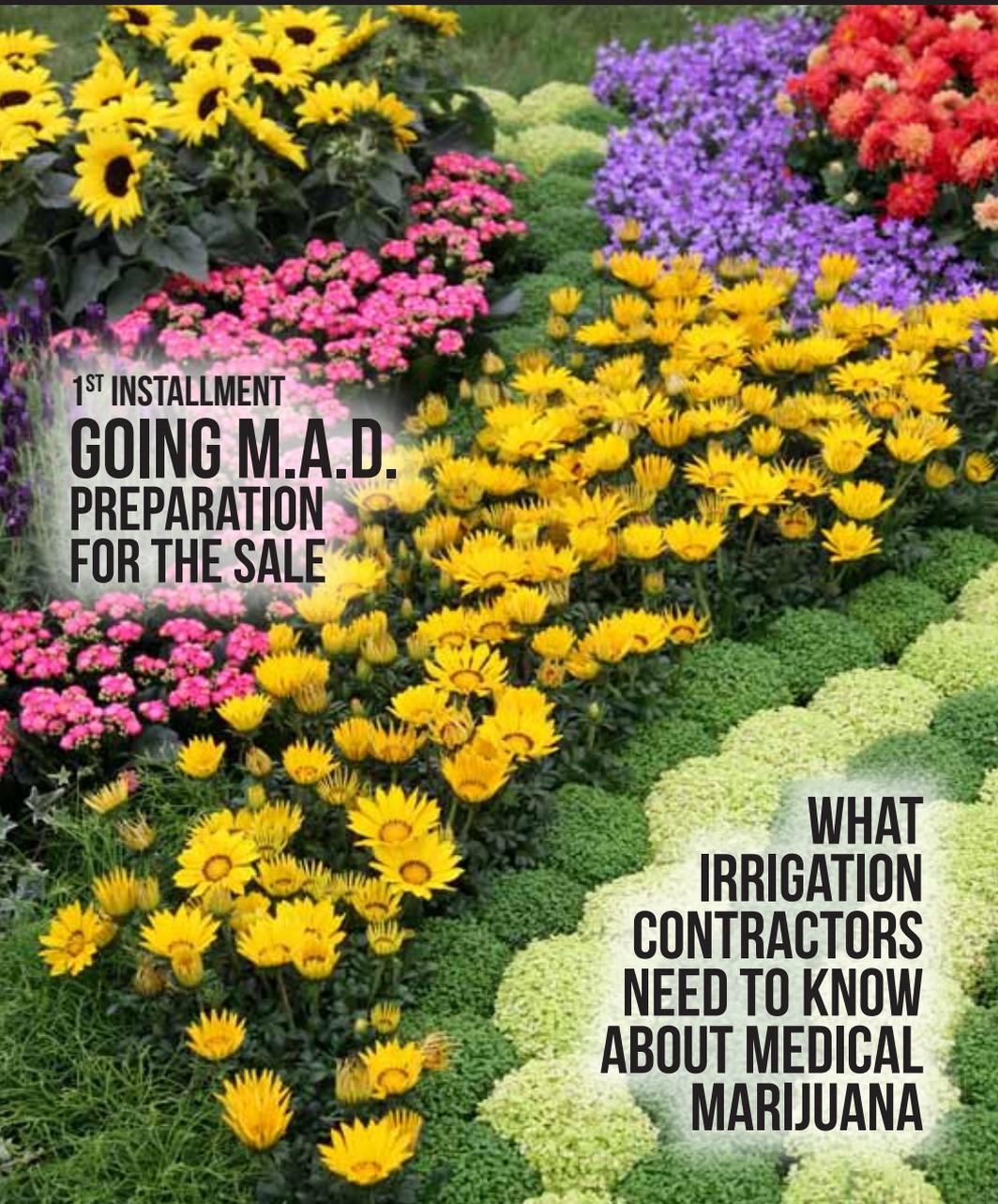


PIPELINE

The Official Publication of the Florida Irrigation Society



**1ST INSTALLMENT
GOING M.A.D.
PREPARATION
FOR THE SALE**

**WHAT
IRRIGATION
CONTRACTORS
NEED TO KNOW
ABOUT MEDICAL
MARIJUANA**

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PIPELINE

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President's Letter

Greetings Fellow Irrigators,

2017 finds us busy with local chapter developments and fund raising. We are moving forward with good success in Sarasota's effort to get its new chapter up and running. The three meetings have been well attended and we are looking forward to establishing its board of directors. We are also looking to get Orlando, Palm Beach, and Dade/Broward areas established or reestablished. These areas have many state members but no current active chapters.

It's important to develop local chapters to keep our trade from being overlooked when local government makes decisions regarding our livelihood. We also need the local chapters for financial support on the state level to keep our administration and lobbying efforts viable. Please consider getting on board with the local effort in your area when our membership committee comes calling.

We are also looking at stepping up our fund raising activities on the state level to keep up with legislative efforts like licensing and building code efforts. Your support in fund raising events is critical to our success on the state level.

I have been asked numerous times lately, "Where are all the irrigation technicians?" "What can we do to train them?" The fact is they are in high demand due to the current healthy economic status. I also hear from manufactures reps and distributors that they offer technical training often but many times the participation by the contractors is not well attended. So, we have so much work that we don't have time for training but we can do more work if we just had more trained technicians. Our education committee will be looking at technical training options to help with this labor issue.

Our irrigation trade competes with other trades for trained professional workers and plainly put, we need to up our game in this area. We have asked ourselves why someone would choose our trade over Plumbing, Electrical or HVAC to name a few. I believe that the state licensing with continuing education requirements along with established required building code standards for other trades feeds down to the overall attractiveness and perception that our trade would have to a potential blue collar worker looking to choose a career. With our nation's fresh water supplies in question I would think that the overall importance of the hands on trained technician would help to elevate the overall attractiveness of the trade. I think the skilled labor issue will improve in time but only if we can effectively correlate the importance of the irrigation trade along with the increasing recognition of our crucial water issues.

Scott King

Florida Irrigation Society President

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Legislative News Update



By Diana Ferguson, Esq.
Rutledge Ecenia, P.A.

The Governor recently signed HB 1021, a bill relating to Construction by Representative Avila. Among other provisions, this bill changes the way the Florida Building Code is adopted. Rather than starting with the I-Code, the Florida Building Commission will review the I-Code and determine which provisions should be included.

At a minimum, the commission must adopt any updates to such codes as are necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission is also required to review and adopt updates based substantially on the International Energy Conservation Code; however, the commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction pursuant to s. 553.901, F.S.

The commission must adopt the Florida Building Code, and amendments thereto, by at least a two-thirds vote of the members present at a meeting. The commission is required to amend the Florida Building Code-Energy Conservation to either eliminate duplicative commissioning

reporting requirements or authorize commissioning reports to be provided by specified professionals and to prohibit the adoption of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

Now that most of the bills have been signed and the Legislature has concluded its Special Session on funding for economic development and education, as well as implementation of the medical marijuana amendment, legislators have moved on to campaigning. We already have many new legislators, as approximately one-third of legislators are new following redistricting. However, there will soon be even more new members. Frank Artiles left the Senate during the Regular Session, and there will be a hotly contested special election in SD 40. Since Representative Jose Felix Diaz is running for this seat, there will be a special election for his House seat. There will also be a special election for Eric Eisnagle's House seat, as he was appointed to the First District Court of Appeals by Governor Scott.

In other political news, Rick Scott has appointed former Representative and Current Public Service Commissioner Jimmy Patronis Chief Financial Officer (CFO). Current CFO Jeff Atwater resigned earlier this year to take a position at Florida Atlantic University.

It is an exciting time to be in Florida politics! There are lots of new faces, and lots of experienced legislators moving on to new positions. It is important to stay engaged, get to know the new players, and stay in touch with our old friends. I look forward to continuing to work with FIS to keep water conservation and licensure issues at the forefront in the midst of all of these changes.

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RAIN BIRD'S NEW LNK WIFI MODULE OFFERS REMOTE IRRIGATION SYSTEM ACCESS

Plug-in device and mobile app provide simple irrigation management and automatic weather-based scheduling adjustments

More than three decades ago, Rain Bird pioneered remote irrigation system access with the development of the Maxi III System for golf courses. Now, Rain Bird has made remote access and control available for residential and light-commercial irrigation systems with its new LNK WiFi Module.

The LNK WiFi Module is a small device that plugs into an accessory port on Rain Bird's new ESP-Me and ESP-TM2 controllers. Contractors can also install the module with existing ESP-Me installations after swapping out the controller's old front panel with the new WiFi-compatible version. This provides contractors with a straightforward, simple upgrade opportunity that doesn't require replacing the controller.

The LNK WiFi Module provides complete irrigation system management via a free downloadable mobile app. The module receives weather information from the Internet, automatically adjusting system run times on a daily basis. It also provides users with notifications on their mobile devices that assist with troubleshooting, system diagnostics and operation while providing meaningful weather event alerts.

TORO'S EVOLUTION CONTROLLER: THE NEW STANDARD IN IRRIGATION CONTROL

Never Outdated, Simple, and Powerful

The Toro® EVOLUTION® irrigation controller is changing the way we think about irrigation management. It combines intuitive operation with professional function so that it is perfect for everyday use, yet it is flexible enough to handle the latest smart irrigation upgrades. Specifically designed to be easy to program and operate, it provides all the features you expect making it the ultimate controller for both contractors and homeowners.

Never Get Left Behind: The EVOLUTION® Controller was made to evolve. As its name depicts, the EVOLUTION® controller can be easily updated with new features and capabilities as they are released over time. Simply download free firmware updates from www.toro.com/evolution, and then update the controller using a USB thumb drive.

Simplicity at Its Best: EVOLUTION® changes the game with its unique shortcut interface. By moving advanced features for contractors to a separate area, like multiple programs and master valve controls, it reduces clutter and confusion for the homeowner. Use of words and phrases, instead of tough to understand symbols and numbers, make the controller more intuitive for the homeowner, while providing impressive professional features that the contractor will certainly appreciate.

The Best in Class Warranty: Toro is so confident in the EVOLUTION® that we stand behind it with a 5-year extended warranty. Contrast that with comparable controllers in its class, and you will see a clear advantage that you can pass along without worry to your customers.

Powerful & Smart Features: The EVOLUTION® controller comes standard with features to meet your needs and exceed your expectations. With the most powerful transformer in its class, you can run up to 4 standard solenoids at one time. It also includes a diagnostic feature which will provide amperage readings for each solenoid connected to the controller, helping you troubleshoot valve issues in the field. It even offers a grow-in schedule which will allow you to water per a plants establishment needs, and then revert to a normal irrigation

schedule automatically after the plants are established, reducing the need for a return trip to reprogram the timer. When equipped with a Smart Connect® and the wireless ET sensor it is EPA WaterSense certified, which means it is proven to save water.

Online and Cloud-Based Irrigation Control: When the EVOLUTION® is connected to the Toro SMRT Logic™ Internet Gateway you can control it with your phone, tablet, or computer, providing the remote access demanded in today's market place. The SMRT Logic connects on its own to the cloud quickly and requires no Wi-Fi password. The reliable SMRT Logic™ boasts a range that is up to three times farther than most competitive "Wi-Fi" irrigation controllers due to the powerful proprietary radio technology it employs. With its wireless capabilities, The EVOLUTION® can control other items in the landscape (i.e., lights, fountains, pump starts, etc.). When partnered with the SMRT Logic Internet Gateway, these other items are now able to be controlled remotely just like the irrigation system – a feature that only Toro provides.

The EVOLUTION® is a controller that is never outdated, simple enough for a homeowner to use, and yet powerful and feature rich enough for a contractor. If you couple that with online and cloud based irrigation control, it is easy to see that TORO's EVOLUTION® CONTROLLER is the logical choice for irrigation needs!



**WHAT IRRIGATION CONTRACTORS
NEED TO KNOW ABOUT**

MEDICAL MARIJUANA

Background Info

After years of heated debate, Florida voters approved state constitutional Amendment 2 on November 8, 2016, “legalizing” the use of marijuana for medical purposes here in Florida. Based on the overwhelming votes in favor of this amendment, most agree it was just a matter of time. However, now that the time has come, what implications will this have on the way an employer runs their business? More specifically, how will this affect a contractor’s business decisions moving forward regarding company programs and protocols directed towards workplace safety and employee drug use?

This article highlights a few of the biggest concerns facing employers in the construction industry, as well as some of the more impactful decisions they will have to make.

Before going any further, I must first dispel two of the more common misconceptions concerning the passage of Amendment 2.

1 Marijuana is still illegal in Florida without proper verification and certification provided by a licensed physician—emphasis on the use of the word “medical.” This isn’t California, folks!

2 The possession and/or use of marijuana, whether or not you are a properly certified, card carrying medical user, is still illegal pursuant to United States federal law—meaning it is a federal offense.

The Obama administration was lenient, at best, with its enforcement of these federal laws in states where marijuana was considered legal. Stay alert, however, because a change in commander-in-chief nearly always translates into different policies regarding federal drug enforcement.

An Employer’s Duty to Accommodate



By **Benjamin T. Lute**
Associate Attorney
Trent Cotney, P.A.

The Americans with Disabilities Act (“ADA”) was enacted in 1990 in order to provide those with certain disabilities a more effective avenue for gaining and retaining meaningful employment. In short, the ADA requires employers to provide assistance and/or make changes (*to a certain degree*) in order to allow an individual with a disability to perform the necessary tasks of a given job description. So what would an accommodation look like for a medical marijuana user? No one really knows. For now, the decision to hire and/or fire an individual

(continued pg. 12)

based on his or her medical marijuana use is not defined as a discriminatory act under the ADA, and therefore, is not a violation of same. In fact, the ADA (*a federal statute*) explicitly declares that a person using illegal drugs (*remember: any marijuana use is still a federal offense*) is not to be deemed a “qualified individual with a disability.” So, until the United States Congress comes together and decides to... oh, who am I kidding.

Drug Testing

Most companies nowadays, whether for insurance purposes or individual preference, incorporate some form of drug testing into their hiring and firing practices and procedures. As for monetary incentives, the Drug-Free Workplace Act offers employers a 5% discount on workers’ compensation insurance if they have a legitimate drug-free workplace program in place. This includes drug testing every new hire applicant prior to hiring, randomized drug testing of current employees, and testing for purposes of awarding workers’ compensation after any on-the-job injury. If an employer wants to continue receiving its discount, it will have to continue enforcing its drug-free policies, even against medical marijuana users (*at least for now*).

Many companies have taken it one step further and enforce a “zero tolerance” approach. That is, if you test positive even once for a substance that is prohibited, you’re gone—no questions asked. Moving forward, employers must decide whether they want to continue with the use of a zero tolerance policy across the board, or perhaps exempt medical marijuana users.

Moving forward, employers must decide whether they want to continue with the use of a zero tolerance policy across the board, or perhaps exempt medical marijuana users.

Another option would be to add an additional “investigative” component to the drug testing process for medical marijuana users. This would require

an employer to provide evidence that a positive test result was due to the employee actually being impaired while on the job in order to terminate employment. This would allow a “legal” user to treat his or her ailment while off the clock, assuming said employee was no longer impaired when returning back to work (*for example: nights and weekends if working a 9a-5p*). However, because it is so difficult to prove impairment from marijuana use, this could open the door for misuse of marijuana while on the job. Again, for the time being, an employer has no duty to make any accommodation or provide any special treatment for medical marijuana users in Florida.

Safety

Because we're talking about cannabis and construction, concerns of both employee and third-party safety are inherently called into question.

Of course, there are the obvious reasons why intoxicated or impaired contractors on-site would be less than favorable, but Uncle Sam has made sure to add a few of his own. The Occupational Safety and Health Administration Act ("OSHA Act") commands employers to maintain work environments "free from recognized hazards." So, what's a recognized hazard?

Employees trenching while impaired? Employees conducting back flow testing while impaired? How does medical marijuana used only off the clock play into all of this? Although there are no sure answers, one thing is for certain: OSHA rarely entertains excuses from employers. Therefore, any leniency included in a workplace safety program intended to accommodate medical marijuana users may very well be the nail in the proverbial coffin that is an OSHA citation for a safety violation. *(continued pg. 14)*



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Although Florida law is undoubtedly moving toward a more progressive standpoint on marijuana use, for now, it appears employers are safe to continue with their current policies and practices pertaining to employee drug use. However, it is each and every employer's responsibility to know the laws governing the operation of his or her business. With the construction industry so burdened by overregulation as it is, it is important now more than ever to make certain your company is in full compliance.

About Trent Cotney, P.A.

Trent Cotney, P.A. is a construction law firm currently with offices throughout the state of Florida, representing the irrigation industry and contractors alike. Trent Cotney, P.A. serves as general counsel for the Florida Irrigation Society and is a member of the Sarasota Chapter. The firm's practice areas include construction law, litigation, arbitration, contract review and drafting, OSHA defense, licensing defense, bid protests, lien law, bond law, construction employment law, and alternative dispute resolution. For more information, contact the author at 813.579.3278, blute@trentcotney.com, or visit www.trentcotney.com.



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7:00AM	REGISTRATION / CHECK-IN / CONTINENTAL BREAKFAST
8:00AM	SHOTGUN START
12:00PM	BBQ LUNCH (OR WHEN FIRST TEAM HAS FINISHED)
1:00PM	AWARDS AND PRIZES

COSTS

INDIVIDUALS	\$160
FOURSOME	\$575
VIP TEAM*	\$650
CLUB RENTAL	\$ 55

Registration includes: free parking and/or free transportation for registered guests from the Rosen Centre; range balls, cart/green fees; continental breakfast; BBQ lunch; contests/prizes (longest drive, closest to pin, hole-in-one, putting contest, raffle for two complimentary foursomes at Shingle Creek); 10% discount on merchandise at club house; and one complimentary drink from beverage cart.

**VIP Team will receive additional items: One mulligan per player, one throw per team, one raffle ticket per player and logo recognition on the Society's website.*

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To participate, visit our website (www.fisstate.org) and click on the tournament banner for registration and sponsorship forms.

Questions, contact the Florida Irrigation Society's state office via email info@fisstate.org or by phone at 466 94th Ave, N, St. Petersburg, FL 33702.



FLORIDA IRRIGATION SOCIETY THE IRRIGATION SHOW 2017

BUSINESS IRRIGATION SEMINARS

EFFICIENT MANAGEMENT OF YOUR VEHICLE FLEET

Thursday, November 9

11:00am-Noon

Think you need to hang on to your work vehicles because they are paid off? After this presentation on best practices for managing your fleet (1 to 100 vehicles) you will be better prepared to know when to sell and when to hold.

FLORIDA COURSE #6927780

IMPACT OF NEW TAX REGULATIONS ON YOUR BUSINESS

Thursday, November 9

1:00pm-2:30pm

Yes, death and taxes are a given. But, don't let taxes be the death of your company. This workshop will help you learn to talk with your CPA on tax planning and stay ahead of any new federal tax regulations that could impact your business.

FLORIDA COURSE #6927780/0611897

TOP FIVE EMPLOYMENT LAW ISSUES FACING CONTRACTORS

Thursday, November 9

2:45pm-4:15pm

Employers need to be more careful than ever when employing, paying, providing benefits to and terminating workers. Covered in this workshop are:

- Legal requirements for recording time, over and travel time
- Use of independent contractors
- Vetting new hires
- Recent developments in employment discrimination
- Rapidly developing laws concerning social media and computers in the workplace

FLORIDA COURSE #6927780/0610856

TO REGISTER, VISIT WWW.IRRIGATIONSHOW.ORG.

ETY SPONSORS FOUR COURSES AT 17 IN NOVEMBER

FLORIDA IRRIGATION SOCIETY SPONSORED IRRIGATION CONTRACTOR EXAM PREP WORKSHOP - **TECHNICAL ONLY**

Irrigation Conference Affiliate Event
Wednesday, November 8, 2017
8:00am-5:00pm | Cost: \$450/person

The Florida Irrigation Society (FIS) is sponsoring an exam preparation workshop for the required technical exam (not the city/county), one of the two exams needed to obtain a Florida Irrigation Contractor License. Join the class designed for irrigation contractors who may have similar concerns and questions in preparing for the exam.

Topics: The workshop will include a general review of content areas in the irrigation exam, differences between the county exams and Florida exam, test-taking strategies, a simplified method to perform math calculations, how to tab books for easy reference during the exam, best use of time during the exam, and practice exams.

Books: The irrigation contractor licensing exam is an open-book exam. Books allowed as reference during the state exam must be brought to the workshop for use during the session. A list of bookstores where books may be purchased is available by contacting the FIS office at 727-209-1595.

No pass guarantee: Any attendee who fails the exam may retake the workshop at no cost within one year after participating in the prep workshop.

TO REGISTER, VISIT WWW.FISSTATE.ORG. CLICK EVENTS AND GO TO THE IRRIGATION CONTRACTOR EXAM PREP WORKSHOP.

EXIT



Companies that have departments that perform mergers, acquisitions and divestitures often refer to them as their M.A.D. division, and with good reason. Trying to figure out the M.A.D. process can make you crazy. In this first installment and many more to follow, I will explain the process to approach it from a psychological perspective.

By J. R. Huston

GOING M.A.D.

PREPARATION BEFORE A SALE

Whether you are the seller or the buyer, understanding this process can either save or make you a lot of money. It can also save you a lot of time and headaches. Knowing a few benchmarks on the front end of a deal can prevent you from chasing many rabbit trails on the back end. I will approach this topic primarily from the seller's perspective. However, you can easily reverse the process and approach it from the buyer's view. Preparing your company with an "end-game" strategy in mind.

You should build your company with an exit strategy in mind. Unfortunately, most green industry entrepreneurs do not do so. They enter this industry because: it was a summer job that they never left... they like working outdoors...they grew up in the family business...their mother told them to... and so forth. If you want to have a viable exit strategy, you need to think differently. You need to think about it from day one.

If you are going to sell to one of the big national consolidators that has an acquisition department, essentially all you have to do for preparation is have their telephone number in your Rolodex. They know what to do and you just have to show up, so to speak. It is like prepping for a doctor's examination—take a shower and show up on time.

If you are going to sell to a smaller organization or a local one, "prep" work is more important. Here are some things to work on.

- Format your profit and loss statement and identify divisions (*installation, irrigation service, lawn maintenance, lighting, lawn care, etc.*) and their gross profit margins.
- Create an asset list in MS Excel with equipment, vehicle and small tool information and pricing
- Create such a list for inventory items that will be included in the sale

(continued pg. 22)



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Create a list of after-purchase savings in MS Excel. These are expenses that buyer will not have and that will add to the bottom line after the sale.

If possible, create a 5-10 year trend chart of growth for your company.

Include such things as:

- clients growth for each division
- Geographical location of customers

Conclusion

Preparation to exit your company should begin at its inception. Start thinking about and developing such a strategy as early as possible. Formatting the company's profit and loss statement properly is very important. It not only is important for selling the company but it is also important for running the company. If you are going to sell to a large green industry consolidator, the buyer will know what to look for and preparation will be less critical to the selling process. However, if you are going to sell to a smaller, local company; you should be ready to perform more preparation and "hand-holding." Either way, the homework that you do on the front end should put more money in your pocket on the back end.



FLORIDA IRRIGATION SOCIETY NEW MEMBERS (JAN-JULY 2017)

Welcome

Central Florida Chapter

OCPS Grounds Department
Pat Carney (Technical)

Massey Services, Inc. - Corporate
Tony Diberardino (Associate)

City Beautiful Horticultural Services
Stephen DiVito (Contractor)

Signature Landscape Contractors, LLC
Andy Swanson (Contractor)

Massey Services, Inc.
GreenUP Windermere
Russel Workman (Associate)

Dade/Broward Chapter

Superior Landscaping &
Lawn Service, Inc.
Orlando Otero (Contractor)

Northeast Florida Chapter

The Toro Company
Amy Cheek (Associate)

Palm Beach Chapter

Massey Services, Inc.
GreenUP Port St. Lucie
Cameron Lyle (Associate)

Massey Services, Inc.
GreenUP Melbourne
Richard Ward (Associate)

Southwest Florida Chapter

FIS Outdoor
Cassandra Thompson (Associate)

Tampa Bay Chapter

Liberty National
John (JD) Alexander (Supporting)

Sunrise Landscaping Contractors, Inc.
Josh Axmacher (Associate)

Trent Culleney Landscape
Contractor, Inc.
Trent Culleney (Contractor)

Absolute Property Maintenance
Matt Edgemon (Contractor)

Garcia Irrigation, LLC
Jose Garcia (Contractor)

Sunrise Landscape
Paul Gassen (Associate)

Signature Lawn Service Inc.
Greg Gibson (Contractor)

Hostetler Irrigation, Inc.
Glen Hostetler (Contractor)

Biological Tree Services
Tammy Kovar (Irrigation System
Operator)

SiteOne Landscape Supply LLC
Bonnie Moreland (Associate)

Green Pro Landscape LLC
Richard Morgan (Irrigation System Operator)

Sunrise Landscaping Contractors, Inc.
Randy Pittman (Associate)

U.S. Lawns
Selim Ramaj (Contractor)

Holland Landscaping & Tree Service, Inc.
Marty Rogers (Irrigation System Operator)

Deere-Scape, LLC
Sean Strano (Contractor)

Turf Management LLC
Alex Walters (Associate)

FIS OFFERS CEU WORKSHOP TO VOLUSIA COUNTY CONTRACTORS

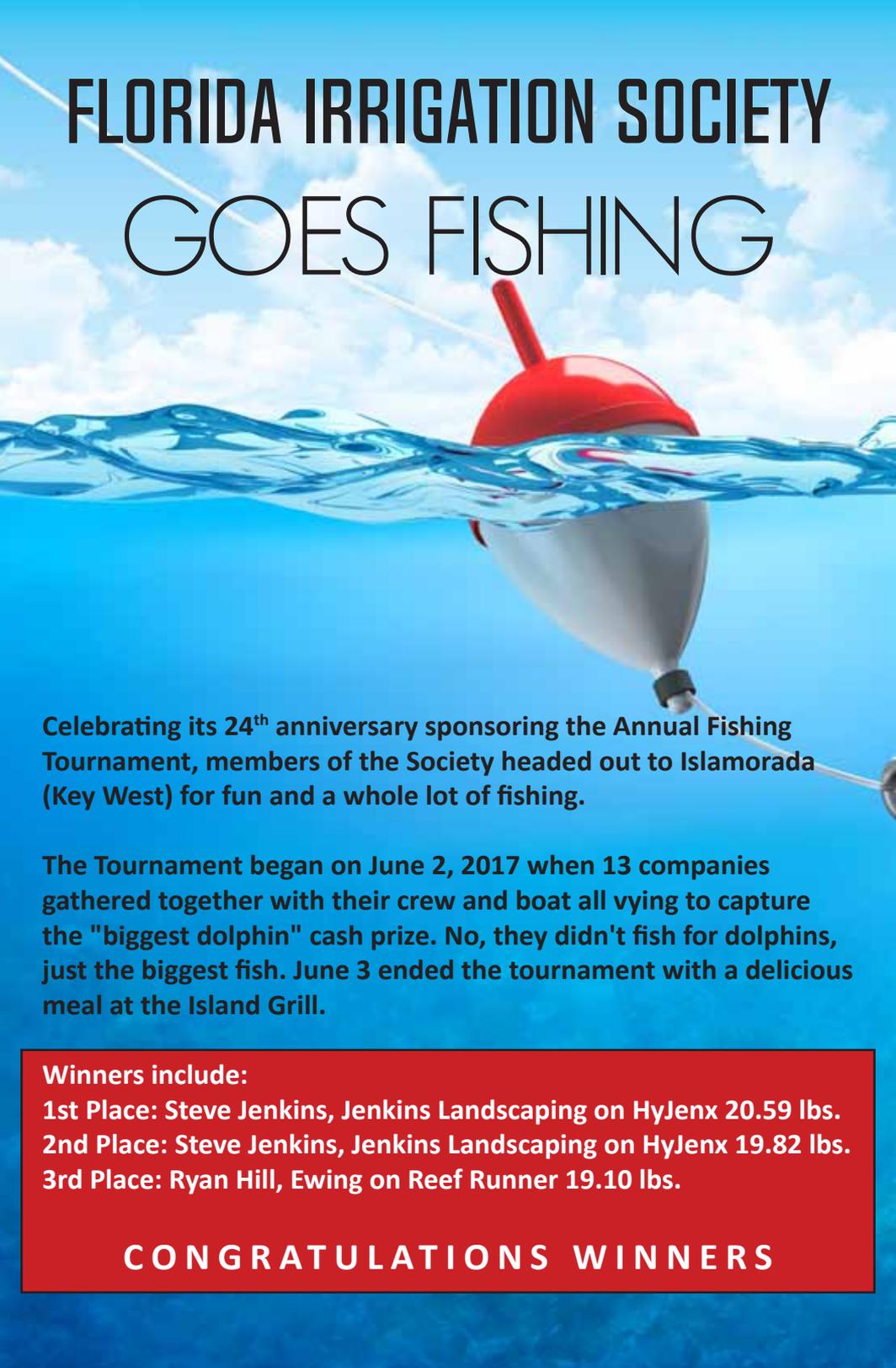
The Florida Irrigation Society is offering a 12 hour workshop to Volusia County Irrigation Contractors that will fulfill their continuing education requirements for license renewal. The workshop is scheduled for **September 7-8, 2017** and will be held at the Florida Department of Health in Volusia County, Daytona Beach. Topics planned during the one day and a half are both technical and business along with product displays. The workshop is also open to other individuals who wish to obtain irrigation relevant education. To register for the workshop, contact the FIS office at administration@fisstate.org or call 727-209-1595 or go to the FIS website at www.fisstate.org.

What Were They **THINKING?**



Thanks, Tom Super of Nature's Blueprint for the photo.

FLORIDA IRRIGATION SOCIETY GOES FISHING



Celebrating its 24th anniversary sponsoring the Annual Fishing Tournament, members of the Society headed out to Islamorada (Key West) for fun and a whole lot of fishing.

The Tournament began on June 2, 2017 when 13 companies gathered together with their crew and boat all vying to capture the "biggest dolphin" cash prize. No, they didn't fish for dolphins, just the biggest fish. June 3 ended the tournament with a delicious meal at the Island Grill.

Winners include:

- 1st Place: Steve Jenkins, Jenkins Landscaping on HyJenx 20.59 lbs.**
- 2nd Place: Steve Jenkins, Jenkins Landscaping on HyJenx 19.82 lbs.**
- 3rd Place: Ryan Hill, Ewing on Reef Runner 19.10 lbs.**

CONGRATULATIONS WINNERS

FISHING TOURNAMENT TEAMS

CENTRAL PRO / COASTAL IRRIGATION & PLUMBING OF SWF

EWING IRRIGATION & LANDSCAPE SUPPLY

FIS OUTDOOR, INC.

FX LUMINAIRE - HUNTER INDUSTRIES

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HORIZON ONLINE

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JENKINS LANDSCAPE

MTR LIGHTING / KICHLER LANDSCAPE LIGHTING

RESEARCH IRRIGATION

SITEONE LANDSCAPE SUPPLY

TORO

WEATHERMATIC



The Society's President Scott King checks crew members in at the Fishing Tournament

EVENTS

2017

Aug. 15-17

Irrigation Exam Prep Webinar

Aug. 22-23

Join the Florida Irrigation Society for a virtual exam preparation workshop (August 2017) for the required exams needed to obtain a Florida Irrigation State Contractor license. This format will allow those in remote areas or with limited travel time to participate in FIS classes designed specifically for irrigation contractors.

Aug. 30-31

The Water Expo

MACC Center, Miami, FL

Nov.

Irrigation Association - Irrigation Show and Education Conference

6-10

Location: Orlando, FL



This Pre-Irrigation Show event is open to all irrigation contractors, associates and affiliates, and available to all Irrigation Show attendees. Sponsorship opportunities are also available. Visit fisstate.org for more details and registration forms.

Visit www.fisstate.org for additional event/education information
Submit your industry events for consideration to pipeline@fisstate.org

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