

THE FLOW

OCTOBER 2024

Upcoming Events

Oct. 1st

**Next Man Up
Equipment Safety
Ring Power
6:00 pm**

Oct. 10th

**Intro to Finance Class
AJ Johns Training Center
6:00 pm**

Oct. 17th

**Trivia Night
Intuition Bier Hall
6:00 pm**

Oct. 23rd

**Young Professionals Event
Hoptinger 5 Points
6:00 pm**

Nov. 5th

**Clay Shoot
Jacksonville Clay Target Sports
(Teams Sold Out)**

INSIDE THIS EDITION

<i>Calendar of Events</i>	3
<i>The Law & Your Business</i>	4
<i>NUCA of Florida needs your Advocacy Support</i>	5
<i>Welcome New Member - Jimco Site Services</i>	6
<i>NUCA News</i>	7
<i>Safety News</i>	8
<i>Commercial Insurance Insights</i>	10
<i>Save the Date: Golf Tournament Monday April 7th</i>	11
<i>Featured Sponsor—Gate Fuel Service</i>	12
<i>Applications Available for 2025 Board of Directors</i>	14
<i>Featured Sponsor—John Woody, Inc.</i>	16



2023 OFFICERS & BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

President

Caleb Hurlbert, A.J. Johns, Inc.

President-Elect

Paul Gilsdorf, Haskell

Vice President I

Alvaro Rios, T.G. Utility Company, Inc.

Vice President II

Mike Kivlin, John Woody, Inc.

Secretary/Treasurer

Marty Adams, TB Landmark

General Counsel

Tony Zebouni, Lindell, Farson & Zebouni

Past President

Tim Gaddis, Vallencourt Construction

BOARD OF DIRECTORS

Kirk Blomgren, Petticoat-Schmitt Civil

Joseph Geiger, Cemex

Tommy Hyatt III, Florida Roads Contracting

Valinda Krynicki, United Rentals

Drew Lane, Advanced Drainage Systems

Chance Leonard, ECS Florida

Blake Nugent, J.B. Coxwell

Rick Parker, Rinker Materials

Hunter Pruitt, Vallencourt Construction

Ryan Pugh, Ferguson Waterworks

Dean Vanzant, A. J. Johns, Inc.

Barry Watson, Fortiline Waterworks

Chris Wilson, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

In my last presidential address, I spoke about how wet August was and we were hoping for more productive weather. Well, the first half of September the rain continued. I hope that we all have more productive weather this month.

Please join us this month at our Next Man Up Equipment Safety Class hosted by Ring Power, as we teach and give opportunity for people to grow into a position to operate. We will be hosting an intro to finance and investment class 10/10 please RSVP by Oct. 3rd. The safety director's forum will meet Oct. 17, our Trivia night at Intuition will also be on Oct. 17, and our Young Professionals will host an event at Hoptinger 5 Points Oct. 23rd. I look forward to seeing y'all at these events.

In November we have our 13th annual Sporting Clay Challenge, thank you to all our event sponsors and the clay committee and volunteers that make this event a success. We will also host our annual Top Golf event that benefits Seamark Ranch and all their great work. Our industry has played an integral part in supporting Seamark Ranch and your support in helping these children overcome is noble.

Please be prepared to start discussing next year's budget at our Board of Directors meeting so that we may have a smooth transition into 2025.

Thank you to all our monthly sponsors and your unwavering support, and as always should you have any issues, please feel free to contact so that we may assist you.

Best regards,

Caleb

Caleb Hurlbert
Project Manager, A.J. Johns, Inc.
O: (904)-641-2055 X 119
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.
Alta Equipment Company
ECS Florida, LLC
Florida Pumping Solutions
Florida Roads Contracting
Fortiline Waterworks
Linder Industrial Machinery
Nimnicht Chevrolet
Pipeline Constructors, Inc.
Ring Power Corp.
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

Oct. 1st

Next Man Up
Equipment Safety Training Class
Ring Power

Oct. 10th

Intro to Finance
AJ Johns Training Center

Oct. 17th

Safety Director's Forum

Oct. 17th

Trivia Night
Intuition Bier Hall
6:00 pm

Oct. 23rd

Young Professional's
Hoptinger 5 Points

Nov. 5th

Clay Shoot

Nov. 14th

Top Golf

The Law and Your Business

The Law and Your Business – Browsewrap, Clickrap , Signinwrap & Scrollwrap

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

When you contract, it is important to consider the method in which you are finalizing the deal. In today's electronic and internet environment there are various ways to incorporate terms and conditions of an agreement. The most transparent method is a written contract that contains all the terms and conditions of the agreement.

When the contract is made on the internet or a communication between the parties, and reference is made to terms and conditions that can be found on a web page, you must perform your due diligence to protect yourself from the unexpected, for example waiving rights or agreeing to a dispute resolution procedure that is only favorable to one party.

The Florida Courts have recognized several web-based contracts. The first is "browsewrap," which is "an agreement where the user accepts a website's terms of use merely by browsing the site. Next is" "clickwrap," which is "an agreement where the user accepts a website's terms of use by clicking an 'I agree' or 'I accept' button, with a link to the agreement readily available." Third is "scrollwrap," which is "like the 'clickwrap' agreement, but the user is presented with the entire agreement and must physically scroll to the bottom of the agreement to find the 'I agree' or 'I accept' button." Lastly is "sign-in wrap," which is "where a user signs up to use an internet product or service, and the sign-up states that 'acceptance of a separate agreement is required before the user can access the service.'"

Under Florida law, a valid contract requires "offer, acceptance, consideration and sufficient specification of essential terms "Mutual assent is an absolute condition precedent to the formation of the contract," without which "neither the contract nor any of its provisions come into existence." An "offeree cannot actually assent to an offer unless the offeree knows of its existence."

Mutual assent can be shown where a contract is knowingly and intentionally signed by both parties -- the signatures serving as a demonstration and confirmation of the parties' assent. Mutual assent cannot exist where a party does not have reasonable notice that an offer is at hand. In other words, reasonable notice of an offer is a necessary precondition to mutual assent. "Thus, to create a contract and trigger contractual obligations, the parties must have a definite and distinct understanding, without which there is no assent and no contract."

Notice to all parties of any new or proposed change of the terms and conditions of an agreement is essential. A party's unilateral imposition of the new terms is improper, if it fails to provide reasonable notice of the new terms. If the language of proposed changes is "forward-looking", the Court is not inclined to enforce changes retroactively. Without reasonable notice of an offer, mutual assent is impossible.

Be careful in reviewing (and clicking on) any web-based information in the contract formation stage.

EGLIN FEDERAL CREDIT UNION, v. KELSEY M. BAIRD and PAULA STOKES-WILKINSON et al

NUCA OF FLORIDA NEEDS YOUR ADVOCACY SUPPORT

Your business needs fewer regulations and less bureaucratic red tape. Our Association needs to support candidates who understand the daily challenge of running a business in today's economic climate. The General Election is only a few months away! **All 120 seats in the Florida House and 20 of the 40 seats in the Florida Senate will be up for grabs this election cycle.**

During the 2024 Session, your NUCA of Florida's advocacy team collaborated with Governor DeSantis and state lawmakers to pass several pro-construction bills and defeat harmful legislation including:

Ø Passed HB 705 which **prevents local governments** from excluding certain contractors from the bidding process, imposing wage and employment conditions on contractors, or mandating specific hiring and training protocols.

Ø Passed HB 433 which **preempts the regulation of heat illness & injury policies** for workers to the State to keep local governments from enacting their own policies that may be duplicative or in conflict with OSHA requirements. HB 433 also prohibits local governments from giving preference in competitive solicitations based on an employer's heat exposure requirements. (NUCA of Florida worked to help defeat such a local ordinance offered by Miami-Dade County earlier this year.)

Ø Passed HB 433 which also **preempts local wage and employee benefits ordinances** beginning in 2026 when the minimum wage increases to \$15 an hour and prohibits local governments from using evaluation factors, qualification of bidders or otherwise awarding preferences based on wages or employee benefits.

Ø Defeated HB 825/SB 708 which would have **changed the current 2-day timeline for marking underground facilities to a 3-day timeline** before excavation could begin and **changed the timeline for a positive response from the current 2 days to 3 days**. The legislation also **added a new violation** for failure to notify of a planned excavation start date and time before beginning excavation if the member operator provides timely notice of the existence of a high-priority subsurface installation.

Ø Passed SB 770 which **expands** the Property Assessed Clean Energy Program (PACE) program to be used for **converting** from **septic to sewer systems**.

Ø Passed HB 267 which **streamlines the permitting process** for construction projects.

Ø Passed HB 917 relating to Career & Technical Education (CTE) to get students interested in construction trades with hands-on training and develop a statewide CTE education asset map which includes courses offered, budgets, workforce alignment and dual-enrollment opportunities among other areas of CTE education.

NUCA of Florida has a strong voice in Tallahassee due in large part because of our members who actively invest in our Advocacy Fund, and we need to ensure construction-friendly candidates return to office. With your 2024 investment in our fund, our voice—*the only voice of the underground utility industry*-- will be much stronger up "on the hill." We cannot afford to sit on the sidelines—political races are getting more intense by the day. We need industry champions in the statehouse.

We are running out of time to rebuild our war chest, and we need every member to step up and contribute to our Advocacy Fund. It's been said: "*Get into politics or get out of business.*" **Can I count on you to make an investment in NUCA of Florida's advocacy efforts today, so we ensure you not only stay in business, but rather thrive?**

We are asking every member to give a minimum of \$250 to our Advocacy Fund, reflective of the 2025 Session ahead. Members who contribute to our President's Club at the \$1000 level will receive special recognition at our events. Contributing is easy—we have a "Make an Advocacy Contribution" button on our webpage at www.nucaflorida.org. You may also mail a check to NUCA of Florida, P.O. Box 1115, Shalimar, Florida 32579.

If you have any questions regarding our Advocacy efforts, please contact Kari Hebrank at KHebrank@carltonfields.com. Thank you in advance for protecting the underground utility construction industry in 2024.

WELCOME NEW MEMBER

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

Jimco Site Services Inc.

Contact: Ethan Holland

Title: Estimator/Assistant Project Manager

909 Leonard C Taylor Parkway, Green Cove Springs, FL 32043

Phone: (904) 863-6002

Cell: (904) 392-3784

Email: Ethan@jimcositeservices.com

Website: jimcositeservices.com

Business: Excavation, Site Development



A SINGLE SOURCE FOR YOUR FLUID SOLUTIONS

United Rentals Fluid Solutions
9428 Florida Mining Blvd E
Jacksonville, FL, 32257

Local Sales Reps:

Ashton Milam - (904) 591-0049
Jon Foster - (904) 631-0971
Josh Jordan - (904) 400-2712
Joe Houde - (904) 545-1938
Mike Medis - (904) 884-2958





EPA Announces \$7.5 Billion In Water Infrastructure Financing

On Sept. 6 the EPA announced the availability of \$7.5 billion of Water Infrastructure Finance and Innovation Act (WIFIA) funding. The WIFIA program offers low-cost, long-term loans to help communities build local water infrastructure projects. This is the program's eighth funding round over the last ten years.

EPA wrote it is prioritizing projects focused on disadvantaged communities, replacing lead service lines, and addressing PFAS and other contaminants. To qualify for the program, projects should be estimated to cost at least \$20 million, or \$5 million for small communities of less than 25,000 people. WIFIA loans can cover up to 49% of eligible costs, or 80% of costs in small community projects.

NUCA's advocacy efforts on Capitol Hill continue to show results. NUCA has been a strong supporter of the WIFIA program since it was established in 2014. Growing our membership will only strengthen our ability to keep programs like this fully funded.

2024 Trench Safety Stand Down (TSSD) Season Concludes

TSSD officially ends each year on Sept. 1, but the lessons learned last all year. This year's industry-wide event held June 17-21 reinforced a basic fact to all attendees: safety training is critical to a well-functioning utility construction jobsite and an employee's daily activity. For the 2024 events, 24,198 employees participated in a stand down training event held by 507 companies on 2,143 jobsites. NUCA thanks each company and employee who participated in our safety season, and who sent us their reports and photos for the upcoming September/October issue of Utility Contractor magazine.

Save The Date: NUCA Safety Damage Prevention Conference, Jan. 24-25, 2025

NUCA's annual Safety Damage Prevention Conference (SDPC) offers the unique opportunity for NUCA members involved in safety and damage prevention to hear from experts on a wide variety of topics that impact the industry, and network with others from across the country. This conference also provides an opportunity to address and strategize how members can better navigate complex damage prevention issues. If you're an industry safety professional, mark your calendars for January 24-25, 2025, and plan to attend the SDPC held at the Westin Riverwalk San Antonio, in San Antonio, Texas. Conference registration will open in September.

2025 NUCA Annual Meeting & Exhibit: Hotel Room Block & Early Bird Registration

Fall turns into winter, and winter turns into NUCA's annual membership event! Join us March 18-21, 2025, in sunny Orlando, Florida at the Hyatt Regency Grand Cypress Resort & Spa for the 2025 Annual Meeting & Exhibit! Member contractors & suppliers are invited to join us for the industry's best networking events, new educational sessions, industry awards, and much more. The NUCA room block is now open, with early-bird registration opening Sept. 30 (save up to 30% on registration fees!). Mark your calendar now to attend the annual meeting and enjoy the most family-friendly golf resort in Orlando. Registration includes a free shuttle to Walt Disney World & Universal theme parks. For more details, go to nucadigs.com.

NUCA Advantage: Make It Yours Today!

Your NUCA membership investment can deliver benefits far in excess of the dues cost--but only if you ask your human resources office to explore what it offers. "We worked with Theresa to switch from our previous benefits broker after we heard about Memberfy from NUCA. She went above and beyond to help us find a plan that worked best for us. The application process was simple, and the rollout of benefits to our employees was seamless!" testified Luke Miller of Colorado Pavement Solutions about their helpful NUCA Advantage experience. NUCA Advantage leads to expanded healthcare benefits options for your company, as well as payroll, wellness, compliance, benefits administration, 401K programs, online training, OSHA logs, and a wealth of free HR benefits available only to NUCA members. Find out about our expanded NUCA Advantage benefits program at www.NUCAAdvantage.com.

SAFETY NEWS

By Jeff Blomgren
Chair, NUCA Safety Director's Forum

Retention. Why Is It An Issue?

When we look at retention and study it in our industry, we realize several negative impacts on the effective operations of a company. Cost is a significant negative impact. Turnover creates significant issues in production goals, technical expertise, and job skills. The hiring, orientation, development, and education of employees is an investment in the future of the employee and the return on the investment in the individual for mutual benefit. When the employee leaves the company, whether it's voluntary or dismissal, that investment is lost. So, What's the answer?

Solutions are complicated. Finding out why employees choose to leave their positions can provide insight into prevention. Primary reasons for separation can be listed and solutions can be easy or complicated. Here are 10 suggested items that are possible reasons for a lack of employee retention.

A list of ten. 1. Money related issues. An employee may feel that compensation does not meet their needs. 2. Benefits are inadequate. Health care benefits are a significant expense for employees. The cost of insurance can be a deciding factor in both hiring and retention. 3. If the employee feels they are overworked and unsupported, they may choose to seek options where conditions seem better. 4. If there is no upward mobility, employees may feel stagnated and feel there is no opportunity for advancement. 5. Work life balance can be an issue. If the work exceeds the life balance perceived as beneficial, continued employment is usually not favorable. 6. Lack of recognition is underappreciated as a benefit, but employees cite lack of recognition as a significant reason for leaving. 7. Unhappy with management is a big issue. Many times people love doing what they do but they do not love who they are doing it for. 8. Company culture is decided by the way a company does business and how that business affects employees. Good company culture is one of values, ethical behavior and leadership. Respect for the mission is easy to recognize and is appreciated. 9. There are instances where employees simply have a desire for change. Trying something new or having life circumstances that influence a decision for separation is a reality. 10. Safety is a concern with many employees. Risk is assumed in everything we do but if there is a visible, effective and committed system in place where prevention is a priority, credibility in safety is established.

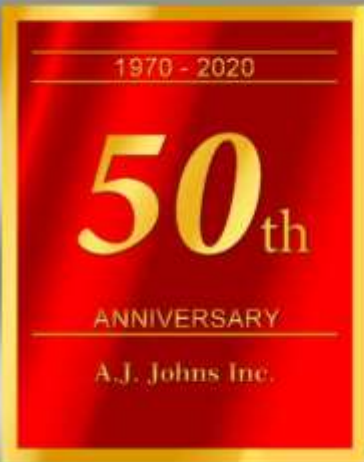
Identifying the problem, discussing the issues, and solving the problem takes involvement and commitment but the benefits can be rewarding for both the employer and the employee.

LINDER

WWW.LINDER.COM

Established in 1953, Linder Industrial Machinery sells, rents, leases and supports heavy equipment in Florida, Georgia, North Carolina, South Carolina, and now Virginia.

We are proud to offer factory-trained personnel and the best equipment in the industry including Komatsu, BOMAG, ATLAS, Mantsinen, Terramac, Konecranes, TimberPro, FECON, as well as Kubota and DEUTZ FAHR tractors.



A.J. Johns, Inc. has been proudly serving the site construction needs of developers and general contractors across Northeast Florida since 1970. With a foundation built on quality, customer service and good old-fashioned hard work we look forward to the next 50 years of service to the construction community.



904-636-9700
www.gatefuel.com
24/7 Service

Commercial Insurance Insights:

Baha Erol, Risk Advisor
The Holmes Organisation

Why Utility Contractors Need Contractor's Pollution Liability

In the utility construction industry, risk management is crucial—but are you covering all your bases? **Contractor's Pollution Liability (CPL)** is one of the most misunderstood and overlooked insurance policies. While many contractors rely solely on general liability, it's important to recognize that general liability often **excludes pollution-related incidents**, leaving your company vulnerable to significant financial losses.

The Surprising Sources of Pollution Risk

Contrary to popular belief, pollution claims don't just arise from hazardous materials. Common construction activities like **excavation, land clearing, and heavy equipment operation** can all lead to pollution incidents. Consider the following examples:

- An underground pipeline ruptures during excavation, contaminating nearby soil and groundwater.
- Sediment from a land clearing project washes into public waterways during a rainstorm.
- A fuel spill from construction machinery contaminates the environment, requiring extensive cleanup.

Why General Liability Isn't Enough

Most general liability policies exclude pollution coverage, meaning your company could be liable for cleanup costs, third-party damages, regulatory fines, and legal defense expenses. This is where **CPL steps in**. CPL covers:

- **Accidental spills** and pollution incidents that occur on-site.
- **Third-party claims** related to contamination of nearby properties or public resources.
- **Fines and penalties** imposed by regulatory agencies for environmental violations.
- **Ongoing protection** for completed projects where pollution claims arise post-construction.

The Bottom Line

Contractor's Pollution Liability is not just another policy; it's a must-have layer of protection for companies working in this high-risk industry. By securing CPL, you're not only safeguarding your business but also demonstrating a forward-thinking approach to risk management.

SAVE THE DATE



Annual Golf Tournament
Monday, April 7th
St. Johns Golf & Country Club
12:30 pm Shotgun Start



SITE DEVELOPMENT & CONSTRUCTION SERVICES

Florida Roads provides development and construction services in Northeast Florida. We undertake earthwork, grading, underground utilities, road construction, and paving.

Florida Roads is committed to delivering quality site development by contracting responsively and reliably. We ensure developers that their project will be completed on time, the right way, and within budget.

OCTOBER FEATURED SPONSOR



GATE Fuel Service

**delivers high quality products and services
to handle all of your fueling needs!**

Delivery – From gasoline and diesel fuel, to lubricants and DEF; GATE Fuel Service will make safe and timely deliveries to your business.

Storage Tanks – Gate can provide tanks to store your fuel, lubricants and DEF, and will deliver directly to your business or construction site.

Inventory Management – We can monitor and maintain the inventory of your tank.

Bunkering – Certified by the US Coast Guard, GATE Fuel Service can transfer fuel, lubricants and DEF into your waterborne vessel.

Fleet Fueling – Let us fuel your trucks at your location! No tanks are needed and we provide reporting for your records upon request.

Customer Service – A dedicated staff of employees committed to customer satisfaction are available to set up your deliveries 24 hours a day, 7 days a week.

Call Us ... We are ready to serve you.

904-636-9700





Clearing



Earth Work



Storm Drain
Installation



Underground
Utilities



Road
Construction

Your Trusted Global Equipment Marketplace



Innovative tools, services, and solutions to help you buy, manage, and sell commercial assets.

Learn more at rbauction.com
or contact us to sell: 1-866-897-0292

rb RITCHIE BROS.®

APPLICATIONS AVAILABLE FOR 2025 BOARD OF DIRECTORS

The Nomination Committee of NUCA of North Florida is accepting applications for the 2025 Board of Directors. You can obtain an application by [clicking here](#). Deadline to submit your application is October 11th.

The board meets every other month usually on the third Thursday from 4:30 pm to 6:00 pm. Additional special meetings may be called if necessary. NUCANF has a number of committees. Board members, once elected, are encouraged to promote NUCA of North Florida (NUCANF), our State Association, NUCA of Florida, and our National Association, NUCA. Recruitment of new members is essential to ensure the growth of this association.

Voting for the election of the 2025 Officers and Board of Directors will take place via email. A ballot will be emailed on November 11th. Only one vote per member company.



TOP GOLF BENEFIT FOR SEAMARK RANCH

THURSDAY, NOVEMBER 14TH

6:00 PM



North Florida's Dealership for John Deere & Wirtgen Group Equipment



BEARD
EQUIPMENT CO.

 WIRTGEN  VÖGELE  HAMM  KLEEMANN

800-848-8563 | beardequipment.com

Jacksonville | Lake City | Palatka | Ocala | Perry | Tallahassee
Freeport | Panama City | Pensacola | Mobile, AL

OCTOBER FEATURED SPONSOR



John Woody, Inc. was founded in 1979 by Weldon Woodall. A Jacksonville based company concentrating on water, sewer, and reclaimed systems.

The company is a licensed Underground Utility and Excavation Contractor specializing in private, government, and municipal work. JWI has completed projects throughout Florida and the southeastern United States.

JWI is a family owned business. It is the family bond and willingness to do whatever it takes to get the job done that has made this company successful.

JWI is proud to be long time members of NUCA, NUCA of Florida, and NUCA of North Florida.