



Ditchmen

Online

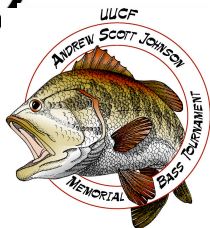
Underground Utility Contractors of Florida, Inc.

DECEMBER 2012

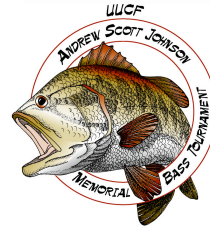
UUCF/ASJMSF Annual Bass Fishing Tournament

(See page 4 for details)





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 \$221,500 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.

Name: _____

Company Name: _____

Mailing Address: _____

City/State/Zip: _____

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Please complete form and return with check made payable to UUCF/Andrew Scott Johnson Memorial Scholarship Foundation and mail to:

UUCF ASJMSF/Contribution
231 West Bay Avenue
Longwood, FL 32750-4125
Phone: (407) 830-1880 • Fax: (407) 260-1582

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

The UUCF/Andrew Scott Johnson Memorial Scholarship Foundation will be holding its two-day Bass Fishing Tournament on Friday, March 1 – Saturday, March 2, 2013 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 28, 2012 at The Heritage Park Inn in Kissimmee. 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, March 1 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. There will be a registration fee for this event. The registration fee

will include a T-Shirt, hat and raffle ticket. Hotel accommodations, meals, bait, boats and professional guides are not included in the registration fee.

Angler, Boat/Guide, Lunch, Shiners and Hotel Registration Forms were e-mailed to the UUCF membership and available on the UUCF website at www.uucf.com the beginning of December.

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 and available on the UUCF website at www.uucf.com the beginning of December.

Proceeds from this tournament benefit the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation scholarship program. Since its inception in 2000, the foundation is proud to have awarded \$221,500.00 in scholarships to individuals who are entering or enrolled in college.

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OSHA Reminds Employers to Post Injury/Illness Summaries Beginning February 1, 2013

The Occupational Safety and Health Administration reminds employers that beginning February 1, 2013, they must post a summary of the total number of job-related injuries and illnesses that occurred during 2012. Employers are required to post OSHA Form 300A (summary). The 2012 summary must be posted from February 1 to April 30, 2013.

Employers with more than ten employees and whose establishments are not classified as a partially exempt industry must record work-related injuries and illnesses using OSHA Forms 300, 300A and 301, please [click here](#).

Employers who are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in a workplace every year from February 1 to April 30. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

What is recordable under OSHA's

Recordkeeping Regulation?

- Covered employers must record all work-related fatalities.
- Covered employers must record all work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid (see OSHA's **definition of first aid** below).
- In addition, employers must record significant work-related injuries or illnesses diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation.
- Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication).

- OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either caused or contributed to the condition. In addition, if an event or exposure in the work environment significantly aggravated a pre-existing injury or illness, this is also considered work-related.

Where can I learn more about recordkeeping requirements?

Regulatory Text | **Training Module** | **Training Presentations** | **Compliance Directive (CPL 2-00-135)** | **Recordkeeping Forms** | **NAM settlement agreement** | **Recordkeeping NEP**

What if I still have questions?

FAQs | **Hearing Loss Chart** | **Fact sheet** | **Letters of Interpretation** | **SIC Manual** | **BLS injury and illness statistics** | **OSHA contacts** | **Recordkeeping Advisor**

(Continued on Page 7)

State Certified Underground Utility & Excavation Exam

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UUCF

UUCF 2013 Conference

**July 25–28, 2013
Boca Raton Resort & Club
Boca Raton, FL**

Mark your calendar now for the UUCF 2013 Annual Conference which will be held on July 25–28 at the Boca Raton Resort & Club in Boca Raton, FL.

The UUCF 2013 Conference Chairperson is Kim Bryan with Petticoat–Schmitt Civil Contractors, Inc. in Jacksonville, FL.

*Watch for information on the 2013 Conference
in future issues of the Ditchmen.*

UUCF Dues to Increase in 2013

Effective with the UUCF 2013 dues, annual dues for UUCF will increase to \$200.00 per member.

The UUCF Board of Directors gave careful and thoughtful consideration to the issue of increasing membership dues in these financially difficult times. Since its inception in 1980, UUCF has only incurred two dues increases. When formed in 1980, UUCF dues were \$25. That increased to \$50 in 1991. The last increase, taking the dues from \$50 to \$100, was effective in 1995.

This action was taken only after careful consideration and five years of continually reducing expenses. Be assured that the UUCF elected leaders and staff operate in a manner that is fiscally responsible and will continue to provide the membership benefits you and your company expect. You will continue to find value in your UUCF membership, including:

- An active lobbyist in Tallahassee with weekly reports and alerts during the legislative Session

(Continued on Page 20)



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(OSHA Reminds Employers to Post Injury/Illness Summaries Beginning February 1, 2013 Continued from Page 5)

What is first-aid for purposes of OSHA recordkeeping?

- Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes)
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment)
- Cleaning, flushing or soaking wounds on the surface of the skin
- Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment)
- Using hot or cold therapy
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes)
- Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.)
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister
- Using eye patches
- Removing foreign bodies from the eye using only irrigation or a cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Using finger guards
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes)
- Drinking fluids for relief of heat stress

The University of South Florida's NIOSH Environmental Research Center will provide a refresher course on the OSHA Recordkeeping Standard. The **FREE** recordkeeping class will be held on January 11, 2013. Please [click here](#) for the flyer's instructions for registration. Also, arrive early since last year there was a very long line for the parking passes.

The UUCF office has also been notified of a workshop on the Revised Hazard Communication standard will be provided on January 22, 2013. This course is being offered through OSHA's alliance with the Suncoast Safety Council. Please [click here](#) for the flyer's instructions for registration.

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What Have We Done For 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.

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).
- Providing alerts on FDOT proposed specification changes.

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.
- Worked with other business interest groups to secure passage of critical modifications to the Unemployment Compensation Laws of Florida – '11 Legislative Session.

For more information, please feel free to call or write:

Underground Utility Contractors of Florida

231 West Bay Avenue

Longwood, Florida 32750-4125

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Even if you are Performing Work on a Public Road, You Might Still have Lien Rights By — George E. Spofford, IV

GrayRobinson, P.A.
Florida Offices Statewide
george.spofford@gray-robinson.com

What? You're probably thinking that cannot be correct because "everyone knows" that public property cannot be liened. Well, this is another one of those "everyone knows" articles where we demonstrate that what everyone knows, is not necessarily everything that needs to be known.

It is true and "everyone knows" that sovereign immunity does prohibit public property from being liened. However, that does not mean private property benefitting from the work performed on public property cannot be liened. Florida Statutes, Section 713.06 and Section 713.04 expressly allow a lien to be filed against private property that is benefitting from work performed on public property.

For example, it is very common for a local government to issue a building permit or zoning modification for a private development on the condition that the developer also improve the roads and drainage leading up to the development. If the developer hires a contractor to build the infrastructure improvements on the public right-of-way, then the contractor is performing work on public property and cannot lien the public property. But, what everyone does not know, is that the contractor can file a lien on the development. Florida Statutes, Section 713.06

states that a lienor complying with the other provisions of the lien law may have "a lien on the owner's real property for labor, services, or materials furnished to improve public property if the improvement of the public property is furnished in accordance with his or her contract and with the direct contract." Section 713.04 provides the same right to lien. Thus, even though the work is performed on public property, the contractor still may have lien rights, just not against the public property.

If the improvements are truly a public project, there will generally be a payment bond in place which stands in lieu of property subject to a lien. But, if the work on a public right-of-way is really a private job, then there is no payment bond and the security for payment is a lien against the property receiving the benefit of the improvements.

In our example involving a road contractor performing public infrastructure improvements for a private development, in order for the road contractor to perfect the lien against the developer's property, the road contractor has to comply with all of the notice provisions governing a lienors. For example, if the road contractor is working for a prime contractor, then the road contractor is a subcontractor and is not in privity with the owner of the

property. Usually, this means the contractor needs to send the prime contractor and owner a Notice to Owner within 45 days of the road contractor's first work. The Florida Statutes provide a suggested Notice to Owner form. Then, if still not paid, the road contractor needs to record the lien within 90 days of last work and serve the prime and owner with copies of the lien.

What if the road contractor failed to serve the Notice to Owner within 45 days of its first work? Well, here's another example of what everyone knows, is not necessarily everything that needs to be known. Everyone knows that if a statutory lien deadline is missed, then the lien is dead and it is not unusual for a lienor to abandon its lien on the belief that missing the 45 day deadline is fatal to the lien. Usually, missing the deadline is fatal, but readers of past articles may recall that there is an exception for subdivision improvements. A contractor performing site work on a subdivision need merely record its lien within 90 days of last work and is not required to serve a Notice to Owner. Subdivision developers frequently are required to provide improvements to public infrastructure as part of the governmental approval of their development. Thus, it would not be

(Continued on Page 12)





What Have We Done For YOU!

Underground Utility Contractors of Florida, Inc.

In 2012, 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.
- Was successful in securing passage of an amendment to Florida law requiring governmental entities to open sealed bids on public works projects at a public meeting.
- Maintained an active Lobbyist in Tallahassee.
- Monitored activities of the Florida Construction Industry Licensing Board (CILB).
- Monitored Florida Department of Transportation.
- Member of The Construction Coalition.
- Worked with Sunshine 811 and have a representative on their Board of Directors.
- Member of the Construction Industry Council of Central Florida (CICCF).
- Member of Florida TaxWatch.
- Held Annual Convention at The Ritz-Carlton Orlando, Grande Lakes in Orlando.
- Held Contractor's Day at Annual Convention.
- Held the Twelfth Annual Bass Fishing Tournament for the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation at Big Toho Marina in Kissimmee.
- Distributed \$23,000.00 in scholarships from the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation.
- Presented the Annual Construction Performance Awards for the *Mitchell Ellington Award*, *Gary D. Sawyer Award* and *Andrew J. Mayts Award*.
- Participated in the CILB rule development of the Irrigation Contractor Specialty License to ensure scope of work did not infringe upon the underground utility and excavation contractor license.
- Participated in the CILB rule modification to the definition of "services incidental thereto." This definition is used on FDOT projects.
- Was an Intervener in the "Paid Sick Leave" lawsuit proposed in Orange County.

Future UUCF Convention

July 25–28, 2013 – Boca Raton Resort & Club, Boca Raton

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(Even if you are Performing Work on a Public Road, You Might Still have Lien Rights Continued from Page 9)

unusual on a public infrastructure/private subdivision project where an uninformed lienor believes it cannot lien, but a savvy lienor (i.e., one that regularly reads the Ditchmen) knows it is able to lien private property for work performed on a public right-of-way and be exempt from the Notice to Owner requirement.

The information needed to fill out the Notice to Owner and lien is available on the Notice of Commencement which is supposed to have been filed in the county records prior to the start of the private development. If the Notice of Commencement identifies

another party to receive the Notice to Owner and/or lien, such as a lender, then those persons are also to receive copies. If no Notice of Commencement has been recorded, then a lienor is entitled to rely on the information contained in the building permit for the development. If there is no building permit, run away.

Thus, while "everyone knows" you can't lien public property, not everyone knows that sometimes you can lien private property for the value of work performed on public property.

George Spofford is a shareholder in the Tampa office of the GrayRobinson law firm. Spofford has represented the construction industry since 1985 and serves as General Counsel to UUCF. GrayRobinson, P.A. (gray-robinson.com) is a full-service business law firm with over 275 attorneys and 10 offices across Florida. If any member has specific questions relating to this topic or any topic they would like to see addressed in future editions, please feel free to contact George at (813) 273-5000 or george.spofford@gray-robinson.com.

The information provided in this article is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem. Use of this information does not create an attorney-client relationship between the author and the reader. The opinions expressed in this article are the opinions of the individual author and may not reflect the opinions of the firm.

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A N U N C O M M O N B O N D





Changes to the Florida Corporate Income Tax for 2013

Corporations that conduct business or earn or receive income in Florida must file a Florida corporate income tax return unless they are exempt. This form, called the Florida Corporate Income/Franchise and Excise Tax Return (Form F-1120), must be filed each year, even if no tax is due. The due date is based on the corporation's tax year. In general, the Florida corporate income tax return is due:

- On or before the first day of the fourth month following the close of the corporation's tax year, OR

- The 15th day following the due date, without extension, for the filing of the related federal return, whichever is later.

You must file your corporate income tax return and pay the tax due electronically if your corporation paid \$20,000 or more in Florida corporate income tax during the state's prior fiscal year (July 1 through June 30).

If your corporation owes more than \$2,500 in Florida corporate income tax annually, you must make estimated tax payments throughout the year on a form called Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Form F-1120ES). Estimated payments are due on or before:

- the last day of the fourth month
- the last day of the sixth month
- the last day of the ninth month

- the last day of the tax year.

There are two important changes to the above information for 2013:

Corporation Income Tax Exemption for 2013:

For tax years beginning on or after January 1, 2013, the Florida corporate income tax exemption will be increased from \$25,000 to \$50,000. This change will eliminate the tax on corporations with \$50,000 or less in Florida income. However, this does not change the corporate income tax return filing requirements. All corporations are still required to file corporate income tax returns.

Change in Due Date of Estimated Payments for June 30, 2013:

All estimated tax years ending June 30, 2013 will be due on or before

(Continued on Page 23)

Best Management Practices

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



Rolled Straw & Wattles as silt fence alternative, perimeter & sediment filtration on slopes



Orange & Green Barrier/Safety Fence for high visibility perimeter control & tree barricades



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Turbidity Reducing Polymers



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Curb Inlet Devices used for stormdrain protection



Dewatering Bag for containment of filtered sediment



Grate & Drop Inlet Devices for stormwater run-off



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UUCF District 2

Lake, Orange, Osceola, Polk, (East of Lakeland), Seminole, Volusia (West of I-95)

UUCF District 3

Broward, Dade, Martin, Monroe, Palm Beach

UUCF At Large

Alachua, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Marion, Suwannee, Taylor

Did you know that UUCF does not have an affiliated chapter in these counties? Did you know that membership with UUCF is only \$200 per year, per district?

For a list of What We Have Done For You, **please click here**. If you are interested in joining UUCF, **please click here** for a Membership Application.

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, 2013. 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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- Year Established
- Geographical Areas Served
- Additional Locations
- Recently Completed Projects
- Structure Type/Work Type
- Current Licenses (including issuing agency)
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Denver, CO 80202
(303) 555-1212
Contact: Deborah DiBella
federico@bluebook.com


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No. Employees: 12
Sector: Public and Private
Labor Affiliation: Nonunion
Lead Certification: Yes
BIM Certified: Yes

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Commercial Plumbing Jobs





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Spec / Document Links

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Air & Chiller System Diagrams

Plumbing & Heating Specs

Show Additional Links...

Company Contacts

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President's Message



Well . . . the 2012 year is behind us. It's time to look forward with optimism,

and it's time to be ready to face the challenges that lie ahead too. During this unrelenting economic challenge, success is still difficult, but not impossible. I have no doubt we can get through this together as an industry with the help of this association. Please know that it will remain the primary focus and objective of UUCF to be responsive and responsible to all of its members. Keep in mind that UUCF



employees, our associates, and our values as an industry. I appreciate every single member. I sincerely thank you for your membership in 2012.

It is once again renewal time for UUCF members as we embark

is not some obscure office building in some obscure city in Florida. Instead, it is actually each and every one of us. It is our businesses, our

on 2013. But don't just pay . . . participate. Plan to go to Tallahassee during the 2013 Legislative Session. Plan to attend the UUCF Annual Conference in July. Plan to play golf in the UUCF President's Cup Golf Tournament. DON'T JUST PAY . . . PARTICIPATE.

I wish each and every one of you a prosperous and safe New Year. See you all in 2013.

Sincerely,

Bruce Wendorf
UUCF President

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Garney Construction Acquires Encore Construction

Garney Holding Company announces its latest expansion with the acquisition of Encore Construction Company, based out of Winter Garden, Florida. Encore is an environmental contractor specializing in the construction of water and wastewater treatment facilities and pump stations. Encore has approximately 125 employees with projected revenues of \$80 million for 2012. Acquiring Encore will significantly enhance Garney's treatment plant construction operations in the Southeast United States.

In addition to Encore's strong plant capabilities in the Southeast, Garney was attracted to their culture, which closely mimics the strong culture and core values at Garney. Pat Rainey, founder and principal of the company, is planning to retire in the next few years and will be divesting his ownership in the company. Selling his company to Garney interested Pat because of Garney's employee-ownership structure. This ownership structure gives the Encore employees a great opportunity to obtain a stake in Garney, build a successful career with a leader in the

industry, and retire securely.

"We are excited to welcome the Encore organization as our newest employee-owners," said Mike Heitmann, President of Garney Construction. "We are fortunate to have acquired a dedicated, hardworking team of people at Encore and look forward to tackling new opportunities with our combined forces. We have an opportunity to learn from Encore's strengths as well as show them

(Continued on Page 23)

<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>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 dates and times for future sessions:

January 9, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

January 10, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

January 15, 2013

Miami
9:00 a.m. – 12:00 noon
State of Florida Office Building
401 N.W. 2nd Avenue, North Tower,
Suite N-423
Miami, FL 33128

January 24, 2013

Jacksonville
9:00 a.m. – 12:00 noon
Florida Department of Law Enforcement
921 North Davis Street, Building E,
Training Room A

Jacksonville, FL 32209

January 29, 2013

Fort Myers
9:00 a.m. – 12:00 noon
State of Florida Office Building
2295 Victoria Avenue, Room 165A
Fort Myers, FL 33901

February 5, 2013

Tampa
9:00 a.m. – 12:00 noon
State of Office Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

February 6, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

February 7, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

February 8, 2013

Lantana
9:00 a.m. – 12:00 noon
Gold Coast Schools
6216 South Congress Avenue

Lantana, FL 33462

February 21, 2013

Pensacola
9:00 a.m. – 12:00 noon
Division of Workers' Compensation
610 East Burgess Road
Pensacola, FL 32504

March 6, 2013


2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

March 7, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

March 12, 2013

Orlando
9:00 a.m. – 12:00 noon
State Office Building
Hurston Complex, 400 West
Robinson Street, South
Tower, Conference Room N-101
Orlando, FL 32801



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(Continued on Page 21)





Calendar of Events

UUCF

Feb. 1	Board of Director's Meeting, Orlando
Mar. 1-2	UUCF/ASJMSF Annual Bass Fishing Tournament, Lake Toho, Kissimmee
Mar. (TBA).....	Board of Director's Meeting, Tallahassee
June 7.....	Board of Director's Meeting, Orlando
July 25.....	Board of Director's Meeting, Boca Raton Resort & Club, Boca Raton
July 25-28	Annual Convention, Boca Raton Resort & Club, Boca Raton
Nov. 1.....	Board of Director's Meeting, Orlando

NUCA of North Florida

Jan. 8	Executive Committee Meeting
Jan. 17	Installation of Officers Meeting
Feb. 5	Executive Committee Meeting
Mar. 12	Executive Committee Meeting
Mar. 18	Golf Tournament
Mar. 28	General Membership Meeting
Apr. 9	Executive Committee Meeting
May 14	Executive Committee Meeting
May 23	Jacksonville Suns Baseball
June 11.....	Executive Committee Meeting
July 9.....	Executive Committee Meeting
July 18.....	General Membership Meeting
Aug. 13.....	Executive Committee Meeting
Sept. 10.....	Executive Committee Meeting
Sept. 19.....	General Membership Meeting
Sept. (TBA).....	Clay Shoot, WW Sporting Clay
Oct. 8	Executive Committee Meeting
Oct. (TBA).....	Fishing Tournament
Nov. 5.....	Executive Committee Meeting
Nov. 21.....	Election of Officers
Dec. 10.....	Executive Committee Meeting
Dec. (TBA).....	Holiday Party

NUCA of Northwest Florida

Feb. 1	Sunshine 811 Excavator Luncheon
Mar. 15	Clay Shoot
Apr. (TBA).....	Confined Space Entry Program
June 15.....	In Shore Fishing Tournament
Sept. (TBA).....	General Membership Meeting
Oct. 26	Equipment Rodeo, Equestrian Center
Nov. 16.....	Annual Meeting, Museum of Commerce

NUCA of Southwest Florida

Jan. 17	Board of Directors/General Membership Meetings
Feb. 21	Board of Directors/General Membership Meetings
Mar. 21	Board of Director's Meeting
Apr. 18	Board of Directors/General Membership Meetings
May 4	Golf Tournament
May 16	Board of Director's Meeting
June 20.....	Board of Directors/General Membership Meetings/Scholarship Awards
July 18.....	Board of Director's Meeting
Aug. 15.....	Board of Directors/General Membership Meetings
Sept. 20-21	Fishing Tournament

Sept. 26	Board of Director's Meeting
Oct. 17	Board of Directors/General Membership Meetings
Nov. 21.....	Board of Director's Meeting
Dec. 7.....	Holiday Party & Installation of Officers

National Utility Contractors Association (NUCA)

Feb. 10-14.....	Convention, Sheraton Phoenix Downtown Hotel, Phoenix, AZ
Oct. 2-6.....	Fall Board of Directors and Leadership Meeting, El Conquistador in Las Croabas, Puerto Rico

Sunshine 811 Meetings

Jan. 18	Executive Committee Meeting, Conference Call
Feb. 21-22...	Committee and Board of Director's Meetings
Mar. 12-14	CGA Excavation Safety Conference & Expo, West Palm Beach
Mar. 14	811 Safety Day, West Palm Beach

Construction Industry Licensing Board (CILB) Meetings

Jan. 9-11.....	Residence Inn, Tallahassee
Feb. 13-15.....	Embassy Suites Orlando-North, Altamonte Springs
Mar. 13-15	TBA
Apr. 10-12.....	Mission Inn Resort & Club, Howey-in-the-Hills
May 8-10.....	Hyatt Regency Jacksonville Riverfront
June 12-14	Embassy Suites - Fort Lauderdale
July 10-12	TBA
Aug. 14-16	The Ritz-Carlton Sarasota
Sept. 11-13	TBA
Oct. 9-11.....	TBA
Nov. 13-15	TBA

(UUCF Dues to Increase in 2013 Continued from Page 6)

- Monitoring of the Construction Industry Licensing Board (CILB)
- Monitoring of the Sunshine 811 Board, along with a UUCF representative on the Sunshine 811 Board of Directors
- Monitoring of the Florida Department of Transportation (FDOT)
- Providing alerts on FDOT proposed specification changes
- Scholarship opportunities through the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation

Please see **Page 8** and **Page 10** for a complete list of UUCF accomplishments over the years as well as what UUCF accomplished in 2012.

Thank you for your support. Your UUCF membership and active participation in the work of this association is greatly valued. If you have any questions, please do not hesitate to contact the UUCF office at (407) 830-1880.





**(Division of Workers' Compensation Offers Free Classes
Continued from Page 19)**

March 19, 2013

Miramar/Pembroke Pines
9:00 a.m. – 12:00 noon
Miramar Pembroke Pines Regional Chamber of Commerce

March 21, 2013

Tallahassee
9:00 a.m. – 12:00 noon
Hartman Building
2012 Capital Circle S.E., Room 102
Tallahassee, FL 32399

April 10, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

April 11, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

May 8, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

May 9, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

June 5, 2013

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

June 6, 2013

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

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.

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

Sunshine 811 Holiday Calendar

New Year's Day	01/01/13
Martin Luther King Day	01/21/13
Memorial Day	05/27/13
Independence Day	07/04/13
Labor Day	09/02/13
Thanksgiving Day	11/28/13
Day after Thanksgiving Day	11/29/13
Christmas Eve	12/24/13
Christmas Day	12/25/13

Sunshine 811'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.**



2013 FDOT Letting Date

January 30	February 27
March 27	April 24
May 22	June 19
July 31	August 28
September 25	October 30
December 4	

2014 FDOT Letting Date

January 29	February 26
March 26	April 30
May 21	June 18





Chapter News

NUCA of North Florida

After taking a number of years off, this year we brought back our holiday party with a new twist. We went with a Down Home Holiday theme with the attire of jeans and boots or other casual attire. A delicious barbecue dinner from Grill Billy's was served along with banana pudding and a Woodall special chocolate dessert. Entertainment was provided by Tony Hofmann. We had several items for the Chinese auction. A gift card tree was won by Joe Rogers, Petticoat-Schmitt Civil Contractors, Inc., a wine Rack with wine was won by Ted Turnbeaugh, Fortiline Waterworks, and a Sound System donated by Blake Bowmaster was won by John Shiver, United Rentals Trench Safety. We also had a Grand Prize Raffle. Robin

Bannon and husband Jimmy, John Woody, Inc., were the lucky winners of a 32" TV, Joe Maguire, Coastal Utility Constructors of Jacksonville won a fishing trip for three which was donated by Florida Roads and Billy Hood won a \$100 Visa gift card which was donated by United Rentals Trench Safety.

Flo Woodall, Holiday Committee Chair, did a great job planning and executing this event. There were beautiful table decorations hand made by Flo and make and take crafts at each table. There was also a game of corn hole. A special thank you to Flo and the entire Woodall family for all of their help with the party. We also appreciate the other members of the Holiday Committee, Robin Bannon, Ashley Adams and

Kim Bryan. We hope to continue to have this as an annual event.

Our installation of Officers and Annual meeting will be held on Thursday, January 17 at 6:00 p.m. at Maggiano's at the town center. The cost is \$15 per person, and you can RSVP at nucanf@gmail.com.

Have you registered yet for the NUCA Convention? This year's convention will be held February 10 - 14 in Phoenix, Arizona at the Sheraton Phoenix Downtown. A schedule of events and registration information is available at www.nuca.com.

Save the date . . . March 18 for our Annual Golf Tournament. Player



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Business Card (reduced 75%) – 12 month.....	\$125.00 net/year
Business Card (reduced 75%) – 6 months.....	\$85.00 net/six months

Advertisements will be printed in color or black and white and must be submitted as a .pdf document. All .pdf documents can be sent via e-mail to julie@uucf.com. When sending as a .pdf, the document, please save to at least a 300 dpi with imbedded fonts. All advertisements must be submitted by the first day of the month in order to be placed in that month's issue.

To place an advertisement in the Ditchmen, please contact the UUCF office at the following:

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





and sponsorship information will be sent out soon.

NUCA of Northwest Florida

NUCA of Northwest Florida hopes that you and your family had a very Merry Christmas!

May the New Year bring you much joy, many happy memories and special moments to cherish.

Whether we want them or not, the New Year will bring new challenges; whether we seize them or not, the New Year will bring new opportunities. ~Michael Josephson

(Changes to the Florida Corporate Income Tax for 2013 Continued from Page 13)

June 28, 2013:

- For corporate tax years ending June 30, 2013, the fourth

installment payment of estimated tax is due on or before June 28, 2013.

- For corporate tax years ending September 30, 2013, the third installment is due on or before June 28, 2013.
- For corporate tax years ending December 31, 2013, the second installment is due on or before June 28, 2013.
- For corporate tax years ending February 28, 2014, the first installment is due on or before June 28, 2013.

(Garney Construction Acquires Encore Construction Continued from Page 16)

the strengths of Garney, thereby enabling both organizations to continue leading the water and wastewater industry."

Encore Construction Company was organized as a Sole Proprietorship in

1984 by founder Patrick T. Rainey. The company initially operated as a concrete foundation firm. Encore took advantage of the construction boom that Disney and other Theme Parks brought to Central Florida during its first year of operation in 1985. By the end of the year, Encore had 10 full-time employees and was incorporated in the State of Florida. By 1989, Encore had developed a niche in the water and wastewater treatment plant market segment, where the company's main focus is today.

About Garney

Garney specializes in the construction of water and wastewater pipelines, treatment facilities, pumping stations, water storage tanks, and industrial/heavy civil projects. Garney was established in Kansas City in 1961 and has regional offices in Denver, Atlanta, Nashville, Orlando, Phoenix, and Richmond. The company is 100% employee owned with 875 employee-owners.



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Florida Minimum Wage Increases

Starting January 1, 2013, the Florida minimum wage will increase to \$7.79 an hour. The minimum cash wage for tipped employees is increasing to \$4.77 an hour.

Because the state minimum wage is changing for 2013, there is a new Florida minimum wage poster. On January 1, you should replace your 2012 Florida-specific minimum wage post with the new one for 2013.

Florida employers are also required to display the federal minimum wage poster. You should already have this federal minimum wage poster posted. As long as your federal minimum wage poster says \$7.25 an hour, this federal poster is current. Please note: even though Florida businesses are required to display two minimum wage posters (the one for Florida and the federal one), they must pay their employees whichever minimum wage is higher, which is Florida.

By displaying the new Florida-specific poster next to all of your other posters, your business will be in full compliance with the new poster requirement.

Attention Corporations and LLC's: Watch Out for Identity Theft

Identity theft is a growing problem for Florida businesses. Unauthorized persons are using sunbiz.org, the state database of corporate information maintained by the Florida Division of Corporations of the Department of State, to change the address or contact information for companies to a new, phony address. Then they use this phony address to set up a bank account in the company's name, redirecting checks mailed to the company to this new,

phony account.

Right now, information on sunbiz.org is open to the public and is not password-protected, leaving businesses vulnerable to anyone who wants to go online and change a company's information. To help protect Florida businesses, the Department of State has started an e-mail notification process where they will send an e-mail notice to any business entity if an address change or FEIN change is made on sunbiz.org. If the change was not authorized by a principal of the business entity, you can notify the state right away using a link provided in the e-mail.

Until the Department of State can better protect this database, it is a good idea for corporations and LLC's to periodically check and verify the data on file for them at the state. You can simply go to sunbiz.org, click on "Search our Records," then "Inquire by Name" and enter your business name. When you click on your company's name, all the information currently on file with the state will come up. Check it over to make sure it's accurate and hasn't been changed, especially the business address and Federal Employer Identification Number (FEIN). If you discover a discrepancy, you should contact the business identity theft unit of the Division of Corporations at (850) 245-6007.

Workers' Compensation Rates to Increase Slightly for 2013

The rates Florida businesses pay for workers' compensation insurance will increase an average of 6.1% for new and renewal policies effective January 1, 2013. While this is the third straight year that rates have gone up, workers' compensation rates overall are still 56% lower than they were a decade ago.

The average rate increase for 2013 broken down by industry group is as

follows:

- Manufacturing: 4.8% (down 51.8% since 2003)
- Contracting: 7.4% (down 58.6% since 2003)
- Office and Clerical: 4.3% (down 58.1% since 2003)
- Goods and Services: 6.7% (down 54.4% since 2003)
- Miscellaneous: 5.6% (down 54% since 2003)

The workers' compensation premium for your business is determined by multiplying your total payroll by the specific rate for the classification(s) for your business. The rate for your particular business may increase more or less than 6.1%; this figure is an average rate increase or all job classes in the state of Florida. The rate increase for your individual business may be higher or lower.

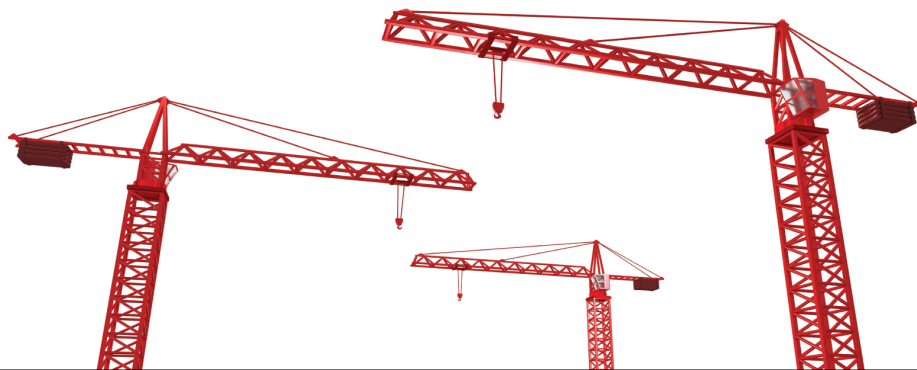
Don't Be the Victim of "Annual Minutes" Scams

Two companies, Compliance Services and Corporate Records Service, are targeting Florida businesses with mailed notices requesting that "Annual Minutes" and a fee of \$125 be sent to them for filing. **This is a Scam!** While corporations are required to keep minutes of their corporate meetings, **minutes do not have to be filed with any agency of the State of Florida.** Also, you don't have to pay someone to prepare your corporate minutes.

These companies are trying to confuse businesses that have to file an Annual Report with the state into thinking they also need to file minutes with the state. Please do not confuse these notices with the legitimate requirement that corporations and LLC's must file an Annual Report each year with the Division of Corporations to keep their entity information up-to-date. These forms are due to the state by May 1.

If you get any mail from either of these companies, the best thing to do is to throw it in the trash.





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2 Safety Matters
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