

THE FLOW

AUGUST 2024

Upcoming Events

August 24th
Fishing Tournament
Weigh-in
Northeast Florida Marlin
Assoc.

September 26th
Trivia Night
Intuition Ale Works
6:00 pm



INSIDE THIS EDITION

<i>President's Message</i>	2
<i>Calendar of Events</i>	3
<i>The Law & Your Business</i>	4
<i>Scholarship Night Highlights</i>	5
<i>Welcome New Members</i>	6
<i>NUCA News</i>	7
<i>Safety News</i>	8
<i>Featured Sponsored—Synergy Equipment</i>	9
<i>Insurance News for Your Business</i>	10
<i>Fishing Raffle Ticket Order Form</i>	11
<i>Fishing Tournament Rules</i>	12
<i>NUCA of Florida Conference Highlights</i>	13
<i>Featured Sponsor—Ring Power</i>	14

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PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

It is August and will be a busy month. Students will start their 2024-2025 school year, football season will kick-off, and we will host our annual fishing tournament. Thank you to all our continuous sponsors, members and contributors that make our organization great.

In July, we hosted our Scholarship night where we awarded two outstanding students with aid in their pursuit of higher education. Thank you to everyone in attendance and the organization for investing in our futures pursuit of learning. We also hosted our 2nd Young Professionals event of the year, and we have a great group of ambitious young people to protect and foster our industry.

Coming up this month, our Annual Fishing tournament will be August 24, 2024 with the weigh-in at St. Augustine the Camachee Cove Marina, this is a great event for the family, please make time on your calendar to attend. If you need more info please reach out to Mrs. Kathy.

In September we will be trying something new with a trivia night on September 26th located at Intuition Ale Works. We all seem to have someone that is abundant with information in many different aspects in the office. Be sure to bring them and enjoy the fellowship. We are working on a next man up training that will fall in September or October so be on the look out for registering once finalized.

Best regards,

Caleb

Caleb Hurlbert

Project Manager, A.J. Johns, Inc.

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CALENDAR OF EVENTS

Upcoming Events

August 13th
Executive Committee Meeting

August 24th
Fishing Tournament
Northeast Florida
Marlin Association

September 10th
Executive Committee Meeting

September 19th
Safety Director's Forum
11:30 am

September 26th
Board of Directors Meeting
4:30 pm

September 26th
Trivia Night
Intuition Ale Works
6:00 pm

October 3rd & 4th
NUCA of Florida
Board Meeting &
President's Cup Golf
Longboat Key Club

The Law and Your Business

The Law and Your Business – Proposed Florida Constitutional Amendments

Tony Zebouni, Lindell, Farson & Zebouni, P.A.

Florida Amendment 1. Partisan Elections for Members of Local School Boards. Proposing amendments to the State Constitution to require members of a district school board to be elected in a partisan election rather than a nonpartisan election and to specify that the amendment only applies to elections held on or after the November 2026 general election. However, partisan primary elections may occur before the 2026 general election for purposes of nominating political party candidates to that office for placement on the 2026 general election ballot.

A "yes" vote supports making school board elections partisan beginning in the November 2026 general election and for primary elections nominating party candidates for the 2026 election.

A "no" vote opposes making school board elections partisan, thereby maintaining current procedures where school board members are elected in a nonpartisan election.

FLORIDA AMENDMENT 2. Right to Fish and Hunt. Proposing an amendment to the State Constitution to preserve forever fishing and hunting, including by the use of traditional methods, as a public right and preferred means of responsibly managing and controlling fish and wildlife. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV of the State Constitution.

A "yes" vote supports establishing a constitutional right to hunt and fish in Florida.

A "no" vote opposes establishing a constitutional right to hunt and fish in Florida.

Florida Amendment 3. Marijuana Legalization Initiative. The initiative would legalize recreational marijuana for adults 21 years old and older. Individuals would be allowed to possess up to three ounces of marijuana (about 85 grams), with up to five grams in the form of concentrate. Existing Medical Marijuana Treatment Centers would be authorized under the initiative to sell marijuana to adults for personal use.

A "yes" vote supports legalizing marijuana for adults 21 years old and older and allowing individuals to possess up to three ounces of marijuana.

A "no" vote opposes legalizing marijuana for adult use in Florida.

Florida Amendment 4. Right to Abortion Initiative. The initiative would provide a constitutional right to abortion before fetal viability (estimated to be around 24 weeks) or when necessary to protect the patient's health, as determined by the patient's healthcare provider.

A "yes" vote supports establishing a constitutional right to abortion before fetal viability.

A "no" vote opposes establishing a constitutional right to abortion before fetal viability.

Florida Amendment 5. Annual Inflation Adjustment for Homestead Property Tax Exemption Value Amendment. ⁽¹⁾ The amendment would provide for an annual inflation adjustment for the value of the homestead property tax exemption that applies to non-school taxes. The adjustment would be made every year on January 1 based on the percent change in the Consumer Price Index reported by the U.S. Department of Labor if the change is positive. ⁽²⁾

A "yes" vote supports an annual inflation adjustment to the amount of assessed value that is exempt from property taxation.

A "no" vote opposes an annual inflation adjustment to the amount of assessed value that is exempt from property taxation.

Florida Amendment 6. Repeal of Public Financing for Statewide Campaigns Amendment. The amendment would repeal Section 7 of Article VI of the Florida Constitution, which provides for public campaign financing for statewide candidates who agree to spending limits. Currently, under Article VI, public campaign financing is available for candidates for the offices of governor, attorney general, chief financial officer, and commissioner of agriculture.

A "yes" vote supports repealing the state constitutional provision that provides for public financing of campaigns for those running for elective statewide office who agree to campaign spending limits.

A "no" vote opposes repealing the constitutional provision that allows for the public financing of campaigns, therefore continuing to allow public campaign financing for statewide candidates who agree to certain spending limits.

SCHOLARSHIP NIGHT HIGHLIGHTS

On July 18th, we met at St. Johns Golf & Country Club to honor our 2024 scholarship winners. The evening started out with a networking time and included cocktails and a carving station of turkey, beef tenderloin, mashed potato bar and salad. We were pleased to welcome first time attendees Tyler Clark and Braydon Weaver from Horizon Pipe.

The first scholarship awarded was the J. Richard Baker Scholarship. This award is presented annually to a high school student or high school graduate who is the daughter or son of a NUCANF member company employee and will be enrolling full or part time in an academic institution of higher education or trade school, beginning this summer/fall. The J. Richard Baker Scholarship is a \$3,000 one-time award. This year's recipient of the J. Richard Baker Sr. Award is Lila Paige Tooley. Lila is the daughter of Scott Tooley, Atlantic Pipe Services and Amanda Tooley. She graduated this year from DeLand High School with a GPA of 3.9 and a class standing of 121 of 637 students. While in High School, Lila took mostly Honors and Advanced Placement classes. At home, she takes care of her pet, helps to keep the house tidy and does the laundry. She also makes every dessert for every holiday party her family has, from cakes to puddings, everyone enjoys her desserts. Lila will be furthering her education at Daytona State College where she will be studying Baking and Pastry Arts.

Our second scholarship is the Mike Allen Scholarship. This award is given to a high school student, High School graduate, Undergraduate College Student or Graduate Student who is the daughter or son of a NUCANF member company employee or a member company employee and is enrolled or will be enrolling full or part time in an academic institution of higher education this summer/fall. The enrollment may be in any curriculum for any number of years. The Mike Allen Scholarship is a \$3,000 one-time award. This year's recipient of the Mike Allen Award is Laura Ellis, daughter of John Ellis II, Legacy Engineering, Inc. and Rhonda Ellis. Laura is currently pursuing a Master of Architecture degree from the University of Pennsylvania. She graduated Summa Cum Laude with a GPA of 3.9 from the University of Florida in May of 2022 with a Bachelors of Design in Architecture. Since beginning at the University of Pennsylvania, Laura has served as the design studio representative for both the Fall and Spring semesters. Recently, she was elected by the Weitzman School of Design to be the architecture representative for the upcoming Fall and Spring semesters. She is enjoying her program, learning from the incredible professors and guest speakers at lecture series, and the unique projects she has been working on. Laura was also the winner of the 2023 Mike Allen Scholarship. Unfortunately, Laura was unable to attend the scholarship night but her father John Ellis II accepted the Mike Allen Scholarship on her behalf.

Nina Sickler, Director of Public Works for the City of Jacksonville was our guest speaker and gave us an update on the Jaguars Stadium Project as well as upcoming work for the City of Jacksonville.



Lila Tooley receives the J. Richard Baker scholarship check from scholarship chair Mike Gruber. (Left) John Ellis II receives the Mike Allen scholarship check on behalf of his daughter Laura Ellis who was unable to attend the ceremony. (Right)

WELCOME NEW MEMBERS

Please join me in welcoming the following companies who recently joined our association.

National Equipment Dealers

Contact: Dan Letterle, Chief Sales Officer

11574 Phillips Highway, Jacksonville, FL 32256

Phone: (904) 664-0899

Cell: (336) 425-5235

Email: dletterle@neddealers.com

Website: www.neddealers.com



Horizon Pipe

Contact: Tyler Clark, Project Manager

4171 Whitesville Landing Ct., Middleburg, FL 32068

Phone: 904-206-8098

Cell: 904-955-6110

Email: tclark@horizonpipe.com

Website: horizonpipe.com





Dozer Day Program Acquired By NUCA

NUCA and the Nutter Foundation announced on July 11 [a new partnership to promote “Dozer Day®,”](#) the innovative workforce development program that has introduced thousands of young adults to the nation’s utility construction industry. “Dozer Day provides an unforgettable experience for children, sparking their interest in engineering, construction, and teamwork. We are fortunate that our partnership will continue the special Dozer Day experience for more children and young adults in more American towns," said NUCA chief executive officer Doug Carlson.

Over the next several years, NUCA will work with its Chapter network and other organizations and businesses to grow the events in untapped communities and regions, delivering this educational opportunity to thousands more. Several Dozer Day events are planned for this fall at four NUCA Chapters (Nebraska, Middle Tennessee, Washington State, and Kansas City Region). [More here.](#)

OSHA Releases Heat Injury and Prevention Rulemaking

OSHA released on July 2 its proposed standard for heat illness and injury prevention for indoor and outdoor settings. Elements of the [OSHA proposal](#) include training requirements for supervisors, heat safety coordinators, and employees. Covered companies will have to develop and implement a work site heat injury and illness prevention plan (a written plan must be created for employers with more than 10 employees). These plans would include an initial heat trigger at 80°F, among other requirements.

NUCA and the Construction Industry Safety Coalition (CISC) asked for OSHA for carve-out for specific construction activities, but these were not included in this draft. NUCA and CISC are drafting a response to this OSHA rulemaking notice and will respond in the 120-day comment period open to the public. [Read more here.](#)

USDA RAISE Infrastructure Grants Announced

USDOT announced \$1.8 billion in awards from the RAISE grant program for 148 projects around the nation. According to a USDOT press release announcing the grants, funding is split equally between urban and rural areas, and a large percentage of grants support regions defined as historically disadvantaged or areas of persistent poverty. As in years past, the demand for RAISE funding outpaced available funds, with the department receiving almost \$13 billion in requests for the \$1.8 billion available this year. The RAISE program is one of several competitive grant programs providing funding under the 2021 infrastructure law supported by NUCA. A list of the grants can be [found here.](#)

SAFETY NEWS

By Jeff Blomgren
Safety Coach at Petticoat-Schmitt Civil Contractors

POOL SAFETY

Annually an average of 371 children drown nationally in swimming pools. In 2023, Florida led the country with the most child drownings. There were 99 child drownings in 2023 in Florida, 46 of them were in home pools or in the pools of families or friends. Most of those drownings were to children younger than one year. Florida and Texas lead the nation in swimming pool deaths of children. That's not a statistic we should be proud of. When we look at the causes relating to drowning deaths of children, the major cause, 70%, were related to lack of swimming ability. Here are some suggestions for child pool safety.

1. Teach children basic water safety.
 2. Avoid overloading the pool with too many pool toys or children.
 3. Designate a lifeguard. Someone who will not be distracted and who will be monitoring pool activity.
 4. Establish rule and enforce them. Learn CPR for children and adults.
 5. Keep a phone handy a all times.
 6. Immediately exit the pool if thunder is heard or lightning seen.
 7. Turn off the filter pump.
 8. Do not allow infants and toddlers in hot tubs.
 9. Older children should be limited to 20 minutes.
 10. Balance the water chemistry to prevent irritation from chemicals.
- Do not rely on swim proof diapers to be swim proof. Check youngsters often.

Summers in Florida are great. We have so many exciting opportunities for fun in the sun but we also need to be aware of the hazards related to the fun things we have available to us.

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INSURANCE NEWS FOR YOUR BUSINESS

By Baha Erol, Risk Analyst, The Holmes Organisation of Florida, Inc.

The Importance of Hold Harmless Agreements in Commercial Insurance

What is a Hold Harmless Agreement?

A hold harmless agreement, also known as an indemnity agreement, is a contractual provision where one party agrees to assume the liability of another party. This agreement is designed to protect your business from potential lawsuits or claims arising from accidents, negligence, or other incidents related to your work.

Why Are Hold Harmless Agreements Important?

- 1. Risk Transfer:** The primary function of a hold harmless agreement is to transfer risk from one party to another. In the context of utility and excavation work, this means that subcontractors, vendors, or other parties you work with can be required to take on liability for specific risks, protecting your business from potential financial losses.
- 2. Legal Protection:** These agreements provide a layer of legal protection by clearly defining the responsibilities and liabilities of each party involved in a project. This clarity helps prevent disputes and ensures that all parties understand their obligations.
- 3. Financial Security:** By shifting liability away from your company, hold harmless agreements can help maintain your financial stability. In the event of an accident or claim, the agreement can help ensure that your insurance premiums remain manageable, and your business assets are safeguarded.
- 4. Enhanced Professional Relationships:** Establishing clear terms of liability through hold harmless agreements can lead to stronger, more transparent professional relationships. When everyone knows their role and responsibilities, it fosters trust and cooperation among all parties involved in a project.

Conclusion

In the high-risk world of utility and excavation, protecting your business is paramount. Hold harmless agreements are a powerful tool in your risk management arsenal, providing legal and financial security. By effectively implementing and maintaining these agreements, you can safeguard your business, enhance professional relationships, and ensure long-term success.

If you have any questions about hold harmless agreements or need assistance with your commercial insurance needs, feel free to reach out. Your safety and success are my top priorities.

2024 NUCANF FISHING TOURNAMENT RULES

There is no check-in before the tournament. Check in at Weigh-in to receive your t-shirt and hat. You can fish anywhere and bring your catch to the weigh-in in St. Augustine.

1. ALL PARTICIPANTS MUST FOLLOW THE FLORIDA RECREATIONAL FISHING REGULATIONS.
2. ALL VESSELS MUST MEET AND FOLLOW U.S. COAST GUARD REGULATIONS, OR BE SUBJECT TO DISQUALIFICATION.
3. ANGLERS MAY USE ARTIFICIAL, LIVE OR DEAD BAIT.
4. ALL FISH MUST BE CAUGHT ON ROD AND REEL.
5. IN CASE OF A TIE IN WEIGHT, THE FISH WEIGHED IN FIRST WILL BE DECLARED THE WINNER.
6. PARTICIPANTS MAY KEEP THEIR CATCH.
7. **TO BE ELIGIBLE TO WEIGH IN FISH FOR PRIZES, A REPRESENTATIVE FROM EACH BOAT MUST BE IN THE CHECK IN LINE AT THE TOURNAMENT SITE BY 2:30 PM.**
8. THE WEIGH IN STATION WILL OPEN AT 1 P.M. AND CLOSE AFTER ALL ANGLERS THAT WERE IN THE CHECK IN LINE AT 2:30 HAVE BEEN WEIGHED.
9. NO LINES IN THE WATER BEFORE FIRST LIGHT OR AFTER 2:30 P.M.
10. DECISION OF THE JUDGES IS FINAL.
11. WE ENCOURAGE ALL ANGLERS TO PRACTICE CATCH AND RELEASE FOR FISH THAT ARE NOT TO BE WEIGHED IN.

PRIZE STRUCTURE

FIRST, SECOND, AND THIRD PLACE PRIZES WILL BE AWARDED FOR THE HEAVIEST LEGAL FISH IN EACH OF THE FOLLOWING CATEGORIES:

- KINGFISH
- SPOTTED SEA TROUT
- RED FISH
- FLOUNDER
- ALL OTHER SPECIES

A SEPARATE PRIZE WILL BE AWARDED TO THE ANGLER WEIGHING IN A LEGAL *REDFISH WITH THE MOST SPOTS* ON ONE SIDE OF THE FISH. IN CASE OF A TIE IN THE NUMBER OF SPOTS, THE HEAVIEST FISH WILL BE DECLARED THE WINNER.

A TROPHY WILL BE AWARDED TO THE CHILD (13 AND UNDER) WITH THE HEAVIEST LEGAL FISH. ANY KIDS WHO WEIGHS IN A LEGAL FISH WILL BE ELIGIBLE FOR A RAFFLE DRAWING FOR A SPECIAL PRIZE.

A FISHING DIVA AWARD WILL BE AWARDED TO WOMEN ANGLER WEIGHING IN THE HEAVIEST LEGAL FISH.

EACH ADULT ANGLER WHO WEIGHS IN A LEGAL FISH WILL BE ELIGIBLE FOR A RAFFLE DRAWING FOR THE GRAND PRIZE.

NUCA OF FLORIDA CONFERENCE HIGHLIGHTS

A group from our chapter recently returned from Bonita Springs where NUCA of Florida held their 2024 conference. The conference kicked off on Thursday with committee meetings and the Board of Directors meeting followed by a Welcome and Networking Reception. Friday was a breakfast buffet and the Construction Industry Day Forum with Michael Bailey, Carlton Fields who did an excellent presentation on cybersecurity threats and what your company needs to do so your company doesn't get hacked or fined. We also heard from State Senator Jonathan Martin who represents the Southwest Florida area. Everyone was interested to hear Sabrina Dugan and John Mirkin discuss AI and how to leverage AI and create an implementation strategy for your business. Kari Hebrank, NUCA of Florida's lobbyist, also provided a 2024 legislative update on issues critical to you business day-to-day operations including public works projects, heat illness & injury prevention, U.S. iron and steel products, infrastructure funding, stormwater and 404 permitting. State Representative Adam Botana was our guest speaker for our luncheon where our Board of Director's was installed. We also had a NUCA update from NUCA National Chairman Tony Privitera. Friday evening was a Happy hour with exhibitors with cool crafts for kids.

Saturday was free time to enjoy the resort during the day. The Distinguished Scholarship Award Reception was held in the evening where two \$7,500 scholarship were awarded. A total of 32 applications were received for these scholarships. The escape to Margaritaville Party followed with live music, silent auction, basket raffle, best costume contest and majority rules game. Thank you to everyone who attended, exhibited or sponsored the conference.



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