

# THE FLOW

## Upcoming Events



Feb. 28th - Icemen Game starts at 7pm

March 6th - Damage Prevention/  
Sunshine 811 Aloft

March 18-21 - NUCA Nat'l Conv.

April 1st-2nd - Tallahassee  
Legislative Days

April 7th - NUCA Annual Golf  
Tournament St. Johns Golf &  
Country (Teams Sold Out)

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## 2025 OFFICERS & BOARD OF DIRECTORS

### EXECUTIVE COMMITTEE

#### **President**

Paul Gilsdorf, Haskell

#### **President-Elect**

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

#### **Vice President I**

Mike Kivlin, John Woody, Inc.

#### **Vice President II**

Blake Nugent, J.B. Coxwell

#### **Secretary/Treasurer**

Marty Adams, TB Landmark

#### **General Counsel**

Tony Zebouni, Lindell & Zebouni

#### **Past President**

Caleb Hurlbert, A.J. Johns, Inc.

### BOARD OF DIRECTORS

Kirk Blomgren, Petticoat-Schmitt Civil

Tyler Clark, Horizon Pipe

Wesley Cook, Florida Roads Contracting

Tim Gaddis, Vallencourt Construction

Joseph Geiger, Cemex

Tommy Hyatt III, Florida Roads Contracting

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Drew Lane, Advanced Drainage Systems

Chance Leonard, ECS Florida

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.

# Presidents Message

February Flow Presidents Letter

Dear Friends and NUCA Members,

We held our first general meeting of the year on Thursday January 16 at Maggiano's Little Italy which included the induction of our new officers. Welcome to the new slate of board members and the new executive committee. I would like to extend a thank you to Caleb Hurlbert, our outgoing president, for his leadership over the past year. At our meeting Caleb also recognized Rick Parker as our Outstanding Board Member, Jeff Blomgren as our Outstanding Individual Contributor and Marty Adams as the recipient of the President's Award. We were informed on the expected growth trends for the counties of NE Florida with an informative talk from Buckley Williams and Peter Ma, both of England-Thims and Miller (ETM). I would like to thank everyone who was able to attend this event.

Please join me in extending a big thank you to our 2024 annual sponsors and to our new annual sponsors for 2025 who have stepped up to support the activities of our organization this year. Their generosity allows us to invite guest speakers and provide complimentary hors d'oeuvres and cocktail hours at our general meetings along with supporting all the training and educational events we put on throughout the year.

We have some exciting events coming up including the Jacksonville Icemen game on February 28<sup>th</sup>, and our next general meeting on March 6<sup>th</sup> at aloft Tapestry Park which will include a presentation on damage prevention and sunshine 811. The NUCA national convention and exhibit will be held in Orlando Florida this year from March 18<sup>th</sup> to the 21<sup>st</sup>. Our annual trip to Tallahassee to meet with our local representative at their offices will be at the NUCA of Florida Legislative Days March 31<sup>st</sup> to April 2<sup>nd</sup>. Also, our Annual NUCA of NF golf tournament is scheduled for Monday April 7<sup>th</sup> with an 11:30 am shotgun start. Our young professionals' group will be hosting an event on Feb 4<sup>th</sup> at Strings at the Beach. Encourage any young professionals in your organization to attend this networking event. Please make sure to add these dates to your calendar and refer to the Flow newsletter for more information on these events.

If anyone has any needs or requires any assistance dealing with an issue affecting our industry or that can make our industry better, please feel free to reach out. Remember that NUCA is your organization, and we are here to serve you. I look forward to working with all of you.

Respectfully,  
Paul Gilsdorf

Paul Gilsdorf  
Senior Project Manager  
Haskell  
M: 904-210-9477  
paul.gilsdorf@haskell.com

**2025 NUCA of North Florida  
Monthly Sponsors**

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Synergy Equipment**

**Silver Sponsors**

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Petticoat-Schmitt Civil Contractors  
Rinker Materials**

**CALENDAR OF EVENTS**

**Upcoming Events**

**Feb 4th  
Young Professionals  
Networking Event  
Strings at the Beach  
5:30 pm - 7:30 pm**

**Feb 11th  
Executive Committee  
3:30 pm**

**Feb. 28th.  
Jacksonville Icemen**

**March 6th  
Executive Committee Meeting/  
Board of Directors Meeting/  
Damage Prevention/  
Sunshine 811  
Aloft Tapestry Park**

**March 18th-21st  
NUCA Convention  
Orlando**

**April 1st-2nd  
Legislative Days Tallahassee**

**April 7th  
Annual Golf Tournament  
St Johns Golf & Country**

# The Law and Your Business

The Law and Your Business- Timing and Proof of Damages  
Tony Zebouni, Lindell & Zebouni, P.A.

A recent case reported that a contract dispute arose regarding a requirement to make repairs on property. One party failed to make the repairs that it contracted to perform. In their three-count complaint, the Buyer alleged claims for (1) breach of contract, (2) violation of the Florida Building Code, s§ 553.84, Florida Statutes, and (3) breach of warranty.

Owner' construction expert and corporate representative testified. Their testimony was, that the Owner suffered damages in the amount of \$322,916.36, calculated as of January 19, 2022, the date of his report. He also testified that, as of the date of the trial (May 2023), the cost to complete the unfinished work had increased by 35% to \$435,936.75, due to an increase in construction costs.

There was no evidence to establish the proper measure of damages measure as of the date of the breach (June of 2017 or, at the latest, April 2018), instead establishing damages as of the date of the expert's report (Jan. 2022).

As a general rule in construction defect cases, the measure of damages is the reasonable cost of making the performed work conform to the contract and are calculated as of the date of the breach. The purpose of compensation is to restore the injured party to the condition which he would have been in had the contract been performed. Fluctuations in value after the breach do not affect the nonbreaching party's recovery.

Thus, the Owner were required to prove their damages as of the date of the breach, which was in June of 2017 (at the time the transaction closed and was turned over the to the Owner) or at the latest, April of 2018 (when the Owner served their written notice of noncompliance).

With the testimony presented there was no way to know (without relying on speculation) the proper number of damages more than five or six years prior to trial, the date upon which the Owner were required by well-entrenched law to establish their measure of damages. When a party has failed to meet its burden of establishing the correct measure of damages at trial, and such failure was not the result of judicial error, that party is not entitled to a new trial on damages.

Generally, the Courts will not allow the case to be reopened to give one party an opportunity to provide the corrected testimony and give them a second bite at the apple.

*Bandklayder Development v. Sabga*

# INSTALLATION OF OFFICERS AND AWARDS



**HAPPY RETIREMENT KATHY!**



## Industry News and Advocacy

**New Congress Starts With Trump Cabinet Hearings** January opened with the new 119th Congress being seated on Jan. 3. Hours later, the House re-elected by a very narrow margin NUCA-supported Speaker Mike Johnson (R-LA), with the Senate choosing as Majority Leader Sen. John Thune (R-SD). The legislature's next major order of business is passing a final FY2025 appropriations bill by March 13. A larger budget reconciliation bill containing GOP priorities is underway, and may be presented to President Trump by April.

The November election of President Donald J. Trump was officially certified by Congress on Jan. 6 after counting Electoral College votes, ending the 2024 election cycle. The Administration's Cabinet-level nomination hearings started the week of Jan. 15 in the Senate, with the first hearing held for Trump's Defense Secretary, Pete Hegseth. NUCA remains concerned about the Trump Administration's pick for Secretary of Labor, former Rep. Lori Chavez-DeRemer. During her single term in Congress serving on the House Transportation and Infrastructure Committee, she was one of three Republicans who co-sponsored the Protecting the Right to Organize (PRO) Act, a bill strongly opposed most business organizations, including NUCA.

**NUCA 2025 Legislative Priorities: Opening Phase** NUCA's government affairs program remains committed to our members' needs of providing excellent value for their investment through our many legislative goals for 2025. NUCA is starting the new 119th Congress in a very strong position for tax and permit reforms, workforce development and immigration legislative changes, and passing strong damage prevention language in PIPES Act reauthorization. We will be exploring every opportunity the new Congress and Administration presents to increase the business success of each of our contractor and supplier members, and encourage you to discuss these opportunities with your lawmakers at the upcoming May 13-14 NUCA Washington Summit, with registration information found at [WeDigAmerica.org](http://WeDigAmerica.org).

**WRDA Signed Into Law** President Biden signed the Water Resources Development Act of 2024 (WRDA) into law on Jan. 6. NUCA strongly supported this bill, writing in our December media statement, "In a time where fiscal austerity is being discussed, it is important for both House and Senate lawmakers to remember that thousands of American communities depend on federal resources that NUCA members use to build modern subsurface infrastructure systems that deliver clean water and sewer services to tens of millions of Americans." Both the House and Senate passed in early December the final version of WRDA, which was approved as bill S. 4367.

**New OSHA Rule On Proper PPE Fit** OSHA announced on Dec. 11 their final rule requiring personal protective equipment (PPE) in the construction industry to properly fit each employee. The regulation, effective Jan. 13, 2025, adds specific language requiring that employers provide PPE that properly fits construction industry workers, especially for women and physically smaller or larger employees. The change aligns the construction industry standard with the standard already in place for general industry. Some industry groups are seeking a Congressional Review Act (CRA) repeal of the rule in the new Congress, so this may not be the final word on this Biden Administration rulemaking.



## Association News

**NUCA Choice: Our Industry's Choice For Commercial Insurance Coverage** NUCA Choice delivers to NUCA members commercial insurance options for auto, crime, property, general liability, marine, surety, umbrella and workers' compensation. NUCA Choice is offered in partnership with FCCI Insurance Group and is offered to all NUCA members where FCCI writes business. Members can also consult with FCCI's local risk control team and use the FCCI Risk Solutions Network, a cloud-based platform to help participants stay compliant, manage risks and educate employees to build a safer workforce. To find out more about NUCA Choice and how it can help your bottom line in 2025, go to [NUCAChoice.com](http://NUCAChoice.com) to find a FCCI agent in your area.

### **Safety Directors: The 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 23-24, 2025, and plan to attend the SDPC held at the Westin Riverwalk San Antonio, in San Antonio, Texas. Conference registration is now open at [nuca.com/events/sdp-com](http://nuca.com/events/sdp-com).

**Join NUCA's National Equipment Operator Championship At The 2025 Convention** New in 2025, NUCA is hosting a National Equipment Operator Championship on March 20, 2025, in conjunction with NUCA 2025 National Convention in Orlando, Florida! Does your crew have what it takes to be crowned the first-ever NUCA National Champion. A special thanks to our National Equipment Operator Championship sponsor U.S. Pipe. Convention registration includes a free shuttle to Walt Disney World & Universal theme parks. For more details, go to [nucadigs.com](http://nucadigs.com).

**In 2025, 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).

# SAFETY NEWS

By Jeff Blomgren  
Chair, NUCA Safety Director's Forum

## **Safety and Quality – Apples and Oranges?**

Many times, we look at Safety and Quality as two separate things. We think of safety as being about people and quality as being about the final deliverable. However, the two are very much interrelated. Poor quality is often the cause of many construction safety incidents. In a recent study, it was found that rework, correcting poor quality work, is responsible for 39% of all workplace injuries in construction. In addition, rework costs can be 8 times the initial cost of the initial work performed. Many owners and general contractors grade contractors on their safety compliance. These owners and general contractors understand that safe companies are also companies that include quality in their production process.

The success of a “safety culture” is centered on its ability to channel the collective attitudes, beliefs, and behaviors of everyone on a construction project. It excels at fostering a culture of accountability by establishing a zero-tolerance policy towards unsafe practices and rewarding those who work safely. Similarly, it's necessary to foster a culture prioritizing quality by rewarding individuals who report quality issues. Anything that gets measured effectively will most likely result in a quality product done safely.

We all understand that safety is important in terms of personnel and profitability. Accidents and injuries are costly to the individual and to the company. When we realize that poor quality directly affects safety, we can establish that the two are interrelated. Can they both be measured? Of course they can. By establishing a quality control procedure, that includes capturing data and analyzing root causes, we are able to build steps that will ensure a quality end product and continued improvements in production methods. Leadership is responsible for setting the tone of organizational culture. Leaders need to be smart about capturing data and effectively analyzing root causes of both quality and safety and recognize how the two are connected. If the measurements are used effectively and the necessary corrections are made, the company will be on the road to building better work quality and a safer work environment.



# *Commercial Insurance Insights*

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## **The Growing Importance of Cyber Insurance in the Construction Industry**

*H*

As the construction industry becomes more reliant on technology for project management, payroll, and communications, the need for cyber insurance has skyrocketed. Cyberattacks are no longer limited to tech companies—contractors are now prime targets due to the sensitive data they handle, including blueprints, employee records, and client information.

*H*

Cyber insurance protects against data breaches, ransomware, and other cyber threats that can paralyze your business. It also covers legal fees, notification costs, and reputation management, ensuring your business can recover quickly.

*H*

Contractors who fail to secure adequate cyber coverage not only risk financial loss but also jeopardize client relationships and project timelines. With the rise in cyberattacks, having the right policy in place is no longer optional—it's essential.

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# DOUBLE TAKE

IT'S TIME TO TAKE ANOTHER  
LOOK AT A NEW MACHINE

Our advice? Don't think twice. Grab this great deal on a qualifying new Cat® machine and double down on savings. Choose a low financing rate or a fuel payback — both can help you take down monthly expenses and free up cash. And both come with a Cat Customer Value Agreement (CVA) to help make owning and operating your new equipment hassle-free.\*

## TAKE THE RATE + A CVA

**0%** for 36 months + CVA  
On articulated trucks + small, medium, large and wheeled excavators

## TAKE THE PAYBACK + A CVA

\$3.65/gallon in Cat Credits for 1,500 hours or 24 months of fuel, whichever comes first

*The only downside to this offer? Having to choose.*

Get all the details and a complete list of eligible models at [Cat.com/DoubleTake](http://Cat.com/DoubleTake).



Scan to Learn More



\*Offer valid from January 1, 2021 – June 30, 2021. Offer only available on select new Cat machines sold by participating Cat dealers to customers in the USA and Canada. Purchase must occur by June 30, 2021. Offer subject to machine availability. Offer is subject to credit approval by Caterpillar Financial Services Corporation for US customers, and Caterpillar Financial Services Limited for Canadian customers. Not all customers will qualify.

The offered Cat Customer Value Agreement (CVA) includes its maintenance plan like Cat 335 Service and 36-month VisionLink® ConnectPro. The maintenance parts cover the first 1,000 hours (estimated three years) of machine utilization. Each kit contains one set of parts for regular planned maintenance under normal operating conditions. In some severe applications where maintenance parts need to be replaced more frequently, additional parts will be at customer's expense. Offer excludes additional maintenance parts, dealer labor, wear parts and fluids.

Offer also includes a 36-month/3,000 hour (whichever occurs first) Powertrain + Hydraulics + Technology Equipment Protection Plan (EPP). In some areas, EPP might be sold separately from the CVA. Offer may change without prior notice and cannot be combined with any other offers. Additional terms and conditions may apply. For more details and a list of eligible models, visit [Cat.com/DoubleTake](http://Cat.com/DoubleTake) or contact your Cat dealer for details.

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Ring Power 



# NUCA

REPRESENTING UTILITY & EXCAVATION CONTRACTORS  
NORTH FLORIDA

**Join the Jacksonville Icemen for our annual Military Appreciation Weekend, Friday, February 28<sup>th</sup>!**

**Grab your tickets now and don't delay as this will be a sold-out game!**

**Be sure to get there early; doors open at 6 and the game starts at 7.**

**Scan or use the link below to get your tickets now!**



**TO PURCHASE TICKETS, PLEASE VISIT:**

**[www.jaxicemen.com/nuca25](http://www.jaxicemen.com/nuca25)**

**Trent Blair | [trent@jacksonvilleicemen.com](mailto:trent@jacksonvilleicemen.com) | (904) 891-3073**

Register Today



# NUCA

**2025 National Convention**  
Orlando, FL

March 18-21, 2025 | Hyatt Regency Grand Cypress

## Where Contractors Meet!

NUCA's annual member extravaganza is your gateway to unlocking new business opportunities, expanding your professional network, and gaining cutting-edge industry insights.

Our 2025 National Convention is built to be the utility contractor's best-in-class business and networking experience. Stay ahead of the curve with sessions and meetings featuring industry experts who'll share the latest products, trends, technologies, and regulatory updates. Our popular industry social events return, and we'll cheer on the winner of the first-ever National Equipment Operator Championship!

Enjoy the perfect blend of business and pleasure at the Hyatt Regency Grand Cypress. With its world-class amenities and proximity to Orlando's top family attractions, this venue offers a unique experience for both you and your guests.

Register today and join us in Orlando in March 2025 to imagine the possibilities ahead for your construction business.



### Join Us For NUCA's Premier Event!

- National Partner Networking Events
- Inaugural National Equipment Operator Championship
- Silent Auction & Raffle
- Member & Chapter Excellence Awards
- Industry Committee Meetings
- Profit Pipeline Roundtables
- Educational Sessions on Business, Workforce, Technology & Politics
- Inspiring Speakers, Social and Team Events, And So Much More!



### 2025 Keynote Speaker

**JASON REDMAN**

(Retired) Navy SEAL

*Sponsored by Core & Main*

Registration is now open!  
For more information visit

**NUCAadigs.com**

**#NUCA2025**

# LEGISLATIVE DAYS 2025



Support our Advocacy efforts & sponsor NUCA FL's 2025 Legislative Days.

Platinum.....	\$2500
Diamond.....	\$2000
Gold .....	\$1500
Silver.....	\$1000
Bronze.....	\$500
Copper.....	\$250
Advocacy Friend.....	\$150

The 2025 Legislative Session kicks off this next year on March 4<sup>th</sup>. NUCA of Florida is hosting Legislative Days April 1-2, 2025, at A/C Marriott. On April 1<sup>st</sup>, attendees will gather for a Breakfast Legislative Briefing from 8 a.m. -10 a.m. Members will then “walk the halls” and meet one-on-one with legislators at the Capitol. Industry- specific bills covering fire suppression, development, construction practices, crane regulations, & licensure are all on the table. In the evening, we’ll gather with lawmakers for a cocktail reception. On April 2nd, the Executive Committee begins at 8:30 a.m. and the Board of Directors convenes at 10:30 a.m. Join us in Tallahassee to advocate for the underground utility industry!

[TO REGISTER & SPONSOR](#)  
[CLICK HERE](#)

[TO BOOK HOTEL STAY](#)  
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**2025 NUCANF Golf Tournament Sponsorship Opportunities**

**St. Johns Golf & Country Club**

**Monday, April 7th, 2025, 12:30 p.m. "Shotgun" Start**

For all sponsorships, your company will be acknowledged at the awards dinner the evening of the tournament and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. There will also be signs at the event.

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_

**SOLD \$1,500 Golf Cart Sponsor (limit 1)**

Your company logo will be displayed on the cart signs and you will have the opportunity to place logo merchandise in the golf carts prior to play.

**SOLD \$1,000 Vendor Showcase (limit 18)**

Your showcase includes Domestic beer (or several other options) at your hole, plus a 6 foot table and two chairs and a tee/green sponsorship. You will need to provide anything else that you need. Your company name will be prominently displayed on a sign at the hole. Also available are a bloody Mary Station, Jell-O-Shot Station, Cigar Station, or Hot Dog Station, or Arnold Palmer's Station. First come, first serve based on availability.

**SOLD \$1,000 Raffle Sponsor (limit 1)**

Sponsorship includes signage at event.

**SOLD \$600 Beverage Cart Sponsor (Limit 2)**

Sponsorship includes signage at event on beverage cart.

\_\_\_\_\_ **\$500 Registration Sponsor (Limit 1)**

Sponsorship includes signage at event.

**SOLD \$500 Trophy Sponsor (limit 1)**

Sponsorship includes signage at event.

\_\_\_\_\_ **\$500 Dinner Sponsor (limit 5)**

Sponsorship includes signage at event

\_\_\_\_\_ **\$500 Lunch Sponsor (limit 5)**

Sponsorship includes signage at event.

**SOLD \$500 Longest Drive/Closest to the Pin Sponsor/Longest Putt (limit 3, 1 available)**

Sponsorship includes signage at the hole.

\_\_\_\_\_ **\$350 Green Sponsor (unlimited)**

Sponsorship includes signage on the tee or green. Your company 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.

**Payment:**

\_\_\_\_\_ Check (NUCANF) \_\_\_\_\_ Bill my account \_\_\_\_\_ I wish to pay by credit card\* (An invoice will be sent directly to you from Quickbooks which will include the processing fee of 5% and a link to pay with your credit card.)

Email to [nucanf@gmail.com](mailto:nucanf@gmail.com) to reserve your spot.

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