## JUNE IS TRENCH SAFETY MONTH

### **Upcoming Events**

June 3rd -Next Man Up; JB Coxwell

<u>June 16th - 20th</u> - Trench Safety Stand Down Week

<u>July 10th</u> - Scholarship Night/ State of the Union; St Johns Golf & Country

<u>July 17th - July 19th - NUCA</u> Florida Conference; Ocean Reef

<u>August 16th</u>– Annual Fishing Tournament, NEFMA

<u>September 10th</u> -Young Professional Quarterly Networking Event TBD

<u>November 4th</u>– Annual Clay Shoot; Jacksonville Clay Target Sports

<u>November 13th</u> -Top Golf / Seamark Ranch Fundraiser

**December 2nd** -Young **Professional Quarterly Networking Event TBD** 

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#### Dear Friends and NUCA Members

As we celebrate Memorial Day, I would like to begin this message by expressing my gratitude to all the men and women who made the ultimate sacrifice defending our nation and the freedoms we enjoy. Their sacrifice is a lasting reminder of courage, selflessness, and a deep sense of duty, qualities that define true service. They are the reason that we have the freedom to pursue our chosen paths and serve the utility industry in the greatest nation on earth.

We kicked off May with our annual Jumbo Shrimp event. This was a fun time for our families to get together and share an evening of fun and fellowship with each other. Then it was off to Washington DC for the NUCA Washington Summit where a few of our representatives got to meet with our federal representatives and lobby for the funding and legislative changes that will make our industry stronger and more able to meet the challenges of our nation's aging infrastructure. To round out the month, our Young Professionals group met for a networking event at Wicked Barley. I would invite everyone to either take part in our young professionals' group if you are one, or if you are no longer in this category, please encourage your younger colleagues to get involved. This is a great way to get them introduced to our organization and start to develop relationships that will benefit them throughout their career.

This month kicks off with our Next-Man-Up training on June 3<sup>rd</sup> at JB Coxwell's office. This class will be on the lien laws and what to do in order to make sure your organization is provided all the protections that the Law allows. This class was delayed so that we could make sure that any changes from the most recent legislative session in Tallahassee are included so we provide the most up to date and relevant information available. I would also like to remind everyone that the week of June 16<sup>th</sup> through 20<sup>th</sup> will be our annual Trench Safety Stand Down week in which we emphasize the importance of knowing and implementing safe digging practices. The fact that all our member organizations place such high importance on this topic is what sets us apart as leaders in the industry of utility professionals. Finally, please make sure your calendars are marked for the upcoming events in early July. First is the Scholarship Night and State of the Union event at St. Johns Golf and Country Club on July 10<sup>th</sup>. We will be recognizing our annual scholarship recipients as well as hearing from representatives from JEA, Clay County and Saint Johns County regarding their growth projections and the upcoming work in their planning budgets. Secondly, the NUCA of FL State Conference will be held the week of July 17<sup>th</sup> to 19<sup>th</sup> at Ocean Reef in Key Largo this year.

Thank you to all our member organizations for all you do to make NUCA of NF the organization that it is.

Respectfully,

### Paul Gilsdorf

Paul Gilsdorf Senior Project Manager Haskell M: 904-210-9477

### 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.

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### 2025 NUCA of North Florida Monthly Sponsors

### **Diamond Sponsors**

National Trench Safety Sunbelt Rentals United Rentals Trench Safety

### **Platinum Sponsors**

**Beard Equipment Company** 

### **Gold Sponsors**

A.J. Johns, Inc. Alta Equipment Company Case Power & Equipment Company Wrench ECS Florida, LLC Ferguson Waterworks Florida Pumping Solutions Florida Roads Contracting Fortiline Waterworks John Woody, Inc. Linder Industrial Machinery Nimnicht Chevrolet Pipeline Constructors, Inc. Ring Power Corp. Synergy Equipment

### <u>Silver Sponsors</u> County Materials Gate Fuel Service, Inc. Haskell Petticoat-Schmitt Civil Contractors Rinker Materials

### **CALENDAR OF EVENTS**

Upcoming Events June 3rd Next Man Up Training

June 16th - 20th Trench Safety Stand Down Week

July 10th Scholarship Night/State of the Union

<u>July 17th - 19th</u> NUCA Florida Conference

<u>August 16th</u> NUCA NF Annual Fishing Tournament

<u>September 10th</u> Young Professional Networking

> <u>November 4th</u> Annual Clay Shoot

<u>November 13th</u> Top Golf/Seamark Ranch Fundraiser

<u>December 2nd</u> Young Professional Networking Event



The Law and Your Business- Venue Clause in Contract Tony Zebouni, Lindell & Zebouni, P.A.

In a recent case involving where a lawsuit will be heard, The venue selection clause and the choice of law clause read as follows: "The Subcontractor acknowledges and agrees that any controversy or claim arising out of or relating to this Contract, or the breach thereof, shall be settled under the laws of the State of Florida with venue in Lee County, FL."

In Florida, contracting parties are permitted to agree that any litigation stemming from their contract must be heard in a specific forum. The most important consideration for the court in the construction of a written contract is the intent of the parties, and where the language used is clear and unambiguous the parties' intent must be garnered from that language.

A crucial question in interpreting a forum selection clause is whether the clause is permissive or mandatory. "Permissive forum selection clauses constitute nothing more than a consent to jurisdiction and venue in the named forum and do not exclude jurisdiction or venue in another forum." By contrast, mandatory forum selection clauses provide "for a mandatory and exclusive place for future litigation."

Importantly, if the forum selection clause states or clearly indicates that any litigation must or **shall** be initiated in a specified forum, then it is mandatory.

When parties designate a specific county in Florida by name, using words of exclusivity like "agree" and "shall," they intend to mandate that venue.

This clause is distinguishable from those we have held to be permissive. (holding permissive a clause stating "any litigation concerning this contract shall be governed by the law of the State of Florida, with proper venue in Palm Beach County"). While this clause appears at first glance to be similar, it has key differences. a mandatory language "shall" only apply to the choice of Florida law rather than to the venue selection, which is set off by a comma and cannot be modified grammatically by the language "shall be governed by.

While the language may be clear and unambiguous, in construction contracts Florida Statute 47.025 governs and trumps any contract language that would move venue outside the state of Florida on Florida projects.

GLOBAL COMMERCIAL ROOFING, LLC, v. ICRETE, LLC



### **Industry News and Advocacy**

### Trump White House Zeros Out SRFs In 2026 Budget

Expecting controversy, late Friday, May 2, the Trump Administration released its proposed FY2026 budget for the U.S. government. The proposal calls to cut both of the industry-critical Drinking Water and Clean Water State Revolving Funds by over 80%, with the proposal inaccurately claiming that the states could finance these projects and did not need federal government help.

NUCA immediately released a strong statement, pointing out that SRF funding is already inadequate and that states "simply will not be able to fill the funding gap." While Congress is ultimately responsible for passing a federal budget, the White House proposed cuts are another example of our industry being used as a political football at the expense of the nation's health and economy. Our 2025 Washington Summit was perfectly timed to remind our lawmakers that local water infrastructure is critical national infrastructure.

### ASCE Report Card On Water Infrastructure: Needs Improvement

The American Society for Civil Engineers (ASCE) released in April their quadrennial <u>report</u> <u>card on America's infrastructure</u>, giving the nation an improved grade of C, up from 2021's C-. However, drinking water's dismal grade of C- has not improved since the last report card, nor has wastewater's unchanged grade of D+ and stormwater's D. ASCE's report card remains a very timely reminder to policymakers and the American voter that the only way to build a better America is to deliver more resources for its construction.

### Independent Contractor Standard Will Not Be Enforced, Says USDOL

The U.S. Labor Department's Wage and Hour Division issued a memo to staff May 1 telling them not to enforce the Biden administration's independent contractor standard, and reverted enforcement resources back to the 2019 guidelines issued by the first Trump Administration. While the Biden era rule remains in effect, the change is specific to the department's enforcement priorities. The Trump USDOL said it is taking another look at the regulation but has not yet started the process to rescind it.



### **Association News**

### Trench Safety Stand Down Week: June 16-20, 2025

This June 16-20 is the ninth annual Trench Safety Stand Down (TSSD) and is again generously sponsored this year by NUCA National Partners. This is your company's opportunity to talk directly to your employees and others about excavation safety. Companies can conduct a stand-down by taking a break to conduct a toolbox talk or other safety activity to draw attention to the specific hazards related to working in and around trenches/ excavations. TSSD is strongly supported by OSHA and the Trenching & Excavation Safety Taskforce (TEST). We hope each NUCA member will participate in our TSSD program and promote June's "Trench Safety Month!" More info at **nuca.com/tssd.** 

### 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** to find a FCCI agent in your area.

### Share Your NUCA Testimonial!

Help the NUCA Recruitment & Retention Committee build a library of real-world member endorsements highlighting the importance of being a NUCA member and examples of the value that your affiliation with NUCA has brought to you and your company. Your NUCA testimonial may be shared with your Chapter and used in various promotional materials, including but not limited to websites, social media, brochures, and other marketing materials. Please follow this link to provide your testimonial online.

### Why NUCA Members Should Rethink Their 401(k) Strategy

Managing a 401(k) plan often creates more work than it should especially for NUCA members already stretched thin. That's why NUCA has now partnered with Voya, AMP Administrator, and Greenline Wealth Management to create the Voyager 401(k) Pooled Employer Plan (PEP), built specifically for utility contractors and their employees.

Voyager simplifies plan administration by pooling multiple NUCA companies into a single structure unlocking access to economies of scale and service. Voya's platform provides investment tools and financial wellness resources to help workers stay on track for retirement. Greenline also conducts a no-cost benchmarking review for NUCA members to identify savings and help reduce fiduciary liability through full outsourcing. Whether you're offering a plan today or considering one for the first time, Voyager offers a compliant, cost-effective solution designed around your construction business. Schedule your free plan review today by calling 561-405-6609 (option 7), or email **info@greenlinewm.com.** 



By Jeff Blomgren Chair, NUCA Safety Director's Forum

Everyone is aware of the stereotypical view of the construction worker as a rough tough, hardworking, profane person of action. If that is what we are, is that everything we want to be? Very often we work in communities and neighborhoods where we come in contact with people every day and we are judged not only by our workmanship but by our demeaner. People are watching what we do and how we do it. Why not? It's a great industry. It's fascinating to watch big machines and an army of people who know what they are doing. Children are fascinated by what we do. The public is sometimes inconvenienced by what we do, but the end result is clean water, sanitary controls, great roads, and homes for them to raise their children in. What we do matters to everyone. Professionalism doesn't pertain to just the technical aspects of our industry, it also counts when it comes to how we are perceived. If we have clean and orderly worksites, if we respect the neighborhoods we work in and the safety of the public we come in contact with, it all counts as public relations. Each one of us is an ambassador for the companies we work for. We proudly wear the logo of each one as a badge of honor. The names on our trucks and equipment tell the world who we are but it also identifies us as responsible for carrying the brand with respect and honor. Nothing is more valuable than receiving positive responses from the neighbors we work near or the schools we have near us than grateful people who appreciate the work we do and how we do it. Ever hear a child say, "I want to be just like you dad." or "I want to be just like you mom"? Nothing could be greater than the example we set for our families and for the world around us. We are professionals doing what we do best. Its one of the greatest industries in the country. Be the best.

### Commercial Insurance Insights Alexis Singleton Risk Advisor, The Holmes Organisation

### The Cost of Utility Strikes How to Prevent Them Cost of Utility Strikes

Utility strikes are among the most costly and dangerous incidents in underground construction, leading to financial losses, delays, fines, and serious injuries. Contractors with frequent strikes face higher insurance premiums, coverage challenges, and reputational harm. With over 500,000 annual strikes in the U.S. costing society \$30B, key causes include outdated maps, inaccurate locates, and neglecting 811 guidelines.

#### **Good News – Prevention is Possible**

Utility strikes are largely preventable with the right strategies and technologies. Here are some best practices to mitigate risks:

1. Subsurface Utility Engineering (SUE): Investing in SUE ensures a comprehensive understanding of underground utilities before breaking ground.

2. Advanced Technology: Tools like ground-penetrating radar (GPR) and real-time utility detection systems, such as Live Dig Radar (LDR), provide accurate, real-time data to avoid strikes.

 811 Call Before You Dig: Despite being federally mandated, nearly 25% of utility strikes occur due to failure to notify 811. Adhering to this step is crucial.

4. Vacuum Excavation: This non-destructive digging method minimizes the risk of damaging utilities.

5. Training and Awareness: Regular training sessions for workers on safe excavation practices and emergency response procedures can significantly reduce incidents.

### From an Insurance Perspective

For underwriters, a history of utility strikes is a red flag. Companies that demonstrate proactive risk management—through advanced technology, meticulous site preparation, and adherence to safety protocols—are better positioned to negotiate favorable policy terms and maintain competitive premiums.

### NEXT MAN UP TRAINING "LIEN LAW"

Tuesday, June 3rd, 2025

Please join us for Next Man Up training taught by Anthony Zebouni, Esq. This was rescheduled to Tuesday, June 3rd from 11:30am-1:30pm at JB Coxwell Contracting, 6741 Lloyd Road West, Jacksonville Fl, 32254. This class will provide an overview of the Florida State Statutes as they apply payment protections and what steps can be taken to protect your company. It will cover the difference in the laws as they apply to bonded vs non bonded and public vs private jobs and what your responsibilities are as a general contractor or as a subcontractor of various tiers. Issues related to preliminary matters required to perfect your rights under a claim of lien or bond claim will be explored including what type of notice a company has to provide in order to protect their lien rights or bond protections on a project."

Please RSVP no later than Tuesday, May 20th with your name and company name. Lunch will be served.

### JB COXWELL CONTRACTING 6741 Lloyd Road West Jacksonville, FL 32254



## Washington DC Summit











### Wicked Barley Young Professional Networking Event Thank you to Horizon Pipe for Sponsoring





### **Lockton Companies**

Contact: James Smith, Vice President Website: www.global.lockton.com

### **PSI Technologies**

Contact: Kevin Young, Sales Representative Website: www.psi-techinc.com

### **Downstream Company Inc.**

Contact: Cindy Johnson, President Website: www.downstreamcompany.com

We are happy to welcome you to NUCA of North Florida!





# Construction & Design Services

Lockton's foundation was built upon the construction and design industries. Our first 15 years were dedicated to this sector and that dedication remains today, with construction still comprising a sizable share of Lockton revenue.

Since 1966, we've grown with and learned how to best serve construction and design clients, delivering risk management systems that are truly customized not only to the industry, but to each of our unique clients. Our process is customized to your specific exposures, risk tolerance, and personal preferences. We don't force cookie-cutter solutions on your organization. Instead, we employ a fluid approach tailored to your needs.

### Uncommonly Independent\*

CONSTRUCTION & DESIGN SERVICES BY THE NUMBERS 32 OF THE TOP 150 GENERAL CONTRACTORS

OF THE TOP 50 GENERAL CONTRACTORS 32 OF THE TOP 200 ENVIRONMENTAL FIRMS

OF THE TOP 100 SPECIALTY CONTRACTORS OF THE TOP 100 DESIGN FIRMS

19 OF THE TOP 50 DESIGN FIRMS

#### NDUSTRY EXPERTISE

Additional insured issues Business risk doctrine Captive formation and management Construction, design, and engineering Construction defect Contractual risk transfer Controlled insurance programs Cyber and technology Directors and officers liability Environmental risk Financial assurance guarantees Green/LEED International risk Joint ventures Performance security Priority of coverage Privacy/data security Professional liability Property/builder's risk Public-private partnerships (P3) Subcontractor default Surety



James Smith III

Vice President Construction Risk Specialist James.L.Smith@Lockton.com 352.681.2099

# New Member Spotlight



Water & Wastewater Equipment

Kevin Young (904) 544-2916 kevin@psi-techinc.com

### Products

Pumps | Motors | VFD's Valves | Control Panels Seals | Floats | Gauges Lift Station Basin Packages

**A Few Vendors** 

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HydrofloPumps 😵 BBA Pumps

VOGELSANG 🖂

Champion Pump

Liberty Pumps

fidrostal

PSI Technologies represents high quality water and wastewater equipment lines.



www.psi-techinc.com

### 2877 Edison Ave. Jacksonville, FL 32254

### 2025 NUCANF Fishing Tournament Northeast Florida Marlin Association 3030 Harbor Drive, St. Augustine August 16, 2025

Cast-off: 7:00 – 8:00 a.m. Weigh In: 2:30 p.m. B.Y.O.B. (Bring Your Own Boat)

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

<u>PRIZE STRUCTURE:</u> 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.

\$145 Single Angler with Meal/Drink Complimentary T-shirt and Door Prize Entry ticket at Weigh In.

\_\_\_\_\$ 35 Spectator includes Meal and Beverages only

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.

~TOURNAMENT SPONSOR LEVELS INCLUDING ANGLERS~									
\$385 TWO (2) Anglers with Meal/Drink, Company Logo on T-shirt, Complimentary T-shirts & Door Prize Entry Ticket									
\$725 FOUR (4) Anglers with Meals/Drink, Company Logo on T-Shirt, Complimentary T-shirts & Door Prize Entry Ticket									
* Please email logo in .jpg format to NUCANF@gmail.com									
Company Name: Your Name:									
Phone: Email:									
Reservations for the Fishing Tournament need to be made by Wednesday, 7/30. List all those who will be fishing or attending:									
#1		-							a cuchang.
Shirt Size: S Med Lge XL 2x 3x 4x		Shirt Size:							
#3		0.20.							
Shirt Size: S Med Lge XL 2x 3x 4x		Shirt Size:							
Kid's 13 & under: Please provide name, age, and child's shirt size)									
#1	#2								
Shirt Size: S Med Lge XL	\$	Shirt Size:	s	Med	Lge	XL			
#3	#4								
Shirt Size: S Med Lge XL	\$	Shirt Size:	S	Med	Lge	XL			
Send your Entry/Payment to: NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or email to nucanf@gmail.com									
Email completed form to: NUCANF@GMAIL.COM and an invoice will be emailed to you.									

### 2025

### **NUCA North Florida**

### **Annual Scholarship**



### Do you have a son or daughter currently in college or ready to start college this Summer or Fall? NUCA of North Florida, Inc. has the following scholarships available:

**Mike Allen Scholarship** is for any high school Sr., High School graduate, Undergraduate College Student or Graduate Student who is the daughter or son of a NUCA of North Florida member company employee and will be enrolling full or part time in an academic institution of higher education, beginning this summer or fall. Enrollment may be in any curriculum for any number of years. This may be a four-year college or a community college anywhere in the United States. The Mike Allen Scholarship is a \$3,000 one-time award. Special consideration will be given to those pursuing degrees in a construction-related field. You can get an application on our website at <u>www.nucanf.com</u> at the bottom of the home page, click Undergraduate/Graduate Application. Call the NUCANF office at (904) 612-8692 if you have questions. The application deadline is June 13<sup>th</sup>, 2025.

**J. Richard Baker** is for any high school student or high school graduate who is the daughter or son of a NUCA of North Florida member company employee and will be enrolling full or part time in an academic institution of higher education or trade school (such as Welding, HVAC, Plumbing, Electrical, Mechanical etc.), beginning this summer or fall. Enrollment may be in any curriculum for any number of years. The J. Richard Baker Scholarship is a \$3,000 one-time award. You can get an application on our website at <u>www.nucanf.com</u> at the bottom of the home page, click New College Students/Trade School Application. Call the NUCANF office at (904) 612-8692 if you have questions. The application deadline is June 13<sup>th</sup>, 2025.

NUCA Scholarships Funded by the NUCA Foundation for Education and Research, four scholarships are available ranging from \$1,000 to \$8,000. Any high school senior whose parent or legal guardian is employed by a NUCA member company in good standing at the time of the application deadline may apply. Student employees, including part-time employees, are also eligible. The applicant must be graduating from high school in 2022 and enrolling full time in an accredited two-year or four-year college for his or her freshman year beginning in the fall of 2024. You can get an application on-line at <u>www.nuca.com/scholarships</u>. The application deadline is May 30<sup>th</sup>, 2025.

Andrew Scott Johnson Memorial Scholarship is also available from our state office, NUCA of Florida. Any seniors in high school or any student pursuing an undergraduate degree are eligible. Previous recipients may reapply. This scholarship is available to all NUCANF member firms. 2024 Applications will be available soon at <u>www.nucaflorida.org/about/asjmsf-scholarship/</u>. The application deadline is May 15th, 2025.

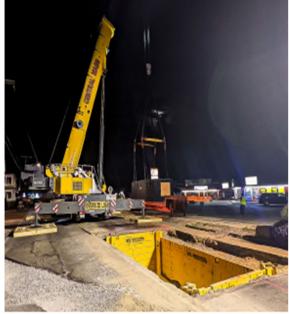


# Trench Safety Stand Down Week

### JUNE IS TRENCH SAFETY MONTH!

### Safety Training and Protective Systems Save Lives







# June 16-20, 2025

Registration is Open!

### Below Deck in Dean Reef ANNUAL. CONFERENCE

### 2025

### **SETTING SAIL JULY 17-19, 2025 OCEAN REEF**, KEY LARGO

REGISTRATION

HOTEL RESERVATIONS







### **Corporate Benefit Program**

This form is valid toward authorized footwear only

Red Wing Shoes has offered a corporate discount on industrial work footwear styles/brands to NUCA members. This discount can be authorized at any Red Wing Shoe store.\*

Please present this document to a Red Wing Store Associate who will be happy to assist in finding the perfect fit.

Red Wing Shoe Retailer:

Account #: 240863

- 1. A valid ID must be presented for this authorization form to be accepted.
- 2. Payment must be accepted at the point-of-sale

Contact:

Eric Akey - National Account Manager

(770) 520-5961

Eric.Akey@redwingshoes.com

<sup>\*</sup>Does not include discontinued product or accessories. Does not include authorized branded partner stores. Must be a Red Wing Shoe store.





### DAMAGE INFORMATION REPORTING TOOL



COLLECT LOCAL CHAPTER DATA

TELL NUCA CONTRACTOR STORY



O GET STARTED

IDENTIFY AND SOLVE DAMAGE PREVENTION ISSUES

LEARN MORE

NUCA members please visit <u>https://bit.ly/4gkZJCg</u> to create a NUCA DIRT Tool account

For more information about Damage Prevention and Reporting Click <u>HERE</u>