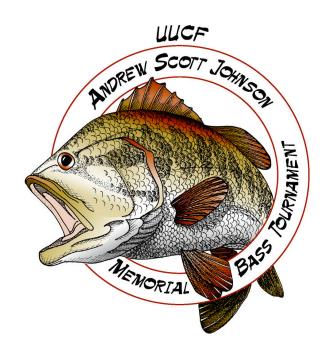


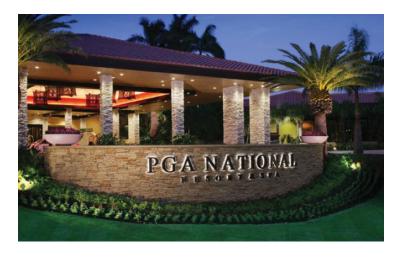
Ditchmen online

Underground Utility Contractors of Florida, Inc.

MARCH 2013

UUCF/ ASJMSF Annual Fishing Tournament Update (See page 5 for details)





UUCF
President's
Cup Golf
Tournament
(See page 7 for details)



Underground Utility Contractors of Florida is proud to welcome back the **Annual President's Cup Golf Tournament** on September 27-29, 2013 **PGA National Resort & Spa** Palm Beach Gardens, Florida



Mark you calendar now!

After taking a year off, UUCF is pleased to announce that it will be holding its President's Cup Golf Tournament at PGA National Resort & Spa in Palm Beach Gardens, Florida on September 27–29, 2013.

This year, UUCF will be offering individuals a choice in the location of their sleeping accommodations in either the Resort or Cottage Quads. The Resort rooms will feature two double beds. The Cottage Quads feature two bedrooms (each with two double beds), two complete baths, a large living room, flat-screen television, a fully-equipped kitchen, washer and dryer and an outdoor terrace. Register on or before to May 31, 2013, and you'll receive a \$50.00 per person discount. We'll even wait until June **1, 2013 to send you an invoice.** The registration fees are as follows:

Room Type

Resort Room (based on per person and double occupancy) Cottage Quads (based on per person and quad occupancy) Registration received in UUCF

has been extended Hurry. The \$598.40 to June 28, 2013. \$560.40

Registration received in UUCF office on or before May 31, 2013 deadline office on or after June 1, 2013

\$648.40

\$610.40

As with past years, there will be different sponsorship opportunities in which your company can participate. Sponsorship categories cost from as little as \$100.00 to \$1,000.00.

UUCF will be hosting a Hospitality Suite which will be located in the Resort rooms area (number 9). The cottage quads are located by the Squire Golf Course (number 21).



THE RESORT AT A GLANCE

- 1. Health & Racquet Club
- 2. Croquet Lawns
- 3. The Fazio Golf Course
- 4. Fazio Driving Range
- 5. The Spa at PGA National
- The Palmer Golf Course PGA National Golf Academy
- 8. Waters of the World
- 9. Guest Rooms
- 10. Pool / Pavilion / Wave Grille
- 11. Front Entrance
- 12. Bar 91
- 13. Golf Pro Shop
- 14. Members Club
- 15. Golf Cart Staging Area
- 16. The Champion Golf Course
- 17. PGA Ballroom
- 18. Champion Driving Range
- 19. Fitness Center
- 20. Tennis Courts
- 21. The Squire Golf Course

22. Meetings & Conference Center

23. iBAR

24. Ironwood Steak & Seafood

25. Palm Terrace

Please see separate Registration, Sponsorship, Survival Kit and Course Description Forms for additional information.





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UUCF/ASJMSF Holds Thirteenth Annual Fishing Tournament

The UUCF/Andrew Scott
Johnson Memorial Scholarship
Foundation, Inc. held its Thirteenth
Annual Bass Fishing Tournament on
Lake Toho in Kissimmee on March
1–2, 2013. The tournament, held
to raise funds for the foundation's
scholarship program, was headed up
by Fishing Tournament Chairman
Scott Johnson with Johnson–Davis,
Inc.

The Annual Tournament is held in memory of Andrew Scott Johnson, son of Scott Johnson. Andy Johnson worked summers with his father's company, but he especially liked to fish.

This is the thirteenth year for the UUCF/Andrew Scott Johnson Memorial Bass Tournament, and this year's event drew a field of 28 participants divided in to 14 teams.

This year's event began with a Captain's Meeting on Thursday evening. Teams fished on Friday and Saturday, with a weigh—in held following each day's fishing. Following the Friday weigh—in, participants enjoyed a barbecue dinner. Trophies and prizes were presented following Saturday's closing weigh—in.

Trophies were awarded for the largest fish caught on Friday and Saturday. In addition, first, second and third place team trophies were presented to the teams accumulating the greatest total two-day catch. Teams could weigh in a maximum of five bass per day.

At the end of the first day's fishing, the HD Supply Waterworks team of Don Webster and Paul Hundley were in first place with a total catch of 29.11 pounds. The Johnson—

Davis team of Scott Johnson, Bernie Vito and Steve Eakins were in second place with a total catch of 24.48 pounds. The U.S. Concrete Products, Inc. team of Greg Wolf and Steve Bails were in third place with a total catch of 23.8 pounds.

The biggest fish on the first day of fishing went to Scott Johnson with Johnson–Davis, Inc. for catching a bass weighing 9.24 pounds.

On day two of the tournament, the biggest fish was caught by Paul Hundley who was with the HD Supply Waterworks team. His winning fish weighed 8.77 pounds.

The Big Fish Pot was held again this year. Participants paid \$10.00 toward the Big Fish Pot. The Big

Fish Pot was paid to the participant/ team with the single largest fish caught in the two-day tournament. One hundred percent of the funds collected were presented to the winner of the Big Fish Pot, Scott Johnson of the team of Johnson-Davis, Inc. Congratulations Scott.

When the second day's weigh-in was complete, the HD Supply Waterworks team of Don Webster and Paul Hundley were the first place winners with a total day catch of 27.43 pounds. Second place for the day went to the Precision Pipe & Products, Inc. team of Gilmer Nelson and Bobby Wakefield with a total catch of 26.91 pounds. Third place for the day went to the Johnson-Davis, Inc. team of Chris Johnson and Tyler Johnson with a





total catch of 23.5 pounds.

With their total two day's tournament combination, congratulations to the following winners: Overall First Place Winners: Don Webster and Paul Hundley with the team of HD Supply Waterworks with a total two-day catch of 56.54 pounds. **Overall Second Place Winners:** Gilmer Nelson and Bobby Wakefield with the team of Precision Pipe & Products, Inc. with a total two-day catch of 49.94 pounds. Overall Third Place Winners: Chris Johnson and Tyler Johnson with the Johnson-Davis. Inc. with a total two-day catch of 41.3 pounds.

Rounding out the top five were the U.S. Concrete Products, Inc. team (Greg Wolf and Steve Bails) with a total two-day catch of 38.53 pounds for fourth place and the Precision Pipe & Products, Inc. team (Bobby Chandler) with a total catch of 38.37 pounds for fifth place. Between all 14 teams, a total of 438.92 pounds of bass were caught during the two-day tournament.

Memorial Scholarship Foundation thanks the following companies who sponsored the Fishing Tournament: **Angler Dinner Sponsors:** Johnson–Davis, Inc. and The Friends & Family of Andy Johnson. **Angler Dinner Beverage**

The UUCF/Andrew Scott Johnson

Sponsors: GrayRobinson, P.A. and Palmdale Oil Company. Captain's Dinner Happy Hour **Sponsors:** Centerline Utilities, Inc. and Concrete Products of the Palm Beaches, Inc. Trophy Sponsor: HD Supply Waterworks. Weigh-In **Sponsors:** U.S. Concrete Pipe Co. and U.S. Concrete Products. Major Sponsors: Bergeron Land Development, Inc.; Burck Oil Company, Inc.; Burkhardt Construction, Inc.; Charles S. Whiteside, Inc.; CEMEX; Contech Engineered Solutions, LLC; D.S. Eakins Construction Corporation; Florida Coast Equipment; Forsberg Construction, Inc.: Hubbard Construction Company, Inc.; J.W. Cheatham, LLC; Keefe, McCullough & Company; Linkhorst & Hockin, P.A.; Lykes Insurance, Inc.; Oldcastle Precast, Inc.; Ranger Construction Industries, Inc.; Rockline Vac Systems, Inc.; Sullivan Brothers Construction, LLC; The Mack Company; Trio Development Corporation; Underground Contractors Association of South Florida; and Wakefield Road Boring, Inc. Corporate Sponsors (**Donations**): American Trophy Co.; Big Toho Enterprises, Inc.; Fish 'n Fool Guide Service; Florida Specialty Advertising, Inc.; and The Heritage Park Inn. **General Sponsors:** Advanced Drainage Systems, Inc.; Belvedere Contracting, Inc.; Bruce & Julie Kershner; C & M Road Builders,

Inc.: Guvmann Construction of Florida; Jeffrey Dick; John Woody, Inc.; Krause Industries, Inc.; LGM Contracting Inc./Merucci Equipment Co.; Mark "Tommy" McCabe, Jr.; Pete & Nettie Thomson; Petticoat-Schmitt Civil Contractors. Inc.; Pipecon Corporation, Inc.; Precision Pipe & Products, Inc.; Rangeline Tapping Services, Inc.; Rinker Materials Concrete Pipe Division: Simmons and White Civil & Traffic Engineers; Thompson Pump & Manufacturing Co., Inc.; Underground Contractors Association of Central Florida; and Valenti, Trobec & Woody, Inc. **Door** Prize Contributors: Burck Oil Company, Inc. and Jeffrey Dick.

The UUCF/ASJMSF would also like to thank the following individuals who participated in this event:

Team 1: Advanced Drainage Systems, Inc.- Drew Lane and John Trivento

Team 2: Concrete Products of the Palm Beaches, Inc. -Alain Monzon and Rick Ambers

Team 3: U.S. Concrete
Products, Inc. - Curt Parcells
and Bill Parcells

Team 4: U.S. Concrete
Products, Inc. - Greg Wolf
and Steve Bails

Team 5: HD Supply Waterworks- Keith Hobbs and Gabe Jackson

(Continued on Page 6)

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

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Gold Sponsors:

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Linder Industrial Machinery Company
Nortrax, Inc.
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Utility Service Company, Inc.

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

(UUCF/ASJMSF Holds Thirteenth Annual Fishing Tournament

Continued from Page 5)

Team 6: Precision Pipe & Products, Inc. – Gilmer Nelson and Bobby Wakefield

Team 7: Precision Pipe & Products, Inc. – Bobby Chandler

Team 8: W.F. Wilson & Sons, Inc. – Walt Gainer and Poc Gainer

Team 9: Johnson-Davis, Inc. - Chris Johnson and Tyler Johnson

Team 10: Burkhardt Construction, Inc. – Leonard Dennis and Tony Sabatino

Team 11: Dickerson Florida, Inc. – Walter Pfaffenberg and Chuck Cameron

Team 12: HD Supply Waterworks – Don Webster and Paul Hundley

Team 13: Johnson-Davis, Inc. - Scott Johnson, Bernie Vito and Steve Eakins

Team 14: Basic Testing, Inc. – John Fernandez

We look forward to next year's event. Once the date has been secured, we will post the date in the Calendar of Events section of the Ditchmen and on the website at **www.uucf.com**. **Click here** to view photos of the Fishing Tournament.



oldcastleprecast.com







UUCF Schedules President's Cup Golf Tournament

ome and enjoy three wonderful days and two nights at PGA National Resort & Spa in Palm Beach Gardens, Florida on September 27-29. You will enjoy three fun-filled days of golfing on three different 18 hole courses. Participants will have the opportunity to play on the Squire Course on Friday, Champion Course on Saturday and Palmer Course on Sunday. A different tournament will be held on each course. The format will be a two-man scramble, two-man best ball and two-man alternate shot. All tournaments will be handicapped so everyone will have an equal opportunity to win.

Mike Woodall with John Woody, Inc. is chairing this year's tournament. A portion of the proceeds from this year's tournament will benefit the

UUCF Legal Defense Fund.

Squire Course – Named after the immortal Gene Sarazen, the first golfer ever to win the professional Grand Slam, "the thinking man's course" is the ultimate test of accuracy and precision. Designed by Tom and George Fazio, the Squire is the shortest and most exacting of the courses at PGA National. Accuracy with fairway woods and long irons is tested on many tees, and the new smaller "Emerald Bermuda" greens demand precise approach shots. Several doglegs provide a risk/reward opportunity for any longer hitter as well. The Squire is surrounded by natural areas teeming with vegetation and wildlife - the 5th hole even runs along part of a wilderness preserve, which borders the west side of the PGA

National community.

Last renovated: Fall 2012 (new turf, rebuilt bunkers, expanded tee and green complexes).

Champion Course – Originally designed by Tom and George Fazio for major tournament play, the Champion course at PGA National Resort & Spa was redesigned by Jack Nicklaus in 1990 and now hosts the Honda Classic each spring on the PGA TOUR. Although the Champion has generous landing areas and spacious and accepting TifEagle greens, golfers are presented with course management challenges throughout the round. This South Florida golf resort course has five sets of tees to make the

(Continued on Page 8)



rent the right way



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(UUCF Schedules President's Cup Golf Tournament Continued from Page 7)

course more playable for golfers of all levels. A must-play on any avid golfer's list, the Champion features the Bear Trap, which spans three demanding holes designed by Jack Nicklaus

Last renovated: Fall 2012 (new turf, rebuilt bunkers, expanded tee and green complexes).

Palmer Course - Named after its designer. Arnold Palmer, this course is one of the more forgiving at PGA National from tee to fairway, known as a risk/reward game. The open fairways and larger "Champion Bermuda" greens can be quite accommodating and invite players to take a chance if they dare – as golfers are not overly penalized for missing the fairway or primary rough on most holes here. There is a considerable amount of undulation through the fairway, presenting the opportunity for uneven lies and creative shot-making. The Palmer has a great series of finishing holes, with the 18th being one of the most scenic par 5s on the property.

This year, UUCF will be offering individuals a choice in the location of their sleeping accommodations in either the Resort or Cottage Quads. The Resort rooms feature two double beds. The Cottage Quads feature two rooms each with double beds on each side of a living room, dining room and kitchen. Register prior to June 1, 2013, you'll received a \$50.00 per person discount, and we won't send you an invoice until June 1, 2013. The cost is as follows:

Registration received in UUCF Office on or before May 31, 2013

Resort Room – \$598.40 (per person based on double occupancy) Cottage Quads – \$560.40 (per person based on quad occupancy)

Registration received in UUCF office on or after June 1, 2013

Resort Room – \$648.40 (per person based on double occupancy) Cottage Quads – \$610.40 (per person based on quad occupancy)

Also, two man teams that register now for the golf tournament can delay payment until after June 1, 2013.

The entry fee includes three rounds of golf for the tournament, two nights' accommodation, breakfast on Saturday and Sunday, two \$30.00 vouchers good for dinner on Saturday and Sunday night, one free mulligan for each day (option to purchase additional mulligans will be available), skins game on Friday and Saturday and beverages on the course during tournament play. A Hospitality Suite will be available for your enjoyment.

UUCF is also selling the Survival Kit. Included in the package are: **Friday:** three mulligans, putting contest and ball in the circle contest; **Saturday:** three mulligans, two throws, putting contest and ball in the circle contest; and **Sunday:** three mulligans, two throws, putting contest and ball in the circle contest. If the above items were purchased separately, it would cost \$170.00. However, for golfers who purchase the Survival Kit prior to the first day of the tournament, the cost is only \$160.00. Golfers may also participate in the optional skins game on Sunday at a cost of \$50.00 per team.

There will be great prizes (first and second place each day), optional purchase of the skins game on Sunday and a lot of fun. There will also be prizes for Longest Drive and Closest to the Pin. We will also be holding a putting contest each day.

The tournament is open to the first 60 teams. Hurry and mail your entry fee along with the registration

form as soon as possible. Sleeping accommodations consist of two people per one bedroom (two double beds) or four people (two bedrooms, two double beds) per Cottage Quad.

UUCF is now accepting sponsorships for the President's Cup Golf Tournament. The following is a list of the various sponsorship programs:

• Hospitality Suite Exclusive Sponsor at \$1,000.00 (one slot only available). Sponsor will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsor will also be permitted to display their company's promotional items in the Hospitality Suite throughout the tournament.

OR

- Hospitality Suite Sponsors at \$500.00 (two slots available). Two sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament. Hospitality Suite sponsors will also be permitted to display their company's promotional items in the Hospitality Suite throughout the tournament.
- Beverage Cart Sponsors at \$350.00 each (unlimited slots available). All sponsors will be recognized on signage on the beverage cart during tournament play.
- Tournament Sponsors at \$200.00 each (unlimited slots available). All sponsors will be recognized on signage located in the Hospitality Suite throughout the tournament.
- Cigar Sponsors at \$200.00 each (unlimited slots available).

 Attendees of the tournament will each received a cigar on Saturday

(Continued on Page 16)







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UNDERGROUND UTILITY CONTRACTORS OF FLORIDA ANNUAL CONFERENCE

July 25 - 28, 2013

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All rooms are subject to app are on a space available basi (1) night's deposit is due wi upon booking. Cancellation confirmed night of the reser time of check in. No shows	disable taxes. Group is only. Group rates in the each reservation a notice of at least 3 divation. In the event of will result in forfeiture 22, 2013. After this	rates and availability for a may not be combined with at the time the reservation is lays prior to the arrival is reof your early departure, the are of the deposit and cances time, reservations will be	on or before Saturday, rrivals three days prior and depa any other special offer, package made. Your credit card will be equired for a refund. Upon your deposit is non refundable unlessellation of the room. Rooms will accepted on a space available by	
This form is invalid unless			ine 22, 2013. In some cases, the to make reservations as early as	room block sells out before the scheduled possible.
Parking fee of \$25.00 per da	ay. Please note that i	there is no self–parking av	pailable at the Boca Raton Resonom). Children age fifteen (15) a	to change), resort fee of \$18.00 or Valet ort & Club. An additional charge of \$30.00 and under must stay free in the same room
			cht Club Guest Room ngle/Double Occupancy)	
	luxe Guest Room ngle/Double Occu	pancy)		Estate View Guest Room 00 (Single/Double Occupancy)



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Duty to Defend vs. Duty to Indemnify By — George E. Spofford, IV

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

t is very common for a L construction contract to include a clause that requires one party to "indemnify and defend" another party. Many times contracts containing such language are signed without considering the consequences. There are significant differences between a duty to indemnify and a duty to defend, and when negotiating a contract or drafting a "standard form contract," an understanding of the differences could save or lose you a bundle. For those 'Bama fans out there, saving a bundle is good and losing a bundle is bad.

The first step is to learn some vocabulary. In a typical prime contractor/subcontractor setting, if your subcontractor has a duty to indemnify you as the prime, then the subcontractor is the "Indemnitor" and you are the "Indemnitee." The Indemnitor has a duty to reimburse the Indemnitee for certain costs incurred by the Indemnitee. For example, a subcontract between a prime contractor, Road Runner Construction, Inc., and a subcontractor, Wile E. Coyote Underground, Inc., might state that if the Wile E. Coyote damages the property of the owner, Acme Rocket Shoes, Inc., then the Wile E. Coyote agrees to indemnify Road Runner Construction for money Road Runner has to pay to Acme Rocket Shoes. If and when Road Runner (the Indemnitee) actually pays Acme Rocket Shoes, then Wile E. Coyote (the Indemnitor) would be obligated to reimburse Road Runner. The Indemnitor's duty to indemnify or reimburse the Indemnitee is triggered when the Indemnitee

actually pays out dollars for which the Indemnitor agreed to reimburse the Indemnitee.

If Road Runner (Indemnitee) does not actually pay, then Wile E. Coyote (the Indemnitor) does not pay because there is no need to reimburse. Let's say Acme Rocket Shoes sued Road Runner for damages allegedly caused by Wile E. Coyote; but after a trial, it is proven that Wile E. Coyote did not cause the damage because he was in the desert lacing bird seed with iron shot at the time. In that situation, Road Runner would not have to pay Acme Rocket Shoes, and Wile E. Coyote (the Indemnitor) would not be required to pay Road Runner (the Indemnitor) anything. Under that example, the Indemnitee and Indemnitor did not have to pay damages, but Road Runner incurred costs defending against the claim for damages allegedly caused by Wile E. Coyote. It seems unfair for Road Runner to bear the cost of defending against Acme Rocket Shoes' claims, when Road Runner did not create the problem. (It's even more unfair if the lawyer doesn't get paid!) An Indemnitee can make a claim against the Indemnitor for reimbursement of the fees incurred, but the Indemnitee has to fund the suit and obtain reimbursement once it is all over. A better solution for Road Runner is to include a "duty to defend clause" in the subcontract with Wile E. Coyote.

The duty to defend is much broader than the duty to indemnify. The duty to defend is triggered as soon as an allegation is made that is within the scope of the duty to defend clause without regard to whether the allegations can be proven. For example, if the subcontract states that Wile E. Coyote must defend Road Runner against all allegations arising out of or related to Wile E. Coyote's involvement on the project¹. Then, as soon as an allegation is made that Wile E. Coyote damaged Acme Rocket Shoes' property, Wile E. Coyote is obligated to step up and pay for a lawyer to defend Road Runner. Not only must Wile E. Coyote defend Road Runner against claims that Acme Rocket Shoes' property was damaged by Wile E. Coyote, but Wile E. Coyote also has a duty to defend Road Runner against all claims brought by Acme Rocket Shoes that are part of the same lawsuit, including claims that are not related to Wile E. Coyote's work. If a lawsuit is filed against Road Runner by Acme Rocket Shoes alleging that Acme Rocket Shoes was damaged because: 1) Wile E. Coyote damaged Acme Rocket Shoes' catapult machine, and 2) Road Runner damaged Acme Rocket Shoes' giant bow and arrow machine, then Wile E. Coyote has to defend both claims. What's more, the duty to defend is triggered by the allegations in the complaint without regard to whether the allegations are true or can be supported. As long as there is an allegation in the complaint that falls within the scope of the duty to defend, then Wile E. Coyote has to defend the entire case. If a judge or

¹Do not assume that text is enforceable. This is just an informal illustration written by me in the fetid cabin of a US Air flight home. If you want enforceable language, get with your construction attorney.

(Continued on Page 23)

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UUCF/Andrew Scott Johnson Memorial Scholarship Foundation Scholarship Application Available

The UUCF/Andrew Scott
Johnson Memorial Scholarship
Foundation, Inc. (UUCF/
ASJMSF) is pleased to announce
that its scholarship application is
now available. The scholarship
application is available to any
employee and/or their immediate
family member (i.e., child,
grandchild, etc.) who is employed
by a company that is a member
of UUCF. The applicant must be
a senior graduating from high
school who will be enrolling in an
accredited two— or four—year college

or university for the year beginning in August or September 2013 or an individual who is currently attending an undergraduate two— or four—year accredited college or university for the year beginning in August or September 2013. The enrollment may be in a curriculum of any number of years but the scholarship will not exceed one year. (Applicants must be affiliated with a UUCF member in good standing with dues paid at the time of application. Out of state branches of member companies are not eligible.) Any

company or individual who sponsors the UUCF/ASJMSF Annual Bass Tournament in the year the scholarship is being distributed may also apply.

The UUCF/ASJMSF was established in memory of the son of a Past President of UUCF, Scott J. Johnson (Johnson–Davis, Inc.). On December 28, 1999, Andrew "Andy" Scott Johnson was killed in an automobile accident. Andy

(Continued on Page 16)





Associate Member of the Month: Coastal Precast of Florida, Inc.

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(Continued on Page 26)

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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.

Thank You for Making Us Part of Your Team for Over a Century.

This year, as *The Blue Book Building and Construction Network* celebrates its 100th Anniversary, we feel privileged to have played a part in the industry's growth over the last ten decades. We are indebted to the millions of industry professionals who put us to work and continue to rely on our products to help build the relationships needed for their projects...from design through post-construction.

From our earliest print directory to the digital solutions found at **thebluebook.com**, the tools we have developed are designed to enhance your workflow – not change it. Our deployment of technology has remained careful and focused. Whether it's increasing productivity for our users, or providing exposure and project opportunities for our customers, *The Blue Book Network's* mission has remained constant:

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For information on The Blue Book Network's workflow solutions, visit **thebluebook.com** or call us at **855-805-2560** and let's talk about *how our team can best support yours* today.







President's Message



First, I would like to thank Scott Johnson, and congratulate him, for the continued

success of the UUCF/Andrew Scott Johnson Memorial Scholarship Foundation's Annual Bass Fishing Tournament. This year's tournament (the thirteenth) was held on Lake Toho.

Sinceits inception in 2000, the UUCF/ Andrew Scott Johnson Memorial Scholarship Foundation has awarded \$221,500.00 in scholarships to very deserving individuals. The foundation's only current source of revenue is this Annual Bass Tournament which is held each



spring.

UUCF Committees have been working hard over the past several months preparing for events to be

held in 2013.

UUCF will be holding its 2013 Conference at the Boca Raton Resort & Club on July 25–28. Conference Chairperson Kim Bryan and the Committee have been working on the details and should have everything finalized by mid-May. If you plan on attending, please make your room reservation today. For the Hotel Reservation Form, please go to Page 9 in this issue of the Ditchmen. UUCF will be holding Contractor's Day on Friday, July 26. There will be great speakers, roundtable discussions and table top displays.

UUCF will be holding its Annual President's Cup Golf Tournament on September 27–29 at PGA National Resort & Spa in Palm Beach Gardens. This event is a great weekend for contractors and suppliers to mingle. For those who register now, the UUCF office won't invoice you until June 1, 2013.

> Sincerely, Bruce Wendorf, **UUCF** President

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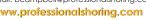




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(UUCF Schedules President's **Cup Golf Tournament Continued from Page 8)**

during play at the tournament. Must secure at least two sponsors. If two sponsors are not secured, those who sponsored will be moved to a Tournament Sponsor. All sponsors will be recognized on signage located at a hole on the course on Saturday where the cigars will be distributed to the golfers.

- Mulligan Sponsor at \$100.00 each (unlimited slots available). All sponsors will be recognized on signage located at registration each day throughout the tournament.
- Putting Contest Sponsor at

\$100.00 each (unlimited slots available). (All sponsors will be recognized on signage located at the Putting Contest each day throughout the tournament.)

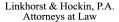
For the UUCF President's Cup Golf Tournament Registration or Sponsorship forms, please see Page 2 in this issue of the Ditchmen or visit the UUCF website at www.uucf.com/PCGolf/golf_ tournament.asp. If you have any questions or need additional information, please contact the UUCF office at (407) 830–1880.

Hope to see you all at the UUCF President's Cup Golf Tournament on September 27–29 at PGA National Resort & Spa in Palm Beach Gardens.

(UUCF/Andrew Scott Johnson **Memorial Scholarship Foundation Scholarship Application Available** Continued from Page 12)

was 19 years of age. He was an honor student and a 1998 graduate of Pope John Paul II High School. He was a sophomore at Vanderbilt University. He loved the outdoors, all kinds of sports, especially Lacrosse, music and sport fishing. Andy was especially dedicated and loyal to his many friends and family.

If you have any questions or need additional information please contact the UUCF/ASJMSF office at (407) 830–1880. If you would like to request a scholarship application, please click here.



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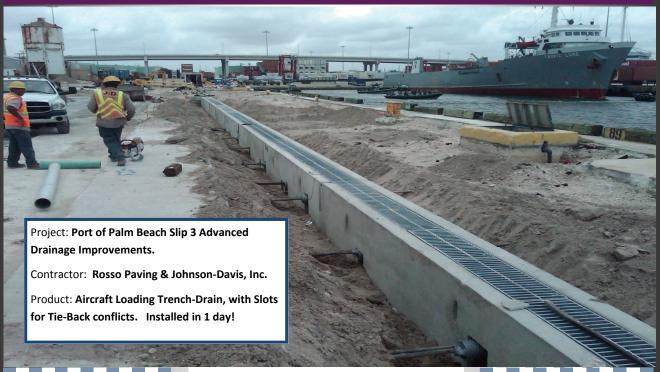
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Division of Workers' Compensation Offers Free Classes

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:

April 9, 2013

Jacksonville
9:00 a.m. – 12:00 noon
Florida Department of
Law Enforcement
921 North Davis Street, Building E,
Training Room
Jacksonville, FL 32209

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

April 18, 2013

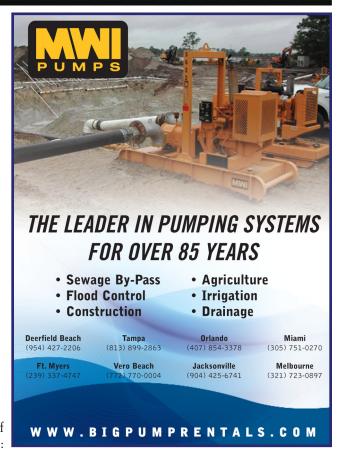
Miami 9:00 a.m. – 12:00 noon State of Florida Office Building 401 N.W. 2nd Avenue, North Tower, Suite N–423 Miami, FL 33128

April 23, 2013

Fort Myers 9:00 a.m. – 12:00 noon State of Florida Office Building 42295 Victoria Avenue, Room 165A Fort Myers, FL 33901

May 7, 2013

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



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

May 14, 2013

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

May 16, 2013

Lantana 9:00 a.m. – 12:00 noon Gold Coast Schools 6216 South Congress Avenue Lantana, FL 33462

(Continued on Page 26)





Calendar of Events

UUCF

Apr. 1Board of Director's Meeting, Tallahassee
Apr. 2 Walk the Halls of the Capitol, Tallahassee
June 7Board of Director's Meeting, Orlando
July 25Board of Director's Meeting,
Boca Raton Resort & Club, Boca Raton
July 25–28Annual Conference,
Boca Raton Resort & Club, Boca Raton
Sept. 27–29President's Cup Golf Tournament,
PGA National Resort & Spa, Palm Beach Gardens
Nov. 1Board of Director's Meeting, Orlando

NUCA of North Florida

Executive Committee Meeting
Executive Committee Meeting
Jacksonville Suns Baseball
Executive Committee Meeting
Executive Committee Meeting
General Membership Meeting
Executive Committee Meeting
Executive Committee Meeting
General Membership Meeting
Clay Shoot, WW Sporting Clay
Executive Committee Meeting
Fishing Tournament
Executive Committee Meeting
Election of Officers
Executive Committee Meeting
Holiday Party

NUCA of Northwest Florida 2013

Apr. (TBA)	Confined Space Entry Program
June 15	In Shore Fishing Tournament
Aug. (TBA)	General Membership Meeting
Oct. 12 Equi	pment Rodeo, Equestrian Center

2014

Feb. (TBA)..... Annual Meeting, Museum of Commerce

NUCA of Southwest Florida

Apr. 18 Board of I	Directors/General Membership
	Meetings
May 4	Golf Tournament
May 16	Board of Director's Meeting
June 20 Board of D	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 I	Directors/General Membership Meetings
Nov. 21	Board of Director's Meeting
Dec. 7	Holiday Party & Installation of Officers

National Utility Contractors Association (NUCA)

May	y 7–9	Washington Summit,
-	Crowne Plaza Old Town Alexa	ndria, VA, Capitol Hill
Oct.	t. 2–4Fall Board of Dire	ectors and Leadership
	Meeting, El Conquistador in Las	Croabas, Puerto Rico

Sunshine 811 Meetings

Apr. 19Executive Committee Meeting, Conference Call
May 22 Committee Meetings, Call Center, DeBary
May 23Annual Membership/Board Meeting,
Call Center, DeBary
May 24 Sunshine 811 Golf Tournament,
DeBary Golf & Country Club, DeBary
June 21Executive Committee Meeting, Conference Call
July 17–19Strategic Planning, Committee Meetings
and Board Meeting, TBA
Oct. 18Executive Committee Meeting, Conference Call
Nov. 14–15Committee & Board of Director's Meetings,
Call Center, DeBary

Construction Industry Licensing Board (CILB) Meetings

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

Corporations and LLC's: Time to File Your 2013 Annual Report

If your business is a Corporation (INC) or a Limited Liability Company (LLC), the deadline to file your Annual Report with the Division of Corporations is May 1. If you do not file your Annual Report by May 1, your will be charged a \$400 late fee.

Annual reports have to be filed online at **www. sunbiz.org**.





NUCA Now Accepting Scholarship Applications

The NUCA Scholarship Application is now available. The following scholarships are anticipated to be awarded at the following values in 2013.

- D.A. Foster Memorial Scholarship \$8,000 award (\$2,000/year over four years)
- William & Shirley Burgett Scholarship \$2,000 one-time award
- NUCA \$4,000 Scholarship \$4,000 award (\$1,000/year over four years)
- NUCA \$1,000 Scholarship \$1,000 award (\$500/year over two years for those enrolling in two-year programs)

Any high school senior whose parent or legal guardian is employed by a NUCA member company in good standing at the time of the application deadline may apply. Student employees, including part–time employees, are also eligible, as are dependents of NUCA Chapter Executive Directors. The applicant must be graduating from high school in 2013 and enrolling full time in an accredited two– or four–year college or university for their freshman year beginning in the fall of 2013.

Complete application forms and all required supporting documentation must be received in the NUCA office no later than 6:00 p.m. eastern time, Friday, May 24, 2013. Supporting documentation may be sent separately. Incomplete and improper applications will not be considered. Please address to: NUCA Foundation Scholarship Committee, 3925 Chain Bridge Road, Suite 300, Fairfax, VA 22030. Emails and faxes will not be accepted. NUCA staff will endeavor to advise applicants of incomplete applications only if, in staff's judgment, the incomplete information can be reasonably expected to be resolved and missing information received before the deadline.

Applications will be judged and winners announced by Friday, June 28, 2013, and notified by letter shortly after. If you have questions regarding the application and review process, please contact NUCA at (703) 358–9300.

The **scholarship** application describes the scholarships, criteria and deadline.

Sunshine 811 Holiday Calendar

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

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

Do you have a student who will be entering college this fall? If so, the 2013 NUCA Scholarship form is now available on the NUCA website. NUCA offers four scholarships annually based on merit. Forms are due by May 24 and winners will be announced in late June.

We are heading to the Baseball Grounds of Jacksonville on Thursday, May 23 to see the Jacksonville Suns take on the Birmingham Barons. Join us for a BBQ dinner which includes chicken, ribs, baked beans, potato salad, coleslaw and soft drinks. The cost is \$25 per person. Look for reservation information coming soon.

Mark your calendar and plan to attend NUCA's Washington Summit May 7-9. Don't miss NUCA's popular two-day event in the nation's Capitol! Day One is the Federal Issues Conference. National Awards Luncheon and Legislative Briefing. Day Two is all about visiting your elected officials. Get your own state delegation together and come! Two days of solid value and a great experience. It's democracy in action! NUCA member's price is \$245 (\$150 off non-member price)! Spouses and non-industry guests come for just \$195!

NUCA of Northwest Florida

NUCA of Northwest Florida and Sunshine 811 hosted a Contractors Luncheon on February 28, 2013 at the Pensacola Bay Center. We had a good group in attendance. Brad Martin, with Sunshine 811, covered a course on 5 Steps to Safer Digging. We also had Trooper David Herring, with Florida Department of Highway Safety and Motor Vehicles, open up the floor for questions and concerns. We had two door prize winners of a Home Depot Gift Card. They were Avery Patterson with Thompson Pump and Mark Busby with Brown Construction. A big thank you to Sunshine 811 for sponsoring this event.

Our Annual Sporty Clay Shoot was held on Friday, March 15 at the Santa Rosa Shooting Center in Pace, Florida. Thanks to our



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(Quarter page (3 3/8" w x 4 9/16" h)	\$75.00 net/month
(Business Card (3 ½" w x 2" h)	\$60.00 net/month
(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





Sponsors of this event: Cowin Equipment Company, HD Supply Waterworks, Hanson Pipe & Precast, Utility Service Company and Kubota/Coastal Machinery Company.

NUCA of Southwest Florida

The NUCA of Southwest Florida Annual Scholarship Tournament, hosted by Old Corkscrew Golf Club in Estero, FL, will be held on Saturday, May 4 with a shotgun start at 8:30 a.m. Scholarship awards are based solely on the proceeds from the Annual Golf Tournament. Scholarship awards are available to all NUCA of Southwest Florida members/families. For additional information, please contact Pres Bliss, Tournament Chairman, at (239) 633–5229 or the NUCA of Southwest Florida office at (239) 939–1952.

NUCA offers four college scholarships each year to high school seniors who fit the criteria and are selected based on merit. The scholarship application describes the scholarships and criteria. Awardees will be announced in late June. The deadline for scholarship application to be returned to NUCA is May 24.

Membership dinner meeting will be Thursday March 21 at the Holiday Inn Airport, Gulf Coast Town Center. NUCA of Southwest Florida welcomes our guest speakers from South Florida Water Management District, Mr. David Hurst, P.E. and Scott Korf, Field Compliance Inspector. All members and potential members are invited. Please R.S.V.P. by e-mail to *nucaswfl@gmail.com* or phone (239) 939–1952.

(Duty to Defend vs. Duty to Indemnify Continued from Page 10)

jury ultimately determines that the allegations by Acme Rocket Shoes were untrue, i.e. that Wile E. Coyote did not damage the work, then Wile E. Coyote does not get a refund

of the money spent providing the defense. The duty to defend depends solely on the facts and legal theories alleged in the pleadings and claims against the party to be defended. See e.g. National Union Fire Ins. Co. v. Lenox Liquors, Inc., 358 So.2d 533, 536 (Fla. 1977); Baron Oil Co. v. Nationwide Mut. Fire Ins. Co., 470 So.2d 810, 813 (Fla. 1st Dist.Ct.App.1985) (the "actual facts" of the situation are not pertinent). The duty arises when the relevant pleadings allege facts that fairly and potentially bring the suit within coverage of the duty to defend. Lime Tree Village Community Club Ass'n, Inc. v. State Farm Gen. Ins. Co., 980 F.2d 1402, 1405 (11th Cir. 1993); Trizec Properties, Inc. v. Biltmore Constr. Co., 767 F.2d 810, 811-12 (11th Cir. 1985).

The duty to defend is broader than the duty to indemnify in the sense that the defending party must defend

(Continued on Page 24)





(Duty to Defend vs. Duty to Indemnify Continued from Page 23)

even if facts alleged turn out to be untrue or legal theories unsound. A duty to indemnify, i.e. reimburse, is triggered by the actual damages being paid, and if the claim is not proven, then the Indemnitor does not have to pay. But, if a party has the duty to defend, that party will have to pay for the defense regardless of whether the claim can be proven or not.

Thus, when drafting or negotiating a subcontract, you ought to consider including an indemnity clause and a defense clause. In certain circumstances, the right to a defense can be as valuable, or more valuable, than a right to be indemnified. For example, when a lawsuit is filed to recover a relatively small amount. the cost to litigate can easily exceed the amount of the claim. If you have the right to be defended, then the party that agreed to defend bears the expense of fighting the claim and may conclude that the smart business decision is to pay the claim and avoid incurring the greater expense and inconvenience of litigating.

Hang on to your hats, because next month, we'll apply the indemnity and defense principals above in the context of a Coblentz Agreement!

So, be ready next month to gather the kiddies round for another riveting discussion of a mind–numbing legal issue. Seriously, if a single member can save a few dollars or avoid a legal headache by reading these articles, then it is worth the effort.

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.

Gray Robinson Shareholder George E. Spofford Joins Dispute Review Board Foundation



George E. Spofford, a shareholder in the Tampa office of GrayRobinson P.A., has been selected to be a member of the Dispute

Review Board Foundation.
The Foundation is a non-profit organization dedicated to promoting the avoidance and resolution of disputes worldwide using the unique and proven Dispute Resolution Board (DRB) method. Spofford's listed areas of expertise on the board include construction, heavy construction, highway construction,

marine work and underground work.

"George's extensive background in construction law makes him a valuable member to the Foundation," said GrayRobinson President Byrd F. "Biff" Marshall, Jr. "We are proud of his achievement and know he will make a strong impact on the organization through his membership."

Spofford is Florida Bar Board Certified in Construction Law. He is ranked by Chambers USA, is an AV Martindale–Hubbell rated lawyer, and has also been recognized as a Florida Trend Legal Elite, Florida Super Lawyer, and is listed as one of the "Best Lawyers in America." He serves as General Counsel to the Underground Utility Contractors of Florida, is a certified mediator, and is a member of the FDOT Disputes Review Board and the Florida Transportation Builders Association.

Spofford earned his juris doctorate from Emory University School of Law and his B.A., cum laude, from Auburn University.

Consumer Alert

Please be aware of mail or e-mails that COMPLIANCE SERVICES (not to be confused with the Florida corporation, Compliance Services, Inc.) is sending to business entities requesting that "Annual Minutes" and a fee of \$125.00 be sent to them for filing. These notices are **NOT** from the Department of State. Division of Corporations. "Annual Minutes" are **NOT** required to be filed with any agency. They are to be kept by the business entity itself. Do NOT confuse these notices with the messages sent by the Division of Corporations reminding each business entity to file its 2013 Annual Report.















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(Associate Member of the Month: Coastal Precast of Florida, Inc. Continued from Page 13)

is planned that way, because we listened to the people who would be working in these areas, and laid things out accordingly. Our team of highly skilled people know the business and try to provide the best possible products for the best price, in a timely manner, with customer's needs in mind the entire time. The employees at Coastal Precast of Florida, Inc. are the company's backbone, with well over 200 years combined experience in the precast industry.

While we strive to be on the cutting edge of technology and performance of concrete projects, experimenting with new products and methods every day, we have not forgotten what is most important – our customers. Many companies have lost sight of who the customer really is. "Our customers are not just numbers to us. They are people too!"

"Without our customers to back us and our word for them to trust, we have nothing!"

Also, from our beginning, we have been proud of our association with NUCA of Southwest Florida and UUCF. Our support and involvement with these associations, including Board of Director and Officer positions, participation and sponsorships in fund raising events and regular attendance at monthly dinner meetings, has helped us develop valuable new customers, as well as industry connections.

Coastal Precast has experienced growth and progress in the few short years since the company was founded, and a solid customer base has been established through hard work, service and the delivery of a quality product. Add to this the attitude of a plant built through employee

involvement, and you have the foundation for a bright future.

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

June 4, 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

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

June 11, 2013

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

July 10, 2013

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

July 11, 2013

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

August 7, 2013

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

August 8, 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.

Protecting Personal Information: A Guide for Businesses

Most companies keep sensitive personal information in their files names, Social Security Numbers, credit card or other account data — that identifies customers or employees. This information is necessary to fill orders, meet payroll and perform other necessary business functions. However, if sensitive information falls into the wrong hands, it can lead to fraud, identify theft or other bad situations. Given the cost of a security breach — losing your customers' trust and perhaps even defending yourself against a lawsuit — safeguarding personal information is a good idea for all businesses.

Some businesses have the in-house expertise to implement an appropriate plan to keep sensitive data safe. Those who don't will benefit from a brochure published by the Federal Trade Commission (FTC) that explains the five key principles of a sound data security plan. For additional information, please *click here*.







Take damage prevention to the next level with these 3 tools

Positive Response

No marks, no utilities? Not always. Utilities are required to use the Positive Response System, and you're required to check it before digging. Why? To verify if utilities are cleared, marked or not marked, and if you need to provide more information. Enter your ticket and contact numbers online or call (800) 852-8057.*

Safety Matters

Get your damage prevention questions answered in Safety Matters. It's Sunshine 811's one-hour online course. You get real life examples and relevant content to help you make good decisions before putting your shovel in the ground.*

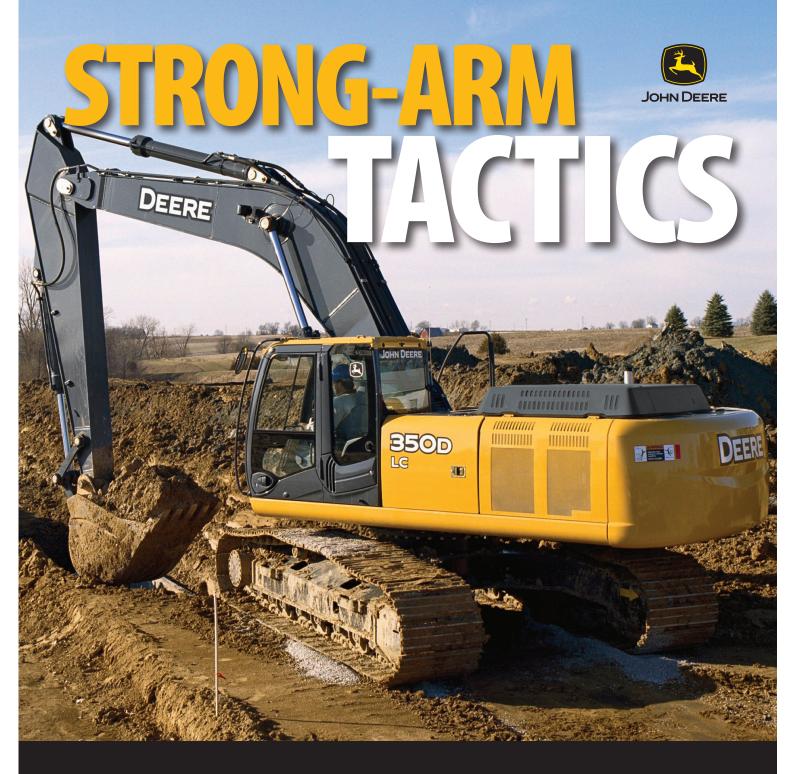
Internet Ticket Entry
ITE makes it easy to:

- Create tickets online 24/7
- Search and manage tickets
- E-mail or print tickets
- Check positive response Plus, we now offer webinar training for new ITE users. Complete your application today!*
 - * For more details or to download an ITE application visit www.Sunshine811.com.



Safe digging is no accident. Always call 811 before you dig. Sunshine 811 raises awareness and educates Florida on preventing digging damages to underground utilities. The goal is to make Florida the safest place to dig through a series of five steps that begin with "Call 811 Before You Dig." Learn more at www.Sunshine811.com.





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