

# THE FLOW

JUNE 2019

## Upcoming Events



**Trench Safety Stand Down  
Kick-off event on June 13th  
TSSD Week June 17-21st  
See details on page 11**



**Next Man Up Training  
Punch Out Class  
June 20th  
A.J. Johns Training Center  
6:00 pm**

## INSIDE THIS EDITION

<i>President's Message</i>	2
<i>Calendar of Events</i>	3
<i>The Law &amp; Your Business</i>	4
<i>Baseball Grounds Event Highlights</i>	5
<i>NUCA of Florida Conference</i>	6
<i>Exhibit &amp; Sponsor Guide</i>	7 &
<i>NUCA News</i>	9
<i>Safety News</i>	10
<i>Trench Safety Stand Down</i>	11
<i>President's Cup Golf Tournament</i>	12
<i>New Member Spotlight—MacKinnon Equipment</i>	13
<i>Fishing Registration Form</i>	14
<i>Featured Sponsor—United Rentals Trench Safety</i>	15

## 2019 OFFICERS & BOARD OF DIRECTORS

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## PRESIDENT'S MESSAGE

Dear Friends,

I hope everyone is happy, healthy and doing well! As always, thank you to our monthly sponsors, we couldn't be as successful as we are without you!

We had a record turn out for the NUCA of North Florida Night at the Baseball Grounds! The weather was beautiful, and it was a perfect night for baseball! June is pretty quiet for NUCA of North Florida, but July is another story. On July 11th, we will have a Board of Directors meeting and celebrate our annual Scholarship Night! If you, or any of your employees have children entering college, continuing college, or entering Trade School, make sure they get an application turned in! ITS FREE MONEY. It really doesn't get much better than that. Also, on July 11th, I will be stepping down as President of NUCA of North Florida, and our good friend, Chad Cockrell from A.J. Johns will be stepping in. Come out and give him and the scholarship winners some support! July 18th-20th is the NUCA of Florida Annual Conference at the Wyndham Grand in Clearwater Beach. There are always great speakers, and it is a very good way to network with our fellow Utility Contractors from around the state. Hopefully you didn't mind me being President here in North Florida, because I will be sworn in as President of NUCA of Florida at this event. Come on down!

As always, please continue to support our members and associates. If there is anything I can do to help you out, please do not hesitate to give me a call.

Sincerely,

*Mike*

Linda L. Daniels, CCIM  
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Contractors

## CALENDAR OF EVENTS

### June 13th

**Trench Safety Kick-Off**  
**A.J. Johns Training Center**  
**7:30 AM**

### June 17th to 21st

**Trench Safety Stand Down**

### June 30th

**Next Man Up**  
**Punch List**  
**A.J. Johns**  
**6:00 pm**

### July 11th

**Board of Director's Meeting**  
**Scholarship Night**  
**River City Brewing**

### July 18th to 20th

**NUCA of Florida Conference**  
**Clearwater Beach, FL**

### August 3rd

**Fishing Tournament**  
**NEFMA St. Augustine**

# The Law and Your Business

## **The Law and Your Business – Plumbing Subcontractor is Awarded Prevailing Party Attorney's Fees against General Contractor per Fla. Stat. § 57.105(7).**

**By Rebecca Ross, Regan Atwood. P.A.**

In *Progressive Plumbing, Inc. v. Kast Constr, II, LLC* there was a contract dispute between a plumbing subcontractor and a general contractor regarding two construction projects located in St. Petersburg, FL (STP) and North Palm Beach, FL (NPB). The plumbing subcontractor claimed that it was owed for work completed on the projects and that the general contractor had refused to return a booster pump used to maintain water pressure on the NPB project. Both subcontracts for the NBP and the STP projects contained a prevailing party attorney's fees clause for the Contractor in the event that the subcontractor delays or otherwise defaults under the subcontract. Florida law, however, equalizes the recovery of attorney's fees by providing that, if a contract awards one party reasonable attorney's fees, then the other party may have such recovery if it is the prevailing party.

Here, the plumbing subcontractor was deemed the prevailing party on both contracts, therefore, it was entitled to reasonable attorney's fees for both contracts per the statute. Further, the court explained that the plumbing subcontractor's claims for breach of contract and fraud/conversion against the general contractor sought the same remedy - to recover under the contracts. And the subcontractor's contract and fraud/conversion claims arose from the same core facts. As a result, there was no need for the subcontractor to separate its legal fees between those incurred in litigating the contract claims versus those incurred in litigating the related legal claims for fraud/conversion. Thus, in addition to its damages, the subcontractor was awarded all of its costs and attorney's fees incurred in pursuing the claims subject to minor adjustments for reasonableness.

## NUCANF NIGHT AT BASEBALL GROUNDS

We had a beautiful night for our event at Baseball Grounds of Jacksonville. We sold over 380 tickets for this event, a record high. Guests were treated to an all you can eat buffet served on the Shrimp Deck. Then it was on to the game as the Jacksonville Jumbo Shrimp took on the Montgomery Bay Bears Biscuits. There were lots of fun things taking place between the ball game. Unfortunately, the Jumbo Shrimp lost to the Biscuits.





## ANNUAL CONFERENCE

**July 18-20**

**Wyndham Grand  
Clearwater Beach**

Join us in Clearwater Beach for our "Clearwater Revival" where industry experts gather with contractors, manufacturers and suppliers to stay abreast of industry trends and regulations, network with peers in a relaxing environment and experience a revival in energy and enthusiasm to grow their business.

**TO REGISTER, SPONSOR AND EXHIBIT, VISIT  
[WWW.NUCAFLORIDA.ORG](http://WWW.NUCAFLORIDA.ORG).**





## ANNUAL CONFERENCE

## EXHIBITOR & SPONSOR GUIDE

Ahoy Matey, join our NUCAFL krew in Clearwater Beach! Sponsorship of the 2019 NUCA of Florida Annual Conference offers an exceptional opportunity to network with members and discuss innovative ideas. Conference attendees include company decision-makers—Presidents, CEO's, General Managers, Safety Directors, Project Managers, Supervisors, Engineers—as well as manufacturers, distributors and dealers involved in water, sewer, gas and telephone installations achieved through open excavation or trenchless technology. There is ample opportunity for networking in a relaxed, casual setting throughout the conference, whether its poolside, beachside, or dockside. You may also showcase your company and its products as an Exhibitor at the conference—an excellent, cost-effective way to put your products and services in front of the industry decision-makers and increase your company's visibility. Register today online at [www.nucaflorida.org](http://www.nucaflorida.org).

### \$7,500 — DINNER SPONSOR

- 2 conference registrations
- Exclusive Wi-fi password
- Opportunity to speak at Awards Breakfast
- One reserved table at the Saturday night dinner
- One full registration at the conference
- Logo on sponsor signage throughout event
- Live company introduction at Awards Luncheon and Saturday night dinner
- Premier Booth at Contractor's Day
- Prominent logo displayed throughout conference events/brochure
- Profile of your firm included in the conference program (\*deadlines apply)
- Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen
- Sponsor ribbon added to name tag
- Company logo displayed on NUCA of Florida website as a "Diamond" Sponsor
- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference and included in conference brochure

### \$5,000 — DIAMOND

- One reserved table at the Saturday night dinner
- One full registration at the conference
- Logo on sponsor signage throughout event
- Live company introduction at Awards Luncheon and Saturday night dinner
- Premier Booth at Contractor's Day
- Prominent logo displayed throughout conference events/brochure
- Profile of your firm included in the conference program (\*deadlines apply)
- Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen
- Sponsor ribbon added to name tag
- Company logo displayed on NUCA of Florida website as a "Diamond" Sponsor
- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference and included in conference brochure

### \$3,500 — PLATINUM

- Logo on sponsor signage throughout event
- Live company introduction at Awards Luncheon and Saturday night dinner
- Prime booth location at discounted rate at Contractor's Day
- Prominent logo displayed throughout conference events/brochure
- Profile of your firm included in the conference program (\*deadlines apply)
- Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen
- Sponsor ribbon added to name tag
- Company logo displayed on NUCA of Florida website
- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference and included in conference brochure

**\$2,500 – GOLD**

- Profile of your firm included in the conference program (\*deadlines apply)
- Company logo displayed on
- "Sponsor Page" in the NUCA of Florida *Ditchmen*
- Sponsor ribbon added to name tag
- Company logo displayed on NUCA of Florida website
- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference and included in conference brochure

**\$1,500 – SILVER**

- Company logo displayed on "Sponsors Page" in the NUCA of Florida *Ditchmen*
- Sponsor ribbon added to name tag
- Company logo displayed on NUCA of Florida website
- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference events and included in conference brochure

**\$1,000 - BRONZE**

- Company's logo on pull-up banner provided by NUCA of Florida
- Sponsor signage at conference and included in conference brochure
- Company logo displayed on "Sponsors Page" in the NUCA of Florida *Ditchmen*

**\$500 - COPPER**

- Sponsor signage at conference and included in conference brochure
- Company logo displayed on "Sponsors Page" in the NUCA of Florida *Ditchmen*

**\$250 - FRIEND OF NUCA**

- Sponsor signage at conference and included in conference brochure
- Company name displayed on "Sponsors Page" in the NUCA of Florida *Ditchmen*

**EXHIBITOR**

**\$500 – Exhibitor Booth only, including one booth attendant; \$150 – additional booth attendant**

- One 8' Table with tablecloth, chair(s) and wastebasket
- Company name listed on the NUCA of Florida Website
- Company listing throughout conference events/brochure
- VIP Reception held in Exhibitor area
- Company name displayed on "Sponsors Page" in the NUCA of Florida *Ditchmen*

**SPONSOR/EXHIBITOR APPLICATION**

Name \_\_\_\_\_

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

Address: \_\_\_\_\_

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

**SPONSOR/EXHIBITOR LEVEL**

☐ \$7,500 - Dinner Sponsor

☐ \$5,000 - Diamond

☐ \$3,500 - Platinum

☐ \$2,500 - Gold

☐ \$1,500 - Silver

☐ \$1,000 - Bronze

☐ \$500 - Copper

☐ \$250 - Friend of NUCA

☐ \$500 - Exhibitor Booth

☐ \$175 - Additional Booth Attendant

x \_\_\_\_\_ (number of attendants)



### **SAVE THE DATE**

**2020 NUCA National Conference** is February 26-28, 2020 in Tucson, Arizona. The room rate is \$289 per night at a resort. The Annual Conference Committee will start meeting in June for planning. There will be a golf event. There will be more plenary education sessions geared towards management.

### **TRENCH SAFETY STAND DOWN**

Is your company participating in the Trench Safety Stand down being held June 17th to 21st? Please be sure to fill out the forms available on the [nuca.com](http://nuca.com) website. NUCA will provide a ***Certificate of Participation*** which will be mailed to all participating companies by the end of July 2019. NUCA will publish the list of names of participating organizations on the NUCA website and in our printed publications. **Submit TSSD Completion Forms** (which can be filled out electronically) and any questions you may have to [safety@nuca.com](mailto:safety@nuca.com)

### **INNOVATIVE HOUSING SHOWCASE**

NUCA is preparing to participate in an Innovative Housing Showcase and is partnering with HUD and the National Home Builders Association. NUCA is setting up a booth on June 1-4, 2019 with a 20 x 75 foot space on the National Mall. Directional drilling will be showcased. The public, government agencies and members of Congress will be invited to see it. There will be some equipment demonstrations and simulators in the booth.

### **ATWELL ATTENDS WASHINGTON SUMMIT**

Lauren Atwell, Petticoat-Schmitt Civil Contractors, recently attended the NUCA Washington Summit. He had a meeting with a staff member of Rep. John Rutherford as well as Senator Marco Rubio and Senator Rick Scott. Lauren also attended the NUCA Board of Directors meeting and Executive Committee meeting.



# SAFETY NEWS

By Jeff Blomgren  
Safety Director at Petticoat-Schmitt Civil Contractors

## SUMMER IN FLORIDA

Summer comes every year and we have to prepare for the onslaught of hot humid Florida days that seem to last forever. Along with those hot humid days is our exposure to the conditions that complicate our work because it becomes a determining factor in productivity and performance. OSHA has information on working in high heat conditions on their website. NUCA has toolbox talks that focus on heat awareness, and there are products like Gatorade and Sqwincher that provide electrolyte supplements. There is a lot of information out there that contain a heat index charts and other suggestions that can serve as a guide for taking the necessary steps to protect our employees from the harmful effects of working in hot humid conditions.

Some basic suggestions are to use sunscreen, wear clothing that shields your skin from the sun, drink plenty of fluids and be sure to replenish electrolytes lost through perspiration. Ultra violet rays from the sun will damage your eyes. Look for safety glasses that have a rating of 99%-100% ultra violet protection. Be aware of the stages of heat effects on the body. Heat cramps, heat exhaustion and heat stroke are the three stages of heat illness indications. Heat cramps are muscle spasms in the arms, legs or abdomen. Heat exhaustion indicators are low blood pressure, rapid pulse and even fainting. The most serious is heat stroke that can lead to unconsciousness and even death. People suffering heat stroke have to be hospitalized. Taking breaks, finding shade, planning our days to get the heaviest work done during the early morning hours or even considering night work are all things that could be implemented.

Our summers are brutal but if we take steps to mitigate the risk of working in summer heat, we can complete our heat season safely.

# TRENCH Protective Systems **SAVE LIVES!** SHIELD IT, SHORE IT, or SLOPE IT



## Trench Safety Stand Down Week June 17–21, 2019

OSHA's National Emphasis Program on Trenching and Excavation remains a high agency priority. NUCA, OSHA, NAXSA, TSSA, and NAHB have teamed up for our 4th annual TSSD Week to educate workers on trenching hazards.

### Who Should Participate

Companies or organizations whose companies or members engage in trenching operations, including contractors, builders, military, unions, trade schools, safety professionals, and safety equipment manufacturers.

### How Companies Can Hold A Stand Down

- Hold a 20-Minute Toolbox Talk
- Show an Excavation Safety Video
- Hold a Training Class

### Recognition

Every company or organization that holds a TSSD will receive a certificate of participation, as well as hard hat stickers for all employees who participated. Recognition will also be given in a press release, and in NUCA, NAXSA, TSSA, and NAHB publications.

**Details and TSSD Materials:** [nuca.com/tssd](http://nuca.com/tssd)



### Also sponsored by NUCA's Safety Ambassadors Club

Alex E. Paris Contracting  
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Oxford Plastics USA  
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Safety Management Services  
Sunstate Equipment Co.  
Team Fishel  
United Rentals  
Xylem  
Wacker Neuson Corp.



**NUCA**  
of FLORIDA

## September 19-20, 2019 Rosen Shingle Creek | Orlando, FL

**REGISTER TODAY**

Join us September 19-20, 2019 at Rosen Shingle Creek in Orlando for the NUCA of Florida Texas Hold'em and Presidents Cup Golf Tournament Events. The Texas Hold'em fee of \$100 includes a reception, poker tournament, beverages, appetizers, and a chance to win a \$500 gift card! The President's Cup Golf Tournament fee of \$150 includes the Thursday night reception, Friday breakfast, Awards Luncheon, golf fee, cart, drink tickets and cash prizes!

**Participate in both events for only \$225 and support the NUCA of Florida PAC. Reserve a golf foursome for \$750 and get a Hole Sponsorship too!**

## NEW MEMBER SPOTLIGHT

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(239) 458-5005

1915 N. Orange Blossom Trail  
Orlando, FL 32804  
(866) 620-5840

**WWW.MACKINNONJCB.COM**

NUCA of North Florida

Annual Fishing Tournament on Saturday, August 3rd  
Northeast Florida Marlin Association  
3030 Harbor Drive, St. Augustine

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)

Spectator Cost: \$30 Meal & Beverages Only (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**

~Awards for 14 Lucky Anglers~

**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~

\_\_\_\_\_ \$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, Company Sign or banner (supplied by you) and Complimentary T-shirts.\*

\_\_\_\_\_ \$1000 Sleeve Sponsor Includes everything in \$650 sponsorship plus your logo on sleeve.

(Only two spots available) \*

\_\_\_\_\_ \$1500 Exclusive Hat Sponsor Includes everything in \$650 sponsorship plus logo on the back of the hat.\*

\* Please email logo in .jpg format to [NUCANF@gmail.com](mailto:NUCANF@gmail.com)

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

Reservations for Fishing Tournament need to be made by Friday, 7/26. Fill out this entry form and fax to NUCANF.

*List all those who will be fishing or attending*

#1 \_\_\_\_\_

#2 \_\_\_\_\_

#3 \_\_\_\_\_

#4 \_\_\_\_\_

CAN YOU DONATE A DOOR PRIZE? \_\_\_\_\_ YES \_\_\_\_\_ NO Please contact Kathy for delivery.

Send your Entry/Payment to:

NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or fax to (904) 296-1231 or call NUCANF at (904) 296-1230.

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