

In Loving Memory of Herb C. Johnson

April 1, 1927 – January 24, 2015



Ditchmen

Online Magazine

List of Members

NUCA of Florida, Inc.
113 E. College Ave., Suite 200
Tallahassee, Fla. 32301
(850) 727-0628
Rob Wilson
Executive Vice President

Officers

Lauren Atwell, President
Chris Stewart, Vice President, Conference
Tom Woodward, Treasurer
Bruce Wendorf, Immediate Past President
Scott Johnson, At Large
Bill Lee, At Large
Mike Woodall, At Large
George E. Spofford, General Counsel

Directors

NUCA of North Florida
Jon Woodall
NUCA of Northwest Florida
Lee Brown
NUCA of Southwest Florida
Bob Russell
UCA of South Florida
Brian Hunsicker
Paul Knight
Glen Tupler
SUCA
Tom Butler
Larry Falls
NUCA of Central Florida
Billy Joe Brewer
Clay Sorey
Darren Campbell
Sunshine 811 Representative
Mark Sweet

NUCA of North Florida
PO Box 16810
Jacksonville, Fla. 32245
(904) 296-1230
Kathy Blackman
Executive Director

Officers

Jon Woodall, President
Elliot Jones, President Elect
Marty Adams, Vice President I
Tripp Brown, Vice President II
Jennifer Setzer, Secretary/Treasurer
Mike Woodall, Past President
Tony Zebouni, General Counsel

Board of Directors

Lauren Atwell	Ryan Pugh
Rick Erickson	Jarod Wolford
Mike Gruber	
Billy Hood	Alt: Christopher
Mike Kivlin	Cantiello
Drew Lane	Alt: Robert Rowley
Ed Porter	Alt: Jamie Welu

NUCA of Northwest Florida
PO Box 18472
Pensacola, Fla. 32523-8472

Trysha Scott
Executive Director
(850) 982-4014

Officers

Jordan Lee, President
Crayton Brogdon, Vice President
Chris Dixon, Secretary/Treasurer

Board of Directors

Shain Cheney	Ben Joyner
Bill Davis	Bill Lee
Matt Hall	Chad Tubbs
Justin Hinote	Rick Waters

NUCA of Southwest Florida
PO Box 62207
Fort Myers, Fla. 33906-2207
Rhonda Cason
Executive Director
(239) 939-1952

Officers

Bob Russell, President
Brett Eckenrode, Past President
Aaron Hunt-Branch, Vice President
Jerry Haas, Treasurer
Chris Stewart, Secretary

Board of Directors

Bob Keiling	John Wirka
Bruce Wendorf	Mike McDonnell
David Scafidi	Mike Sappah
Doug Reese	Mitchell Penner
Frank Gibson	Peter Walters
Heath Draper	Pres Bliss
Jim Murphy	Tim Wise

Suncoast Utility Contractors Association (SUCA)
PO Box 21424
Tampa, Fla. 3362-2424
Theresa Mannix
Executive Director
(727) 600-7158

Officers

Tom Butler, Chairman
Tim Carmichael, Vice Chairman
Penny Danielecki, Treasurer
Ken Wachman, Immediate Past Chairman
Bruce Akers, Past Chairman 2006-2007
Kevin Rowland, Past Chairman 1998-1999

Board of Directors

Scott Huber	Wayne Jensen
Kevin McLaughlin	Darryl Kehoe
Robert Van Valin	Curt Hinson
Scott Williams	Bill Cammann
Charles Bass	Kevin Chandler
Justin Berglund	Shawn Mason
Wally Quigg	Max Montell

NUCA Central Florida,
P.O. Box 10097
Cocoa, Fla. 32927

Karen Dewitt
Executive Director
(321) 632-7400

Officers

Clay Sorey, President
Billy Joe Brewer, Vice President
Joe Weber, Jr., Treasurer
Darren Campbell, Secretary
Debra Mallard, Immediate Past President

Board of Directors

Scott Edwards	Greg McClelland
Kim Fortier	Andrew Porteus
Josh Hetzel	Pat Zaccaro
Rodd Litchfield	Craig Lynch
Rick Bolinger	David Smith
Darren Campbell	

Underground Contractors Association of South Florida
3730 Coconut Creek Parkway, Suite 101
Coconut Creek, Fla. 33066
Jennifer Mancini
Executive Director
Phone: (754) 800 7979
Fax: (954) 827-0215

Officers

Paul Knight, President
Glen Tupler, Vice President
Greg Wolf, Treasurer
Eric Forman, Secretary
Lane Berg, Immediate Past President

Board of Directors

Ben Miller	Todd Bachman
Ed Foss	Brian Hunsicker
Jerry Rodgers	Bernie Vito
Daniel Young	Freddy Chesney
Frank Prieto	Rex Nealis
Joe Antico	

NUCA
3925 Chain Bridge Road Suite 300
Fairfax, VA 22030

Officers

Ronald T. Nunes, Chairman
Florentino Gregorio, Past Chairman
Bruce Wendorf, Vice Chairman
Kara Habrock, Secretary
Jeff Rumer, Treasurer
Bill Hillman, Assistant Secretary & CEO
Ryan Schmitt

Board of Directors

Kari Biernacki	Dan Hernandez
Fred Chesney	Bill Martinak
Jason Clark	Mark Reisinger
Kevin Cripps	Kurt Youngs
Rick Davis	Yvonne Bland
Mike Donatelli	Roger B. Mohr
Mark Fuglevand	Helen Prince

Contents

Cover	1	Rules	19
List of Members	2	New Requirements for Employers	
Contents & Advertisers.....	3	to Post Injury Reports	19
President's Message	4	Governor Scott says Legislature should	
2015 NUCA FL/Andrew Scott Johnson		cut \$240 million in transportation	
Memorial Bass Fishing Tournament..	6	funding	19
2015 ASJMSF Fishing Tournament		Putnam suggests spending Amendment	
Registration Form.....	7	#1 funds on wastewater, advocates	
2015 ASJMSF Fishing Tournament		disagree	20
Sponsor Registration Form.....	10	Rick Waters, Thomspson Pump Profile	
New Phone Number	11	Questions	20
2015 NUCA FL/Andrew Scott Johnson		Jordan Lee, Utility Service Company Inc.	
Memorial Bass Fishing Tournament		Profile Questions	21
Sponsors.....	12	Florida's Largest Free Safe Digging Event	
NUCA Calendar of Events	14	of 2015.....	21
NUCA of Florida Calendar of Events	14	Show Me the Money: The Local Prompt	
SUCA Calendar of Events.....	14	Payment Statute.....	23
NUCA of North Florida Calendar of Events		Wilson & Associates Press Release	26
.....	15	NUCA of Central Florida "Dove Classic" .	28
NUCA of Central Florida Calendar of		Scholarship Registration.....	29
Events	15	We Need Cover Photos!.....	29
Sponsor Values	16	Legislation to Implement Amendment 130	
Sponsor Registration	17	Competition for Amendment 1 Funding 35	
EPA Proposes Changes to Lead-Paint		PAC Donation Form.....	37

Advertisers

BlueBook.....	27
Business Card Ads.....	29
Efficiency Shoring & Supply	18
GrayRobinson Flyer	36
HD Supply & Waterworks.....	13
Mabey Bridge & Shore	27
National Trench Safety	5
R. H. Moore & Assoc.....	34
Ritchie Bros	22
Sunshine 811	25
Thompson Pump.....	34

President's Message



There's No Place Like Home

We are shaped by our earliest experiences and influences. As a middle child of three growing up in a spirited Italian Catholic home, I was blessed with a father and family who passed on a blend of Jesuit and construction traditions of education as a life-long pursuit, working hard, serving others and making a difference. He also taught me that anything worth doing is worth doing well. These values have motivated and inspired me all my life, including my years as an active member of this association. NUCA has in many ways, been a professional home- a place where I have found purpose, value and enduring relationships and unparalleled opportunities for professional growth.

You will see all throughout this months newsletter all the great upcoming events and opportunities for you to personally get involved with, participate in, learn, network and have fun at. I look forward to seeing you at:

February 19 - 21

15th Annual NUCA FL/Andrew Scott Johnson Memorial Bass Fishing tournament, Big Toho Marina in Kissimmee, Florida. This fun event is the primary funding source for this scholarship foundation that has given over a quarter of a million dollars to our companies/members children, please consider supporting this great foundation and/or participating in a fun weekend of fishing with your friends.

March 23

NUCA of Florida, Spring Board Meeting, Hyatt Regency Pier 66, Fort Lauderdale, FL. Join us at the board meeting and stay for NUCA's 50th anniversary celebration as part of NUCA's annual conference, what a great opportunity for our Florida members to participate in the Board meeting and then represent our state at the National conference.

April 7 - 8

Legislative days, Tallahassee, FL, little change up this year, if you can only participate for one day, you won't miss a thing, we will start with our legislative briefing over breakfast on the 8th and loaded with information we'll take on the halls of our state government. For anyone wanting to capture some good networking and fun as well, show up the evening before for a welcome reception, drinks and breakout for dinners. The Don Davis award will bestowed to a Florida legislator, so please show up to represent our association and congratulate your legislator on their award.

July 30 - August 1

NUCA of Florida Annual Conference at the Renaissance Vinoy, St. Petersburg, Florida

There really is no place like home, and I can think of no better "home base" for all Florida Utility and excavation contractors than our association.

Welcome home,

A handwritten signature in black ink, appearing to be 'L. Atwell'.

Lauren C. Atwell



IF YOU KNOW WHAT THIS IS



YOU NEED TO KNOW WHO WE ARE

RENTALS

SALES

ENGINEERING

TRAINING

SERVICE



NATIONAL TRENCH SAFETY

"THE TRENCH & TRAFFIC SAFETY SPECIALISTS"

MIAMI

4601 Oakes Rd.
Davie, FL 33314
Ph: 954-583-7172

MOBILE

5965 Rangeline Rd.
Theodore, AL 36582
Ph: 251-443-7080

TAMPA

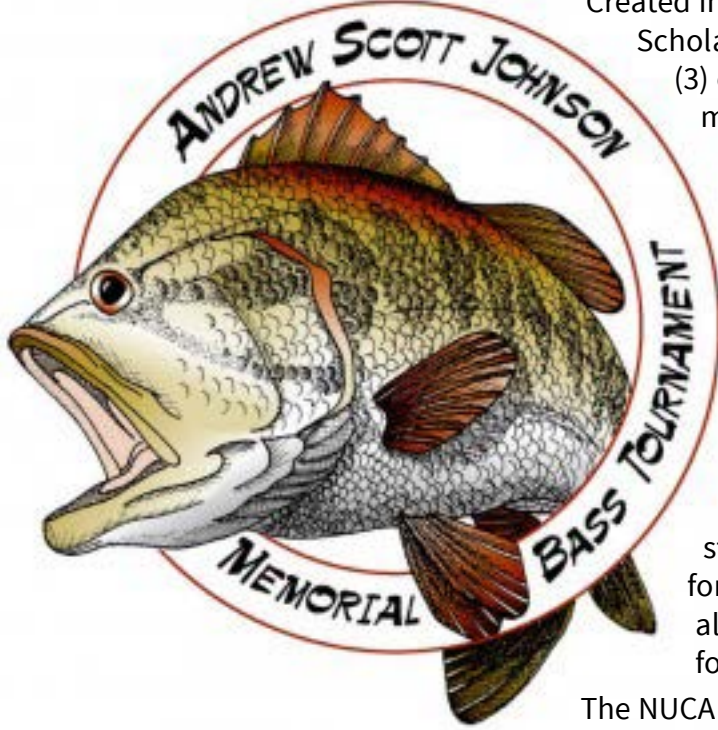
509 S. Falkenburg Rd.
Tampa, FL 33619
Ph: 813-662-3723

FOR MORE INFORMATION CALL 888 234 9244

WITH A NATIONWIDE BRANCH NETWORK, WE'RE WHERE YOU NEED US TO BE

WWW.NTSAFETY.COM

2015 NUCA FL/Andrew Scott Johnson Memorial Bass Fishing Tournament



Created in 2000, the NUCA FL/Andrew Scott Johnson Memorial Scholarship Foundation was formed as a non-profit 501(c)(3) of the Internal Revenue Code, and was established in memory of the son of Scott Johnson (Johnson-Davis), a two-time past president of UUCF. Tragically, Scott and Robin Johnson's nineteen year-old son Andrew "Andy" Scott Johnson was killed in an automobile accident on December 28, 1999. At the time, Andy was a sophomore studying civil engineering at Vanderbilt University with the hope of entering the family business.

Since its inception, the NUCA FL/Andrew Scott Johnson Memorial Scholarship Foundation has awarded \$270,500 in scholarships to college bound students of association members while simultaneously forever memorializing a bright young man. This annual bass tournament is the sole revenue source for the foundation.

The NUCA FL/ASJMSF Fishing Tournament Committee has been diligently working to make the 2015 tournament the best one yet.

The tournament will return to Big Toho Marina in Kissimmee, Florida, February 19-21, 2015, and the committee has made some exciting changes for this year's event. In 2015 there will be separate awards for guided and self-guided teams, new lodging accommodations, and off-site dinner arrangements, including Cheers Sports Bar on Friday evening.

Registration forms for anglers and sponsors can be found on pages 7 and 10.

Please contact Sydney Phillips at sphillips@wilsonmgmt.com or (850) 514-5183 if you have any questions.



NUCA of Florida/ Andrew Scott Johnson Memorial Scholarship Foundation
15th Annual Bass Fishing Tournament
February 19-21, 2015
Big Toho Marina – Kissimmee, Florida
Registration Form

Contact: _____
Company Name: _____
Mailing Address: _____
City/State/Zip: _____
Email: _____
Phone: _____ Fax: _____

Registration fee: \$85 per angler

- Anglers will receive a t-shirt, hat, and raffle ticket.

Team Members (each team can have up to three members):

1. Name _____

Shirts (circle one): Small, Medium, Large,
X-Large, XX-Large

Sleeve Length (circle one): Short Sleeve or Long Sleeve

Hat (circle one): Standard or Camo

3. Name _____

Shirt Size (circle one): Small, Medium, Large,
X-Large, XX-Large

Sleeve Length (circle one): Short Sleeve or Long Sleeve

Hat (circle one): Standard or Camo

Total Angler Fee: \$ _____

2. Name _____

Shirt Size (circle one): Small, Medium, Large,
X-Large, XX-Large

Sleeve Length (circle one): Short Sleeve or Long Sleeve

Hat (circle one): Standard or Camo

A Captain's Meeting will be held @ 7:00 p.m. on Thursday, February 19, 2015. One individual from each team must be present. The rules will be discussed at this meeting and there will be a Calcutta for self-guided and guided teams. The self-guided teams will have a minimum Calcutta of \$200 per team.

Guide Boat:

___ 2-person guide boat: \$750

___ 3-person guide boat: \$825

___ We will use our own boat.

Total Guide Boat Fee: \$ _____

Big Fish Pot:

___ Big Fish Pot Registrations at \$10.00 each

Total Big Fish Pot Fee: \$ _____

Shiners:

Friday, February 20, 2015

___ dozen **medium** at \$17.00/dozen

___ dozen **large** at \$24.00/dozen

Saturday, February 21, 2015

___ dozen **medium** at \$17.00/dozen

___ dozen **large** at \$24.00/dozen

Total Shiners Fee: \$ _____



NUCA of Florida/ Andrew Scott Johnson Memorial Scholarship Foundation
 15th Annual Bass Fishing Tournament
February 19-21, 2015
Big Toho Marina – Kissimmee, Florida
 Registration Form

Boxed lunches will be arranged through Big Toho Marina at the cost of \$12.00 per lunch. Please complete the form below to pre-order your boxed lunch.

Lunch Order

Name	Friday Sandwich (Roast Beef, Turkey, Ham)	Toppings (Lettuce, Tomato, Onion)	Cheese (American, Swiss)	Chips (Regular, Fritos, Cheetos)	Saturday Sandwich (Roast Beef, Turkey, Ham)	Toppings (Lettuce, Tomato, Onion)	Cheese (American, Swiss)	Chips (Regular, Fritos, Cheetos)

Total Lunch Fee: \$ _____

Payment Method:

☐ Check, mail to:

NUCA of Florida/ASJMSF
 113 East College Avenue, Suite 200
 Tallahassee, FL 32301

☐ Credit Card

 Name on Card

 Card Number/ Type

 Expiration Date/ Security Code



NUCA of Florida/ Andrew Scott Johnson Memorial Scholarship Foundation
15th Annual Bass Fishing Tournament
February 19-21, 2015
Big Toho Marina – Kissimmee, Florida
Registration Form

Hotel Reservations

Each room at the Satisfaction Orlando Resort is \$65 per night. All rooms are studios with large windows, ceramic floors and a refrigerator. Please complete this form with the required information for a hotel reservation to be made for you.

<hr/>		<hr/>	
Name		Company	
<hr/>			
Address			
<hr/>		<hr/>	
City/State/Zip		Credit Card Number/ Expiration/ Type	
<hr/>		<hr/>	
Arrival Date		Single-Occupancy or Double-Occupancy (Circle One)	
<hr/>		<hr/>	
Departure Date			
<hr/>			

<hr/>		<hr/>	
Name		Company	
<hr/>			
Address			
<hr/>		<hr/>	
City/State/Zip		Credit Card Number/ Expiration/ Type	
<hr/>		<hr/>	
Arrival Date		Single-Occupancy or Double-Occupancy (Circle One)	
<hr/>		<hr/>	
Departure Date			
<hr/>			

<hr/>		<hr/>	
Name		Company	
<hr/>			
Address			
<hr/>		<hr/>	
City/State/Zip		Credit Card Number/ Expiration/ Type	
<hr/>		<hr/>	
Arrival Date		Single-Occupancy or Double-Occupancy (Circle One)	
<hr/>		<hr/>	
Departure Date			
<hr/>			



NUCA of Florida/ Andrew Scott Johnson Memorial Scholarship Foundation
15th Annual Bass Fishing Tournament
February 19-21, 2015
Big Toho Marina- Kissimmee, Florida
Sponsor Registration Form

The NUCA of Florida/ Andrew Scott Johnson Memorial Foundation's Bass Fishing Tournament was organized to help raise funds for the scholarship foundation. Sponsorships are very important to the tournament's success. Please consider one of the following sponsorships.

☐ **Platinum: \$2,500**

Your company logo will be on the trophies and tournament t-shirts. You will also receive an embroidered jacket, a t-shirt and hat, and three complimentary angler registrations.

☐ **Trophy Sponsor: \$1,500**

Your company logo will be on the trophies and tournament t-shirts. You will also receive an embroidered jacket, a t-shirt and hat, and two complimentary angler registrations.

☐ **Weigh-in Sponsor: \$1,000**

Your company logo will be on the tournament t-shirts. You will also receive an embroidered jacket, a t-shirt and hat, and two complimentary angler registrations.

☐ **Captain's Meeting Sponsor: \$1,000**

Your company logo will be on the tournament t-shirts and a sign at the Captain's Meeting. You will receive a t-shirt and hat.

☐ **Angler Dinner Sponsor: \$1,000**

Your company logo will be on the tournament t-shirts and a sign at the Angler Dinner. You will receive a t-shirt and hat.

☐ **Major Sponsor: \$500**

The company banner will be on display at the marina on Friday and Saturday. Your company logo will be on the tournament t-shirts. You will receive a t-shirt and hat.

☐ **General Sponsor: \$200**

The company name will be on a banner with other General Sponsors at the marina on Friday and Saturday. Your company logo will be on the tournament t-shirts. You will receive a t-shirt and hat.

Shirt Size: Small, Medium, Large, X-Large, XX-Large; **Sleeve Length:** Short or Long; **Hat:** Standard or Camo

Company _____

Contact Name _____

Address _____

City/State/Zip _____

Phone _____ Email _____

Payment Method:

☐ **Check, mail to:**

NUCA of Florida/ASJMSF
113 East College Avenue, Suite 200
Tallahassee, FL 32301

☐ **Credit Card**

Name on Card _____

Card Number/Type _____

Exp. Date/CVC Code _____

Contact Sydney Phillips at sphillips@wilsonmgmt.com or (850)514-5183 with any questions.

**NUCA of Florida
has a new
phone number!**

(850) 514-5183

2015 NUCA FL/Andrew Scott Johnson Memorial Bass Fishing Tournament Sponsors

Trophy Sponsor

Ferguson Waterworks

Weigh-In Sponsors

HD Supply Waterworks
Linder Industrial Machinery

U.S. Concrete Products Corp.
Utility Service Co.

Captain's Dinner Sponsors

Friends & Family of Andrew Scott Johnson

Palmdale Oil

Angler Dinner Sponsor

D.S. Eakins

Major Sponsors

Burck Oil Company
Centerline Utilities
Contech Engineered Solutions
Denise & Bob Hopler
Forsberg Construction
GrayRobinson
J.W. Cheatham Keefe, McCullough & Co.
Kelly Tractor
Liberty Mutual Surety
Madsen-Barr Corp.

Michael B. Schorah & Associates
Palm Beach Aggregates Pathway Enterprises
Petticoat Schmitt Civil Contractors
Rinker Materials
Rosso Site Development
Trio Development Corp.
UCA of South Florida
Wakefield Road Boring
Weekes & Callaway

General Sponsors

Belvedere Contracting
Bernie & Carla Vito
Efficiency Shoring & Supply
Florida Coast Equipment
Flygt, a Xylem Brand
John Woody, Inc.

Murray Logan Construction
NUCA of Central Florida
Rangeline Tapping Services
Ranger Construction Industries
Tommy McCabe
Wes William/Aon

As of February 5, 2015

Success is Built On Partnership



We are your partner in building the success of your projects. From the earliest planning stages to the final accounting, we bring all of our know-how—as well as products, supplies and services—to your success story. Local HD Supply, WATERWORKS experts will help to speed the process and smooth the challenges as only a veteran of the business can do. More importantly, with our vast inventory and our reputation for creating success, we can deliver something very rare in this business: peace of mind.

“So, let’s begin building the foundation for your next success story this afternoon.... and you will sleep better tonight.”

FLORIDA BRANCHES

Ft. Myers 239-334-1997
Ft. Pierce..... 772-466-5955
International 561-840-6855
Jacksonville 904-268-7007
Miami 786-573-3401
Miami Irrigation 305-468-1475
Ocala 352-351-8144
Oakland Park..... 954-772-7343
Orlando 407-291-1545

Pensacola..... 850-478-6372
Riviera Beach 561-848-4396
Sarasota 941-364-8909
Tallahassee 850-576-3617
Tampa 813-623-3343
Treatment Plant 813-621-1971
W. Palm Beach Irrigation..... 561-640-2941
Wildwood 352-748-7473

Local Knowledge
Local Experience
Local Service, Nationwide®

HD SUPPLY®
WATERWORKS



Proud Corporate Sponsor
of the NRWA

www.hdswaterworks.com

24 Hour Emergency Service
Online Services

NUCA Calendar of Events

March 24-26	NUCA 2015 Convention Ft. Lauderdale, FL
May 18-22	Washington Summit Washington DC
June 15-19	Train-the-Trainer Coppell, TX
September 27-29	Safety Trainers Forum Atlanta, GA

NUCA of Florida Calendar of Events

February 19-21	NUCA of Florida/ASJMSF Fishing Tournament Kissimmee, FL
March 23	Board Meeting Hyatt Regency Pier 66, Fort Lauderdale, FL
March 24-26	NUCA National Annual Convention Hyatt Regency Pier 66, Fort Lauderdale, FL
April 7	Legislative Days Welome Reception Tallahassee, FL
April 8	Legislative Days Tallahassee, FL
July 30 - August 1	NUCA of Florida Annual Conference Vinoy Renaissance - St Petersburg, FL

SUCA Calendar of Events

February 12	Tampa Bay Lightning Contractor Night
--------------------	---

NUCA of North Florida Calendar of Events

February 11	Executive Committee Meeting
February 19-21	NUCA of Florida 15th Annual Bass Fishing Tournament
March 10	Executive Committee Meeting
March 19	Board & General Meeting
March 23	NUCA of Florida Board Meeting
March 24-26	NUCA Convention
April 7-8	NUCA of Florida Legislative Days
April 6	NUCANF Golf Tournament St. Johns Golf & Country Club
April 13	Golf Tournament
May 12	Executive Committee Meeting
May 14	NUCA of North Florida Board Meeting Jacksonville Suns Baseball
May 19-21	Washington Summit

NUCA of Central Florida Calendar of Events

March 23	Board of Directors Meeting Volusia County
April 17	Spring Golf Tournament Duran Golf Club, Viera, FL
April 20	Board of Directors Meeting Dixie Crossroads Restaurant
May 18	Board of Directors Meeting Orlando
May 29	Auction & Barbecue Brevard Zoo, Melbourne
July 20	Board of Directors Meeting Dixie Crossroads Restaurant
August 14	Friends & Family Weekend Vero Beach Hotel & Spa
September 21	Board of Directors Meeting Volusia County
October 2	Fall Golf Tournament
November 16	Board of Directors/Planning Meeting Orlando
December 4	Christmas Party



Sponsor Benefits

\$5,000- "Jackpot"

- Company name appears on all flyers/registration forms
- Prominent logo display throughout conference events/brochure
- Profile of your firm included in the conference program (*deadlines apply)
- Sponsor ribbon added to name tags for all registered employee/guests of "Jackpot" Sponsors
- One reserved table at the Friday or Saturday night dinner
- 12 months of full-page advertisements in Ditchmen magazine
- Live company introduction at Saturday night dinner
- One full registration and one full spouse registration at the conference
- Booth at Contractor's Day
- Attendance at all breakout sessions during Contractor's Day
- Company name listed on the NUCA of Florida Website as a "Jackpot" Sponsor

\$3,000- "High Roller"

- Company name appears on all flyers/registration forms
- Company's logo on pull-up banner provided by NUCA of Florida
- Logo on sponsor signage throughout event
- Company logo displayed on "Sponsors Page" in the NUCA of Florida Ditchmen for 6 months after the conference
- Profile of your firm included in the conference program (*deadlines apply)
- Sponsor ribbon added to name tags for all registered employee/guests of 'High Roller' Sponsors
- One reserved table at the Friday or Saturday night dinners

\$1,500- "Full House"

- Sponsor signage at Friday and Saturday night dinners/events
- Company logo displayed on "Sponsors Page" in the NUCA of Florida Ditchmen for 6 months after the conference
- Included in conference brochure/program as "Full House" Sponsor

\$500- "Flush"

- Company logo displayed on "Sponsors Page" in the NUCA of Florida Ditchmen for 6 months after the conference
- Sponsor signage at conference and included in conference brochure as a "Nickel" Sponsor

\$100 to \$250- "Straight"

- Name displayed on Sponsor board at registration desk



Sponsor Registration Form

☐ "Jackpot" Sponsor- \$5,000

☐ "High Roller" Sponsor- \$3,000

☐ "Full House" Sponsor- \$1,500

☐ "Flush" Sponsor- \$500

☐ "Straight" Sponsor- \$250

Company Name: _____

Contact Name: _____

Address: _____

City/State/Zip: _____

Email Address: _____

Phone Number: _____

Payment Method

☐ **Credit Card**

Name on Card _____

Card Number _____

Expiration Date _____

CVC Code _____

Billing Address _____

☐ Same as above

☐ **Check, mail to:**

NUCA of Florida
113 East College Avenue
Suite 200
Tallahassee, FL 32301

Contact Sydney Phillips at sphillips@wilsonmgmt.com or (850) 514-5183 with any questions.

EFFICIENCY SHORING & SUPPLY

Factory-Direct Sales & Rentals



Steel Trench Shields



Slide Rail System



Quicksheet™ Guideframe



Pipe Plugs



Road Plate

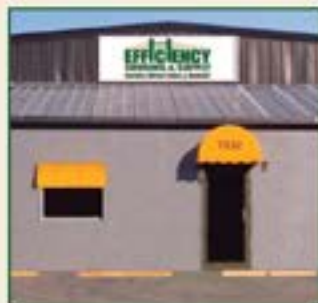


Build-A-Box™



ORLANDO

11128 Boggy Creek Rd
Orlando, FL 32824
Office: 407-854-9949
Fax: 407-854-9917



TAMPA

7532 Malta Lane
Tampa, FL 33637
Office: 813-248-2495
Fax: 813-248-2489

EFFICIENCY SHORING & SUPPLY
Factory-Direct Sales & Rentals™

Formerly:



EFFICIENCY PRODUCTION, INC.
America's Trench Box Builder
Official Efficiency Production Factory-Direct Sales & Rentals Company

www.efficiencysshoring.com

EPA Proposes Changes to Lead-Paint Rules

The Environmental Protection Agency (EPA) has issued a proposed rule that would make changes to its Lead: Renovation, Repair and Painting (LRRP) Rule. Under the proposed rule, renovators undergoing recertification training would not have to complete the hands-on component, which is currently required for both initial certification and recertification. The rule change would not eliminate this provision for other disciplines and only applies to renovators. In addition, the EPA is proposing to eliminate the duplicative process that applicants apply for certification in multiple EPA-administered jurisdictions. The Agency states that it is unnecessary for an applicant to apply multiple times and certification in one EPA-administered state jurisdiction should be sufficient to perform work in any other EPA-administered states. NLBMDA will be submitting comments on the proposed rule.

New Requirements for Employers to Post Injury Reports

From February 1, through April 30, 2015, covered employers must post OSHA's Form 300A. This form must be posted in common areas where other documents for employees are typically posted. OSHA's 300A form is used to summarize and document all job-related injuries and illnesses that occurred in 2014.

As of January 1, 2015, changes to OSHA's record keeping requirements went into effect and certain industries that were previously exempt are now covered. Lists of both exempt and newly covered industries are available on OSHA's website. Visit the Updates to OSHA's Recordkeeping Rule Webpage for more information on recordkeeping requirements.

Governor Scott says Legislature should cut \$240 million in transportation funding

Gov. Rick Scott recommended that the Legislature appropriate roughly \$10.3 billion to the Transportation Appropriation segment of the budget, about \$240 million less than last year's appropriation. That \$10.3 billion is distributed between two agencies, the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

Department of Transportation

Gov. Scott suggested that the Legislature appropriate roughly \$9.88 billion to FDOT, including \$9.1 billion for the agency's work plan, a \$235 million reduction from the Fiscal Year 2014-2015 budget. This would include:

- ▶ \$3.6 million to add 245 new miles of roads
- ▶ \$901.5 million for maintenance and operation
- ▶ \$657.5 million to resurface 2,510 miles of roads
- ▶ \$492 million for transit program improvements
- ▶ \$242.6 million to repair 92 bridges and replace another 16 bridges
- ▶ \$106.9 million for seaport infrastructure improvements

Department of Highway Safety and Motor Vehicles

DHSMV would receive \$439 million under the governor's plan, a \$1.7 million decrease from the current year's budget.

View all documents here: [Governor's Budget Recommendations for Fiscal Year 2015-2016](#)

Putnam suggests spending Amendment #1 funds on wastewater, advocates disagree

During the annual Associated Press Legislative Planning Day, Agriculture Commissioner Adam Putnam suggested that some Amendment #1 funds could be spent on improving waste-water systems in some areas, but the ballot measure's advocates disagree, according to Sean Rossman of The Tallahassee Democrat. "There is an appropriate limited role for using some Amendment 1 funds to upgrade failed systems," Putnam said. "It should be considered as part of a small portion of that conservation program where that is the best solution for that watershed."

Peggen Hanrahan, of the Trust for Public Lands, said those projects should be paid for by other state revenues and not be taken out of Amendment 1 funds. "Those are good and worthy projects to pursue, but they are not the focus of Amendment 1," said Hanrahan, the former mayor of Gainesville. "That really wasn't the intended focus." The goal of the amendment, she said, is to support existing land and water conservation projects like Florida Forever and the restoration of Florida's springs and the Everglades.

"We would like to see these dollars really cleaning water at the source," added Hanrahan. Eric Draper, executive director of Florida Audubon, said the money should not be used for local water projects. "The voters didn't think they were voting to bail out development projects," he said.

But Putnam made the case that places like the Florida Keys would not benefit as much from efforts like acquisition since there's so little land left to protect. "The best thing we can do there is improve waste-water treatment," Putnam said. "We need different strategies for these areas."

Rick Waters, Thomspson Pump Profile Questions

1. Tell us about the services your company provides.
Dewatering, Bypassing, Rentals, Sales of pumps and equipment.
2. What is your business philosophy?
Customer Service
3. What are your hobbies or interests outside of work?
Golf, Fishing, and Boating.
4. What is your favorite travel location?
Montana / Chicago
5. If you could have dinner with anyone, living or deceased, who would it be and why?
My father, just to spend one more day.
6. What are you currently reading?
Nothing at the moment.
7. Grill master or reservations?
Grill
8. What attracted you to the underground utility business?
The challenge of each day.
9. What is your educational background?
ENG / GED
10. What is your favorite college or pro team?
Florida Gators
11. Do you have any "guilty pleasure" TV Shows?
HGTV
12. What would be your dream vacation?
Travel the US
13. What was the first car you drove?
Jeep CJ 5

Jordan Lee, Utility Service Company Inc.

Profile Questions

1. Tell us about the services your company provides.
Installation of water, sewer, storm drain, and gas
2. What is your business philosophy?
Treat your customers fairly, and take care of your employees the best you can.
3. What are your hobbies or interests outside of work?
Fishing, spearfishing, anything on the water.
4. What is your favorite travel location?
The keys
5. If you could have dinner with anyone, living or deceased, who would it be and why?
The founding fathers, I like history and love America
6. What are you currently reading?
The spec book for a project were looking at
7. Grill master or reservations?
Both
8. What attracted you to the underground utility business?
You could say it's in my blood, plus who doesn't like playing in the dirt with heavy equipment?
9. What is your educational background?
Education? Have you ever heard me speak?
10. What is your favorite college or pro team?
University of Alabama
11. Do you have any "guilty pleasure" TV Shows?
Family Guy, South Park, Modern Family, Sleepy Hollow
12. What would be your dream vacation?
One month paid vacation to the keys and the Bahamas. Unlimited gas money
13. What was the first car you drove?
'98 Ford Explorer

Florida's Largest Free Safe Digging Event of 2015

Sunshine 811 Media Contact

Wendy Schaefer
(386) 575-2050

Wendy.schaefer@sunshine811.com

Sunshine 811 mixes safety, pipelines, CEUs for compelling day of learning

DeBARY, FL (January 16, 2015) — Join Sunshine 811 for 811 Safety Day March 12, 2015 at the Rosen Shingle Creek in Orlando for learning, earning up to two CEUs, and networking with others in your industry. Plus you get access to over 100 indoor exhibits featuring new technology and services – and it's all free.

Your day begins at 8 a.m. with Key Note Speaker John Phillips, CEO of Team Fishel. He will highlight the excavation contractor's role and safe excavation processes necessary for a damage-free project.

Developing solutions takes center stage as you discuss real-life damage prevention issues with an industry panel and audience participants at Sunshine 811's Safe Digging Roundtable.

During lunch, Cliff Meidl, two-time U.S. Olympian takes you through jackhammering into three live electric cables and the "Fire Within" that drove him throughout a long recovery process to become an Olympic athlete and spokesperson for damage prevention. Cliff Meidl and lunch are sponsored by Florida Energy Pipeline Association, Florida Gas Transmission, Gulfstream Natural Gas, Krylon, TECO Peoples Gas and USIC.

- ▶ Ten additional sessions will run throughout the day where you can earn continuing education credits and learn how to:
- ▶ Take a proactive approach to safety in the workplace.
- ▶ Recognize and respond to gas leaks, identify potential gas hazards, recognize high consequence areas and prevent right-of-way encroachment.
- ▶ Identify and reduce the likelihood of a cross bore.
- ▶ Protect yourself from costly repairs, injuries and a bad reputation by following 5 steps.

Note: 5 Steps to Safe Digging offers one CEU toward FL Water & Pollution Control Operators Assn Course #DS/DW/WW02041004 and one CEU toward a contractor's license as approved by the Construction Industry Licensing Board Course #0002053, Providership #004-0001110.

Whether you're in public works, utility installation or maintenance, excavation or locating, 811 Safety Day has something for you. Safety Day is free, but you must register at www.811safetyday.com.

SELL TO THE WORLD

ORLANDO, FL | FEB 16-20, 2015



**More buyers from more places.
Better results when you sell.**

A buyer from Saudi Arabia crosses the ocean—and buys seven machines. A contractor from Western Canada goes home with an excavator. An online buyer in Germany picks up three dozers.

See the full story from our Feb 2014 auction at rbauktion.com/Orlando

Every February, Ritchie Bros. hosts the premier global auction in Orlando, attracting thousands of competing buyers from around the world, in person and online.

Join hundreds of other successful companies — and sell to the world.



If you plan to sell equipment or trucks in 2015, call **863.420.9919** today—and sell to the world.

rbauktion.com/Orlando

Show Me the Money: The Local Prompt Payment Statute

By
George E. Spofford, IV
GrayRobinson, P.A.
Florida Offices Statewide
george.spofford@gray-robinson.com

If you attended the recent SUCA roundtable meeting in Tampa (and you managed to stay awake after another “light” Columbia Restaurant lunch), then you can skip this article because it is largely a summary of the issues we discussed during that lunch meeting. If you did nod off or did not attend, then there are some points raised below that justify a few minutes reading time.

There are several statutory provisions that are intended to see that contractors receive payment in a timely manner. Generally speaking, the statutes impose an interest penalty for late payments and further penalize public owners that do not follow the statutes. In Florida, the following statutes might apply depending for whom the contractor is working. For example, the following could apply:

- ▶ Public projects
 - ▶ Federal Government Contracts- 31 USC 3901; FAR 32.900 et.seq; FAR 52.232-5; FAR 52.232-27
 - ▶ State Government Contracts- Fla. Stat. 255.075-.078; Fla. Stat. 287.0585; Fla. Stat. 337.141
 - ▶ Local Government (City/Municipal) Contracts- Fla. Stat. 218.71-79
- ▶ Private Projects- Fla. Stat. 715.12

The State Government Prompt Payment laws, Fla. Stat. 255.075-.078; Fla. Stat. 287.0585; Fla. Stat. 337.141, apply if the contractor has a contract with a state agency. The Local Government Prompt Payment laws, Fla. Stat. 218.71-79, apply when contracting with “a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof.” The State Government Prompt Payment laws and the Local Government Prompt Payment laws are similar. This article will focus on the Local Government Prompt Payment statutes, Fla. Stat., Section 218.71-.79.

Section 218.71-.79 deals with prompt payment on local procurements, but Section 218.735 specifically addresses prompt payment on local construction projects, and there are some key points to remember when dealing with the local construction project prompt payment statute. For example, as stated above, the statute provides for an interest penalty, which in this case is 1% per month for late payments. Also, a public owner may not prohibit payment of the penalty interest allowed by the statute. One of the most important, and little known, features of the local prompt payment statute is that it states that all undisputed amounts in a pay application are to be paid. (Thus, under the statute, an owner is not allowed to sit on an entire pay application merely because certain line items are in dispute.) Additionally, while no one wants to sue or be sued, the statute does allow the prevailing party in any litigation brought under the prompt payment statute to recover its attorney fees and costs (which makes your lawyer happy).

The statute also expressly requires a public owner to develop a procedure by which a pay application is stamped with the date it is received. The reason for this is because nearly every right under the act is triggered by when the pay application is “stamped as received”. For example, the owner has 20 business days from the date an application is received within which to reject an entire pay application. The statute also states that a pay application may only be rejected if it fails to comply with what the contract states constitutes a proper application. An example would be if the contract states that all pay applications must be signed and notarized, then a pay application can be rejected on that basis. If an owner does reject the pay application, the owner must provide a written explanation for the rejection identifying how the application departed from what the contract said is a proper application. Because the statute expressly states that a public owner must pay undisputed amounts and further states that an application may be rejected if it fails to meet the contractually specified requirements, the proper interpretation of the statute does not allow an owner to reject an entire pay application merely because there is a disputed quantity. If an owner could reject an entire application because of one disputed line item, then the express requirement that all undisputed items be paid would be rendered meaningless, and judges do not like interpretations of a statute that renders part of the statute meaningless. Thus, an owner that rejects an entire pay application due to a disputed pay item would be in violation of the statute.

If the pay application satisfies the contractual requirements for a proper application, and the pay application is to be submitted to an outside engineer before it goes to the public owner, then the public owner has 25 business days from the “stamped as received” date to pay. If the pay application is to be submitted to an employee of the public owner, then the owner has 20 business days from the “stamped as received” date within which to pay.

If payment is late, then the contractor may send the owner a written notice that payment is late. If the application is not rejected within 4 business days after the overdue notice is received, then the pay request is deemed accepted must be paid.

The local prompt payment statute also requires a public owner to utilize a mechanism by which pay application disputes are resolved. If the owner fails to adhere to the dispute resolution procedures, then the owner waives its right to dispute the items.

But, do not get too excited about an owner waiving its right to dispute pay items, because if the disputed items are fraudulent or misleading, then there is no waiver.

The initial dispute resolution mechanism contemplated under the statute is for the application to be rejected, corrected, and resubmitted, in which case the owner must pay the application within 10 business days of the re-submittal. Or, if the owner's governing body must vote to approve the re-application, then payment is due the next business day after the vote of approval.

Alternatively, disputes must be resolved by the dispute resolution procedure specified in the contract, in an ordinance, or Florida Statutes, Section 218.76(2). Section 218.76(2) requires that the dispute resolution procedure to be commenced by the public owner within 45 days of the application being "stamped as received", and concluded by final decision of the local governmental entity within 60 days after the date the payment request or proper invoice was "stamped as received". Importantly, if the owner has not commenced the dispute resolution process within the 45 days required by the statute, and a written request for commencement of the resolution process is received, the owner has 4 business days to commence dispute resolution process. If an owner still fails to commence the process, then the owner must pay 1% per month interest from the date the pay application was submitted and all objections to the pay application are deemed waived. But again, if the disputed items are fraudulent or misleading, then there is no waiver as to those items.

The local prompt payment statute also provides subcontractors and other lower tier trades with a modicum of protection. Under the statute, all undisputed amounts are to be paid to the lower tiers once the upper tier has been paid. When a prime contractor receives payment, the prime must pay the subcontractors their shares within 10 business days. Additionally, the subcontractors must pay the lower tiers their shares within 7 days.

As can be seen above, the "stamped as received" date is the lynch pin of the statute. If a local public owner has not developed a procedure whereby pay applications are stamped in on the date received, then the prudent contractor, now having waded through this article, will send the application via email, fax, or return receipt requested so that the received date can be established. The now knowledgeable contractor also will watch the calendar and when a payment is overdue, will send a late payment notice and then request that the dispute resolution process be commenced. In that manner, the now well informed contractor has the best opportunity of getting paid and potentially recovering penalty interest as well as any attorney fees incurred in enforcing the local prompt payment statute.

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 the NUCA of Florida. GrayRobinson, P.A. (Gray-Robinson.com) is a full-service business law firm with over 280 attorneys and 12 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.



Take damage prevention to the next level with these 3 tools

1 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.*

2 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.*

3 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.

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.



FOR IMMEDIATE RELEASE:

February 4, 2015

CONTACT:

Rob Wilson

(850) 514-5183

rwilson@wilsonmgmt.com

Wilson & Associates Expands with Hire of Veteran Political, Communications Advisors and Partner Promotion

TALLAHASSEE, FL – [Wilson & Associates LLC](#) (W&A), a Tallahassee-based lobbying and association management firm specializing in the fields of energy and construction, announced today that it is expanding its team with the addition of Wayne Bertsch as Vice President of Political Operations, and Tami Torres-Fillyaw as a senior communications consultant. As part of its expansion, the firm's Chief Operating Officer Kari Hebrank has been promoted to Partner.

[Bertsch](#) is a highly regarded political professional with more than 25 years of experience in growth management, construction, appropriations, taxation, insurance, workforce education, water, energy and utility policy issues. In addition to his grassroots advocacy for business and education interests in the state Legislature, Bertsch has extensive experience in association management and guiding political campaigns at the local, state and federal levels.

[Torres-Fillyaw](#) is a senior-level communications and government relations professional with more than 23 years of experience in strategic communications, media relations, issue advocacy and education, and stakeholder engagement in the executive and legislative branches of government, trade associations and nonprofits. Her issue areas of expertise include insurance, residential mitigation, disaster response, state contracting and procurement, and financial literacy education.

[Hebrank](#), who joined W&A in 2012, is a seasoned advocate and subject matter expert with more than 23 years of legislative and regulatory experience in construction, growth management, transportation, environmental, utility, building codes, appropriations and agricultural issues. In addition to executive branch experience, Hebrank has chaired and participated in key coalitions and workgroups including the Construction Coalition and Florida Building Commission.

"Kari is a proven leader who has made significant contributions to the growth and success of W&A. Her promotion to Partner is a reflection of her tireless efforts and deep commitment to our clients and our core values," said [Robert Wilson](#), President of W&A. "We are also excited to add Wayne and Tami, highly respected professionals with proven track records, to our team."

###

About Wilson & Associates LLC:

Based in Florida's Capital City, Wilson & Associates LLC was established in 2004. The firm serves clients in a variety of industries, including natural gas, products and crude oil pipelines, natural gas storage, housing, construction, transportation, education and defense. For more information, visit www.wilsonmgmt.com and connect on Facebook, Twitter (@wilsonmgmt.com) and LinkedIn.

113 E. COLLEGE AVE., STE. 200 — TALLAHASSEE, FL 32301

PHONE: 850-514-5183

RWILSON@WILSONMGMT.COM — WWW.WILSONMGMT.COM

Mabey Inc. – A leader in engineered solutions and construction equipment rentals since 1989



- **Trench Shoring**
Underground tanks and utilities, sewer systems, lift station construction, and more.
- **Propping**
Vertical shoring from 45 - 490 kips.
- **Bridging**
Primary and secondary roadways for emergency, temporary, permanent and pedestrian use.
- **Temporary Roadways**
Mabey Mats help get your crew and equipment working on-site safely.
- **Expertise**
Professional Engineer (P.E.) Certification in 21 states; Custom engineered plans for routine or challenging jobs; Safe, effective, time-saving plans; On-site technical support.



See our case studies at mabey.com/cs

800-95-mabey

Showcase and Broadcast Your Company with ProView



ProView showcases your qualifications and gives buyers the answers they need to make a decision about you – in just a few clicks. *ProView* helps organize your company, project and marketing information in a standard format that GCs, Facility and Property Managers all rely on to qualify companies like yours every day.

The Blue Book Network broadcasts your *ProView* to the right decision-makers where they work 24/7. Powered by *BlueSearch technology*, your *ProView* will receive prime positioning at thebluebook.com and inside *BB-Bid*, the industry's leading project network. Plus, *ProView* has intelligent SEO built into every page – positioning your company in all the major search engines!

Get connected to the all-new *ProView* today
at thebluebook.com/myproview
or call 855-805-2560

THE BLUE BOOK NETWORK Building & Construction
An Employee-Owned Enterprise www.thebluebook.com

NUCA of Central Florida “Dove Classic”

NUCA of Central Florida’s annual “Dove Classic” was held on Saturday, January 31st at the Port Malabar Rifle & Pistol Club. This year’s Sporting Clay Shoot was a huge success – with perfect weather, an amazing shooter turnout and many generous sponsors.

Congratulations to our winning teams of the day:

- ▶ First Place: Greg Hart, Justin Hart, and Scott Cobb
- ▶ Second Place: Joni Bohne, Karl Bohne, and Karl Bohne, Jr.
- ▶ Third Place: Rob Merril, Paul Visscher, and Billy Bromley

Many thanks to all of our participants, as well as the following companies for so generously sponsoring this event:

- ▶ Brewer Paving & Development Co.
- ▶ Efficiency Shoring & Supply
- ▶ Ferguson Waterworks
- ▶ HD Supply Waterworks
- ▶ J. D. Weber Construction Company
- ▶ KCF Site Development
- ▶ Renegade Underground, LLC
- ▶ V. A. Paving, Inc.

Station Sponsors:

- ▶ Apollo Valves - Backflows
- ▶ Atlas Dewatering
- ▶ Concrete Products of the Palm Beaches
- ▶ County Materials
- ▶ D & W Paving
- ▶ Environmental Composites
- ▶ Goodson Paving, Inc.
- ▶ Hanson Pipe & Products, Inc.
- ▶ Hayes Pipe Supply, Inc.
- ▶ Holland Pump
- ▶ Kelly, Collins & Gentry, Inc.
- ▶ Nortrax Equipment
- ▶ Ring Power, Inc.
- ▶ Standard Precast
- ▶ T & R Tapping Services
- ▶ Thompson Pump & Mfg. Co.
- ▶ United Rental Trench Safety
- ▶ V. A. Paving, Inc.
- ▶ XYLEM, Inc.

Finally – our thanks to Joe Weber, Jr., our 2015 Dove Classic Chairman and his committee for orchestrating another very successful event!

Plan now to attend our **Spring Golf Tournament on Friday, April 17th at Duran Golf Club in Viera.**

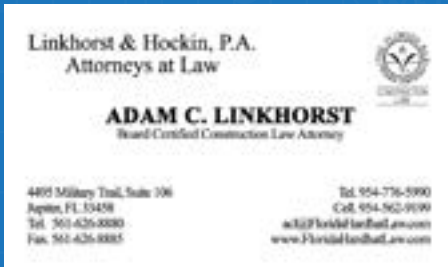
This is always a great event at an exception golf course. The registration fee of \$95.00 includes: Driving range warm-up, greens fee, cart, lunch, door prizes, prizes for the longest drive & closest to the pin, hole-in-one prize, as well as awards for 1st, 2nd & 3rd place winners.

Sponsorship opportunities are available at a wide range of levels. Please call or email the NUCA of Central Florida office for more information.

Business Card Ads

Your card could be here!

Contact us for more information.



Scholarship Registration

Register your high school senior by May 29th for a NUCA Foundation scholarship:

NUCA Foundation Scholarships

We Need Cover Photos!

Submit a Cover Image

President Office – Press Release

FOR IMMEDIATE RELEASE

January 30, 2015

CONTACT: [Katie Betta](#), (850) 487-5229

MEMO: LEGISLATION TO IMPLEMENT AMENDMENT 1

Tallahassee –

TO:	All Senators
FROM:	Andy Gardiner, President
SUBJECT:	Legislation to Implement Amendment 1
DATE:	January 30, 2015

The Florida Water and Land Conservation Amendment, Article X, Section 28 of the Florida Constitution, was passed by 74.96 percent of voters in November of 2014 and will take effect on July 1, 2015.

The provisions of Article X, Section 28 require the Legislature to do three things to implement the constitutional amendment:

- Transfer 33 percent of the documentary stamp tax revenues to the Land Acquisition Trust Fund (LATF) within the Department of Environmental Protection (DEP);
- Spend the money placed in the LATF on specified water, land, environmental, recreational, and historic preservation purposes as provide by law; and,
- Prevent the commingling of these funds with the state’s general revenue.

In order to implement these three basic requirements of the constitutional amendment Senator Dean, Chair of our Senate Committee on Environmental Preservation and Conservation, is proposing a series of six related bills. **These six key pieces of legislation create the structure necessary to provide accountability and transparency for the expenditure of documentary stamp tax dollars as directed by the constitution.**

Based on the December 2014 Revenue Estimating Conference, during the 2015-2016 fiscal year, 33 percent of documentary stamp funding will amount to \$757.7 million.

Currently, approximately twenty percent of documentary stamp tax revenues (\$470.8 million) are distributed under s. 201.15, F.S., to trust funds supporting environmental programs. However, documentary stamp tax revenues in these trust funds are frequently co-mingled with various penalties, fines, fees, and taxes. Given that these monies are fungible, it is impossible to determine whether documentary stamp tax revenues or some other revenue source was expended on a specific program. Under the new reality of Amendment 1, Chair Dean's legislation is essential because Amendment 1 prohibits comingling with general revenue that is currently permissible.

From a structural standpoint, this means many environmental programs will no longer receive appropriations through their current trust funds. Those trust funds will be terminated and the associated programs will be eligible for funding from the LATF. The bill summaries below are designed to provide an overview of these changes so you can have a clear picture of which trust funds will be terminated and the new vehicle by which impacted programs could receive funding.

The legislation filed today by Chair Dean addresses only the structural requirements of the constitution. **The legislation does not eliminate a single program currently receiving state funding, nor does it allocate funding to any new or existing program, project, or initiative.**

The redirection of 33 percent of the documentary stamp tax revenue into the LATF as directed by the constitution does, however, have a significant impact on other programs and sources currently funded by documentary stamp tax revenues (specifically transportation, affordable housing, economic development, and general revenue) that will need to be considered in the appropriations process.

Specific policy and funding decisions will be crafted into legislation in the coming weeks as our committees continue to take public comment and review options. To date, we have received over 3,800 comments which our committees will have the opportunity to review as we work to develop a water and natural resources policy that will best serve the long-term needs of our state.

Bill Summaries:

SB 586 revises section 201.15, F.S., to provide the distribution of 33 percent of documentary stamp tax revenues into the LATF within the DEP. The bill removes existing distributions to environmental trust funds in recognition that future expenditures for qualifying environmental programs will be appropriated from the LATF so that these expenditures will be transparent. The language ensures documentary stamp tax revenues continue to fully secure existing debt service payments as a first priority. The bill also provides for the funding of payments in lieu of taxes that were previously funded from one of the environmental trust funds because it appears these payments do not qualify for expenditure from the LATF under the constitutional amendment.

SB 584 restructures existing trust funds so documentary stamp tax is no longer commingled with other revenue sources to provide the greatest level of accountability and transparency. Documentary stamp tax revenue intended for expenditure under the constitutional amendment will only be deposited into the LATF within the DEP. This restructuring will not only meet the letter of the constitutional provision (“the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents”) but will also ensure citizens can track the LATF funds previously commingled with other revenue sources. Because the documentary stamp tax revenue will now be deposited and distributed from the LATF a number of trust funds will become obsolete or contain so little revenue from other sources as to render them inefficient from a budgeting stand point. While a number of trust funds will be terminated, the programs funded using those trust funds will remain intact. These programs will simply receive funding from the LATF or other designated trust funds.

Terminated Trust Fund	Trust Fund Redirect
Florida Communities Trust Fund	Land Acquisition TF for Documentary Stamp Tax
	Internal Improvement TF for funds from nonprofits or local government grants and loans
Ecosystem Management and Restoration Trust Fund	Land Acquisition TF for Documentary Stamp Tax
	Coastal Protection TF for fines and penalties (Beaches)

	Water Quality Assurance TF for fines and penalties (Water and Coral Reefs)
	Florida Permit Fee TF for penalties and damages recovered by the state.
Water Management Lands Trust Fund	Land Acquisition TF for Documentary Stamp Tax
	Water Quality Assurance TF for fines and penalties (Water and for other penalties recovered by water management districts)
Conservation and Recreation Lands Program Trust Fund within DACS	Land Acquisition TF for Documentary Stamp Tax
	Incidental TF for funds other than LATF funds
Conservation and Recreation Lands Trust Fund within DEP	Land Acquisition TF for Documentary Stamp Tax
	State Parks TF for Severance Tax
Conservation and Recreation Lands Program Trust Fund within FWC	Land Acquisition TF for Documentary Stamp Tax
P2000 Trust Fund	Obsolete

SB576, SB578, SB580, and SB582 create new Land Acquisition Trust Funds within the Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, Department of State, and Department of Transportation. These trust funds, along with the LATF that already exists within the Florida Wildlife Commission, will serve as the agency trust funds that will receive documentary stamp tax revenues appropriated from the LATF within the DEP for expenditure on specific qualifying programs in those agencies. Like the LATF within DEP, these “mini-LATFs” will hold only documentary stamp tax revenues so that each dollar of the 33 percent set aside pursuant to the constitution can be easily followed all of the way through to its ultimate expenditure. The Agency for Persons with Disabilities is included because the Agency manages Rish Park, the only state park dedicated for use by persons with disabilities. The Department of Transportation is included for funding for the development of the state’s recreational trail system.

Introducing



Mud Mats

A NEW revolutionary product to keep you out of the mud!



**RESIDENTIAL CONSTRUCTION
ENTRANCE**



**ALTERNATIVE TO
ROCK ENTRANCES**



CROSSING SENSITIVE AREAS



R. H. Moore & Associates
Soil Stabilization & Erosion Control

7834 Depot Lane, Tampa, FL 33637
Phone: 813-988-0200 Fax: 813-985-4533

Toll Free: 800-330-2333



SITE ACCESS

The Leader In Bypass Pumping And Wellpoint Dewatering For Over 40 Years

Experience Thompson Pump's Innovation with

- Rotary pumps for sock and wellpoint dewatering
- Sewer bypass and lift station backup pumps
- Hydraulic submersible pumps
- Silent Knight® units
- Rentals, sales, and service
- 8 Florida locations
- 24/7 service support



**THOMPSON
PUMP**

EXPERIENCE INNOVATION

Contact us for a branch
location near you.

1-800-767-7310

www.thompsonpump.com

Competition for Amendment 1 Funding

By R. Bruce Kershner, NUCA of Florida Director of Government Affairs



As I reported in January's Ditchmen, the Florida Water and Land Conservation Amendment of the Florida Constitution was passed by 75 percent of voters in November of 2014 and will take effect on July 1, 2015. Florida's elected leaders are calling for an open and robust debate on spending under Florida's newest Constitutional Amendment. This article will provide you with the latest on where our state elected officials are on this issue as well as how you can participate in the debate right from your computer.

Senator Charlie Dean (SD 5) has recently filed legislation to lay the groundwork for implementation of Amendment 1. The legislation filed, SB 584 and SB 586 by Chairman Dean, addresses only the structural requirements of the constitution. The legislation does not eliminate a single program currently receiving state funding, nor does it allocate funding to any new or existing program, project or initiative. Specific policy and funding decisions will be crafted into legislation in the coming weeks as the Senate Committee on Environmental Preservation and Conservation continues to take public comment and review options. Senate President Andy Gardiner and Senator Dean are encouraging Floridians to take part in the debate. To accomplish this, the Senate Committee

on Environmental Preservation and Conservation is currently taking public comment on the implementation of the Water and Land Conservation Amendment. You can participate by going to the Senate website at www.flsenate.gov and clicking on the Water and Land Conservation banner on the right side of the page. There you will find a form where you can submit your comments to the committee. The committee will review those comments as they develop a water and natural resources policy that will best serve the long-term needs of our state.

As I pointed out in last month's Ditchmen article, some of the money from this initiative could go towards fixing the state's crumbling infrastructure. Several legislators, including House Speaker Steve Crisafulli, have gone on record supporting the use of the funding for this purpose. Agriculture Commissioner Adam Putnam recently said that a portion of Amendment 1 funds would be better spent on improving municipal water and waste-water systems in some areas. As expected, supporters who successfully pushed the amendment say that is not what voters approved.

"There is an appropriate limited role for using some Amendment 1 funds to upgrade failed systems," Commissioner Putnam said. "It should be considered as part of a small portion of that conservation program where that is the best solution for that watershed." Commissioner Putnam pointed out that places like the Florida Keys would not benefit as much from efforts like acquisition since there's so little land left to protect. For the Keys, improving waste-water treatment would be the best use of the funding received from Amendment 1.

It's clear that different strategies for certain areas should be considered. Cities like Tallahassee could benefit from the newly generated funds from Amendment 1. Tallahassee Mayor Andrew Gillum would like to extend sewer service to the southern part of the city. By decreasing the number of septic tanks in that area, the city can reverse the current high nitrate levels.

This new source of revenue for water projects could be a big boon for the state. Not only is it an investment back into our ecosystem, but it will help stimulate the economy and create jobs for our industry. I encourage you to go to the Senate website and submit your comments. There is a field where you can list the organization you belong to. Please add NUCA of Florida in that field. I will be meeting with Senator Dean during the February Interim Committee meetings, and it would certainly help our cause if we have a good showing supporting the use of Amendment 1 funding for wastewater, drinking water and storm water projects. With so much money in the offering, competition for dollars is will be intense.

GRAY | ROBINSON

ATTORNEYS AT LAW

GrayRobinson and NUCA of Florida

More Than 25 Years of Doing Business Together

GrayRobinson, a full-service corporate law firm with nearly 300 attorneys throughout 12 offices across Florida, provides legal services for underground utility contractors, material and equipment suppliers, and manufacturers. Our ties to NUCA of Florida date back more than 25 years and we are proud to serve as General Counsel to the NUCA of Florida. We understand the daily issues facing your business, and we offer breadth across a great many legal specialties, as well as depth and proficiency. Our attorneys are on the forefront of emerging legal issues and work expeditiously on behalf of our clients and respond quickly to their needs. We have invented a better brand of law firm that best serves our clients and our communities while counting creativity as a hallmark characteristic and

insisting on ingenuity and innovation. Our areas of practice include, among others:

- Construction
- OSHA
- Litigation
- Employment & Labor
- Business Planning/Corporate/Mergers & Acquisitions
- Estate Planning/ Probate/ Wealth Transfer/Trusts
- Environmental
- Real Estate
- Land Use
- ERISA & Employee Benefits
- Eminent Domain/Condemnation

To learn more about how GrayRobinson can add value to your company, please contact:



George Spofford

401 East Jackson Street, Suite 2700, Tampa, FL 33602
george.spofford@gray-robinson.com • (813) 273-5000



Andy Mayts

401 East Jackson Street, Suite 2700, Tampa, FL 33602
andy.mayts@gray-robinson.com • (813) 273-5000

www.gray-robinson.com | 800.338.3381

Boca Raton
Fort Lauderdale
Gainesville

Jacksonville
Key West
Lakeland

Melbourne
Miami
Naples

Orlando
Tampa
Tallahassee



Political Committee

PAC Donation Form

Name _____

Street _____

City _____ State _____ Zip _____

Phone Number _____

Occupation _____

Employer _____

Donation Amount

☐ \$100 ☐ \$250 ☐ \$500 ☐ \$1,000 ☐ Other

Credit Card Information _____

You can donate online at <http://nucaflorida.org/index.php/governmental-affairs/pac-donation/>

or

mail a check to:

NUCA of Florida PAC
113 East College Avenue, Suite 200
Tallahassee, FL 32301

SAVE THE DATE!

NUCA of Florida's 2015 Annual Conference

Renaissance Vinoy

St. Petersburg, Florida

July 30 - August 1, 2015



Stay up-to-date on the conference theme, room block information, and registration details by checking the website and future Ditchmen issues!

If you are interested in joining the Conference Committee please contact Kari Hebrank at khebrank@wilsonmgmt.com or Sydney Phillips at sphillips@wilsonmgmt.com.