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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 will be e-mailed to the UUCF membership the first week of 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 mailed to the UUCF membership at the end of November. 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 or contact the UUCF office at (407) 830-1880.

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Voters Deliver Crushing Defeat to Anti-Growth Amendment 4

In an Election Day characterized by nail-biters and close-calls, the battle over Amendment 4 stands out for being anything but. Voters handed no-growth interests a stunning, across-the-board defeat on Tuesday, November 2 decisively rejecting the draconian anti-growth measure that would have required taxpayer-funded referenda for all changes to local comprehensive land use plans. The amendment was soundly defeated in every region and rejected by a majority of voters in both major parties, as well as Independents.

"Voters overwhelmingly agree that one of Florida's most important economic sectors should not be held hostage," said Ryan Houck, executive director of Citizens for Lower Taxes and a Stronger Economy. "Floridians saw through the rhetoric and

recognized Amendment 4 for what it was -- a dangerous, costly and job-killing anti-growth measure that would have driven our state deeper into recession."

Unlike most ballot initiatives, Floridians have been debating Amendment 4 for the better part of a decade -- since it was first drafted in 2003. Since that time, a historic coalition has formed to oppose the anti-growth measure, including Florida's top business, labor, civic and planning groups as well as every major newspaper and both leading candidates for Governor.

"In the beginning, opposition to Amendment 4 was controversial and by the end, it was consensus," said Houck. "That's because Floridians had years to learn about this amendment, study its details and consider its consequences. The result was not just a resounding rejection of Amendment 4, but also a rejection of the anti-growth philosophy that underpins it."

Florida is in Your Debt

Dear "Vote No on 4" Campaign:

Florida is in your debt. After years of tireless organizing, we just accomplished the rarest of political feats: Transforming the "unbeatable" amendment into the "unthinkable" amendment.

When this campaign began, many pundits said that Amendment 4 could not be stopped. But you proved them wrong when more than 67 percent of voters rejected this draconian measure. In the coming days, many will attempt to explain this remarkable victory but you can take it directly from Mark Wilson, president of the Florida Chamber of Commerce and treasurer of the "Vote No on 4" campaign who explains the result in a brief video which can be viewed by [clicking here](#).

For many years, we've been in this

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

fight together and I've been honored to work alongside you. We've run a focused, disciplined and honorable campaign; I'm proud of it, and I'm proud to have served with you.

I look forward to talking soon.

Sincerely,

*Ryan Houck
Executive Director
Citizens for Lower
Taxes and a
Stronger Economy*

**Message
from
UUCF**

What a huge victory

for the construction industry on November 2 with the defeat of Amendment 4! The battle started seven years ago when Lesley Blackner formed Florida Hometown Democracy. It ended November 2, with Ms. Blackner disbanding Florida Hometown Democracy, after the voters handed her a stunning defeat. Again, I thank everyone for all your time and effort to defeat this fatally flawed amendment.

UUCF was instrumental in getting our members engaged in this campaign by distributing signs, bumper stickers and, most importantly, helping to fund Citizens for Lower Taxes and a Stronger Economy, Inc.

Sincerely,

*R. Bruce Kershner
Executive Vice President
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Amendment 4 Has Been Defeated!

That 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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What Do You Do If You Think You Have Reason To Protest A Bid?

By — George E. Spofford, IV

Glenn Rasmussen Fogarty & Hooker, P.A.

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As everyone in our industry knows, the majority of construction work currently being performed is in the public sector. That means we have more contractors fighting for fewer contracts, and profit margins evaporated long ago. Because public construction contracts are typically awarded via a competitive bid process, there are certain rules that are intended to ensure that the contract is awarded in a fair manner. The intent of this article is to make sure our readers know how to protect their rights if they feel a letting is not being conducted in a fair manner. This month, we will discuss the procedural steps that should be taken, in general terms, if you think you may have grounds to protest a bid. Next month, we will discuss some examples of legitimate grounds to protest a bid letting.

The main thing to keep in mind regarding bid protests is that the protesting bidder must act as soon as the bidder becomes aware of the potential problem with the bid. If the bidder fails to put the owner on notice of the protest, then the bidder could lose its right to protest. The Florida Administrative Procedures Act (APA) governs bid protest procedures when the public owner is the State or a State agency, and the APA provides specific deadlines that must be followed whether protesting a bid prior to the letting or afterwards. The APA does not apply to municipalities and counties unless they have expressly adopted the APA bid protest procedures as their

own. Nonetheless, even if a county or municipality has not expressly adopted the APA bid protest procedures, many of them have created their own bid protest procedures modeled after the APA. Thus, familiarity with the APA procedures is helpful and we will use the APA as the foundation for this discussion of bid protest procedures.

The APA addresses two types of protests: Pre-bid protests, and post-bid protests ("specification protests"). Most contractors think of a post-bid protest, which takes place after the bids have been opened, when they think of a bid protest. The APA, however, also addresses pre-bid protests which must be filed before the bids are opened. For example, if prior to the opening of the bids, a bidder becomes aware of a defect such as ambiguous specification, an improper requirement that equipment be obtained from a sole source, or perhaps an improper restriction regarding who may submit a price, then the bidder is obligated to notify the owner of the defect prior to the letting.

Pre-bid protests must be filed prior to the letting so that the public owner has an opportunity to correct the problem. The APA states that when a potential bidder becomes aware of a problem prior to the bid, the bidder must notify the owner within 72 hours of receipt of the bid documents and then provide a formal written protest within 10 days of providing the notice of intent to protest. Failure to meet these deadlines can mean the right to

protest is lost. The intent of the pre-bid protest procedures is to avoid wasting time on a defective letting. If the defect can be fixed prior to the letting then that is the desired solution, rather than waiting until the bids have been submitted. The notice of intent to protest can be as simple as a one paragraph letter putting the owner on notice. The formal protest, however, generally requires more effort as it must specifically identify the facts and legal authority supporting the protest.

The APA also defines when a post-bid protest must be filed. The initial notice of intent to protest is to be delivered to the public owner within 72 hours of the owner's publication of the bid results and intent to award. Then, the APA states that the disgruntled bidder must deliver a formal written protest within 10 days of the notice of intent to protest. Failure to meet either of these deadlines will mean the protest is waived.

The procedures governing a protest of a state contract are easy to identify, because the APA controls. But, what is a bidder to do if the owner is a municipality or county or some other public agency where the APA may not apply? A wise first move is for the bidder to simply call the person designated by the owner as the procurement officer/manager. The bidder should let the procurement official know that the bidder believes it has grounds to protest, ask what deadlines apply to preserve the protest, and where to



obtain a written copy of the protest procedure. Then, immediately after the telephone conversation the bidder should send a letter to the procurement official via fax or hand delivery confirming the conversation. Once a copy of the actual protest procedure has been obtained, it must be read to determine and verify any deadlines that apply and the level of detail that must be included in the protest documents. If the protest procedure requires an initial notice of intent to protest, then the confirmatory letter might satisfy that requirement, but the specific rules need to be read to make sure, because a second or third letter may be needed to preserve the protest.

Some bid protest procedures require a protestor to post a bond to serve as security for the payment of any costs that are incurred by the owner in defending against a protest. For example, Section 287.042, Florida Statutes, requires

that a protestor provide a bond equivalent to 1% of the proposed contract amount. Bidders should also be aware that if Section 255.20, Florida Statutes, applies, then a successful protestor may recover its costs as well as fees from the owner.

Most formal protest procedures, including those governed by the APA, provide for informal dispute resolution prior to institution of formal proceedings. The APA provides that within 7 days of receiving the formal protest the government will meet with the protestor to see if a settlement can be negotiated. If settlement discussions are unsuccessful, then the matter is referred to the Department of Administrative Hearings which will schedule and administer a bench trial before an Administrative law Judge provided by the state.

The APA provides that upon receipt of a notice of intent to protest and absent exceptional circumstances,

the letting is to be suspended until the dispute is resolved. Even absent a formal rule requiring that the letting be suspended, public owners will frequently suspend the letting in order to give the parties an opportunity to resolve the issue. Florida law states that a public contract awarded in contravention of the competitive bid law is void. A contractor that has received payment under a void contract can be required to return those dollars to the owner. Therefore, most public owners will simply table the award until the matter is resolved rather than risk the inconvenience and expense of making a payment under a void contract.

If the procuring government lacks any written bid protest procedures, then the protestor generally must file a lawsuit in the state Circuit Court asking a judge to order that the bid letting be stopped until the court

(Continued on Page 12)



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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.

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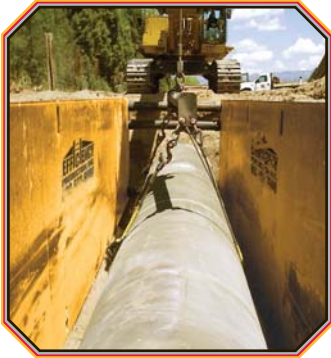
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(What Do You Do If You Think You Have Reason To Protest A Bid?)

Continued from Page 9)

determines whether the bid letting was improper.

Some bid protests are resolved merely by informing the owner of the perceived problem. More often than not, however, the parties "lawyer up" in order to make sure that the competitive bid rules have been followed. Your lawyer cannot help you, however, if you have missed a deadline for preserving your protest. So, the first thing you (or your lawyer) need to do in a protest situation is determine what deadlines apply and make sure those deadlines are met.

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

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OSHA Will Hold Informal Public Hearing on Proposed Rule to Prevent Workers 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.

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 Ave., 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.

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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 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>.

Registered Contractor License Renewal Reminder

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

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

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

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President's Message



work.

For several reasons, Thanksgiving is one of my favorite holidays. It seems like for one long weekend all of the concerns and problems stop, and the world takes a break. The only two concerns is that the family meal is on time and during dinner that the one family member, that everyone has, does not offend anyone. Most of our dinner conversations reflect back to past family gatherings, and the point of most of the conversations are how important the small simple things are. Another reason Thanksgiving is special is that we help a family that may not have the resources to have a

I would like to wish everyone a Happy Thanksgiving, and I hope all of us are seeing more opportunity for



out that is less fortunate than you are and pass on a thank you when you pass one of our country's soldiers.

When you receive your *Ditchmen*, the November elections will be over. This time last year, we were asking for UUCF PAC donations for this November's election. The political battles will never be over and to quote a very good friend, "We are going to have to pay to have them listen to us." As important as our elections are and as rough as the economy is, we do not need to let up on our UUCF PAC donations, and we need to

Thanksgiving. Even as tough as the economy is, please help someone

keep pressure on our representatives.

I would like to thank Mike Woodall for his efforts in putting together this year's President's Cup Golf Tournament. For those who were not able to attend, you missed a great time and good company. The weather could not have been better. With the exception of my game, everyone had good rounds. This is the first time I participated in the tournament, but it won't be the last.

In closing, the UUCF Board of Director's Meeting was November 5. If there is anything we can do for you or your company, please contact the UUCF office.

Happy Thanksgiving,
Bill Lee
UUCF President

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Secretary of Labor Hilda Solis Announces Partnership with U.S. Department of Transportation to Combat Distracted Driving by Workers

OSHA Launching initiative to Discourage Texting While Driving on the Job

Because motor vehicle crashes are a leading cause of worker fatalities, Secretary of Labor Hilda L. Solis today announced a partnership between the U.S. Department of Labor's Occupational Safety and Health Administration and the U.S. Department of Transportation to combat distracted driving.

"It is imperative that employers eliminate financial and other incentives that encourage workers to text while driving," said Secretary Solis. "It is well recognized that texting while driving dramatically increases the risk of a motor vehicle injury or fatality."

the subject of an executive order signed by President Barack Obama last year for federal employees and the subject of rulemaking by the Department of Transportation.

OSHA is launching a multi-pronged initiative that includes:

Prohibiting texting while driving is

(Continued on Page 20)

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

December 9, 2010

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

December 9, 2010

Largo
Pinellas County Construction
Licensing Board
12600 Belcher Road, Suite 102
Largo, FL 33773

December 17, 2010

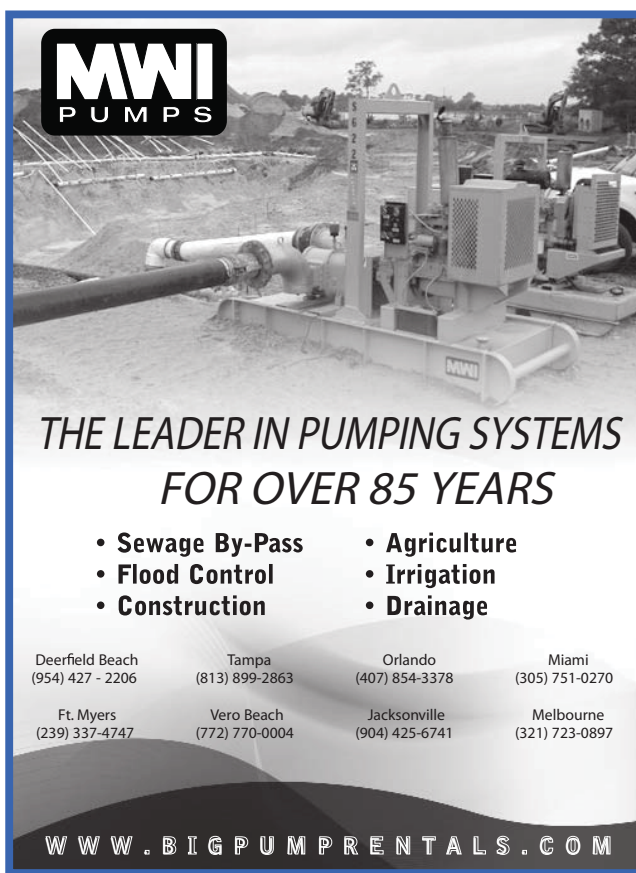
West Palm Beach
Central Career
Center
1951 North Military
Trail, Suite D
West Palm Beach,
FL 33409

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. For additional information, e-mail bocseminars@MyFloridaCFO.com, call (813) 221-6518 or Fax (813) 233-3742.

Florida Minimum Wage Will Not Increase for 2011

The Florida minimum wage rate for calendar year 2011 will stay the



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same as the current minimum wage of \$7.25 an hour. This means that for the second year in a row, both the Federal minimum wage and Florida minimum wage are the same rate. All Florida employers should continue paying their employees at least the minimum wage of \$7.25 per hour.

Even though the Federal minimum wage and Florida minimum wage are the exact same, Florida employers are still required to display two minimum wage posters: a federal poster and a state-specific poster.

Every time a new poster is required for Florida businesses, private poster companies will send you mail to scare you into buying expensive "compliance packages." Be very wary of these companies, and please do not spend any money until you fully understand what you need and what you are buying.





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

Southwest Florida UCA

Dec. 4 Christmas Party

SUCA

Dec. 2 Board of Director's Meeting, Tampa Club
Dec. 4 December Banquet, Tampa Club

UCA of North Florida

Dec. 14 Executive Committee Meeting,
Conference Room/UCA of North Florida Office

NUCA 2011

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

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

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

2011

Feb. 17 Committee Meetings, DeBary Call Center
Feb. 18 Board of Director's Meeting,
DeBary Call Center

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

Construction Industry Licensing Board Meetings

Jan. (TBA) TBA
Feb. (TBA) TBA
Mar. (TBA) TBA
Apr. (TBA) TBA
May (TBA) TBA
June (TBA) TBA
July (TBA) TBA
Aug. (TBA) TBA
Sept. (TBA) TBA
Oct. (TBA) TBA
Nov. (TBA) TBA

(Secretary of Labor Hilda Solis Announces Partnership with U.S. Department of Transportation to Combat Distracted Driving by Workers Continued from Page 16)

- An education campaign for employers, launched during "Drive Safely Work Week" in early October, will call on employers to prevent occupationally related distracted driving, with a special focus on prohibiting texting while driving.
- An open letter to employers to be posted on OSHA's website, <http://www.osha.gov> during "Drive Safely Work Week." The website also will showcase model employer policies and encourage employer and labor associations to communicate OSHA's message.
- Alliances with the National Safety Council and other key organizations as outreach to employers, especially small employers, aimed at combating distracted driving and prohibit texting while driving.
- Special emphasis on reaching younger workers by coordinating with other Labor Department agencies as well as alliance partners and stakeholders.





- Investigate and issue citations and penalties where necessary to end the practice when OSHA receives a credible complaint that an employer requires texting while driving.

"We call upon all employers to prohibit any work policy or practice that requires or encourages workers to text while driving," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "The Occupational Safety and Health Act is clear; employers must provide a workplace free of recognized hazards."

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and 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 Announces Meeting of Construction Advisory Committee

The Occupational Safety and Health Administration's Advisory Committee on Construction Safety and Health (ACCSH) will meet December 9–10, 2010, in Washington, D.C. In conjunction with the ACCSH, committee work groups, including the newly-established Injury and Illness Prevention Program work group, will meet December 7–8.

The agenda for the ACCSH meeting includes remarks from Assistant Secretary of Labor for Occupational Safety and Health David Michaels and the Directorate of Construction, updates on Injury and Illness Prevention Program rulemaking and the Severe Violator Enforcement Program, and ACCSH work group reports.

The Injury and Illness Prevention Program work group will hold its first meeting from 1:00 – 3:00 p.m., December 7. The other ACCSH work groups that will meet are Silica and Other Construction Health Hazards, Green Jobs, Diversity – Women in Construction, Multilingual Issues, Nailguns, Training and Education, and Prevention by Design.

Established as a continuing advisory committee under the

(Continued on Page 24)

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

Christmas Eve 12/23/10
Christmas Day 12/24/10

2011 Holiday Calendar

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

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



2010 FDOT Letting Dates

December 1

2011 FDOT Letting Date

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





Chapter News

Northwest Florida UCA

The Northwest Florida UCA Annual Meeting and Officer Installation will take place on Friday evening, November 19 at the New World Landing in Pensacola. The festivities begin at 6:30 p.m. with the social hour followed by dinner at 7:30 p.m. Attire for the evening is business casual (slacks and collared shirts for the men and pantsuits for the ladies). This year's meeting will see the return of the Chinese Auction, and we will continue the "Lucky 30" drawing. In addition to door prize drawings, a special drawing will have two people walking away with gift cards to area shops.

Event sponsors are also being sought. Everyone is encouraged to show support of your association by becoming a sponsor. Sponsorships are available at several levels. For information, please contact the chapter office at (850) 434-8328.

Southwest Florida UCA

Southwest Florida UCA Tribe members and guests are invited to come to the 2010 SWFUCA "Survivor" Christmas Party and Installation of Officers and Directors on Saturday, December 4. The party will be held at the Holiday Inn, Gulf Coast Town Center. The reception will start at 6:00 p.m., and dinner will start at 7:00 p.m. The cost is \$65 per person in which two drink tickets will be provided. The menu will be available soon! Dress-holiday is island casual. There will be music (D.J.), games, prizes, dancing and lots of fun! Reservation and Sponsorship forms are now available. Please send in your form(s) as soon as possible. We are also asking for sponsors in the following categories: Gold Survivor Sponsor: \$250, Silver Survivor Sponsor: \$200 and Bronze Survivor Sponsor: \$150. Any sponsorship you choose would be appreciated and will help us survive! Thank you in advance for your support! If all else fails, you can claim immunity, but please be a survivor and COME enjoy the

evening with other Southwest Florida UCA tribe members and tribe guests.

*Tribe — *A unit of sociopolitical organization (involving both social and political factors) consisting of a number of families, clans, or other groups who share a common ancestry and culture. *A division, class, or distinct portion of a people, from whatever cause that distinction may have originated.*

Thank you to those who attended the Southwest Florida UCA Dinner and Meeting on Thursday, October 21. We had great discussions and sharing of information. Staying involved gives you the opportunity to learn about issues affecting you, your work and others. Many thanks to those who brought non-perishable food items for the Assembly of God Food Pantry. I delivered them on Friday with a letter from Southwest Florida UCA members who made the contributions, and you should feel good about making a difference in peoples' lives by providing this food. There will be no dinner meeting in November, only a Board of Director's Meeting. If you are interested in getting involved on any Southwest Florida UCA committees, please advise the Southwest Florida UCA office. Nomination Ballots will be sent out in November. Please look for them by e-mail and return as soon as you can.

We have had great participation in getting the word out about "Vote NO on 4." I appreciate everyone who has taken the time to read all of my e-mails and literature handed out at meetings. Thank you to UUCF for providing all of the signs and bumper stickers that I see in my travels around Southwest Florida. Hopefully, we are educating all of our co-workers, family and friends regarding this amendment and making a difference for our future.

UCA of North Florida

Thank you to everyone who came

out to fish at the tournament as well as our awesome sponsors. It seemed like everyone had a great time even with the wind blowing. A delicious BBQ dinner was cooked on site by Hills BBQ out of Gainesville. Lots of great door prizes were given away. Congratulations to the winners of this year's tournament: **Redfish: First Place** – Greg Borys, Mabey Bridge & Shore, Inc. **Second Place** – Philip Allmond, Ferguson Waterworks, Inc. **Third Place** – Scott Leftwrist, Rose Services. **Spotted Sea Trout: First Place** – Chuck Peeler, Ferguson Waterworks, Inc. **Second Place** – Colt Atwell, Reynolds, Inc. **Third Place** – Steve Dempsey, Ring Power Corporation. **Flounder: First Place** – Roger Cole, Standard Precast Corporation. **Second Place** – Lee Tomlinson, Mabey Bridge & Shore, Inc. **Third Place** – John Burquette, Professional Shoring & Supply. **Other Species: First Place** – Jerry Smith, Ellis & Associates (Sheepshead). **Second Place** – Rose Torske, Barco Duval Engineering (Catfish). **Third Place** – Blake Bowmaster, Ferguson Waterworks, (Jack). **Redfish with most spots on one side:** Larry Gunn, ISCO, 3 spots. **Kid's Category:** L.T. Atwell with a 1.34 pound Seabass.

Our 2010 **Fishing Tournament Sponsors:** **Hat Sponsor:** Duval Asphalt Products. **Shirt Sleeve Sponsors:** Barco Duval Engineering & Jax Utilities Construction. **Breakfast Sponsor:** IronPlanet. **Beverage Sponsor:** Accurate Utility Service, Inc. **Trophy Sponsor:** Industrial Tractor Company. **Dinner Sponsor:** Mabey Bridge & Shore, Inc. **Grand Prize Sponsor:** Duval Asphalt Products. **General Sponsors:** A. J. Johns, Inc., C & B Piping, Cecil W. Powell & Company, Concrete Profiles, Inc., Ellis & Associates, Inc., Ferguson Waterworks, Inc., Gate Fuel Services, Inc., ISCO Industries, Jack Becker Distributors, John Woody, Inc., Legacy Engineering, Inc., Nextran, Port Consolidated,





Professional Shoring & Supply, Quality Culvert, Regan Zebouni & Walker, P.A., Reynolds, Inc., Ring Power Corporation, Ritchie Bros. Auctioneers, Inc., Rose Services, Inc., Standard Precast Corporation, Service Painting, TSC-Jacobs North, Inc., Tucker Equipment and United Site Services.

Thank you to the following companies who donated raffle items for the tournament: Barnes Industrial Plastic Piping and Cody's Professional Surveying & Mapping.

We are grateful to the following companies for their door prize donations: Duval Asphalt Products, Ferguson Waterworks, Iron Planet, Myers Seth Pumps, Professional Shoring & Supply, Ring Power Corporation and Thompson Pump.

We are grateful to our hard-working fishing committee:

Chairman Steve Dempsey, Ring Power Corporation; Lauren Atwell, Reynolds, Inc.; Bob Barnes, Bob's Barricades, Inc.; Ed Porter, Barco Duval Engineering; and John Kirkland, A. J. Johns, Inc.

Elections of the 2011 Officers and Board of Directors will take place at our November 18 meeting to be held at 6:00 p.m. at the Hampton Inn at 4415 Southside Boulevard. All contractor and associate members are encouraged to attend and vote for the slate of officers. Affiliate members are encouraged to attend, but do not have voting rights. At the Board of Director's Meeting on November 18, we will be voting on a proposed By-Laws change. Copies of the Slate of Officers and Proposed By-Law change were mailed to all members on October 18. If you did not receive a copy, please contact the UCA of North Florida office at (904) 296-1230.

Thank you to David Stern and United Rentals Trench Safety for conducting the Competent Person Training in October. In November, they will be offering Confined Space Training. Please contact Kathy at

ucanf1@gmail.com for additional information or to register.

Members from our association joined other local contracting groups for a Vote No on 4 Rally at the Jacksonville Landing on October 21.

We welcome new member Coble Trench Safety who joined our chapter last month. Our contact is Steve Barnhardt, and he can be reached at (336) 398-3000.

UCA of North Florida will have a team in the Alzheimer's Memory Walk on Saturday, November 13. We are looking for Team members to walk and donations. Contact the UCA of North Florida office if you are interested in participating.

2011 Membership dues invoices will be mailed on Wednesday, December 1.

UUCF PAC 2010 Primary and General Election Score Card

Both the 2010 Primary and General Elections are over.

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

The UUCF PAC Committee elected to make contributions toward the candidates during the General Election cycle which is listed on page 25.

Over the years, the UUCF PAC has enjoyed many successes through its day-to-day lobbying efforts. The reasons for this success are clear —

we are visible, vocal and effective. The UUCF PAC is one vehicle we use to reach our goals.

Primary Election Results

The UUCF PAC had a successful Primary Election cycle, supporting 36 candidates. A number of members of the Florida Legislature who were elected or re-elected, received critical support from the UUCF PAC, demonstrating the impact the underground utility industry can have for our supporters in the Florida Legislature. The UUCF PAC overall score card indicates 15 wins, 4 losses and 17 unopposed for an impressive 89% success rate. The UUCF PAC also made contributions to the leadership.

General Election Results

The UUCF PAC had a successful General Election cycle, supporting 24 candidates. A number of members of the Florida Legislature who were elected or re-elected, received critical support from the UUCF PAC, demonstrating the impact the underground utility industry can have for our supporters in the Florida Legislature. The UUCF PAC overall score card indicates 22 wins and 0 losses for an impressive 100% success rate. The UUCF PAC also made contributions to the leadership.

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

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

The top priority for UUCF during the 2011 Legislative Session will be Competitive Bid. Over the past six months, reports have been coming into the UUCF office that local governments are trying to self perform water and sewer projects. Florida Statute 255.20 requires local





governments to competitively bid projects that are estimated to be in excess of \$300,000. UUCF will be proposing amendments to the existing Competitive Bid Statute in order to close up loopholes and put some teeth in the law.

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

- revising the statutory formula for the Workers' Compensation Special Disability Trust Fund.
- DBPR will probably introduce a legislative package that could address pre-licensure education and contractor licensing bonds.
- proposed changes to the Florida Construction Lien Law.
- anti-geographic bid preference.
- crane ordinances.
- immigration tied to e-verify
- revisions to the Notice of Nonpayment statute.

(OSHA Announces Meeting of Construction Advisory Committee Continued from Page 21)

Construction Safety Act of 1969, ACCSH and the Assistant Secretary have consulted for nearly 40 years on construction safety issues such as women in construction, recordkeeping, crane safety, and safety and health resources for Latino construction workers.

ACCSH and its work group meetings are open to the public and will be held in Room N-3437, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. The full committee will meet from 8:00 a.m. to 4:00 p.m., Thursday, December 9, and 8:00 a.m. to 12:00 noon, Friday, December 10. See the Federal Register notice for further details and a list ACCSH work group meeting times.

Written comments, requests to address the committee and speaker presentations must be submitted electronically at www.regulations.gov, via mail, or facsimile by November 24. For general information, contact Mr. Francis Dougherty, OSHA Directorate of Construction, (202) 693-2020. Press inquiries should be directed to MaryAnn Garrahan, OSHA Office of Communications, (202) 693-1999.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and 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, please visit our website at <http://www.osha.gov>.

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Florida Senate

District	Candidate	Primary Contribution	General Election Contribution	Results
2	Greg Evers	\$500.00	\$0.00	Won
2	Dave Murzin	\$500.00	\$0.00	Transferred to Local office
8	John Thrasher	\$500.00	\$0.00	Won
12	Jim Norman	\$500.00	\$0.00	Won
14	Steve Oelrich	\$0.00	\$500.00	Won
16	Jack Latvala	\$500.00	\$500.00	Won
20	Alan Hays	\$0.00	\$500.00	Won
25	Ellyn Bogdanoff	\$500.00	\$500.00	Won
25	Carl Domino	\$500.00	\$0.00	Defeated in Primary
26	Mike Haridopolos	\$500.00	\$0.00	Won in Primary
27	Lizbeth Benacquisto	\$0.00	\$500.00	Won
27	Sharon Merchant	\$500.00	\$0.00	Defeated in Primary
32	Jeremy Ring	\$500.00	\$0.00	Won

Florida House of Representatives

District	Candidate	Primary Contribution	General Election Contribution	Results
3	C. V. (Clay) Ford	\$500.00	\$500.00	Won
16	Charles McBurney	\$500.00	\$0.00	Won
17	Lake Ray	\$500.00	\$0.00	Won
19	Mike Weinstein	\$500.00	\$0.00	Won in Primary
21	Charles Van Zant	\$500.00	\$0.00	Won in Primary
28	Dorothy Hukill	\$500.00	\$500.00	Won
30	Ritch Workman	\$500.00	\$500.00	Won
34	Chris Dorworth	\$500.00	\$500.00	Won
35	Dean Cannon	\$500.00	\$500.00	Won
38	Bryan Nelson	\$0.00	\$500.00	Won
40	Eric Eisnagle	\$500.00	\$500.00	Won
41	Stephen Precourt	\$0.00	\$500.00	Won
45	Kathryn Elizabeth Starkey	\$500.00	\$0.00	Defeated in Primary
47	Brian Blair	\$500.00	\$0.00	Defeated in Primary
42	Jeff Brandes	\$500.00	\$500.00	Won
57	Dana Young	\$500.00	\$500.00	Won
60	Shawn Harrison	\$500.00	\$500.00	Won
61	Will Weatherford	\$500.00	\$0.00	Won
66	Ben Albritton	\$500.00	\$0.00	Won
67	Greg Steube	\$500.00	\$500.00	Won
71	Ken Roberson	\$500.00	\$500.00	Won
73	Matt Caldwell	\$500.00	\$500.00	Won
75	Trudi Williams	\$500.00	\$0.00	Won
76	Tom Grady	\$500.00	\$0.00	Did not qualify for primary
79	Mike Horner	\$500.00	\$500.00	Won
80	Debbie Mayfield	\$500.00	\$0.00	Won
113	Carlos Lopez-Cantera	\$500.00	\$500.00	Won
115	Jose Felix Diaz	\$500.00	\$500.00	Won
117	Michael Bileca	\$500.00	\$500.00	Won
120	Ron Saunders	\$500.00	\$500.00	Won





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