

# THE FLOW

**JULY 2024**

## Upcoming Events

July 11th to 13th

**NUCA of Florida Conference  
Hyatt Regency Coconut Point  
Bonita Springs**

July 18th

**Scholarship Night  
St. Johns Golf  
& Country Club  
6:00 pm**

July 31st

**Young Professionals Group  
Strings Sports Brewery**

August 24th

**Fishing Tournament  
Registration &  
Sponsorship  
Forms  
Pages 9 & 10**

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## 2023 OFFICERS & BOARD OF DIRECTORS

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### PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

I'd like to wish everyone a Happy 4<sup>th</sup> of July. We are grateful for our Country and freedom we have thanks to our brave men and women in armed forces.

Thank you to all our continuous sponsors, members and contributors.

In June we had our trench safety standdown. This event seems to grow every year and we'd like to thank everyone that participated.

Please join us this month at our Scholarship Night as we give back to families in the industry aiding their children in their pursuit of higher education. We will be hosting our second young professional meeting sponsored by ADS on July 31<sup>st</sup> at Strings Sports Brewery, please sign and tell your young professionals. On August 24<sup>th</sup> we will be hosting our annual fishing tournament. If you have any questions about the tournament, please reach out to Kathy.

Thank you again for your support, should you have any concerns or need assistance please reach out to Kathy or me and we will be there to help.

Best regards,

*Caleb*

Caleb Hurlbert

Project Manager

A.J. Johns, Inc.

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[churlbert@ajjohns.com](mailto:churlbert@ajjohns.com)

## 2024 NUCA of North Florida

### Monthly Sponsors

### Diamond Sponsors

National Trench Safety  
Sunbelt Rentals  
Sunstate Equipment Trench Safety  
United Rentals Trench Safety

### Platinum Sponsors

Beard Equipment Company  
Case Power & Equipment

### Gold Sponsors

A.J. Johns, Inc.  
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Florida Roads Contracting  
Fortiline Waterworks  
Linder Industrial Machinery  
Nimnicht Chevrolet  
Pipeline Constructors, Inc.  
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Synergy Equipment

### Silver Sponsors

Gate Fuel Service, Inc.  
John Woody, Inc.  
Mark Bryan, P.A.  
Petticoat-Schmitt Civil Contractors  
Rinker Materials

## CALENDAR OF EVENTS

### Upcoming Events

July 11th to 13th

NUCA of Florida Conference  
Hyatt Regency Coconut Point  
Bonita Springs

July 18th

Board of Directors  
&  
Scholarship Night  
St. Johns Golf &  
Country Club  
St. Augustine

July 31st

Young Professionals Event  
Strings Sports Brewery

August 13th

Executive Committee Meeting

August 24th

Fishing Tournament  
Northeast Florida  
Marlin Association

# The Law and Your Business

## *The Law and Your Business – Unlicensed Contracting and Sanctions against Attorney Tony Zebouni, Lindell, Farson & Zebouni, P.A.*

SWO owned a house in Volusia County and hired TMS to remodel the house. The parties signed an agreement that featured the TMS logo and identified TMS as “Contractor.” When SWO did not pay certain invoices, TMS sued for breach of contract and to foreclose a construction lien.

SWO alleged that because TMS was an unlicensed contractor, it “was prohibited by law from entering [into] the contract,” “performing . . . services,” and “seeking payment for . . . services.” TMS maintained that it had no liability for working without a license because TMS “is a fully licensed contractor.”

Appellant moved for sanctions against TMS **and its counsel (“Law Firm”)** per section 57.105, F.S. The Law Firm filed pleadings even after it knew that TMS was unlicensed at the time of contracting.

Law Firm acknowledged that it knew TMS wasn't licensed when TMS performed under the agreement. However, by the time that Law Firm answered the counterclaims, TMS was licensed, so in Law Firm's view, asserting that TMS is a licensed contractor “was a true statement.” TMS was unlicensed when Law Firm filed the breach of contract complaint.

“The central purpose of section is, and always has been, to deter meritless filings and thus streamline the administration and procedure of the courts.

§57.105 (1) states: Upon the court's initiative or motion of any party, the court **shall** award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:

- (a) Was not supported by the material facts necessary to establish the claim or defense; or
- (b) Would not be supported by the application of then-existing law to those material facts.

A contractor shall be considered unlicensed” if the contractor did not have a license “on the effective date of the original contract for the work, if stated therein, or, if not stated, the date the last party to the contract executed it, if stated therein.”. An unlicensed contractor's subsequent licensure is irrelevant.

The bottom line is that Law Firm filed a breach of contract complaint for a contractor it knew to be unlicensed -- even though the contract was unenforceable. Based on these circumstances, sanctions were required. The court *shall* award a reasonable attorney's fee” to the prevailing party if “the losing party's attorney knew or should have known that a claim or defense would not be supported by the application of then-existing law to those material facts. Both TMS and its lawyer are on the hook for attorney fees and costs.

*SOUTH WILD OLIVE, LLC, v. TOTAL MAINTENANCE SERVICES, LLC,*



## ANOTHER WASHINGTON SUMMIT IN THE BOOKS!

A group from Florida attended the NUCA Washington summit held May 22nd to May 24th. Our legislative priorities include:

- **Implementing the Infrastructure Investment and Jobs Act:** IJA is midway through its life cycle, and as dollars begin to reach projects NUCA members want to ensure that the IJA is implemented smoothly and in accordance with Congressional intent. Congress should continue to work with the Administration to define Buy America requirements appropriately and overhaul and streamline permitting so our members can get to work.
  - **Water and Wastewater Investment:** The industry must have adequate funding in FY2025 to start and complete these critical infrastructure projects in your district and state. Our local members are asking for fully funded State Revolving Fund programs in the Interior/EPA FY2025 appropriations bill, and to avoid the near-catastrophic proposal to cut funding that Congress had proposed within its FY2024 appropriations process for infrastructure resources.
  - **Workforce Development and Labor Issues:** Finding and developing employees that will build American infrastructure and opposition to regulatory changes that strain an already limited workforce – pass important legislation like the Bipartisan Workforce PELL Act (H.R. 6585) and reauthorizing the Workforce Innovation and Opportunity Act
  - **Lead Pipe Replacement and other Water Infrastructure funding:** IJA was a historic step forward in funding, but billions more will be needed to finish the job. Congress should fully appropriate funding for the state revolving fund and other water infrastructure programs and provide additional resources to help our members rebuild American water infrastructure.
- Private Activity Bonds:** A small legislative change to state volume caps can help unlock billions in private finance for our public water infrastructure projects, and support legislation like H.R. 1407 / S. 726, the Financing Lead out of Water Act – to expand their eligible uses.



## TRENCH SAFETY STAND DOWN KICK-OFF

The Safety Director's Forum hosted a Trench Safety Stand Down kick-off event on May 30th at the Aloft hotel. Attendees were treated to a lite continental breakfast. Our guest speaker was Jeffrey Lincoln OSHA Assistant Area Director. Brad Martin, Sunshine 811 was also on hand to provide us with an update and answer and questions. Representative from United Rentals Trench Safety, Sunstate Trench Safety, Sunbelt Rentals and National Trench Safety were on hand to let members know about their plans for Trench Safety Stand down week and each company has a table set-up with give away items and education materials as well as schedules for times to meet during stand down week. OSHA and Sunshine 811 also had tables set-up and were providing materials and give away items.

Thank you to everyone who attended and especially our Trench Safety suppliers.





### **EPA Clean Water Survey Released**

The EPA released in mid-May the latest need for investment to meet Clean Water Act water quality objectives over the next 20 years. The "2022 Clean Watershed Needs Survey" (CWNS) released May 14 is reporting that there are \$630.1 billion needs in clean water infrastructure for improved or new wastewater, stormwater, wastewater treatment, and nonpoint source control. \$347.7 billion in wastewater needs include repairing existing pipes and pump stations. Six states--New York, California, Florida, Virginia, Louisiana, and Georgia--accounted for 42% of nationwide needs. The last CWNS was released in 2012.

Individual state needs and a report summary are found online at [www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2022-report-and-data](http://www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2022-report-and-data).

### **EPA Releases \$9 Billion For Lead Pipe Replacement**

The EPA announced on May 2 that the agency will distribute \$3 billion annually over the next three years to replace an estimated 1.7 million lead service lines in the United States. The resources were authorized by the 2021 Bipartisan Infrastructure Law and will be distributed via the EPA's Drinking Water SRF. The Biden Administration said in its announcement that this will build upon their "Lead and Pipe Action Plan", which will send 50% of this funding to disadvantaged communities. There are more than 9 million lead service lines in the U.S. that will need to be replaced at an estimated cost of \$50 billion.

### **2024 Washington Summit: Highlights and News**

NUCA's annual Washington Summit held May 22-23 once again delivered real results for our association and our industry. Our 106 attendees discussed our several top issues in a record-setting 107 meetings with House and Senate lawmakers and staffers. Those our attendees met with in Congress were very open to the association's legislative goals, and we expect this year's Summit to deliver dividends into the session ahead. We are optimistic that the two State Revolving Funds will be fully funded for FY2025, but work remains ahead over the summer months and possibly into fall before final numbers are determined.

To help attendees with their own follow-up meetings with lawmakers or their staff, the several Summit fact sheets will remain available at [wedigamerica.org](http://wedigamerica.org), under "Issues." The 2024 Summit photos can be viewed at our online photo website at [nuca.smugmug.com](http://nuca.smugmug.com). For those who attended this year's event, we hope you set aside time next May to come back to Capitol Hill for the 2025 Washington Summit, tentatively scheduled for May 13-15, 2025.

### **In 2024, Share The Details About Trenchless Tech Efficiency**

Are you seeking to know more about horizontal direction drilling, or auger boring, or wish your city's administrators did, too? NUCA's "Trenchless Construction and New Installation Methods" manual can help your estimators, engineers, and project managers recognize that trenchless technology could deliver large cost savings to your excavation projects. The 148-page, full-color illustrated manual carefully addresses and explains the most common trenchless installation methods. This year, buy a copy for your local planning department as a professional gift to introduce their staff to these cost-efficient subsurface construction methods. The manual is available exclusively from NUCA and can be ordered online at [www.nuca.com/trenchlessmanual](http://www.nuca.com/trenchlessmanual).

### **2024: NUCA's 60th Anniversary!**

NUCA turns 60 years old in 2024, and we'll be celebrating throughout the year this important association milestone. Since the beginning in April 1964, our association has been instrumental in promoting the interests of the underground utility and excavation contracting industry before legislators and regulators, and has worked tirelessly to secure more funding for America's aging underground infrastructure. Over the past 60 years NUCA has been the strongest force in improving safety and business conditions throughout the \$152 billion American utility construction industry. Join us throughout this year in celebrating this shared achievement!

# SAFETY NEWS

By Jeff Blomgren  
Safety Coach at Petticoat-Schmitt Civil Contractors

## **Do You Know The OSHA Guidelines for a First Aid Kit?**

Within the Occupational Safety and Health Administration (OSHA) medical services and first aid regulation (29 Code of Federal Regulations (CFR) 1910.151) paragraph (b) states: “In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.”

Many times we fulfil the requirements of the regulation but we don't follow up on the details related to the compliance. Fire extinguishers need to be inspected as part of the equipment walk around but they also have to be fully inspected every 30 days. We know that but, do we know that we need to apply that same inspection routine to our first aid kits. There are expiration dates attached to some of the items in the kit and we need to be aware of those items and make sure they are replaced. The same goes for those items that get used up while the kits is still substantially intact. First aid kits are a valuable tool in preventing OSHA recordable incidents. Simply applying first aid procedures in minor injuries is preventive and necessary. Knowledge of first aid is also necessary and renewable. While this is a simple part of injury prevention and education, we sometimes find ourselves lagging in the ongoing efforts to stay up to speed.





**2024 NUCANF Fishing Tournament  
Northeast Florida Marlin Association  
3030 Harbor Drive, St. Augustine  
August 24, 2024  
No Inflation, Same price as last year!**

Cast-off: 7:00 – 8:00 a.m.                      Back to Dock: 3:30 p.m.  
B.Y.O.B. (Bring Your Own Boat)

Cost per Angler: \$125 Includes Meal & Beverages (after Weigh-in)

\*Each Angler will also receive a Commemorative T-shirt & Door Prize Entry ticket at weigh-in

**Kid's 13 & under fish for free with an adult registration**

**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, redfish, flounder and all other species. There will also be a prize for the redfish with the most spots on one side, a prize for the woman weighing in the heaviest legal fish and a kid's prize (13 & under) for the heaviest legal fish.*

\*\*\*\*\*  
SPONSORSHIP IS A VERY IMPORTANT PART OF THE TOURNAMENT'S SUCCESS! If you are interested in being a TOURNAMENT SPONSOR, please check off one of the levels of participation.

- \$125 Single Angler with Meal/Drink Complimentary T-shirts .
- \$ 30 Spectator with Meal and Beverages only

~TOURNAMENT SPONSOR LEVELS INCLUDING ANGLERS~

- \$350 TWO (2) Anglers with Meal/Drink & Company Logo on T-shirt, Complimentary T-shirts.\*
- \$650 FOUR (4) Anglers with Meals/Drinks & Company Logo on T-Shirt, and Complimentary T-shirts.\*

\* Please email logo in .jpg format to NUCANF@gmail.com

(See Sponsorship form for details as to what is included with your sponsorship)

Company Name: \_\_\_\_\_ Your Name: \_\_\_\_\_  
Phone: \_\_\_\_\_

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Reservations for Fishing Tournament need to be made by Friday, 8/9. *List all those who will be fishing or attending:*

#1 \_\_\_\_\_ #2 \_\_\_\_\_  
#3 \_\_\_\_\_ #4 \_\_\_\_\_

Kid's 13 & under: Please provide name, age, and child's shirt size)

#1 \_\_\_\_\_ #2 \_\_\_\_\_  
#3 \_\_\_\_\_ #4 \_\_\_\_\_

Send your Entry/Payment to:

NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or email to nucanf@gmail.com

## 2024 NUCANF Fishing Tournament Sponsorship Opportunities

**SOLD**

### \$1,000 Raffle Sponsor (Limit one)

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary full page ad will also appear in the October or November 2022 Flow Newsletter.

**SOLD**

### \$500 Grand Prize Sponsor (limited to one spot)

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary 1/2 page ad will also appear in the October or November 2022 Flow Newsletter. You may also have a vendor display at the awards dinner.

### \_\_\_\_\_ \$500 Dinner Sponsor

Same benefits as grand prize sponsor.

**SOLD**

### \_\_\_\_\_ \$1,000 Weigh-in Sponsor (limited to one spot)

Same benefits as raffle sponsor.

### \_\_\_\_\_ \$300 Door Prize Sponsor

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary ¼ page ad will also appear in the October or November 2022 Flow Newsletter.

### \_\_\_\_\_ \$300 Registration Sponsor (Limited to one spot)

Same benefits as door prize sponsor.

**SOLD**

### \_\_\_\_\_ \$500 Trophy Sponsor (Limit one)

Same benefits as grand prize sponsor.

**SOLD**

### \_\_\_\_\_ \$300 Kid's Prize Sponsor (limited to one spot)

Same benefits as door prize sponsor

Company Name: \_\_\_\_\_ Your Name: \_\_\_\_\_

Payment: \_\_\_\_\_ Check (NUCANF) \_\_\_\_\_ Bill my account \_\_\_\_\_ Charge credit card\*

Visa/MC/AX: \_\_\_\_\_ Exp Date: \_\_\_\_\_ V-Code: \_\_\_\_\_

Billing Zip Code \_\_\_\_\_

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.

Name on card: \_\_\_\_\_

**\*A 5% processing fee will be added to all credit card charges.**

**Return with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245**

# NEW MEMBER SPOTLIGHT—MATCO INDUSTRIES



Aggregates - Transloading- Distribution

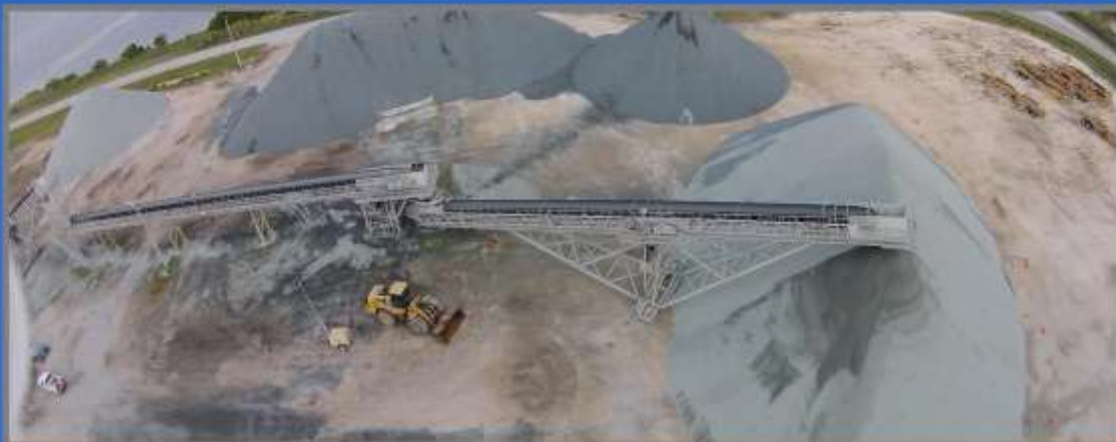


- Construction & Decorative Aggregates
- Terminal Creation & Management
- Distribution Solutions
- Rail & Marine Transloading



## LOCATIONS

Pompano Beach, FL - Medley, FL  
Riviera Beach, FL - Cocoa, FL  
Ormond Beach, FL - Hastings, FL  
Live Oak, FL - Ocala, FL  
Charles City, VA - Clifton, TN



**MATCO INDUSTRIES, INC.** +1 954 946 5567 1263 Hammondville Rd, Pompano Beach, FL 33069 USA



# JULY FEATURED SPONSOR

# LINDER

## Region Sales Manager JJ Lee Enjoys Building Relationships With Customers



Linder Industrial Machinery Company recently hired JJ Lee as a region sales manager covering North Florida and Southeast Georgia. JJ brings seasoned professionalism to the role and is passionate about building lasting relationships and delivering exceptional service.

"I started 20 years ago actually working for a competitive construction equipment dealer and then worked my way through various agricultural equipment manufacturers," JJ recalled. "I'm excited to transition back to a construction equipment dealer. Instead of covering vast geographical regions of the U.S., I'm able to focus on a specific territory and have a meaningful impact on our customers' businesses. Linder is a great company with a great atmosphere. There's a lot of opportunity for growth and expansion."

With a focus on creating a culture of excellence and ownership, JJ is committed to building a highly impactful sales team and fostering a sense of teamwork within the organization.

"Every day, we need to move with a sense of urgency and own every aspect of our day," JJ emphasized. "We've got to keep the customer up and running, because if they're not in the dirt working, then we aren't holding up our end of the bargain. We have to make sure that we take care of our customers because they take care of us."

For JJ, success in sales is rooted in genuine connections and integrity.

"Building and creating relationships with the customers is the most important part, and it's fun," commented JJ. "Sales are sales. People are people. People are always going to buy from people. We still get to work in an industry where a handshake means something. Trust and relationships still matter."

Outside of work, JJ loves spending time with his family and embracing the outdoors.

Contact JJ:  
(904) 510-3341  
[jj.lee@linder.com](mailto:jj.lee@linder.com)

Linder Industrial Machinery is proud to support the hard-working members of NUCA of North Florida. We know that trench digging is both a grueling and satisfying profession, so our goal is to supply you with the best machines on the market.

Scan the code to see our latest offers of Komatsu and BOMAG equipment.



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