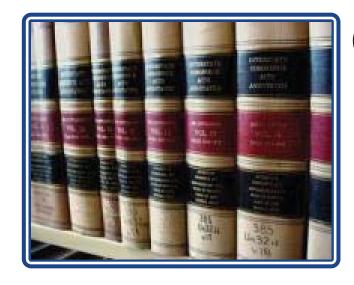


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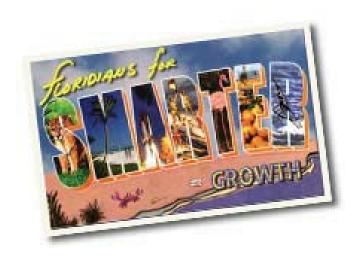
Underground Utility Contractors of Florida, Inc.

SEPTEMBER 2009

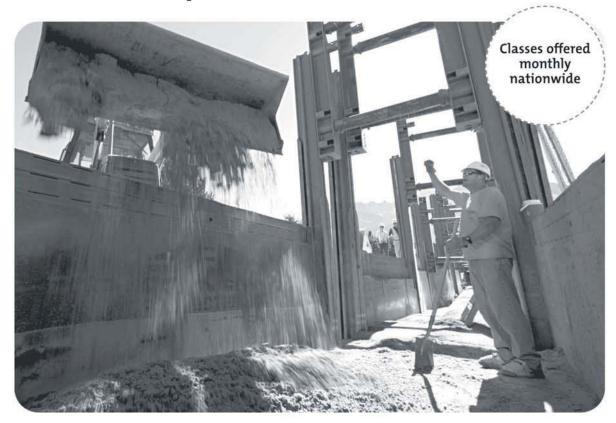


Competitive Bid Changes, F.S. 255.20 (see page 8 for details)

Hometown
Democracy
Amendment 4
(see page 8
for details)



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Competitive Bid Changes Take Effect

UUCF's Legislative Priority Becomes Law

n October 1, 2009, major changes to Florida's "Competitive Bid" statute will go into effect. This legislation was a high priority for the contractor members of The Construction Coalition and was the top legislative priority for UUCF for the 2009 Legislative Session.

Although the bill substantially changed from the original version as filed, it does provide for transparency and more clearly defines "repairs" and "maintenance" for purposes of work that can be performed by local government with their own forces.



Representative
Dorothy Hukill (R –
Port Orange)
sponsored the bill in
the House. Although
concessions were
made, in the end
Representative Hukill
said that "HB 611
protects the right of
Florida's contractors

to bid on public projects, giving them fair notice and input in the bidding process and making the process as a whole more transparent, which is crucial during these difficult economic times."



The companion bill, SB 616, was sponsored by Senator Mike Haridopolos (R – Melbourne). "Local government must operate more efficiently, especially given the economic climate we are in

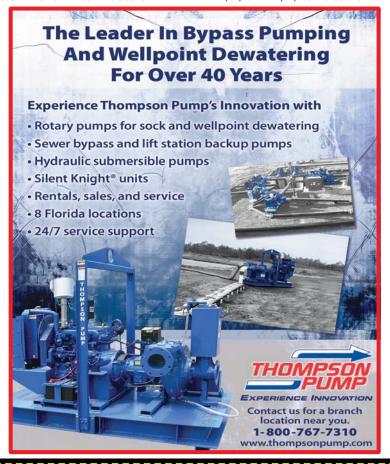
today," stated Senator Mike Haridopolos. "I believe in the principles of a smaller, more effective government," he went on to say "and this legislation will provide that through the changes made to the statute governing the bidding of public construction projects."

The law gives qualified contractors the opportunity to review a local government's cost estimate, and in some cases gives the contractors or vendors the opportunity to present information regarding the accuracy of the cost estimates. This may lead to some additional projects being awarded to outside contractors instead of being done by the local government's own employees. The changes to 255.20, F.S., can be found in Chapter 2009–210 Laws of Florida.

The law revises various statutory requirements for local governments and other political subdivisions of the state to competitively bid public construction projects. In order to clarify when certain projects must be competitively bid, the law:

- Revises the threshold amounts where a local government must put a project out for competitive bid from \$200,000 to \$300,000, except for electrical work, which is changed from \$50,000 to \$75,000;
- Defines the terms "repair" and "maintenance" for the purpose of this law. The term "repair" means a corrective action to restore an existing public facility to a safe and functional condition and the term "maintenance" means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve it from failure or decline;
- Requires a 21 day public notice prior to a local government performing certain projects:
- Provides that the public notice prior to making a public interest determination must include a

- detailed cost estimate of the project, and the itemized estimate must be available for public review;
- Requires that contractors or vendors be provided an opportunity to present evidence to the governing board concerning the project;
- Requires local governments to support a decision to perform a project with its own resources to fully account for all project costs, including employee pay and benefits, and the cost of equipment, insurance and materials;
- Provides for exemptions for local governments operating a public use airport, certain ports, a public transit system, or a mass transit system;
- Permits local governments to consider contractors that have been found guilty of federal labor or employment laws in the last five years to be ineligible to bid on projects; and
- Changes the index for determining inflation from the Consumer Price Index to the Engineering News—Records Building Cost Index to better reflect changes in construction costs; and changes base date of inflation adjustment provision from 1/1/04 1/1/09 to conform.





Division of Workers' Compensation

A the UUCF Convention on Friday, July 24 as part of the continuing education seminars, Sheryle Birdsong with the Division of Workers' Compensation – Bureau of Compliance gave a presentation. Sheryle spoke about the Compliance Training Program for Employers and Contractors. This program was very informative.

Did you know that the construction industry must provide workers' compensation insurance if it employs one or more employees? The following are exemption eligibility requirements for workers' compensation:

- The corporation must be registered and listed as active with the Florida Department of State, Division of Corporations.
- The applicant must be listed as an officer of the corporation in the records of the Florida Department of State, Division of Corporations. Members of a limited liability company are considered corporate officers (in the construction industry only).
- The applicant must own at least 10 percent of the stock of the corporation as evidenced by a stock certificate or, in the case of an LLC, a statement attesting to the minimum 10 percent ownership.

 No more than three officers of a corporation (including LLC) or of any group of affiliated corporations (including LLCs) may elect to be exempt.

Additionally:

- A \$50.00 application fee is required.
- Construction exemptions are valid for a period of two years or until a revocation is filed or until revoked by the Division.
- The original effective and expiration dates are listed on the Certificate of Election to be Exempt, which is mailed to the exempted individual.

How to obtain an exemption application

To apply for an exemption, complete form DWC 250 Notice of Election to be Exempt. Please review the Instructions prior to completing the form.

To obtain an application or for additional information about workers' compensation exemptions, please call customer service at (850) 413–1601 or (800) 742–2214. You may also visit one of the Bureau of Compliance offices.

Do you know what happens if you hire a subcontractor without workers'

compensation coverage? A contractor is responsible for securing the payment of compensation for all of its uninsured subcontractors and their employees. A contractor is required to obtain evidence of subcontractors' Workers' Compensation insurance (Rule 69L–6.032, F.A.C.).

Did you know that you can be served with a stop-work order? The Department can issue a stop-work order if:

- there is failure to secure coverage by the contractor.
- a contractor materially understates or conceals payroll.
- a contractor conceals information pertinent to the calculation of an experience modification.
- a subcontractor fails to provide business records to the Department within five days.

Did you know that you can be assessed penalties? The Department can assess penalties in the amount of:

- 1.5 times what the employer would have paid in manual premium during the period(s) of non-compliance.
- \$1,000 penalty for each day the

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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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employer works in violation of a Stop Work Order or Reinstated Stop Work Order.

Who Is USF SafetyFlorida?

USF SafetyFlorida is a small business service of the University of South Florida, College of Public Health. Their service is free because it is funded by the Occupational Safety and Health Administration (OSHA) and the State of Florida. That's why they are able to help employers like you with OSHA regulations while reducing your cost for workers' compensation illnesses and injuries.

Did you know that a free on-site consultation program is offered through USF SafetyFlorida? The SafetyFlorida small business safety consultation service is not only free, but it comes to you in the form of friendly people who know how hard you are working to keep your business profitable. A SafetyFlorida consultant can help you choose the most-cost-effective ways to use safety to protect the profits you've worked so hard to make. Their consultation can produce substantial declines in illness and injury rates and all their related costs. Want proof about the effectiveness of their consultation? A paper delivered to the National Institute for Occupational Safety and Health documented that small business safety consultation in Florida reduced disabling compensable injuries and illnesses by 75%. At a conservative estimate of \$11,105 per claim, this decrease represents a savings of approximately \$10.6 million on 957 claims.

How to Reduce the Cost of Claims

If you are a small business, why wait for an injury claim to review your workers' safety practices? Ask USF SafetyFlorida to help you protect your profits with on—site consultation. USF SafetyFlorida is your ally in eliminating the cost of worksite accidents and injuries. And their services are free to you.

Not only are the services they provide you free, but they are confidential and independent of any state or federal enforcement. Their services to you can include on–site consultation, training courses, standards information, safety and health videos, informational and technical publications and access to free safety and health training and lecture materials prepared by the University of South Florida, College of Public Health consultation staff.

Their Free Services Can Lower Your Costs. When You Ask Them to:

- Assist you in complying with federal safety and health standards to reduce the risk of injuries and OSHA citations.
- Identify deficient safety conditions with full-service worksite evaluations, assess required programs and determine safety needs.
- Write detailed reports that define specific actions you can take to correct problem areas and improve existing safety programs.
- Deliver technical guidance and information, outlining how you can comply with federal standards.
- Provide printed material on occupational safety, including copies of OSHA standards, as well as industry and government guidelines (such as National Institute of Occupational Safety and Health (NIOSH) workplace hazard studies and other workplace standards.
- Assist you in the implementation of safety programs mandated by OSHA standards such as Bloodborne Pathogens, Respiratory Protection and Hazard Communication.
- Support you in reducing workplace injuries by providing safety and health programs tailored to your workplace.

A SafetyFlorida On-Site Consulting Quiz

Consulting knowledge and management commitment can save you money. When you want to make a commitment to safety, find out what you need to know from a SafetyFlorida Consultant.

True or False

- A SafetyFlorida Consultant can tell you if you are having more job site injuries than other Florida companies your size in your industry.
- 2. A SafetyFlorida consultant acts as a "cop" on the job site.
- A SafetyFlorida consultant can help you lower your Workers' Compensation cost.
- 4. A SafetyFlorida consultant charges an hourly fee for their services.
- A SafetyFlorida consultant can deliver on–the–spot training.
- A SafetyFlorida consultant cares about your ability to make a profit.

It's true: their knowledge is free! SafetyFlorida consultants can be right where you need them, wherever your employees are working — and wherever you want to protect your profits.

You might not expect yourself to know the answers to these questions, but someone in your business should. USF SafetyFlorida can deliver the education to make everyone who works for you safety smart. They will also go with you and your supervisors to your job sites and offer hands—on practical advice. They will show you how to meet the safety standards that help reduce lost workdays and compensable injuries.

For more information and safety resources, visit **www.safetyflorida.usf.edu** or call toll free (866) 273–1105. Invite USF SafetyFlorida to visit your location. Ask them to help you keep your profits safe with on–site consultation.



St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpayers

B ackers of the Amendment 4 campaign reacted to several of Floridians For Smarter Growth's arguments about the fundamental flaws in their proposal.

It is clear that they are now embarrassed by the story of St. Pete Beach (Paradise News Editorial: Florida must defeat "Hometown Democracy" or suffer the fate of St. Pete Beach). The chaos that has unfolded in St. Pete Beach (after this small Florida town adopted a local version of Amendment 4) is proof positive that their proposal is costly, chaotic and ultimately, unworkable.

Not surprisingly, Amendment 4 supporters have chosen to distance themselves from the serious problems in St. Pete Beach, rather than attempt to defend their idea. At

the end of the day, they may not like the unflattering St. Pete Beach comparison. However, facts are stubborn things and – as many in the media have pointed out – these comparisons are valid:

The Tampa Tribune Editorial (May 28, 2008) – "Voting on Everything dispirits tourist business in a tourist town": http://www2.tbo.com/content/2008/may/28/na-voting-on-everything-dispirits-tourist-business/.

The Orlando Sentinel (June 25, 2009) – "Hometown Democracy: Eve of Destruction?": http://www.florida2010.org/media2.php?id=126&t=2.

The St. Petersburg Times Editorial (June 28, 2009) – "A formula for

gridlock": http://www.tampabay.com/opinion/editorials/article1013823.ece.

This important issue deserves nothing less than a rigorous debate. To see our point-by-point response to recent Amendment 4 claims, please read below.

Thank you,

Ryan Houck Executive Director Floridians for Smarter Growth

1) Amendment 4 will leave Florida in a permanent recession.

Our argument: Designed to bring economic growth to a halt,

(Continued on Page 12)

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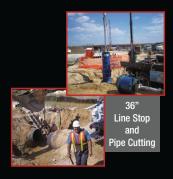
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Employers to Plan Now for Upcoming Influenza Season

pepartment of Commerce (DOC) Secretary Gary Locke,
Department of Health and Human Services (HHS) Secretary Kathleen Sebelius, and Homeland Security (DHS) Secretary Janet Napolitano announced new guidance for businesses to plan for and respond to the upcoming flu season.

The guidance, released by the Centers for Disease Control and Prevention (CDC), is designed to help employers prepare now for the impact that seasonal and 2009 H1N1 influenza could have this fall and winter on their employees and operations.

Employers' plans should address such points as encouraging employees with flu-like symptoms or illness to stay home, operating with reduced staffing, and possibly having employees who are at higher risk of serious medical complications from infection work from home, according to the CDC guidance.

It is not known whether the 2009 H1N1 influenza virus will cause more illness or more severe illness in the coming months, but the CDC recommends that everyone be prepared for influenza. Because seasonal and 2009 H1N1 influenza pose serious health threats, employers should work with employees to develop and implement plans that can reduce the spread of flu, and to encourage seasonal flu vaccination as well as H1N1 vaccination when that vaccine becomes available.

Secretary Locke suggested businesses set the right tone in the workplace. That means implementing common sense measures to reduce the risk of spreading the flu and encouraging workers who are sick to stay home.

"The President has mobilized the federal government to get America prepared," DOC Secretary Locke said. "But government can't do it alone. For this effort to be successful, we need the business community to do its part." Making the right decisions will not only improve public health, it also has the potential

to protect economic productivity: Employees who are sick and stay home will not spread the flu in the workplace.

"This new guidance will help our private sector partners continue to prepare for the upcoming flu season to keep our economy functioning and our critical infrastructure secure," said DHS Secretary Napolitano. "Ensuring business continuity is important to our cooperative efforts to keep Americans safe."

There are many actions that can be taken to help reduce the spread of flu. The guidance notes the importance of using these actions, including regular and frequent hand washing and routine cleaning of commonly touched surfaces.

"One of the most important things that employers can do is to make sure their human resources and leave policies are flexible and follow public health guidance," said HHS Secretary Kathleen Sebelius. "If employees are sick, they need to be encouraged to stay home. If people begin to experience flu-like symptoms at work, they should be sent home and possibly encouraged to seek medical treatment."

Employers should review sick leave policies and ensure employees understand them, according to the guidance. Employers should try to make sick leave policies flexible for workers who may have to stay home with ill family members or if a child's school is closed, the CDC says.

Employers should consider offering vaccine against seasonal flu, and encourage employees to be vaccinated against seasonal and H1N1 flu, the guidance says.

Employers also might cancel nonessential face-to-face meetings and travel, and space employees farther apart, the report says. And employees who are at higher risk for flu complications might be allowed to work from home or stay home if the flu is severe, it says.

"Keeping our nation's workers safe is a

top priority," said Deputy Secretary of Labor Seth Harris, who participated in the announcement. "Faced with a renewed H1N1 challenge during the coming flu season, we are developing tools that will help ensure America's workers stay healthy and our businesses remain viable."

For more information, visit www.flu.gov.

Welcome New UUCF Members

September 25, 2009

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Enterprise Fleet Management, a division of ERAC

Karole Fitzgerald Tampa, Florida (813) 885–5636 Associate Chapter: SUCA

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Gary Bushong, Paul Thompson Tampa, Florida (813) 248–2495 Contractor Chapter: SUCA

Sentry Barricades, Inc.

John Mabbitt, John Warner Lakeland, Florida (863) 682–7098 Associate Chapter: SUCA

Streamline Environmental, Inc.

Lee Ford Tampa, Florida (813) 258–5561 Associate Chapter: SUCA

Subterrain Technologies, Inc.

Tracyi Wells, Tony Helmer Palmetto, Florida (941) 721–3446 Contractor Chapter: SUCA



Contractor Member of the Month: A. J. Johns, Inc.

A. Johns Inc., located in Jacksonville, Florida, was founded in 1970 by Mr. A. J. Johns, a long time respected leader in the construction industry. During the first ten years, we only offered underground utility services then expanded to a complete site development company in the early 80's to better serve our clients. We have successfully completed jobs of all sizes and complexity, including some with very demanding schedules.

Although we have grown when the demand was great and downsized with the decline in work load, we have been fortunate to retain our key employees. Through all the turmoil of the economy, our employees have maintained the principles on which the company

was founded – honesty and integrity. Many of our key employees have been with us in excess of twenty years. This is rare in this day and time. We feel that we truly have the most dedicated employees in our industry. They place a high value on consistently meeting and exceeding industry standards.

During the economic trials of the last eighteen months, it seems that we have become stronger as a team. All salaried employees have willingly taken cuts in pay and increased their scope of work to ensure survival of the entire team. We believe, as the economy recovers, these great acts of brotherhood will make us even stronger.

We are very proud of our safety accomplishments. The entire world of

construction has made leaps and bounds regarding safety. In 2007, we were the winner of the NUCA William H. Feather Award in the 300,000 to 500,000 man-hour category. This was a great accomplishment by all of our employees and was celebrated with a company cook—out. We continually strive to improve our safety program, with the health and welfare of our employees always a top priority.

In closing, we are happy to announce an increase in construction activity. In the last few weeks, we have been able to call for the return of laid off employees and feel we have made it through the valley and are starting an uphill trend. With a positive attitude about our future, the hard times we have faced should only make us stronger.

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(St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpavers Continued from Page 8)

Amendment 4 will solidify the loss of nearly 500,000 Florida jobs. Due to the expense, red-tape and uncertainty imposed by Amendment 4, new businesses will find it virtually impossible to move to Florida. Existing businesses will find it nearly impossible to grow and Florida's working families will suffer the most.

They say: "This canned message is from the same people who crashed our economy with overbuilding. In fact, comprehensive plans already have lots of growth built in to them -- enough housing is already factored into the plans for over 100 million people. These plans are designed to allow for growth and protect our communities from unplanned growth. Why can't we follow our plans?"

Our response: Lesley Blackner (the founder and co-author of Amendment 4) savs that her

amendment will delay projects until the next regularly scheduled election. That means holding up not only "big developments" but also countless new schools, hospitals, fire stations, community centers and public parks until the next election cycle — as long as two years! Not only will Amendment 4 hold up common sense progress in our communities, it will also drive away businesses that want to bring jobs to Florida.

Put yourself in the position of a biotech company trying to bring 300 high-paying jobs to our state. By Ms. Blackner's own logic. Amendment 4 would force you to wait as long as two years before your project comes up for a vote. Moreover, you will need to wage an expensive and unpredictable political campaign before breaking ground. On top of that, you will still need to navigate Florida's existing land-use approval process, which usually takes between 12 and 24 months. Altogether, it may take years before you could "turn dirt" in

Florida.

In the meantime, states like Alabama, Georgia, North Carolina and Arizona are inviting you to break ground next week. The result: Florida will shed existing jobs while simultaneously chasing away new

While a handful of major corporations may choose to suffer the long delays and finance the highpriced media campaigns needed to do business under Amendment 4. countless small businesses will fail.

In a time of deep recession, do we really want to tell large and small businesses alike that they must wait years before growing, building or hiring?

Amendment 4 will do more than cost construction jobs. It will lead to a hemorrhaging of jobs in healthcare, tourism, manufacturing. biotechnology, and numerous

(Continued on Page 14)

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Division of Workers' Compensation Offers Free Classes

he 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. The seminars will be provided in the Spanish language in the locations indicated.

October 6, 2009

Broward County 9:00 a.m. – 12:00 noon (English) Workforce One 2301 West Sample Road, Building 4 Pompano Beach, FL 33073

October 8, 2009

Fort Myers 9:00 a.m. – 12:00 noon (English) Career and Service Centers of SW FL 4150 Ford Street Extension Fort Myers, FL 33916

October 13, 2009

Orlando
9:00 a.m. – 12:00 noon (English)
1:00 p.m. – 4:00 p.m. (Spanish)
State Office Building
400 West Robinson Street
South Tower – Conference
Room B & C

October 15, 2009

Orlando, FL 32801

Manatee County 9:00 a.m. – Noon (English) 2:00 p.m. – 4:30 p.m. (Spanish) Gulf Coast Latin Chamber of Commerce, 9040 Town Center Parkway, Suite 101 Lakewood Ranch, FL 34202

October 27, 2009

Daytona Beach

(Continued on Page 16)



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(St. Pete Beach Proves That **Amendment 4 Will Cost Jobs** and Hurt Taxpayers Continued from Page 12)

other fields.

Amendment 4 supporters are also promoting the absurd notion that comprehensive plans should be updated seldom — if at all. However, these plans were written in the 1980s without the benefit of a crystal ball. They are working documents designed to change over time. In fact, state law requires that local governments review and update their plans every five years. There are also built-in periods for cities and counties to change their plans twice a year.

It's common sense. As citizens, planners and elected officials learned more about managing growth, updating these plans was the only reasonable thing to do. Failing to change our comprehensive plans would have led to unprecedented levels of sprawl. That's why reasonable environmental groups -

like 1000 Friends of Florida — have opposed Amendment 4. They know that it will create uncoordinated, piecemeal planning that leads to more sprawl, not less.

2) Amendment 4 has already failed miserably in one small, Florida town.

Our argument: In 2006, the small Pinellas County town of St. Pete Beach adopted a local version of Amendment 4. The result has been economic collapse, an impossible growthmanagement process, and

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(Continued on Page 19)

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An Emergency **UUCF** Board of Director's Meeting was held at the end of August to discuss the need to address

several issues that chapters and members have identified. Some of the items discussed include policies, procedures, personalities and past and future conventions. We are working toward solutions to many of these concerns. Some of the topics will be resolved immediately while others will take a little more time. The meeting was necessary and productive, and I appreciate everyone's contributions to our discussions and the decisions made.

I would like to thank Ring Power Corporation for letting us use their office for our meeting, and I want to



thank the board members for making the time to attend.

September was a big month for events. Mid Florida U&TCA had their Fall Golf Tournament. Southwest Florida UCA and Northwest Florida UCA had their Fishing Tournaments, SUCA had their fish fry and NUCA had their Fall Board Meeting which was held in Vancouver. I am sure all that were in attendance had a great time. I would also like to mention that Mike Woodall's upcoming President's Cup Golf Tournament is scheduled for October 2-4 in at PGA National Resort & Spa in Palm Beach Gardens. I know this will be a success.

I am not one to give advice like this, but like you and others, I have been wound pretty tight lately. A good friend told me to get out on the water for a while, that always helps clear my mind. So I would like to pass his message on to all of you. Step away from the problems by spending some time doing something you enjoy. It doesn't have to be expensive or time consuming just something you or you and your family enjoy.

Good luck to us all and keep digging.

Sincerely,

Bill Lee **UUCF** President



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(Division of Workers' **Compensation Offers Free Classes** Continued from Page 13)

9:00 a.m. - 12:00 noon (English) Center for Business Excellence 329 Bill France Boulevard Daytona Beach, FL 32114

October 28, 2009

Gainesville 9:00 a.m. - 12:00 noon (English) Florida Works Alachua County 4800 S.W. 13th Street Gainesville, FL 32608

November 5, 2009

Tampa 9:00 a.m. - 12:00 noon (English) 1:00 p.m. - 4:00 p.m. (Spanish) Park Trammel Building - State Office 1313 North Tampa Street, Suite 603 Tampa, FL 33602

November 10, 2009

Tallahassee 9:00 a.m. - 12:00 noon (English) Southwood Complex

Betty Easley Conference Center 4075 Esplanade Way, Room #180 Tallahassee, FL 32399-7020

November 16, 2009

Miami 9:00 a.m. - 12:00 noon (English) 1:00 p.m. - 4:00 p.m. (Spanish) State Office Building 401 N.W. 2nd Avenue North Tower, Room North 423 Miami, FL 33128

November 19, 2009

Pensacola 9:00 a.m - 12:00 noon (English) West Florida Regional Library 200 West Gregory Street Pensacola, FL 32501

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

The Division of Workers' 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.mufloridacfo.com/ WC. For additional information, e-

bocseminars@MyFloridaCFO.com, call (813) 221-6518 or Fax (813) 233-3742.

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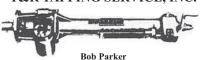


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(St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpayers Continued from Page 14)

endless litigation at taxpayer expense. When St. Pete Beach voters approved four pro-growth changes to their comprehensive plan, Amendment 4 lawyers sued to overturn the election. More than a year after voting to change their comprehensive plan, the people of St. Pete Beach are still defending their vote in court. St. Pete Beach is a town of only 10,000 voters and Amendment 4 has already cost its taxpayers over half-a-million dollars in legal fees. Imagine the extraordinary costs and litigation that would result if Amendment 4 is taken statewide.

They say: "The lawsuits are flying because the Hometown Democracy process was not followed. Under Hometown Democracy, there will be a referendum only after the growth plan change is reviewed and voted on by the county commission. In St. Pete Beach, developers held the referendum before the proposed plan change went through review and public hearing. That violates state law, which requires that no land use change can be made without following the public hearing process."

Our response: That's not how an Administrative Law Judge with the Department of Community Affairs sees it. Amendment 4 supporters say that they are trying to overturn the election because their process was not followed. But a judge and a state agency have already said that the law was followed. In response, Amendment 4 lawyers did what they do best: They filed another lawsuit.

More importantly, are we really to believe that Amendment 4 supporters spent hundreds of thousands of dollars in legal fees because they object to a minor, procedural technicality?

It is clear that they never wanted to "give the voters a say" at all. Instead, they just want to stop growth, regardless of what the voters say. When they lost at the ballot box, they decided to take the people to court.

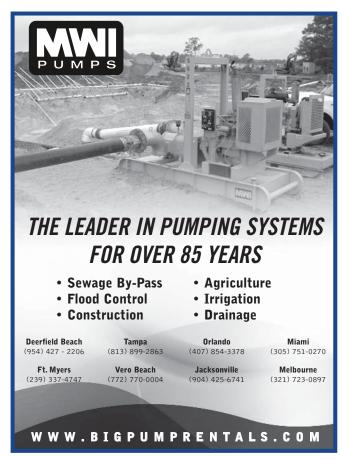
invited endless litigation and halted commonsense progress in this small, Pinellas County town. Here are the facts:

- 1) St. Pete Beach adopted a local version of Amendment 4 in 2006.
- 2) Two years later, the voters approved four new comprehensive plan changes at the ballot box.
- 3) Within 24 hours of the election, Amendment 4 supporters filed a lawsuit to overturn the results.
- 4) Taxpayers have now funded more than half-a-million dollars in lawsuits related to the Amendment 4 "process" in St. Pete Beach.
- 5) Ross Burnaman, the same lawyer who co-authored Amendment 4, has been directly involved in these lawsuits.
- 6) None of this would have happened without Amendment 4.

To get the full story on St. Pete Beach, take a look at this Editorial from their local town paper: http://www.florida2010.org/media2.php?id=98&t=2

3) Amendment 4 will turn our planning process into a political process, boosting the influence of special interest groups and

(Continued on Page 21)



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Calendar of Events	Dec. (TBA)Holiday Party & Officer Installation, Maggiano's, Boca Raton	
UUCF	UCA of North Florida	
Oct. 2–4	Oct. 7 Bettering Your Business Luncheon Series Oct. 10	
Central Florida U&TCA	Oct. 13 Executive Committee Meeting, Conference Room at UCA of North Florida office	
Oct. 19 Board of Director's & Membership Meetings, Volusia County Nov. 16	Nov. 4	
Mid Florida U&TCA		
Oct. 6	NUCA 2009 Dec. 2 Safety Directors Forum,	
Northwest Florida UCA	New York New York Hotel, Las Vegas, NV	
Oct. 8	Jan. 11–13 Expo '10, Walt Disney World Dolphin Hotel, Orlando, Florida May 17–19Washington Summit,	
Southwest Florida UCA	Hyatt Regency Capitol Hill , Washington, DC	
Oct. 15 Board of Director' & General Membership Meetings Dec. 5 Christmas Party & Installation of Officers & Directors, Holiday Inn, Gulf Coast Town Center, Fort Myers	Jan. 18–21 Expo '11, The Executive Experience, The El Conquistador Resort, Las Croabas, Puerto Rico Sunshine State One Call of Florida, Inc.	
SUCA	(SSOCOF) Meetings	
Oct. 1 Board of Director's Meeting & Baseball Mixer, Tropicana Field, St. Petersburg Oct. 10 Fishing Tournament, Tierra Verde Nov. 5 Board of Director's & General Membership Meetings Nov. 6 Clay Shoot, Deer Creek Sporting Clays,	Oct. 16	
Land O'Lakes Dec. 3Board of Director's Meeting, Tampa Club Dec. 5December Banquet, Dinner & Dance, Tampa Club, Tampa	Construction Industry Licensing Board Meetings	
UCA of South Florida	Oct. 14–16 Hyatt Regency Jacksonville Nov. 11–13 The Florida Hotel & Conference Center,	
Oct. 8	Orlando	



Networking Night, Shula's, Miami Lakes



(St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpayers Continued from Page 19)

side-lining ordinary citizens.

Our argument: Amendment 4 advocates do not want to empower voters; they want to stop growth at any cost. Under their proposal, special interests on both sides of the development debate will gain influence at the expense of ordinary citizens. Rather than being compelled to compromise, interest groups will be encouraged to draft the most extreme proposals and hire political consultants to sell them. Under Amendment 4, sound bites will have more influence than sound planning.

They say: "1) there is lots of growth already built in to comprehensive plans. So even if plans don't get changed much there will still be plenty of construction. 2) Developers are they key special interest in Florida. They are the ones who stand to make the money. You can't say the same of residents who just want to protect their community and quality of life. 3) No compromise campaigns? The entire process will stay the same and the referendum will only come at the very end. There's plenty of room for "compromise." 4) When we allow promiscuous developer—driven plan changes, the plans simply don't mean anything and can't protect the community from over—development."

Our response:

- 1) Amendment 4 supporters are suggesting that it would be OK if comprehensive plans were never updated. This notion is absurd. That's like saying, "Your 1980s-era computer should never be updated or replaced." Ultimately, failing to change the comprehensive plan when necessary leads to sprawl. Amendment 4 will make many minor but necessary plan changes nearly impossible to plan, resulting in more traffic and overcrowding. That is why respected growth management and planning groups oppose Amendment 4.
- 2) Amendment 4 will not give power to residents who want to protect their quality of life. On the contrary, residents who are most impacted by plan changes are also the least empowered by Amendment 4. Under this amendment, residents living an hour from your home will be voting on whether or not to put gas stations, hospitals, schools, fire stations or parks in your backyard. Ultimately, your voice and the voice of your neighbors will be drowned out in the noise of high-priced, countywide media campaigns.
- 3) Changing the end of the process changes the beginning. If every step in the process builds up to a high-priced media campaign then the incentive for compromise disappears completely. Amendment 4 says to interest groups on both sides of the development debate: Don't bother trying to build consensus. Don't worry about consulting communities affected by growth; just hire a political consultant to sell your position to voters on the other side of town. The result: Well-funded

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

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.



2009 FDOT Letting Dates

October 28

December 2

2010 FDOT Letting Dates

January 27 March 31 May 26

February 24 April 28 June 23



Chapter News

Central Florida U&TCA

Central Florida U&TCA's August Membership Social was held on Thursday, August 20, 2009 at the Fishlips Bar and Grill in Cape Canaveral. Many thanks to the following attendees who sponsored this free event for our many attendees: Brewer Paving & Development, Inc.; Derrico Construction Company; J. D. Weber Construction Company; KCF Site Development: Mersino Dewatering: Mueller Company; Pirtek Space Coast; and Rinker Materials Concrete Pipe. It was great to see so many people come out to enjoy an evening with friends!

It is that time of year already. Don't miss our Christmas Party and Installation of Officers which will be held on Friday, December 4 at the beautiful Radisson Resort at the Port in Port Canaveral. This is a perfect way to kick off the holiday season with your family, friends and coworkers! Please join us for an exciting evening as we celebrate the holiday season! A room block has been set aside for our members at a special rate for those who would like to spend the night. Please call the Central Florida U&TCA office for more information.

Mid Florida U&TCA

The Mid Florida U&TCA Fall Golf Tournament will be held on Friday, September 18 at the beautiful Eagle Creek Golf Club. Our 2009 Golf Committee has been hard at work setting up another exciting tournament. Registration is only \$100 per player, and adding the Power Pack for \$25 will boost your day with two beverages on the course (including domestic beer, soft drinks, water or sports drinks); as well as two mulligans, one ladies tee drive and a putting contest.

Sponsorship opportunities are available at two levels this year: Hole and Tee Sponsors will have their company name displayed on the golf course for \$100. Beverage Sponsors will be displayed on the two beverage carts and the cost is \$250. Sponsorship and registration forms are now available on our website or

by calling the Mid Florida U&TCA office. This is an event you won't want to miss!

Mid Florida U&TCA's exciting Annual Auction & Barbecue will be held on Friday, October 23 at the Maitland Civic Center. Tickets for this event are only \$15 and include a delicious barbecue dinner as well as iced tea, soft drinks, beer and wine! Five tickets will be mailed to all chapter members, and additional tickets can be obtained by calling the Mid Florida U&TCA office. Auction item donations of all kinds are needed! Items can be dropped off at Ring Power in Orlando or call the Mid Florida U&TCA office to have your item picked up. If time is a factor, we are offering a "Shop for Me" option - just make a cash donation, and we will purchase auction items for you. Please call the office if you have any questions or need additional information.

Save the date! Mid Florida U&TCA's Annual Christmas Party and Installation of Officers will be held on Thursday, December 3. Watch for more information to come.

Southwest Florida UCA

The Southwest Florida Utility Contractors Association's 2009 Fishing Tournament is just a week away. It will be held at 'Tween Waters Inn on Captiva Island. We are looking forward to an awesome tournament. Thanks to everyone who has supported this great event by attending. Thanks also to our many wonderful sponsors who make this event possible.

Platinum Shirt Sponsor: Kelly Tractor. Tournament Platinum Sponsor: Coastal Precast of Florida. Children's Platinum Sponsor: Coastal Precast of Florida. Water Sponsor: Armadillo Underground. Children Gift Sponsor: Gulf Coast Underground. Chinese Auction Sponsors: Guymann Construction and Stevens & Layton. Gold Sponsors: Dave Foote Environmental, Evans Oil, ITT Flygt, Oldcastle Precast, Posen Construction, Sewer Viewer. Major Sponsors: Dave Douglas &

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Our next monthly membership and dinner meeting will be held on Thursday, October 15 at The Holiday Inn, Gulf Coast Town Center in Fort Myers. Our speaker will be David Plazas, Fort Myers Newspress Community Conversation Editor. We ask you to mark you calendar for this date and bring a guest.

Thank you to all members who have purchased FootballMania Tickets. All tickets have been distributed. If you are still interested in purchasing tickets, please contact one of the FootballMania committee members.

The Southwest Florida UCA Christmas Party will be held on Saturday, December 5 at The Holiday Inn, Gulf Coast Town Center in Fort Myers. Please mark this date and make plans to attend.

Southwest Florida UCA's next big Trade Show will be on Thursday, April 8 at Harborside Convention Center in downtown Fort Myers. Don't miss it.

UCA of South Florida

The UCA of South Florida Scholarship Program is funded by our annual UCA Scholarship Golf Tournament. Last year, we raised over \$14,000 for the fund. This year's tournament is scheduled for Friday, November 20 at Palm Beach National Golf and Country Club in Lake Worth, and we are



again anticipating a great turnout. The UCA Scholarship Golf Committee is currently soliciting sponsorships for the event. For more information on participating in this important event, please contact Jennifer at the UCA of South Florida office at (954) 575–0110.

UCA of North Florida

Our September General Membership meeting will be held on Wednesday, September 17 at 12:00 noon at Dave & Buster's. Our guest speaker will be Daniel Davis speaking on behalf of Floridians for Smarter Growth. He will discuss Amendment 4, and what our members need to do now and in the next year to make sure this amendment does not pass. During this meeting, we will also be previewing our Project Scheduling Class which will conducted by Forward Engineering. Classes will be held on September 29 and October 1 and October 6 and October 8. Cost is \$25.00 per person.

UCA of North Florida will have a team in the upcoming Alzheimer's Memory Walk on Saturday, November 14 in Jacksonville. As some of you may know, two past members of UCA of North Florida, who were very active in our association, were diagnosed with early onset Alzheimer's in the past several years. Many of us know someone personally, a family member or friend, who suffered with this disease. We have decided this would be a great activity for us to get together as a group to help make a difference. Our team goal is to have a minimum of 12 team members and to raise at least \$1,200.00. Go to Donate to Memory Walk at http:// mwjax09.kintera.org/faf/ donorReg/ donorPledge.asp?ievent=304266&lis= 1&kntae304266=F9CCD8C388BD 49E5909AB7EFF2481F14&supId= 262839155 to make a donation in honor or memory of your loved ones.

A big thank you to Gibbs & Register and Neff Rental for their help installing a new sign at Seamark Ranch. In 2003, we adopted Seamark as our local charity. Seamark Ranch, a nondenominational, Christ-centered

children's home, is committed to sharing the Gospel, hope, healing and a brighter future with abused, neglected, abandoned and homeless children.

Sign-up for the 2009 Fishing Tournament has begun. This year's event will be held on Saturday, October 10 at Sister's Creek Marina/City of Jacksonville. Sponsors and Anglers are both needed. Sponsorships are available for \$125.00, \$300.00, \$600.00 and \$1,000.00. Thank you to the following companies who have already agreed to sponsor: Jax Utilities Construction, Bob's Barricades, Inc., C & B Piping, Inc., Cecil W. Powell & Company, Duval Asphalt Products, Ellis & Associates, Inc., Erosion Control Services, Inc., Hanson Pipe & Precast, Industrial Tractor Company, Iron Planet, Johnson-Davis, Inc., Linder Industrial Machinery Co., Reynolds, Inc., Regan, Zebouni & Walker, Ring Power Corporation, Rose Services, Inc. and STT Construction Group. Price for anglers is \$60.00. This is a great day of fishing with delicious food, great door prizes and good company. Call the UCA of North Florida office at (904) 296-1230 to register or for additional information.

(St. Pete Beach Proves That Amendment 4 Will Cost Jobs and Hurt Taxpayers Continued from Page 21)

special interests on both sides of the development debate gain influence over a process that is governed by 30second sound-bites. In such a process, the citizens most affected by local plan changes will be out-shouted in countywide media campaigns. 4) Amendment 4 won't just force us to vote on "big developments" or "major plan changes." Take a look at the language of the amendment! It leads to a vote on every minor and technical plan change. It triggers referenda on the thousands of housekeeping changes that come from local governments, not developers. There are no exceptions for schools, hospitals, public parks or fire stations. Under Amendment 4, key projects like roads, schools and police stations would be nearly impossible to plan and might be delayed for years.

4) Amendment 4 will lead to extraordinary costs, disruption and

disorder at the ballot box.

Our argument: Under Amendment 4, the taxpayers will be forced to fund expensive elections for every technical change to their local comprehensive plan. It would not be uncommon for voters to face 200 or 300 minor land use issues on a single ballot. If Amendment 4 had been law in 2006, the residents of Carrabelle — a small Franklin County town — would have voted 617 times!

They say: "In Carrabelle the city council voted on one ordinance to overhaul the city comprehensive plan. Hometown Democracy referenda will track commission votes. So if your commission approves five ordinances approving growth plan changes, there will be five referenda. If our politicians respect our plans, which have lots of growth built in already, we won't need to vote very often.

Our response: The lawyers behind Amendment 4 know that this is not true. Florida has very strict single—subject rules. Over and over again, the courts have said that multiple issues cannot be rolled into a single ballot question. They must be voted on separately.

It's just common sense. Comprehensive Plans are hundreds and sometimes thousands of pages in length. Amendment 4 supporters are trying to tell you that these plans can be accurately condensed into a single 75—word ballot summary! This doesn't pass the commonsense test and it certainly doesn't pass the legal test.

The reality is that every comprehensive plan change — no matter how small or technical — would require a separate ballot question. As a result, voters would face hundreds and potentially even thousands of technical land use issues on a single ballot.

5) Amendment 4 is opposed by a broad and diverse coalition.

Our argument: Over 135 organizations are opposing Amendment 4 for a variety of reasons. These organizations include: the Florida Chamber of Commerce, 1000 Friends of Florida, the Florida American Planning Association, the Florida League of Cities, the Florida State Council of Machinists and Aerospace Workers, and the Florida Health Care Association.



They say: "A who's who of the corporate construction industry is funding Floridians for Smarter Growth: The National Association of Home Builders, the Florida Association of Realtors, and Waste Management to name but three."

Our response: It's no surprise that Florida's business community opposes an amendment that would permanently harm Florida's economy. However, they are not alone. Amendment 4 is so extreme that it has earned the opposition of mainstream planning, growth management, environmental, government, labor, health care, agricultural and property rights groups,

These groups oppose Amendment 4 for many reasons. Some fear that it will lead to increased sprawl. Others note that it will cost many Floridians their personal property rights. Still more are concerned that it will keep Florida in a permanent recession. Regardless of the reason, these groups all oppose Amendment 4 because it's a bad idea for Florida.

While these organizations represent literally millions of Florida jobs, Amendment 4 is backed by a tiny group of wealthy extremists. Lesley Blackner, a special interest lawyer has contributed nearly \$1 million of her personal fortune to pay for the signatures to get this idea on the ballot. Ms. Blackner is joined by Joyce Tarnow of Floridians for a Sustainable Population and Joe Redner, owner of the Mons Venus strip clubs in Tampa.

Mr. Redner has frequently been engaged in legal battles with the Tampa City Council, which has tried to place restrictions on his nude clubs for 25 years. His is one of many notorious businesses that would benefit from Amendment 4's "Vote on Everything" requirements. If they succeed in changing the constitution, strip clubs and pornography outlets would have an easier time beating back citizen-supported land use changes to restrict their activities.

South Florida's Joyce Tarnow has also given a lot of money to promote Amendment 4. She supports the amendment because "hopefully, [it] will lead to people all over this country demanding from our Congress a population policy that reduces population pressure."

To pursue this agenda, Ms. Tarnow founded and leads Floridians for a Sustainable Population, a fringe population control group. A close reading of the group's Web site reveals more of their agenda: they call for limiting families to two children; cutting benefits for newborns; higher taxes on families; severe restrictions on legal immigration; and more.

In fact, more than half of Amendment 4's funding comes from people closely associated with Floridians for a Sustainable Population – including Hometown's Lesley Blackner, who is a senior member of the population control group's advisory board.

These groups and individuals have contributed tens of thousands of dollars to write Amendment 4 into Florida's constitution. It insults commonsense to call these interests anything other than "special."



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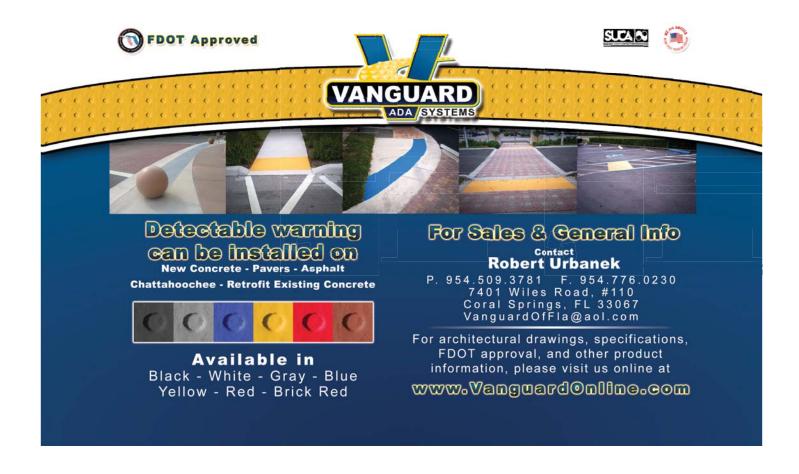
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