

THE FLOW

Upcoming Events

April 6th

Safety Director's Forum

11:30 am

April 13th

Golf Tournament

St. Johns Golf & Country Club

205 St. Johns Golf Dr. (Off 210 W)

Sponsorships are still available

See Page 9



**Scholarship Applications
are now available
See info on page 6**

APRIL 2021

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PRESIDENT'S MESSAGE

Hello Members,

I hope everyone is having an awesome March. The weather is starting to feel like Florida again. And it is snowing pollen!!

On April 13th, we will have our annual Golf Tournament at St. Johns Golf and Country Club. Golf sold out in record time this year. We still have a couple of vendors show case spots available as well as some other sponsorships. What a great place to get your name in front of a large group from this industry.

Our pipe supply and pricing for the past 30 days has been extremely unstable. The resin supply is creating this problem. As contractors there is not much, we can do to fix this problem. Hopefully, this gets straighten out quickly because our state is in great demand for lots (home) sales. Work is plentiful.

I would personally like to give out a big shout to our Governor, Ron DeSantis. Thanks for having the backbone to allow this state to get back to work and for allowing the people of this state to start enjoying life again.

The Florida legislative days will be starting soon. If you have time get involved. We need to protect what we work hard for every day. The well being of this industry matters to a lot of us. This industry makes the world go round. Just take a moment and think about everything that is tied to the work we do.

Stay Safe and God Bless,

Marty

Marty Adams

madams@tblandmark.com

Remember, Today is the Tomorrow you worried about Yesterday.

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CALENDAR OF EVENTS

April 6th

Safety Director's Forum
Northeast Florida
Safety Council

April 8th

Executive Committee Meeting
3:30 pm

April 13th

Annual Golf Tournament
St. Johns Golf & Country Club

May 25th to 27th

NUCA Virtual
Washington Summit

May 27th

Board of Directors Meeting
Jacksonville Jumbo Shrimp

June 14th to 18th

Trench Safety Stand Down

June 17th to 19th

NUCA of Florida Conference
The Ritz, Naples

The Law and Your Business

The Law and Your Business- Dangerous Conditions at Your Jobsite Christian Lake, Esq., Lindell Farson & Zebouni

The fact that construction sites are often dangerous will not surprise many of you. However, that generally shared knowledge within the construction industry does not ensure that your business is protected in the event a fellow professional is hurt at your jobsite.

Recently, a Florida Court decided a case regarding a subcontractor's employee who fell into an uncovered drain at a parking garage construction project. The employee had been working at the site for quite some time prior to his fall. He even knew where the drain was located and that it was sometimes left uncovered. When the drain was left uncovered, the door leading to that drain would be taped off to warn workers of that dangerous condition. However, on the day the employee fell into the drain, the drain was uncovered and there were no posted warnings or caution tape near the dangerous area. That, combined with the sunlight and concrete dust in the air from concrete grinding work, allegedly caused the employee to not realize the drain was uncovered and to then fall in the drain. *Pratus v. Marzucco's Construction and Coatings, Inc.*

After the employee filed suit, the general contractor asked the court to enter a judgment in its favor since the drain was open and obvious to the employee. The general contractor argued that the employee could not succeed where the danger was plain to see and the employee nevertheless proceeded into that danger. However, the court held that it was not enough that the uncovered drain was merely able to be seen by the employee. Primarily, the court focused on the general contractor's failure to mark the open drain or otherwise warn of it. Typically, when that drain had been left open, the door leading out to the garage that opened to that drain would be taped off to warn people of the danger outside. That was not done in this instance and the employee, therefore, did not see the need for concern.

The court next discussed the general contractor's responsibility to keep the jobsite reasonably safe around areas where harm could be anticipated due to the nature of the work. Since it could be anticipated that someone could fall into an uncovered drain and injure themselves, the general contractor had an obligation to keep that area safe. This is the case, even though the drain was clearly obvious to those working at the jobsite, the general contractor still had an obligation to keep that area safe. Since the general contractor failed to do anything to make the area around the uncovered drain safe, the general contractor was not entitled to a judgment in its favor.

The lesson from this case is that contractors must be vigilant in keeping their jobsite safe. Whenever dangerous conditions exist, it is wise to go "overboard" on marking those conditions and ensuring that those at the jobsite are protected from that condition. In the case discussed in this article, had the general contractor taped off the area around the open drain, it would have had a strong argument against the subcontractor's employee. However, by failing to take this quick, easy, and inexpensive step, the general contractor opened itself up to potentially significant legal liability. If you have questions about how to protect your jobsite in a legally sufficient way during construction, please contact the law offices of Lindell Farson & Zebouni, P.A.

CLAY COUNTY UTILITY AUTHORITY UPDATE

We were pleased to have Jeremy Johnston, Executive Director of CCUA as our guest speaker at our meeting on March 18th. Jeremy is responsible for overseeing the entire utility, including protecting public health by providing safe, reliable, and affordable drinking water, wastewater treatment, and reclaimed water service. Mr. Johnston leads the development of long-term strategic plans to conserve our natural resources and create long-term value for approximately 50,000 ratepayers in three counties. He leads a staff of 168 employees who implement CCUA's \$52 million budget and operate \$339 million in assets.

In case you haven't heard, growth is coming to Clay County! The forecast is for 25,000 to 45,000 new homes over the next 20 to 25 years. There will be investment in capital infrastructure to stay ahead of the growth needs. CCUA staff will grow from 172 employees to roughly 300. Renewal and replacement of existing infrastructure will continue.

There are a number of projects on the horizon including Saratoga Springs Water Treatment & Reclaimed Water Facility (WTF), Meadow Lakes WTF Upgrade & Expansion, Mid-Clay Wastewater Treat Facility (WWTF) Expansion, Peter's Creek WWTF Upgrade, Fleming Island WWTF Expansion, Ridgecrest WTF Upgrade, North Middleburg Water Main Connection, Atlantis Drive, Alternative Water Supply (AWS), Storm Water Harvesting, Potable Reclaimed Water Pilot Project, and Aquifer Injection or Storage and Recovery (ASR). Jeremy will provide us with timeline for bidding upcoming projects.



We had two first time attendees at our meeting, Shannon Rodgers from Legacy Engineering and Bert Lake from Forterra Pipe & Precast. We look forward to having them with us at future meetings as well.



FREE MONEY FOR COLLEGE

Do you have a son or daughter currently in college or ready to start college in the 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 NUCANF member company employee, and will be enrolling full or part time in an academic institution of higher education, beginning in September. The 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 \$1,000 one-time award. Special consideration will be given for those pursuing degrees in a construction related field. You can get an application on-line at the bottom of the page at nucanf.com on the bottom of the home page, click 2020 Application for Students in Undergraduate/Graduate Programs. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is May 31st.**

J. Richard Baker is for Any high school student or high school graduate who is the daughter or son of a NUCANF 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. The enrollment may be in any curriculum for any number of years. The J. Richard Baker Scholarship is a \$2,000 one-time award. You can get an application on-line at the bottom of the page at nucanf.com on the bottom of the home page, click 2020 Application for New College Students. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is May 31st.**

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 2019 and enrolling full time in an accredited two-year or four-year college or university for his or her freshman year beginning in the fall of 2020. You can get an application on-line at <http://www.nuca.com/scholarships>. **Application deadline is May 22nd.**

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. You can get an application on-line at <https://nucaflorida.org/about/asjmsf-scholarship/>. **Application deadline is May 5th.**





Rep. DeFazio Introduces \$50 Billion Wastewater Treatment Bill

On March 16 House Transportation and Infrastructure Committee Chairman Rep. Peter DeFazio (D-OR) introduced a bill authorizing \$50 billion for wastewater treatment infrastructure programs. \$40 billion of resources would be administered under the Clean Water State Revolving Fund (SRF) program, long used for funding federal loans to states and municipalities to improve these facilities. The new proposal also would authorize \$10 billion in water infrastructure grants. [NUCA strongly supports this bill](#), and will lobby Congress to keep this much-needed funding at this level, the highest in years. Read more [here](#).

House Infrastructure Committee Jumps On Job Growth Potential

NUCA's work to lobby the important House Transportation & Infrastructure Committee is leaving a great impression with committee staff. Our often-cited "28,000 new jobs for every \$1 billion invested" mantra made it into the committee's Twitter feed on March 16. Read more [here](#).

Another Senate Committee Holds Hearing on Water Infrastructure

Keeping in line with Congress' new excitement about our issues, the Senate Environment and Public Works committee held a March 17 hearing on examining the challenges facing water and wastewater infrastructure projects. NUCA provided a statement to the committee urging increased investment in these projects and to find new way of financing them. The statement was entered into the hearing record by Committee Chairman Sen. Tom Carper (D-DE). Read more [here](#).

OSHA Launches National Emphasis Program on COVID-19

OSHA launched in mid-March their National Emphasis Program (NEP) on COVID-19 that focuses enforcement efforts "on companies that put the largest number of workers at serious risk of contracting the coronavirus." The NEP, which includes follow-ups to workplace inspections that took place last year, went into effect March 12 and is slated to remain so for up to a year. OSHA is also attempting to prioritize onsite workplace inspections "where practical," or use a combination of onsite and remote methods, as part of its updated Interim Enforcement Response Plan. That updated plan is scheduled to go into effect March 18. Learn more [here](#).

Be a Part of Washington Summit: May 26

With infrastructure legislation finally receiving the attention it deserves from Congress, make plans to attend our virtual 2021 Washington Summit on Wednesday, May 26, 2021. It's easy to attend--you can do it from the comfort of your own office. We are finalizing the program details, but expect it to deliver the same access to lawmakers as the 2020 virtual Summit did for so many chapters. Registration will open soon, with Congressional visit details being completed by your Chapter. Learn more [here](#).

April is "National Safe Digging Month"

The construction season is shifting into overdrive, and so do the risks for jobsite accidents. April is "National Safe Digging Month," (NSDM) followed by NUCA's own June "Trench Safety Month." NUCA will be sending out on our social media channels in April each week a short reminder of the importance of damage prevention and calling 811 before beginning any excavations. Whether it is a small residential project or a larger highway project, NSDM is a terrific way to remind us to call 811 before starting any underground work.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Compliance. How important is it to you?

We deal with compliance issues every day. From the time we get up in the morning to the time we go to bed at night, we are regulated by certain rules and guidelines that steer our behavior. Speed limits, laws, regulations on behavior, legalities on housing, vehicles, sports, hunting, fishing, correspondence, you name it and it will be covered by a rule someplace. In our workplace we are faced with being the ones who must follow through on the guidelines for our industry concerning how well we comply with city, state, federal and our own regulations. Sometimes it's a never ending task. The mistake we make, most times, is to relax a rule or regulation and then we develop an unintended grey area that can come back and bite us.

For instance; you have a subcontractor working for you, a road crew, concrete crew, carpenter, electrician, etc. You have a production schedule and when they are in the middle of the job they are doing for you, you see they are not in compliance with your rules. Maybe it's PPE or a procedures that's faulty and you are faced with stopping work and correcting the issue and perhaps they don't have what they need to comply. What do you do? This is a dilemma that we face every time we subcontract anything. There is a solution. Every subcontractor gets a copy of your rules, or they should, and they sign it. But, that's on the project manager level. Most of the time that rule copy never makes it to the people doing the work. The secret is to have a jobsite meeting before any work is performed where there is a clear understanding of what is required to comply. Even before that, if there is a call made to do the scheduled work the message is, *"Be sure your guys have everything they need to comply with our guidelines before they get here."*

Here's another dilemma. The CEI that's working for the owner is there to make sure you obey the rules and do what the owner wants. You have to comply, but, they don't comply with our jobsite rules. What do you do? All your own employees are held to your standards. They are watching. What makes the CEI different? If you confront them they may make life miserable for you, but, you are responsible for their safety. Once they come on the property they become your responsibility. If they aren't in compliance and something happens to them, it's you that is going to explain to OSHA that your operator didn't see the CEI because he wasn't wearing any PPE to look different that the dirt you are handling and he had his back to you on his phone. Pre-construction meetings with the CEI should clearly cover your own jobsite rules and your expectations for compliance while the contractor is sitting in the same room.

Compliance is one of the things that makes us good at what we do or mediocre. Who want to be mediocre? Isn't being the best what we want? The best look it, act like it and expect it.

BE THE BEST!

2021 NUCANF Golf Tournament Sponsorship Opportunities

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.

sold

\$800 Gold Vendor Showcase (two left)

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. Holes will be assigned in the order received.

sold

\$500 Silver Vendor Showcase

Same as Gold Vendor Showcase but no beer will be provided.

sold

\$450 Trophy Sponsor (limit one)

Sponsorship includes signage at event.

\$450 Registration Sponsor (Limit one)

Sponsorship includes signage at event.

\$450 Longest Drive/Closest to the Pin Sponsor (~~limit four~~) (one left)

Sponsorship includes signage at the hole.

sold

\$450 Beverage Cart Sponsor (~~Limit two~~)(one left)

Sponsorship includes signage at event

\$450 Dinner Sponsor (~~limit four~~) (two left)

Sponsorship includes signage at event

\$450 Lunch Sponsor (~~limit four~~) (two left)

Sponsorship includes signage at event. 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.

\$300 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 Enclosed _____ Please invoice me for total amount

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

HIGHLIGHTS OF VIRTUAL LEGISLATIVE DAYS

Legislative days kicked off with the NUCA of Florida Board of Directors Meeting followed by our Legislative briefing. Below are our top three bills. For a copy of our Legislative Days Brochure, please email Kathy at nucanf@gmail.com.

Public Works Projects (HB 53 & SB 1076) A top priority for NUCA of Florida, these bills expand the definition of public works projects to include any public works project funded by state, local or a combination thereof, of tax dollars thus removing the 50% state-appropriation threshold. This provision ensures local government don't limit the bid process, thus barring eligible, qualified and licensed contractors because local tax dollars are utilized. Additionally, the bills prohibit mandating a single source for apprenticeships and prevent local preference mandates. NUCA of Florida strongly **SUPPORTS** HB 53 & SB 1076.

Construction Liens and Bonds (HB 473 & SB622) This legislation includes some good provisions such as allowing remote online notarization and "stop and start" provisions, but although HB 473 was amended to be more favorable, NUCA FL still has concerns with the lien waivers section of the bill. We are working with both bill sponsors to favorably amend the legislation. NUCA of Florida is currently **OPPOSED** to HB 473 & SB622.

Pace for Septic to Sewer (HB 387 & SB1208) This legislation would add consumer protection to PACE loans, a financing vehicle that helps property owners pay for home upgrades, such as hurricane and storm resiliency, installing solar panels, or more efficient insulation. The bills would also allow consumers to pay for septic-to-sewer conversions with PACE financing. NUCA of Florida **SUPPORTS** HB387 and SB 1208.

Members from our chapter had meetings via Zoom with the following Senator and Representatives or their staff members: Rep. Clay Yarborough, Rep. Cyndi Stevenson, Rep. Fischer, Rep. Duggan, Rep. Nixon, Rep. Fischer and Senator Gibson.

All of the bills can be followed by going to [Bills for the Regular Session 2021 | Florida House of Representatives \(myfloridahouse.gov\)](#) for House bills and [Bill List - The Florida Senate \(flsenate.gov\)](#) for Senate bills.

See photos on page 15. Interested in getting more involved with our legislators, join us in May for our Virtual Washington Summit. More information coming soon.

JUNE IS TRENCH SAFETY MONTH!

Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 14–18, 2021

Make plans for your company to participate in this year's NUCA Trench Safety Stand Down Week. Being a part of our popular 5th annual TSSD Week will help educate your employees on trenching hazards at the jobsite.

OSHA's National Emphasis Program on Trenching and Excavation is a high agency priority. NUCA and OSHA have teamed up again this year for our annual trench safety program. More than 32,000 employees on 3,500 jobsites participated in the 2020 TSSD.

Every company or organization that holds a TSSD will receive a certificate of participation, as well as hard-hat stickers for every employee who participated. Recognition will also be given in NUCA publications. Please plan for your company to be a part of this vital industry safety event this year.



Also sponsored by NUCA's Safety Ambassadors Club

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HCSS
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Hymax by Krausz

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National Trench Safety
Oxford Plastics USA
Petticoat-Schmitt Civil Contractors
Safety Management Services
Sunstate Equipment Co.
Team Fishel
United Rentals
Xylem
Wacker Neuson Corp.

For more details and TSSD materials: nuca.com/tssd #TSSD21 #TrenchSafetyMonth

BOARD MEMBER SPOTLIGHT—TROY BETTS

Tell us about the services your company provides.

Vallencourt Construction Co. Inc. is a full site work company. We specialize in building neighborhoods and roads. We begin with the clearing of trees, digging retention ponds, building lots, installing all underground utilities, and finish with building and paving the roads.

What is your business philosophy?

I believe in doing safe, quality work one time. I believe this is attainable through teamwork and communication. I have always maintained that I can accomplish more with less as long as we work as a cohesive unit and continually communicate with one another.

What are your hobbies or interests outside of work?

I am an avid reader and enjoy shooting sporting clays.

What is your favorite travel location?

The Blue Ridge Mountains. I grew up in Virginia about 4 hours east of Blacksburg. As a teenager my friends and I would travel to the mountains on the weekends and go cliff climbing and repelling. Sometimes we would go spelunking or go to watch Va. Tech play football. There is nothing like playing football in the fall with the leaves changing color and the air seems so crisp and clean, except maybe a hayride with a girl you have a crush on at a fall festival.

If you could have dinner with anyone, living or deceased, who would it be and why?

Jack London. As a boy I really enjoyed reading Jack London's books. I loved the adventure and his portrayal of the relationship between man and K9. There is something so compelling about betting on yourself and pitting yourself against nature. Who would be a better companion in such a situation then a great dog.

What are you currently reading?

When I get home in the evenings I am reading a series about Alexander the Great by Christian Cameron. During the day as I drive to different job sites I am listening to an audible version of Watership Down by Richard Adams.

Grill master or reservations?

Definitely reservations. Hard to beat a good Brazillian Steakhouse.



Infrastructure In A New Administration

NUCA'S (VIRTUAL) WASHINGTON SUMMIT

Congress is building again!

The new Congress and Administration want to make infrastructure a priority. So does our industry!

There will be several significant infrastructure resource bills on the Congressional agenda in late May 2021. Your expertise and passion will be vital to making Congress hear our message loud and clear.

Our virtual 2021 Summit will enable you to hold an online meeting with your elected lawmakers and staff right from your office or jobsite. Your NUCA Chapter will arrange these meetings for you.

To register for the May 26 Washington Summit, visit www.nuca.com/summit.

WEDNESDAY, MAY 26, 2021



Save the date!



NUCA Night at the Jumbo Shrimp
Thursday, May 27th
More Info next Month



OUR FUTURE CONTRACTORS

Core & Main handed out kid's hardhats at their booth at the recent NUCA national conference in Naples. I couldn't resist grabbing a few for kids in our chapter.



Marty Adam's granddaughter
Elliott



Tony Zebouni's Grandson Landon



Kathy Blackman's friends kids,
Carmella & Alex



Mike Kivlin's son Will

LEGISLATIVE DAYS PHOTOS



Secretary of Department of Business and Professional Regulations, Julie Brown



Rep. Clay Yarborough, District 12



Senator Audrey Gibson, District 6



Rep. Paul Renner, District 24



Rep. Tracie Davis, District 13



Rep. Angie Nixon, District 14



Rep. Wyman Duggan, District 15



Mike Kivlin reviews our issues with our Reps. & Senators

NEW MEMBER

Please join us in welcoming the newest member NUCA of North Florida member.



Viking Equipment Inc.

Contact: David Esposito

Title: Vice President
North American Operations
2014 4th Street

Sarasota, FL 34237

Phone: (803) 958-7049

Email: David@vikingequipment.com

Website: vikingequipment.com

Recruited by: Mike Larson, USI Insurance

IMPORTANT LOCATE INFORMATION FOR TRAFFIC SIGNALS

At all intersections and interchanges within Duval County - signals and traffic loops

City of Jacksonville - Traffic Operations

Carlton Copeland - copeland@coi.net

904-255-7552 Boyd, Mason

mboyd@coj.net

904-255-7549

At all intersections and interchanges within Clay County - signals and traffic loops

Clay County - Traffic Operations

Mike Jammes - 904-278-3654

At all intersections and interchanges within Nassau County - signals and traffic loops

Nassau County - Traffic Operations

Chuck Houston - 904-753-4254

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