



# Ditchmen

Online

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*(see page 4 for details)*



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# UUCF/Andrew Scott Johnson Memorial Scholarship Foundation Schedules Eleventh Annual Bass Fishing Tournament

The UUCF/Andrew Scott Johnson Memorial Scholarship Foundation will be holding its two-day Bass Fishing Tournament on Friday, February 25 – Saturday, February 26, 2011 on the Kissimmee Chain of Lakes on Lake Toho at the Big Toho Marina. This tournament has been organized to raise funds for the *UUCF/Andrew Scott Johnson Memorial Scholarship Foundation*. The Fishing Tournament Chairman Scott Johnson has already started making plans for this event.

There will be a mandatory Captain's Meeting on Thursday, February 24, 2011 at the Kissimmee Steak House which is located across the street from The Heritage Park Inn (formerly known as the Quality Inn Heritage Park hotel). One representative from each team must be present at this meeting. The weigh-in for each day's tournament will be held at the Big Toho Marina. An Angler Dinner will be held at 5:00 p.m. on Friday, February 25 at The Heritage Park Inn.

The tournament will be a two-day event. Five fish per boat, per team, per day. There is a minimum of two people on a team. No team can consist of more than three people. Paid professional guides cannot be considered as a team member. This will be a catch and release tournament and will be scored in accordance with the B.A.S.S. guidelines. However, the use of live bait is permitted! (After all, this is for FUN!) Professional guide services are available through the foundation.

The schedule for both days is as follows: Check in/Registration starting at 6:30 a.m.; Cast Off at 7:00 a.m. (or safe light); and Weigh-

in starts at 2:00 p.m. The cost to register for this event is \$85.00 per person. The registration fee includes a T-Shirt, hat and raffle ticket at registration. Hotel accommodations, meals, bait, boats and professional guides are not included in this fee.

Angler, Boat/Guide, Shiners and Hotel Registration Forms were e-mailed to the UUCF membership in mid-December. All registration forms, along with payment, must be submitted to the UUCF office **no later than January 14, 2011**.




UUCF is also accepting companies to be a part of the Major, General, Captain's Meeting Happy Hour,

Angler Dinner Beverage, Angler Dinner, Grand Prize, Weigh-In and Trophy Sponsorship Programs. All sponsorship forms were e-mailed to the UUCF membership in mid-December. If you are interested in participating in any of the sponsorship programs, please complete the appropriate sponsorship form and return with payment to the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation office **no later than January 14, 2011**. If you need a specific sponsorship or registration form, please visit the UUCF website at [www.uucf.com](http://www.uucf.com) or contact the UUCF office at (407) 830-1880.

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# OSHA Update

## U.S. Labor Department's OSHA Extends Comment Period to March 21, 2011, Announces Stakeholder Meeting on Noise Control Interpretation

Department of Labor's Occupational Safety and Health Administration announced that it is extending by 90 days the official comment period on the proposed interpretation titled "Interpretation of OSHA's Provisions for Feasible Administrative or Engineering Controls of Occupational Noise," which was published in the *Federal Register* on October 19. Interested parties are encouraged to submit comments by March 21, 2011.

The agency also announced that it will hold a stakeholder meeting before the end of the comment period to listen to the concerns of businesses and workers about the proposed noise interpretation.

"We're very eager to get input from those parties who would be affected by this proposed interpretation," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "We have by no means completed our review of the issue and seek to make an informed decision that is in the best interest of protecting workers, yet sensitive to the operating changes businesses would need to make."

Thousands of workers every year continue to suffer from preventable hearing loss due to high workplace noise levels. Since 2004, the Bureau of Labor Statistics has reported that more than 125,000 workers have suffered significant, permanent hearing loss. In 2008 alone, BLS reported 22,000 hearing loss cases.

Responding to continuing high levels of hearing loss among employees in the nation's workplaces, the notice proposed to make enforcement of the hearing conservation standard consistent with enforcement of other OSHA standards by clarifying the term "feasible administrative or engineering controls" as used in OSHA's general industry and construction occupational noise exposure standards.

OSHA's current enforcement policy

for noise exposures less than 100 decibels has not accurately reflected the noise standard's requirements that feasible engineering and administrative controls be used as the primary means of reducing noise exposure. Instead, OSHA has allowed many employers to rely upon a hearing conservation program, including the use of hearing protectors such as ear plugs.

"There is sufficient evidence that hearing protection alone cannot prevent workers from suffering preventable hearing loss," said Michaels. "Easily applied administrative or engineering controls can and must be used to protect workers. There are plenty of employers out there who play by the rules and want to do the right thing, and we're hopeful we can work with them to craft a policy that's good for all."

Comments may be submitted online at <http://www.regulations.gov>. Alternatively, individuals may mail or deliver comments (three copies) to the OSHA Docket Office, Docket No. OSHA-2010-0032, U.S. Department of Labor, Room N-2625, 200 Constitution Ave. NW, Washington, DC 20210. Or, submissions not longer than 10

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

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more information,  
visit [http://  
www.osha.gov](http://www.osha.gov).

## **OSHA Will Hold Informal Public Hearing on Proposed Rule to Prevent Worker Injuries on Walking- Working Surfaces**

OSHA will hold an informal public **hearing** starting January 18, 2011, on the proposed rule revising the Walking-Working Surfaces and Personal Protective Equipment (PPE) standards to improve worker protection from slip, trip, and fall hazards.

"These public hearings will provide an important opportunity for stakeholders who will be impacted by the rule to share their concerns and provide input on the proposal," said OSHA Assistant Secretary Dr. David Michaels.

*(Continued on Page 13)*



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# Amendment 4 Has Been Defeated!

**T**hat is music to my ears. The voters of Florida saw through this attempt to hijack our political process.

Amendment 4 (Hometown Democracy) has been on the UUCF radar since 2004 because it had the potential of having a devastating effect on Florida's economy if passed. In the years and days leading up to November 2, 2010, it became very apparent that, based on the facts, this amendment would have a negative effect on jobs, taxes, growth and our voting system.

The UUCF PAC stepped up to the plate with a \$5,000 donation to **"Citizens for Lower Taxes & a Stronger Economy"** which was to be used for a statewide campaign against Amendment 4. **IT WORKED!!**



We can all breathe a collective sigh of relief . . . for now. But, we will face many new challenges in the future that will require an abundance of dedication and effort in order to protect the industry we love, an industry that provides for our families and an industry that we have poured our hearts and souls into.

The UUCF PAC will continue to work for its members, but now it's time for the members to give back to the

UUCF PAC. UUCF PAC Chairman Bruce Wendorf is asking every single member to contribute \$40.00 to "Rebuild and Reload" the UUCF PAC and help replenish the \$5,000 we committed to help save our industry and state.

The next threat to our industry is right around the corner. Let's be ready for the fight with a strong UUCF PAC.

By April 2011, the new headline will read – **"THE PAC IS BACK!"**

If you have any questions or need additional information, please do not hesitate to contact the UUCF PAC office at (407) 830-1880. If you would like to contribute \$40.00 to "Rebuild and Reload" the UUCF PAC, please make check payable to UUCF PAC and mail to 231 West Bay Avenue, Longwood, FL 32750-4125.

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# Membership Benefits YOU!

Underground Utility Contractors of Florida, Inc.

The Underground Utility Contractors of Florida Inc. (UUCF) was formed in 1980 by four Florida National Utility Contractors Association (NUCA) chapters to promote the state underground utility contracting industry and to increase the influence of the individual chapters. Over the years, our membership has grown tremendously. Please visit our website at [www.uucf.com](http://www.uucf.com).

UUCF remains active on the state level and has contributed to the betterment of the industry by input into several areas:

- Participated in and supported the creation of the Underground Utility and Excavation Contractors state certified contracting license.
- Participated in and supported the creation of the Contractor V classification which allows underground utility and excavation contractors to install underground fire lines.
- Instrumental in creating reauthorization and funding of Florida's Clean Water and Safety Drinking Water State Revolving fund.
- Monitoring legislation that affects our industry.
- Monitoring the activity of the Construction Industry Licensing Board (CILB).

UUCF was instrumental in the drafting, introduction and passage of:

- A "Prompt Pay" bill for public construction – '89, '95, '01 & '10 Legislative Sessions.
- The "Trench Safety Act" – '90 Legislative Session.
- A "Prompt Pay" bill for the private sector – '92 Legislative Session.

- A voluntary "One Call" bill – '93 Legislative Session.
- The "Public Bid Disclosure Act" – '93 Legislative Session.
- The "Free Market Bill for Public Construction" – '94 Legislative Session.
- The repeal of the Health Care Mandate for state contractors – '95 Legislative Session.
- The "Student-Learner" bill – '96 Legislative Session.
- A mandatory "One Call" bill – '97 Legislative Session.
- Streamlining renewal and continuing education requirements for Contractor V licenseholders – '97 & '98 Legislative Sessions.
- A "Uniform Licensing" bill – '99 Legislative Session.
- Changes to "Competitive Bid", F.S. 255 – '99 & '09 Legislative Sessions.
- Increasing the administrative fines that may be imposed on unlicensed contracting – '01 Legislative Session.
- A major reform to "One Call" – '02 Legislative Session.
- Limiting the use of Owners Controlled Insurance Programs (OCIPs) – '04 Legislative Session.
- Prompt Pay/Retainage – '05 Legislative Session.
- Revisions to "One Call" including extending valid ticket information to 30 calendar days – '06 Legislative Session.
- Sales Tax Exemption Construction Material which revise the laws relating to direct purchase of construction materials by public entities – '10 Legislative Session.

This year, UUCF:

- Electronically published 12 issues of the monthly newsletter, the *Ditchmen*.
- Printed and distributed the Annual Construction Users Directory.
- Held its annual Tallahassee

Summit.

- Published weekly *From the Halls of the Capitol* legislative reports during the Legislative Session.
- Kept its members up-to-date with e-mails pertaining to Legislative Updates and Alerts.
- Prepared its Annual Legislative Final Report.
- Maintained an active Lobbyist in Tallahassee.
- Monitored activities of the Florida Construction Industry Licensing Board (CILB).
- Member of The Construction Coalition.
- Worked with Sunshine State One Call of Florida, Inc. (SSOCOF) and have a representative on their Board of Directors.
- Kept members up-to-date with e-mails pertaining to defeating Amendment 4 on the 2010 Ballot.
- Contributed \$10,000 toward Citizens for Lower Taxes and a Stronger Economy to defeat Amendment 4 on the 2010 Ballot.
- Member of the Construction Industry Council of Central Florida (CICCF).
- Met with representatives from Orange County Department of Environmental Protection to draft language to the Orange County Proposed Ordinance on the Discharge of Groundwater.
- Monitored the Department of Revenue throughout their rulemaking process for direct purchase of construction materials.
- Member of Florida TaxWatch.
- Celebrated our 30th Anniversary at the UUCF Annual Convention at the Gaylord Palms Resort & Convention Center.
- Held our Fifteenth Annual President's Cup Golf Tournament

*(Continued on Page 12)*





# Associate Member of the Month: Duval Asphalt

## **FDOT District 2 and Duval Asphalt Partner to bring the first Warm-Mix Asphalt project to Northeast Florida!**

Just over a year ago, August 2009, marked a key accomplishment towards making Jacksonville a more environmentally friendly community. It is no secret that area road construction will not be ending anytime soon. As Jacksonville continues to grow, the need for new roads and repairing existing roads grows. Many of these projects rely on asphalt. Traditionally, Hot-Mix Asphalt (HMA) was the only option. Not anymore!

On August 5, 2009, Duval Asphalt, in conjunction with the Florida Department of Transportation

(FDOT) and our construction partners, began the installation of WMA on J. Turner Butler Boulevard. This is the first FDOT project of its kind in Northeast Florida.

WMA looks and performs like hot mix asphalt, but introduces new "Green Technologies" that allow it to be manufactured at much lower temperatures – as much as 50 to 100 degrees Fahrenheit cooler than traditional HMA (giving it the name 'warm' mix asphalt). The drastic reductions in temperature and increased efficiency of production reduce fossil fuel consumption and greenhouse gas emissions by as much as 14%. Additionally, because production can be achieved at much cooler temperatures there is virtually no smoke and no smell, an attribute

commonly associated with HMA.

Engineering and construction benefits include better compaction; a safer and more comfortable work environment; the ability to pave at lower temperatures; the potential to use a higher rate of recycled material; and a longer pavement life due to less oxidation of the mix.

An additional point of interest regarding asphalt – whether traditional HMA or WMA – is that it is 100% recyclable. In many cases, pavements produced using Reclaimed Asphalt Pavements (RAP) are as high or higher in quality as pavements made of all-virgin materials. Furthermore, asphalt

*(Continued on Page 12)*



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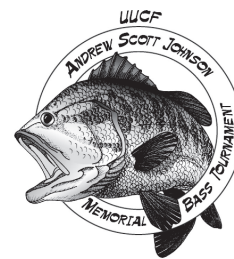


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# Underground Utility Contractors of Florida/Andrew Scott Johnson Memorial Scholarship Foundation



## 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 \$177,500 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.

-----

Please accept my charitable contribution in the amount of \$\_\_\_\_\_ for the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Inc.

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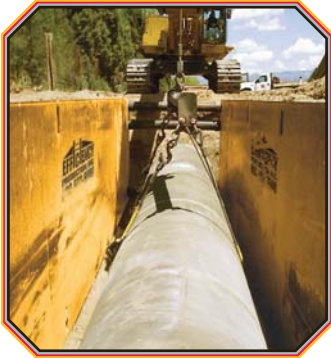
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Contributions to the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Inc. help support its scholarship. Your support of the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Inc. qualifies as a charitable contribution and is deductible for federal income tax purposes to the maximum extent provided by law. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE 1-800-435-7352 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.



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**(Membership Benefits YOU!**  
**Continued from Page 8)**

- at the PGA National Resort & Spa in Palm Beach Gardens.
- Held the Tenth Annual Bass Fishing Tournament for the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation at Big Toho Marina in Kissimmee.
- Distributed \$22,000.00 in scholarships from the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation.
- UUCF PAC Contributed a total of \$33,500.00 to candidates during the 2010 Election cycle.
- Presented the Annual Construction Performance Awards for the *Mitchell Ellington Award*, *Gary D. Sawyer Award* and *Andrew J. Mayts Award*.

The top priority for UUCF during the 2011 Legislative Session will be Competitive Bid. Throughout this year, reports have been coming into

the UUCF office that local governments are trying to self perform water and sewer projects. Florida Statute 255.20 requires local governments to competitively bid projects that are estimated to be in excess of \$300,000. UUCF will be proposing amendments to the existing Competitive Bid Statute in order to close up loopholes and put some teeth in the law.

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

- revising the statutory formula for the Workers' Compensation Special Disability Trust Fund.
- DBPR will probably introduce a legislative package that could address pre-licensure education and contractor licensing bonds.
- proposed changes to the Florida Construction Lien Law.
- anti-geographic bid preference.

- crane ordinances.
- immigration tied to e-verify
- revisions to the Notice of Nonpayment statute.

**(Associate Member of the Month**  
**Continued from Page 9)**

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### **(OSHA Update Continued from Page 6)**

The proposed rule, described in the May 24 **Federal Register**, will prevent annually about 20 workplace fatalities and more than 3,700 injuries that are serious enough to result in lost work days.

"Injuries and fatalities from fall

hazards are a leading cause of work-related injuries and we need to have the best rule possible to ensure that we effectively address this serious hazard," said Michaels.

Proposed revisions will include specific criteria for personal fall protection equipment that are consistent with industry voluntary consensus standards. Revisions will also better align OSHA's general industry walking-working surfaces standards with the Agency's construction and shipyard industry standards.

The hearing will begin at 9:30 a.m., at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If necessary, the hearing will continue on subsequent days at the same time and location.

Individuals interested in testifying at the hearing must submit a notice of

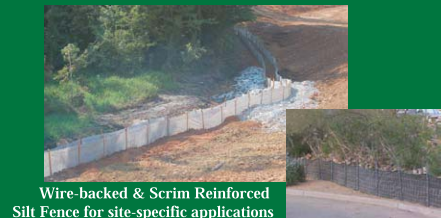
intent to appear by November 30. Only those persons submitting notices will be permitted to present testimony, questions witness and OSHA, and participate in the post-hearing comment period. Individuals who request to testify for more than 10 minutes or who intend to submit documentary evidence at the hearing must submit the full text of their testimony and evidence by December 21. See the hearing notice for submission details.

Technical questions and public hearing inquiries should be directed to Virginia Fitzner, Office of Safety Systems, at (202) 693-2052. Individuals requesting special accommodations to attend or testify at the hearing should contact Veneta Chatmon, Office of Communications, at (202) 693-1999.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and

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healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

## OSHA 300-A Form – Summary of Work-Related Injuries and Illnesses – Must be Posted

This is a reminder that all companies are required to post the Summary of Work-Related Injuries and Illnesses (Form 300-A) — by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year.

The OSHA 300-A Form, along with OSHA Forms 300 and 301, is

available on OSHA's website at <http://www.osha.gov/recordkeeping>.

Employers must keep a Log of Work-Related Injuries and Illnesses and Summary for each establishment or site. If you have more than one establishment, you must keep

## Registered Contractor License Renewal Reminder

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

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

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

(Continued on Page 20)

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# President's Message



Congratulations to all of us on a successful election period. Bruce Kershner, at our November Board

Meeting, reported that the vast majority of candidates we supported were elected. We also won a great victory by defeating Amendment 4. In Northwest Florida, the underground contractors played a large role in educating our industry and friends. I know this is true throughout your chapters and the rest of the state. Since the elections, most of the people I have talked with are a little more upbeat about 2011. I have to admit that it has also had that affect on me. Now that the elections are over, we have two jobs. One is to help our elected officials succeed with their plans to improve the economy along with improving problems within the



state. The second is to replenish our UUCF PAC funds. As I said last month,

we will have to pay to have our voices heard. On page 7 of this issue of the *Ditchmen*, there is an article by Bruce Wendorf. All you have to do is mail a check to the UUCF PAC office in the amount of \$40.00.

This week, the local business owners published a letter that I think represents the feelings of a lot of our UUCF members. I hope I have not broken any laws but I wanted to share it with you.

Season's greetings to our valued neighbors!

With the holidays quickly approaching, we are asking you to take the pledge this year to support the small business you love: those shops and restaurants that are the heartbeat of our community and local economy.

1. For every \$100 spent at local small business, \$68 returns to the community.
2. Small businesses employ half of all private sector employees.
3. Small businesses represent 99.7% of all employer firms.
4. For every year over the last decade, 60% – 80% of new jobs were generated by small businesses.

Visit those businesses that employ our neighbors and reinvest our

*(Continued on Page 25)*

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Holiday Season  
and a Prosperous  
New Year.*

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# Division of Workers' Compensation Offers Free Classes

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.

## **January 13, 2011**

Tampa  
State Office Building  
1313 North Tampa Street,  
Suite 605  
Tampa, FL 33603

## **January 19, 2011**

Pompano Beach  
Workforce One  
2301 West Sample Road,  
Building 4, Conference Room C  
Pompano Beach, FL 33073

## **January 20, 2011**

Ocala  
Construction  
Education  
Enhancement, Inc.  
1644 N.E. 22nd  
Avenue, Building B  
Ocala, FL 34470-  
7748

## **January 28, 2011**

Miami  
State Office  
Building  
401 N.W. 2nd  
Avenue, North  
Tower, Room 423  
Miami, FL 33128

## **February 4, 2011**

Lakeland  
Lakeland Public  
Library  
100 Lake Morton  
Drive, Meeting  
Room  
Lakeland, FL  
33801

## **February 10, 2011**

Fort Myers  
State of Florida Office Building  
2295 Victoria Avenue, Room 165A  
Fort Myers, FL 33901

## **February 10, 2011**


Pensacola  
Alabama Associated General  
Contractors Northwest Florida  
Section  
201 South F Street  
Pensacola, FL 32502

## **February 24, 2011**

Orlando  
State Office Building, Hurston  
Complex  
400 West Robinson Street, South  
Tower, Conference Room C & D  
Orlando, FL 32801

## **March 10, 2011**

Jacksonville  
Florida Dept of Law Enforcement  
921 North Davis Street, Building E,  
Room A  
Jacksonville, FL 32209



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## **March 11, 2011**

West Palm Beach  
Central Career Center  
1951 North Military Trail, West  
Palm Beach, FL 33409

## **March 15, 2011**

Tallahassee  
Southwood Complex, Betty Easley  
Conference Center  
4075 Esplanade Way, Room 180  
Tallahassee, FL 32399

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.myfloridacfo.com/WC](http://www.myfloridacfo.com/WC). For additional information, e-mail [bocseminars@MyFloridaCFO.com](mailto:bocseminars@MyFloridaCFO.com), or call (813) 221-6518.





# Calendar of Events

## **UUCF 2011**

Jan. 28 .....	Board of Director's Meeting, Orlando
Feb. 24 .....	UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Annual Bass Fishing Tournament Captain's Meeting, Kissimmee Steakhouse
Feb. 25-26 .....	UUCF/Andrew Scott Johnson Memorial Scholarship Foundation, Annual Bass Fishing Tournament, Big Toho Marina, Kissimmee
Mar. 21 .....	Board of Director's Meeting, Governors Club, Tallahassee
Mar. 22 .....	Tallahassee Summit, Tallahassee
June 3 .....	Board of Director's Meeting, Orlando
July 21 .....	Board of Director's Meeting, Casa Marina Resort & Beach Club, Key West
July 21-24 .....	Annual Convention, Casa Marina Resort & Beach Club, Key West
Sept. (TBA) .....	President's Cup Golf Tournament
Nov. 4 .....	Board of Director's Meeting, Orlando

## **NUCA 2011**

Jan. 18-21 .....	Expo '11, The Executive Experience, The El Conquistador Resort, Las Croabas, Puerto Rico
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## **Sunshine State One Call of Florida, Inc. (SSOCOF) Meetings 2011**

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

## **Construction Industry Licensing Board Meetings 2011**

Jan. 12-14 .....	Embassy Suites Orlando-North, Altamonte Springs, FL
Feb. 9-11 .....	Embassy Suites Tampa/USF, Tampa, FL
Mar. 9-11 .....	Embassy Suites Orlando-North, Altamonte Springs, FL
Apr. 13-15 .....	Hampton Inn & Suites Amelia Island, Fernandina Beach, FL
May 11-13 .....	Embassy Suites - Fort Lauderdale, Fort Lauderdale, FL
June 8-10 .....	Crowne Plaza Jacksonville Riverfront, Jacksonville, FL
July 13-15 .....	Gaylord Palms Resort & Convention Center, Kissimmee, FL
Aug. 10-12 .....	Embassy Suites Tampa/USF, Tampa, FL
Sept. 14-16 .....	TBA
Oct. 12-14 .....	Gaylord Palms Resort & Convention Center, Kissimmee, FL
Nov. 9-11 .....	Hampton Inn & Suites Amelia Island, Fernandina Beach, FL

## **OSHA Update Continued from Page 14)**

a separate Log and Summary for each physical location that is expected to be in operation for one year or longer. Note: you can use a workers' compensation or insurance form, if it contains the same information.

Note that your employees have the right to review your injury and illness records. You must keep the Log and Summary for five years following the year to which they pertain.

## **OSHA Interpretation**

July 26, 2010

Letter # 20071001-7893

**Re:** English language proficiency at construction sites.

**Question:** Is there an OSHA requirement that obligates employers to ensure that their employees can communicate with supervisors and co-workers in English at construction sites so that they can understand safety training and instructions and coordinate safely with co-workers?

**Answer:** While there are construction standards that require training and instructions, there are no OSHA







construction standards that specifically require that such information be conveyed and understood in English. For example, 29 CFR 1926.21(b)(2) states:

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Certain OSHA construction standards supplement the requirement of 1926.21(b)(2) by requiring that employees receive training in specific topics. One example is 29 CFR 1926.503(a)(1), which provides:

The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

The employer's duty under the construction standards to train and instruct employees in how to comply with OSHA standards and to avoid hazards in the work environment necessarily means that employers must present information in a manner that employees are able to understand. As OSHA stated in the OSHA Training Standards Policy Statement, dated 04/28/2010:<sup>1</sup>

[R]egardless of the precise regulatory language, the terms "train" and "instruct," as well as other synonyms, mean to present information in a manner that employees receiving it are capable of understanding.<sup>2</sup>

In addition, it is common that, for safety reasons, construction employees need to be able to communicate with supervisors and co-workers. However, an OSHA obligation in that regard would be met by any system in which that communication could reliably occur; there is no OSHA requirement that the communication system be based on the English language.

*Ben Bare, Acting Director  
Directorate of Construction*

<sup>1</sup> <http://www.osha.gov/dep/OSHA-training-standards-policy-statement.pdf>

<sup>2</sup> To assist employers in their training obligations, OSHA publishes many materials in Spanish, many of which are available on the OSHA website as well as in printed form. They can be found by visiting the OSHA homepage and, under the topic "Compliance Assistance," clicking on the "Hispanic" tab. Spanish-language outreach resources on the OSHA website can also be reached by clicking on "Quick Start" under "Compliance Assistance" and then clicking on "Hispanic Outreach."

## Sunshine State One Call of Florida, Inc. 2011 Holiday Calendar

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

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



## 2011 FDOT Letting Date

January 26

February 23

March 30

April 27

May 25

June 22





## Chapter News

### Northwest Florida UCA

The 2011 Officers and Directors of the Chapter were installed by Past President Joe Cook on November 19 at New World Landing. The newly installed Officers and Directors are as follows:

**President** – Don Padgett. **Vice**

**President** – Bill Davis. **Secretary/**

**Treasurer** – Donathan Johnson.

**Contractor Directors:** Gabe

Jackson, Ben Joyner and Chad

Tubbs. **Associate Directors:**

Crayton Brogdon, Chris Dixon, Matt

Hall, Roy Tugwell and George

Wainwright.

Outgoing President Bill Lee was recognized with a plaque for his service as Chapter President.

This year's function was held at New World Landing in Pensacola on November 19 and everyone enjoyed the fabulous food and fellowship with their peers.

This year's format saw the return of the Chinese Auction baskets. The hotel package at Perdido was won by Regina Dixon, and the package at Sandestin won by Ann Grace. Donna Burks walked away with a 32gb iPod touch and Bose headphones bundle, Melanie Radford won an area day spa package for two and Shannon Joyner won the Pink Breast Cancer Awareness basket from World Market. Thank you to the firms who donated our items: Gator Boring & Trenching, Pensacola Concrete Construction and Utility Service Company. The highlight of the evening had to be Bill Lee and Lisa Lyons singing their rendition of "Tie a Yellow Ribbon" which led up to the auction of an autographed framed poster of Tony Orlando won by Ron King.

"Lucky 30" drawing was held once again, and the winner was Rod Hurston. Crystal Jackson and Ron

King were the lucky winners of \$100 gift cards to area stores. A number of other attendees walked away with door prizes.

We wish to thank the following firms, for without their support and contributions the event's success would not have been possible: ADS, Inc.; Bizzell, Neff & Galloway; Brown Construction of N.W. Florida; Coastal Machinery; Consolidated Pipe & Supply; Cowin Equipment; Ferguson Waterworks; Gator Boring & Trenching; Gulf Equipment Corporation; HD Supply Waterworks; Kelson Electric; Pensacola Concrete Construction; SBP, Inc.; Sihle Insurance Group; R. M. Tugwell & Associates; Thompson Pump & Manufacturing; and Utility Service Company.

### Southwest Florida UCA

Thank you to the 70 people who joined in with their tribe and attended the Southwest Florida UCA "Survivor" Christmas Party and Installation of Officers and Directors on Saturday, December 4. It was so special to share this fun evening together. We had great food, games, music and dancing, and everyone held on to their competitive spirit to the end! Amazingly, our members have more talents than underground contracting! We appreciate everyone's amazing generosity in bringing toys for children. The toys were delivered to The Children's Hospital of Southwest Florida. When they saw all of the toys that were donated by our generous members, they were so thankful and appreciative. The toys will be given to ill children who will be spending their holiday in a hospital bed and also some of their siblings. The parents are under such stress having an ill child in the hospital, the workers there assured me that they will be very thankful as this helps in taking some of their stress away.

Of course, our Christmas Party would not have been possible without all of our wonderful sponsors who supported it. Thank you so much to the following companies. **Gold**

**Sponsors:** All Star Equipment of Ft. Myers, Forsberg Construction, Guymann Construction, Oldcastle Precast, Quality Pump Co. and Ritchie Brother Auctioneers. **Bronze**

**Sponsors:** Advance Drainage Systems, ITT Water & Wastewater, Armadillo Underground, Boyd Irrigation, Valenti, Trobec & Woody and Vulcan Materials.

Thank you to outgoing 2010 President Frank Gibson, Denco Construction, who worked hard to keep our chapter meetings and committees going in the right direction during 2010. Welcome to our new President Keith Richmond, Armadillo Underground. We look forward to another great and challenging year. **2011 Southwest Florida UCA officers:** **President** – Keith Richmond, **Past President** – Frank Gibson, **President Elect** – Tim Wise, **President Elect** – Brett Eckenrode, **Secretary** – Chris Stewart and **Treasurer** – Jerry Haas. **Directors:** Mark McFalls, Jim Murphy, Kirk Richmond, Bob Russell, Peter Walters, John Wirka, Heath Draper, Scott Horn, Mike McDonnell, David Scafidi, Pres Bliss, Jeff Boyd, Mike Sappah and Bruce Wendorf.

We are working on partnering with the local FTBA group and local engineers in our area. All Southwest Florida UCA members were invited to attend an FTBA social held at Bar Louie here in Fort Myers. We also hope everyone will attend a meeting on Wednesday, December 15 at Edison State College, Fort Myers. It is an opportunity to meet with our local legislators in one place to voice our concerns and demands to them. Attending will be Senator Mike Bennett, Senator Garrett Richter, Senator Lizbeth Benacquisto,







Representative Trudi Williams, Representative Paige Kreegel, Representative Gary Aubuchon, Representative Ken Roberson and Representative Matt Caldwell. Please plan to attend this legislative delegation meeting, and let your legislators know what our community and region need from Tallahassee.

As you all know, NUCA has a new logo. In helping to brand our chapter and visually connect it to the national organization, Southwest Florida Utility Contractors Association is in the process of changing our logo to NUCA of Southwest Florida. The new logo and tagline signifies a new and exciting direction for NUCA and Southwest Florida. You will start seeing our new name and logo starting in 2011.

All of us here in Southwest Florida thank UUCF and all of the UUCF Officers and Directors for all you do throughout the year and wish everyone a Merry Christmas and a safe and Happy New Year!

### **SUCA**

SUCA recently recognized the outstanding association and industry contributions made by four long-time members by inducting them into the Hall of Fame. Hall of Fame Night was held October 7, 2010 at the beautiful Tampa Club. Several other Hall of Fame members and past chairmen were in attendance to honor these individuals. SUCA Chairman Ken Wachman of MWI Pump Rental presented the awards following the Annual Election of Officers and Directors for 2011.

2010 Hall of Fame Inductees were: Brock Locklier, Edgar 'Bud' Bradley, Raymond 'R.E.' Purcell, and the first ever female inductee Lynn Burr. These individuals have been leaders, worked hard and loved this industry. They have contributed not only to SUCA, but also to UUCF and NUCA. They have worked to improve the image

of the contracting community and to build an association of which we can all be proud.

The purpose behind founding the SUCA Hall of Fame was to recognize the founding members of SUCA, the people who actually built the foundation of the association and who have worked since 1975 to improve the image of the industry. Hall of Fame Night is held only once every four to five years. Thank you and congratulations to all of SUCA's Hall of Fame members.

**1988 Inductees:** Richard D. Bernsee, L. H. "Skip" Bowen, Joseph Giuliani and E. I. "Gene" Rutledge. **1992 Inductees:** Bartle Azzarelli, Daniel E. Campo, David L. Hall, J. Philip Laurance and Stanley P. Williams. **1997 Inductees:** Terry D. Handsel, Thomas Overstreet, Sr., S. Keith Rowland and Roy J. Woodruff. **2001 Inductees:** Leonard N. Byrd, Sr., Joseph Gigliotti, Patrick Larkin, Andrew J. Mayts, Sr., David F. Nelson, Gary D. Sawyer, Robert Stephens and James Thompson. **2005 Inductees:** Joel F. Dennison, Louis G. Merucci and William M. Walton. **2010 Inductees:** Lynn A. Burr, Edgar 'Bud' Bradley, Brock Locklier and Raymond 'Ray' Purcell.

SUCA members have elected its leadership for 2011. Congratulations to the following members who were installed by NUCA President Dan East at SUCA's November 4 membership meeting and installation banquet at The Rusty Pelican in Tampa: **Chairman** – Ken Wachman (MWI Pump Rental and Michael James Developers), **Vice Chairman** – David Runyan (Florida Gas & Electric), **Secretary** – Tom Butler (RIPA & Associates, Inc.), **Treasurer** – Lisa Judge (R.E. Purcell Construction Co.). **Contractor Directors:** Linda Shutt (David Nelson Construction Co.), Mike Beukema (Westra Construction), Robert Van Valin (Pepper Contracting Services), Ed Harris (Dallas 1 Corporation) and Beetle Thompson (Phillips & Jordan).

**Associate Directors:** Mickey Bell (Wallace Welch & Willingham, Inc.), James Adams (Ferguson Waterworks, Inc.), Bill Cammann (Lanier Upshaw Insurance), Larry Falls (Associated Construction Products), Greg Hasty (Sitech Southeast), Dylan McCandless (Ring Power Corp) and Wayne Jensen (Stahl & Associates).

SUCA's 5th Annual Clay Shoot was held on Friday, November 5 at Tampa Bay Sporting Clays in Land O' Lakes. Congratulations to the following tournament winners: **First Place Team** – Stan Williams, Mike Thompson, Sr. and Mike Thompson, Jr., all of Technical Sales Corp. **Second Place Team** – Steve McNair of Florida Gas & Electric, Jason Hand, Matt Morris & Chris Lutz, all of Ring Power Corp. **First Place Individual** – Mike Thompson, Sr. of Technical Sales Corp. **Conservationist Shooter** – Robert Van Valin of Pepper Contracting Services. **Shotgun Raffle Winners** – Jack Morsink of Westra Construction Corp. and Dennis Buckner of Ring Power Corp.

In addition to those who shot in the tournament, we extend our gratitude to the following member firms whose generosity made the tournament great: **BBQ Lunch Sponsor** – Ring Power Corp. **Beverage Sponsor** – R. E. Purcell Construction Co. **Breakfast Sponsor** – Florida Gas & Electric Corp. **Station Sponsors** – David Nelson Construction Co., Lanier Upshaw Insurance, MWI Pump Rental, Westra Construction Corp., Ferguson Waterworks, Inc., Killebrew, Inc. and Pepper Contracting Services, Inc. **Shotgun Raffle Sponsors** – Technical Sales Corp., Westra Construction Corp. and Glenn Rasmussen Fogarty & Hooker, P.A.

Finishing touches are being placed on SUCA's Annual December Banquet. The festivities will take place Saturday, December 4 at the beautiful Tampa Club. The evening is packed with year end awards, a





everse raffle drawing, a silent auction, live entertainment and more. Thanks to the banquet committee: Ken Wachman, Linda Shutt and Greg Hasty for putting together a great line up. Special thanks to our 2011 banquet sponsors. Their generosity enables SUCA to provide our guests with first class accommodations and a memorable evening: Acme Barricades, Dallas 1 Corporation, David Nelson Construction Co., Ferguson Waterworks, Florida Gas & Electric Corp., Glenn Rasmussen Fogarty & Hooker, P.A., HD Supply Waterworks, Lanier Upshaw Insurance, LGM Contracting, Inc./Merucci Equipment Co., M E Wilson Company, MWI Pump Rental, Nortrax Equipment, Pepper Contracting Services, Inc., R. E. Purcell Construction Co., Ring Power Corp., Rowland, Inc., Stuart Angelo & Co., CPA's and Westra Construction Corp.

The current membership directory

on SUCA's website, [www.suca.org](http://www.suca.org), is password protected. Each company member has their own personal login and password. If you have forgotten your login and/or password, or if you need for us to create an account for a new employee, please call the SUCA office at (813) 355-4879. Also, please contact us with any necessary changes. We hope you find our website to be a helpful and informative tool.

SUCA is planning a banner year of events, meetings and recognitions in 2011. We look forward to a year packed with excitement and many new opportunities.

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

### UCA of North Florida

This past month at our general

membership meeting, we held our election of officers. The following people were voted by the members to serve as the 2011 UCA of North Florida Officers and Board of Directors: Officers: **President** – Lauren Atwell, Reynolds, Inc.; **Vice President I** – Mike Woodall, John Woody, Inc.; **Vice President II** – Anthony Zebouni, Regan Zebouni & Walker, P.A.; **Secretary/Treasurer** – Kim Bryan, Petticoat-Schmitt Civil Construction; and **Past President** – Ed Porter, Barco Duval Engineering, Inc. **Board of Directors:** John Kirkland, A. J. Johns, Inc.; Tim Clay, J. B. Coxwell Contracting, Inc.; Donnie Wynn, Florida Roads Contracting; Mike Gruber, Ellis & Associates; and Paul Hladun, Enterprise Fleet Management. Alternates will be: Ryan Schmitt, Petticoat-Schmitt Civil Construction and Flo Woodall, John Woody, Inc. Our guest speaker was Larry Parks, Director of Transportation Development, FDOT,

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District 2. The 2011 Installation of Officers meeting will take place on Thursday, January 27.

A group from our chapter will be heading to NUCA's Utility Construction Expo '11 – "The Executive Experience" January 18–21 in Las Croabas, Puerto Rico. Ryan Schmitt will be installed as Chairman of NUCA. We hope to see some of our fellow Floridians in sunny Puerto Rico.

We are grateful to David Stern and United Rentals Trench Safety for providing a Confined Space Training in November for a number of our members. In October, United Rentals provided a Competent Person training.

We welcome Enterprise Fleet Management who joined our chapter as an affiliate member this month. Our contact is Paul Hladun, and he can be reach at (904) 265–4361.

We are pleased to have the following companies as 2011 Monthly Sponsor: A. J. Johns, Inc.; Ellis & Associates; Professional Shoring & Supply; Reynolds, Inc.; and Standard Precast. We still have several openings for monthly sponsorship. Monthly Sponsors are acknowledged at all UCA of North Florida functions as well as table signage at all UCA of North Florida events. The company will be listed in *The Flow* and a plaque will be presented to you at the Installation of Officers and Awards Dinner in January 2012. You'll also get a "Featured Sponsor of the Month" article in *The Flow*. Your company will also receive an advertising spot on our website for the year with a link to your company website. This benefit is exclusively available for monthly sponsors only. You will also receive a free insert in *The Flow* once a year, you pick the month. Sponsorship will be \$150 per month – a total of \$1,800 per year. Please contact Kathy at (904) 296–1230 if you are interested in additional information.

### **(UUCF President's Message Continued from Page 15)**

money close to home.

This is the message our suppliers and contractors are trying to send to our counties and municipalities.

In closing, I wish everyone a Merry Christmas and a Happy New Year. I hope 2011 will be a turning point for our economy and our companies.

*Merry Christmas!*

*Bill Lee  
UUCF President*

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## **DBPR and Jacksonville Sheriff's Office "Sting" Unlicensed Contractors in Jacksonville**

At the end of September, the Department of Business and Professional Regulation (DBPR), in partnership with the Jacksonville Sheriff's Office and the State Attorney's Office for the Fourth Judicial Circuit, completed a three-day sting called "Operation Hammerdown" targeting unlicensed contractors. Twenty-two unlicensed contractors were issued cease and desists notices by DBPR and notices to appear by JSO.

"We are committed to taking proactive measures to keep the public safe and protect them from unlicensed and unscrupulous contractors," said Secretary Charlie Liem. "We will continue partnerships with local law enforcement to ensure Floridians are protected."

DBPR investigators gathered advertisements for construction work from online classifieds, such as Craigslist.org. Suspected unlicensed contractors were asked to come to the "sting" house to give estimates for work that requires licensure. When the individuals failed to provide their contractor licenses, they were issued notices and cease and desist and notices to appear for unlicensed contracting. Investigators also provided information on how to obtain a license. The ultimate goal is to bring the individuals into compliance with state law and protect consumers.

Below are precautions that consumers can take to help protect themselves from unlicensed individuals:

- Always ask to see the State of Florida license.
- Note the license number and verify that the license is current. To check a license, call (850) 487–1395 or visit [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com).
- Ask for references and check each one.
- Do not pay cash and be cautious of writing checks made payable to individuals, especially when dealing with a company.
- Get everything in writing, including a detailed description of the work to be completed, a completion date and the total cost.
- Report suspected unlicensed activity at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) or toll-free at (866) 532–1440.

DBPR's mission is to license efficiently and regulate fairly. DBPR licenses more than one million businesses and professionals ranging from real estate agents, veterinarians, and accountants to contractors and cosmetologists. For more information, please visit [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com).





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