hotel, Orlando, Florida
May 17-19 Washington Summit,
Hyatt Regency Capitol Hill, Washington, DC

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

Dec. 18 Executive Committee Meeting,
DeBary Call Center Conference Call

2010

Feb. 18 Committee Meetings,
DeBary Call Center
Feb. 19 Board of Director's Meeting,
DeBary Call Center
Mar. 19 Executive Committee Meeting,

DeBary Call Center/Conference Call

Apr. Safe Digging Month
May 20 Annual, Board of Director's and Committee
Meetings, DeBary Call Center

May 21 Golf Tournament, Deland

June 18 Executive Committee Meeting,
DeBary Call Center/Conference Call

Aug. 19 Committee Meetings

Aug. 20 Board of Director's Meeting

Sept. 17 Executive Committee Meeting,
DeBary Call Center/Conference Call

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

Construction Industry Licensing Board Meetings

Jan. 13-15. Doubletree Hotel Cocoa Beach Oceanfront,
Cocoa Beach

Feb. 10-12 Crowne Plaza Tampa Westshore,
Tampa

Mar. 10-12 ... The Florida Hotel and Conference Center,
Orlando



*UUCF wishes
everybody a
Happy and Safe
Thanksgiving!*





Welcome New UUCF Members

November 16, 2009

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Chapter: *UUCF At Large*

ACME Barricades, LC

Christian Cummings
Jacksonville, Florida
(904) 781-1950
Associate
Chapter: *UCA of North Florida*

LGM Contracting, Inc.

Lou Merucci
Bradenton, Florida
(941) 720-0444
Contractor
Chapter: *SUCA*

Mueller Service Co.

Shane Majetich
Plant City, Florida
(813) 764-8183
Contractor
Chapter: *SUCA*

North County Excavation, LLC

Stephen Reedy
Jupiter, Florida
(561) 516-4552
Contractor
Chapter: *SUCA*

Stahl & Associates, Inc.

Wayne Jensen
St. Petersburg, Florida
(727) 391-9791
Associate
Chapter: *SUCA*

WORTH Construction & Development, Inc.

Stacey Worth, Jimmy Worth
Live Oak, Florida
(386) 364-9330
Contractor
Chapter: *UUCF At Large*

Sunshine State One Call of Florida, Inc.

2009 Holiday Calendar

Thanksgiving Day 11/26/09
Day after Thanksgiving Day 11/27/09
Christmas Eve 12/24/09
Christmas Day 12/25/09

2010 Holiday Calendar

New Year's Day 01/01/10
Martin Luther King Day 01/18/10
Memorial Day 05/31/10
Observance of Independence Day 07/05/10
Labor Day 09/06/10
Thanksgiving Day 11/25/10
Day after Thanksgiving Day 11/26/10
Christmas Eve 12/23/10
Christmas Day 12/24/10



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2009 FDOT Letting Dates

December 2

2010 FDOT Letting Dates

January 27
March 31
May 26

February 24
April 28
June 23





Chapter News

Central Florida U&TCA

It is time for Central Florida U&TCA's Christmas Party and Installation of Officers which will be held on Friday, December 4 at the Radisson Resort at the Port. This is a perfect way to kick off the holiday season! Due to popular demand, we will once again hold our Gift Exchange! Please bring a gift (approximately \$20 in value) if you would like to participate. The cost for the evening is only \$100.00 per person and includes hors d'oeuvres, dinner and an open bar. After partying the night away, you may want to "take the elevator home"! We have secured a block of rooms at the Radisson Resort. Please call the Central Florida U&TCA office for more details.

The 2009 Board of Directors will soon be making plans for the upcoming year. Members are encouraged to take an active role in our organization. Here are some of the committees for the upcoming year: Ellington Scholarship Committee, Finance Committee, Membership Committee, Meeting Programs Committee, Safety Committee, Specifications Committee, Golf Tournament Committee, Auction/Barbecue Committee, Sporting Clay Shoot, Transportation Committee, and Christmas Party Committee.

Northwest Florida UCA

The nominations for the 2010 Officers and Directors have been submitted by the Nominating Committee and are as follows:

Contractor Directors: Gabe Jackson, Brown Construction and Ben Joyner, Pensacola Concrete Construction Company, Inc.

Associate Directors: Crayton Brogdon, Consolidated Pipe & Supply Co., Inc. and Chris Dixon, Coastal Machinery. These nominations will be voted upon on November 13. Nominations will be accepted from the floor. Immediately following the election, the Officer and Directors will be installed.

Returning Officers and Directors for

2010 are: **President:** Bill Lee, Utility Service Company.

President-Elect: Don Padgett, Gator Boring and Trenching, Inc.

Vice President: Bill Davis, HD Supply Waterworks.

Secretary/Treasurer: Donathan Johnson, Thompson Pump & Mfg. Co., Inc.

Contractor Director: Bill McGough, Gulf Equipment Corp.

Associate Directors: Matt Hall, Holland Pump Co., Roy Tugwell, R. M. Tugwell Associates, George

Wainwright, Ferguson Waterworks, Inc. and **Immediate Past**

President: Shain Cheney, SBP, Inc.

Northwest Florida UCA is trying to determine the interest level in conducting the following training classes: Excavation/Trenching Competent Person; Excavation/Trenching Competent Person Refresher; FDOT Maintenance of Traffic - Intermediate level; FDOT MOT Refresher; FDOT MOT Advanced level. If you are interested in sending employees to any of these classes, please advise the Northwest Florida UCA office of which class(es) and approximately how many would attend each class.

SUCA

SUCA's November Membership Meeting will be held on Thursday, November 5 at Café Don Jose in Tampa. This meeting will also serve as the installation of SUCA's 2010 Officers & Directors. SUCA members, at the Annual Meeting and Elections in September, elected their leadership for 2010. We thank and congratulate the following members for their commitment and willingness to serve: **Chairman:** Beetle

Thompson of Phillips & Jordan, Inc., **Vice Chairman:** Ken Wachman of

Michael James Developers, Inc., **Secretary:** Linda Shutt of David Nelson Construction Co., **Treasurer:**

Steven Kennedy of Ferguson Waterworks, Inc. **Past Chairman**

Directors are: Bill Haan of Westra Construction Corp., Bruce Akers of Ferguson Waterworks, Inc., Kevin Fulcher of Michael James Developers, Inc. and Kevin Rowland

of Rowland, Inc. **Contractor**

Directors are: Mike Beukema of Westra Construction Corp., Rich Cutting of Dallas 1 Corporation, Nick Freeman of Southeastern Silt & Erosion, Steve Gamm of Tampa Pavement Constructors, Lisa Judge of R.E. Purcell Construction Co., Jeff Meek of Southeastern Silt & Erosion, David Runyan of Florida Gas & Electrip Corp., Don Vance of RIPA & Associates, Robert Van Valin of Pepper Contracting and Lorie Waldrop of Terra Construction Group. **Associate Directors** are: Mickey Bell of Wallace, Welch & Willingham, Bill Cammann of Lanier Upshaw Insurance, Billy Dugan of Oldcastle Precast, Larry Falls of Associated Construction Products, Greg Hasty of Ring Power Corp., Matt Riggs of Ring Power Corp. and Ron Sherwood of Service Pump & Compressor.

Following the installation, UUCF Executive Vice President Bruce Kershner will address our membership regarding current legislative issues. Registration and cocktails begin at 6:30 p.m. and dinner will be served at 7:15 p.m. The cost is \$30.00 per person.

IMPORTANT: Advance reservations are required by phone, fax or e-mail. Reservations must be received by the SUCA office no later than noon on Tuesday, November 3, 2009. No-shows and late cancellations will be billed as SUCA pays for all dinners guaranteed. There will be a \$5.00 surcharge for all walk-ins. Please contact Misty at the SUCA office to make your reservation(s) at (813) 989-7822.

SUCA's Fourth Annual Clay Shoot will be held on Friday, November 6 at Deer Creek Sporting Clays in Land O' Lakes. Registration and breakfast begins at 8:00 a.m., and the tournament begins at 9:00 a.m. The tournament will be followed by a barbeque lunch and awards. The cost for a four man team is \$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.

Special thanks to our tournament sponsors: **BBQ Lunch Sponsors** – Ferguson Waterworks, Inc. and Ring Power Corp. **Breakfast Sponsor** – Florida Gas & Electric Corp.

Station Sponsors – David Nelson Construction Co., Lanier Upshaw Insurance, Michael James Developers, Inc., MWI Pump Rental and Westra Construction Corp.

Shotgun Raffle Sponsors – Technical Sales Corp. and Westra Construction Corp.

IMPORTANT: There are very specific safety rules and regulations. 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).

Remember to mark your calendars for Saturday, December 12, 2009 which is the night of SUCA's Annual December Banquet at The Tampa Club in Tampa. The banquet this year will include the reverse raffle drawing, a silent auction, awards and presentations, dinner and live entertainment. Special thanks to our 2009 Banquet Sponsors: Advanced Contracting Specialties, Bob's Barricades, Constangy Brooks & Smith, LLC, David Nelson Construction Co., Ferguson Waterworks, Florida Gas & Electric Corp., Lassiter Ware Insurance, Ripa & Associates, Inc., Streamline Environmental, Stuart Angelo & Co., CPA's, Traffic Control Products, Westra Construction Corp. and Woodruff & Sons, Inc. Tickets are currently available for \$50.00 each for the reverse raffle drawing to be held at the banquet. You need not be present to win. Contact the SUCA office for a ticket or a list of members who are selling tickets.

All of us at SUCA send best wishes for a Happy Thanksgiving holiday to friends and colleagues around the state and nation. If you are interested in SUCA's projects or events, please contact our office at (813) 989-7822 or visit our website at www.suca.org.

UCA of South Florida

UCA of South Florida will host its annual Scholarship Golf Tournament on Friday, April 16 at Palm Beach National Golf & Country Club. This tournament serves as the funding mechanism for the UCA scholarship program. Our scholarship program was created in 1985 and has awarded over \$188,000.00 in scholarships to UCA members to date. Applications for the UCA Scholarship will be available in February. Thank you to all who have already committed to sponsor this worthwhile event.

UCA of South Florida will be hosting its Annual Holiday Cocktail Party on December 10 at Maggiano's in Boca Raton. We will be presenting our annual member awards as well as installing the 2010 Officers and Board of Directors during this event. Two complimentary tickets are available for each member company. Additional tickets are \$75.00 each. Save the date!

UCA of South Florida thanks NUCA CEO Bill Hillman for his recent visit to South Florida. Members of the UCA South Florida Board and Bill discussed the importance of NUCA membership, and how we can better serve our members through the benefits of the national association. UCA of South Florida encourages all of its members to attend the NUCA EXPO in January at Walt Disney World in Orlando.

UCA of North Florida

The weather was hot and sunny for this year's tournament. Approximately 100 anglers participated in our annual fishing tournament held on Saturday, October 10 at Sister's Creek Marina/City of Jacksonville. After weigh_in, a delicious dinner was served, awards were presented and door prizes were distributed. Thank you to all who attended and especially our wonderful sponsors and door prize donors.

Congratulations to the winners of this year's tournament: **Redfish: First Place**, Steve Dempsey, Ring Power Corp, **Second place**, John Francis,

Standard Precast, **Third place**, Boomer Davis, Legacy Engineering. **Spotted Sea Trout: First Place**, Michael Moore, Northpointe Services, **Second Place**, P.J. Kilpatrick, Clay Hill Fence, **Third Place**, Brad Ervans, Service Painting. **Flounder: First Place**, Scott O'Brien, Sun Tire, **Second Place**, John Williams, Marsh & Moore, **Third Place**, Richard Mumford, Duval Asphalt. **Other Species: First Place**, Keith Branson, J.B. Coxwell Contracting (Shark), **Second Place**, Bryce Schmidt, Nextran (Sheepshead), **Third Place**, Mark Gildberg, Standard Precast (Jack). **Redfish with most spots on one side:** Pat O'Brien, Ring Power with 24 spots. **Kid's Category:** L.T. Atwell with a 4.65lb Redfish.

Our 2009 Fishing Tournament Sponsors: **Hat Sponsor:** Jax Utilities Construction. **Shirt Sleeve Sponsors:** Service Painting & Port Consolidated. **Beverage Sponsor:** STT Construction Group. **\$600 Sponsors:** Concrete Profiles, Inc, Enterprise Fleet Services, Industrial Tractor Company, Iron Planet, Mainline Supply Company, Ring Power Corporation, Standard Precast Corporation, Tucker Equipment and United Site Services. **\$300 Sponsors:** Barnes Industrial Plastic Piping, Inc., Bob's Barricades, Inc., Bridgestone, Boulevard Tire Center, C & B Piping, Inc., Catlin Truck Accessories, Duval Asphalt Products, Ellis & Associates, Inc., Erosion Control Services, Inc., Ferguson Waterworks, Inc., Hanson Pipe & Precast, Heyward Florida Incorporated, Hilti, Legacy Engineering, Inc, Linder Industrial Machinery, Regan Zebouni & Walker P.A., Reynolds, Inc., Rose Services, Inc., Sun Tire, TSC-Jacobs North, Inc. and United Rentals Trench Safety. **\$125 Sponsors:** Cecil W. Powell & Company, Florida Carter Corporation, ITT Water & Wastewater, LLC., Johnson Davis, Inc. and Rinker Materials Concrete Pipe Division.

Thank you to the following companies who donated raffle items for the tournament: Thompson





Pump & Manufacturing, United Rental Trench Safety, Iron Planet, Hilti and Standard Precast.

We appreciate the following companies who donated door prizes for the tournament: Ellis & Associates, Iron Planet, The Blue Book, National Utility Contractors Association (NUCA), Cat Financial, Nextran, Ring Power Corporation, Rinker Materials Concrete Pipe Division, Standard Precast and Wacker.

We are grateful to our hard-working fishing committee: Chairman Steve Dempsey, Ring Power, Lauren Atwell, Reynolds, Inc., Bob Barnes, Bob's Barricades, Ed Porter, Barco Duval Engineering, Rick Erickson, Industrial Tractor Company and Rick Parker, Standard Precast.

Elections of the 2010 Officers and Board of Directors will take place at our November 17 meeting to be held at 6:00 p.m. at the Dave &

Buster's. All contractor and associate members are encouraged to attend and vote for the slate of officers. Affiliate members are encouraged to attend, but do not have voting rights.

We will be attending the November 22 Jacksonville Jaguars vs. Buffalo Bills game. Tailgating is being hosted by Duval Asphalt. Please RSVP if you plan to attend.

We welcome new member ACME Barricades who joined our chapter last month.

2010 Membership dues invoices will be mailed on Tuesday, December 1.

We have a large group of people from our chapter who have registered to attend the Utility Construction Expo '10 to be held January 10 - 13 at the Walt Disney World Swan & Dolphin. If you haven't already registered, why not do so today! Hope to see all of you there!

Contractor V License Renewals

Just a reminder that the Contractor V license from the State Fire Marshal's office is up for renewal on June 30, 2010. Current law requires Contractor V licenseholders to obtain 14 hours of continuing education with at least one hour in fire protection discipline.

Reciprocity was established between the State Fire Marshal's office and the Construction Industry Licensing Board (CILB). Any hours obtained through CILB approved courses can apply towards your Contractor V license. The same applies to courses obtained through the State Fire Marshal's office.



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