

# THE FLOW

## Upcoming Events

April 4th & 5th  
**Tallahassee Legislative Days**

April 11th  
**Safety Director's Forum**  
**Topic: DOT Recordkeeping & Fleet Management**

April 15th  
**Construction Hike for Hope**  
**See flyer on page 13**

April 18th  
**Annual Golf Tournament**  
**St. Johns Golf & Country Club**

May 11th  
**Jumbo Shrimp Night**  
**See flyer on page 9**

## **APRIL 2023**

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## 2023 OFFICERS & BOARD OF DIRECTORS

### EXECUTIVE COMMITTEE

#### **President**

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#### **President-Elect**

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#### **Secretary/Treasurer**

Marty Adams, TB Landmark

#### **General Counsel**

Tony Zebouni, Lindell, Farson & Zebouni

#### **Past President**

Mike Kivlin, John Woody, Inc.

### BOARD OF DIRECTORS

Kirk Blomgren, Petticoat-Schmitt Civil

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Barry Watson, Fortiline Waterworks

Chris Wilson, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

### PRESIDENT'S MESSAGE

Happy April everyone,

By now I am sure you are coming out of winter clothes, spring is upon us with warmer weather providing great conditions to get utilities in the ground. I hope everyone's 1st quarter is coming around nicely as it draws to a close. The past three months have come and gone, and we still have a lot of things left on the docket for the remainder of the year.

This past month we held a successful event for the general meeting with Keynote speaker Rep. John Rutherford in attendance providing some key talking points and were also able to provide an award to one of our outstanding members as a staple in the community. In addition, we held a Lunch & Learn seminar on "Lien Law in Construction" for our members and their associates which was provided by Lindell, Farson & Zebouni, P.A. Thank you to our local / state officials for all they do for our industry.

We have our annual golf tournament coming up in a few weeks at the St Johns Golf & Country Club. This is always a big turnout, as we have already sold out early this year and are excited to see everyone again. This is always a great event, and please take some time to thank the golf committee members and Kathy for their hard work putting this event together. I look forward to seeing everyone at the event.

In May we have the Jumbo Shrimp Game on the horizon, a great event for the entire family to attend and network with fellow tradesmen and supply partners.

On the state level, the Legislative Days are upcoming to walk the halls and help lobby with our local officials to continue improving our trade and needed agenda to better our industry.

As always, thank you to our wonderful sponsors, generous event donors and all the members for your continued support. You keep us in the fight.

See you guys in a few weeks for some golf action!

Tim

Tim Gaddis Jr.

## 2023 NUCA of North Florida

### Monthly Sponsors

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Sunbelt Rentals  
Sunstate Equipment  
Trench Safety  
United Rentals  
Trench Safety

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Benchmark  
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John Woody, Inc.  
Lippes & Bryan  
Petticoat-Schmitt Civil  
Contractors  
Rinker Materials

## CALENDAR OF EVENTS

### April 4th & 5th

NUCA of Florida  
Legislative Days  
Tallahassee

### April 11th

Safety Director's Forum  
11:30 Am

### April 11th

Executive Committee Meeting

### April 18th

Golf Tournament  
St. Johns Golf & Country Club

### May 9th

Executive Committee Meeting

### May 11th

Jumbo Shrimp Night

### May 16th & 17th

NUCA Washington Summit

### June 19th –23rd

Trench Safety Stand Down

### July 13th

Board of Director's Meeting  
Scholarship Night  
Aloft Tapestry Park

# The Law and Your Business

## *The Law and Your Business – Discovery from Insurance Companies* *Tony Zebouni, Esq. NUCA NF General Counsel*

It is not uncommon for an insurance carrier to be involved in a disputed matter regarding alleged defective construction and damages. In any litigation there is broad discovery, affording the parties to uncover all the relevant facts and proceed to settle or try a case based on the facts. A general exception to the disclosure of evidence is the work product rule, allowing that the work product of an attorney is protected from disclosure, under most circumstances.

Recently a case was decided in Florida where the issue of the insurer's "claim file" was being sought by an opposing party. Insureds filed suit for breach of contract over a coverage dispute regarding damage to their home which they claim was covered by their property insurance through Insurer. Insurer denied coverage and contested damages. Insureds filed a request to produce a broad array of documents from Insurer, including correspondence and documentation related to Insurer's anticipation of litigation, and inspection reports reflecting the cause of loss as determined by Insurer. Insurer objected to the production of the documents as protected by the work product privilege. Insureds moved to compel the production documents, including Field Adjuster's loss report, nonfinal estimate, and supporting documentation.

The Court reiterated its rule that "an insurer's claim file constitutes work product and is protected from discovery prior to a determination of coverage. Materials generated during an insurer's investigation of a claim are generally considered work product and are not discoverable unless the requesting party proves need and inability to obtain the substantial equivalent of this material without undue hardship. *Family Security Insurance Co. v. Stein*

If you have a claim and there is potential insurance coverage, it may be prudent to have your inspector or expert present during the Insurer's inspection and perhaps making a video of the entire inspection that would be useful in a future dispute with the Insurer.

The law relating to disputes with insurance providers and recovery of attorney fees from an has drastically changed as of this session of the Florida legislature. It will be interesting to see how benefit of these changes to the construction industry versus harm to consumers shakes out in the future.



## MARCH MEETING HIGHLIGHTS

We had a very good turnout for our meeting on March 16th with guest speaker Congressman John Rutherford. We had about a dozen first time attendees which I think is a record. We also had Chris Miller candidate for Jacksonville City Council at Large City Council Group 5 and Michael Boylan candidate for Jacksonville City Council District 6 join us for our meeting.

Congressman Rutherford is always a crowd favorite and a good friend of our association. His strategy in Washington has been to get a Democrat to co-write a bill with him so that his legislation has support from the beginning. The Congressman talked about the Infrastructure Bill and about funding for local projects and how a city has to ask their congressman for funding for a project. Members of our association will be heading to DC in May to join with other member of NUCA national to lobby. If you have an interest, please come join us.

We were also pleased to present A.J. Johns, Inc. with the William H. Weather Award in the 200,000 to 500,000 category. Mark Gibson, Safety Director for A.J. Johns received the award on his company's behalf. The William H. Feather award was created to honor the contributions of the founding Chairman of NUCA's Safety Committee, and to recognize excellent safety commitments demonstrated by other NUCA members. In 1978 NUCA established the William H. Feather Safety Award to honor the memory and contributions of a respected friend and colleague, and to recognize that same spirit of safety when demonstrated by members. Congratulations to everyone at A.J. Johns, Inc. on this accomplishment!



Left to right: Chris Miller, Tony Zebouni, Congressman Rutherford, and Michael Boylan.



Kirk Blomgren, National Safety Committee Chairman presents Mark Gibson, A.J. Johns, Inc. with the William H. Feather Award.

## NUCA ANNUAL MEETING HIGHLIGHTS

By Kirk Blomgren  
NUCA Southeast Regional Vice Chair

Earlier this month, I had the opportunity to represent our chapter and the southeast region at NUCA's 2023 One-day Annual Meeting, in conjunction with CONEXPO/COON-AGG. Keynote speaker Anirban Basu, an economic forecasting expert, shared his insights on the future of the US economy, and utility construction.

Northeast Florida was well represented: Our very own Lauren Atwell received the "Ditchdigger of the Year" award, and Tom Butler was installed as Chairman of the Board. As Chairman of NUCA's National Safety Committee, I also had the honor of handing out the William H Feather award to companies that achieved excellence in Safety for 2022, which included AJ Johns as one of our award winners!

Regional breakout sessions gave each region an opportunity to discuss strategies for growth, communication and sharing information in the coming year.

One of the initiatives serving as a regional vice chair is Member and Chapter engagement. As a connection for the chapters to the executive committee, I look forward to being able to assist with communication and helping to lead discussions to share what's going on in our chapters, but to also communicate to the chapters what is being worked on at the national level. Quarterly calls with Southeast Region chapters, and leadership, will help us stay in touch and provide shared opportunities to enhance membership and growth.

Thank you for making NUCA great – I look forward to seeing you soon!



NUCA of North Florida attendees: Ryan Schmitt with Ditchdigger of the Year winner, Lauren Atwell, Kirk Blomgren, and NUCA Chairman, Tom Butler.





### **Tom Butler Elected NUCA Chairman of the Board**

NUCA's Board of Directors formally inducted Tom Butler as NUCA's new Chairman for 2023-24 at the Las Vegas Annual Meeting. "Making NUCA yours this year can be a direct path towards your increased engagement with your peers," said Chairman Butler. "Engaging and involving your business in your Chapter activities and your community always pays dividends to your operations." Butler is Director of Preconstruction Services at Petticoat-Schmitt Civil Contractors in Jacksonville, Florida. He has served as NUCA's governmental affairs committee chairman since 2017 and attended numerous Washington Summit. "Make NUCA Yours" is the goal for his administration, and we'll be talking more about member involvement over the next 12 months in these pages and elsewhere.

### **NUCA Opposes PRO Act (Again)**

Like a bad penny, the anti-business "PRO Act" (H.R. 842) was introduced again in Congress by House and Senate Democratic leadership and other lawmakers. This session's version includes dozens of radical changes to federal labor laws which would significantly delay many infrastructure projects across the United States and raise costs. NUCA's CEO Doug Carlson issued a statement about this bad news, writing, "Passage of the PRO Act would significantly disrupt those efforts to improve our community's living and health standards. We urge Congress not to move forward with this legislation in this session, or in any other." NUCA members are urged to contact their federal lawmakers and ask them to oppose this ill-advised legislation.

### **Let Congress Know You Want Fair and Open Competition in Gov't Contracts**

Last year the Biden Administration issued a proposed rule requiring Project-Labor Agreements (PLAs) on federal construction contracts exceeding \$35 million. NUCA members know this policy will only increase costs, decrease productivity, and potentially cut non-union workers and companies out of these projects. There is a better way forward. We need your help to demand Congress pass the Fair and Open Competition Act (H.R. 1209/ S.537), which would stop government mandated PLAs. We need your help to support the bill's reintroduction—go to [nuca.com/actionalert](https://nuca.com/actionalert) to send a short letter to your lawmakers today!

### **House Seeks To Overturn WOTUS Changes**

The U.S. House of Representatives voted 227-198 on March 9 to overturn the Biden Administration's new "Waters of the United States" (WOTUS) Rule. If signed into law, H.J. Res. 27 would ease regulatory burdens for small businesses, manufacturers, infrastructure builders, local communities, water districts, and ordinary Americans by invalidating the Biden Administration's overreaching rule redefining WOTUS under the Clean Water Act. NUCA released a letter supporting the House's actions.

### **Hafeli Addresses NUCA Annual Meeting on Suicide Prevention**

At the Annual Meeting, Vince Hafeli of Ajax Paving addressed a very serious topic in our industry: suicide prevention. Last month, NUCA, our Chapters, and the construction industry pledged to address the sensitive topic of employee suicides. One is too many, and they are all preventable. Hafeli is taking the lead to initiate the national campaign promoting awareness of suicide and mental health wellness in the construction industry. He is taking this message to events across the U.S. over the next 18 months, collecting signatures from those who agree with his proclamation and want to change our conversations. Hafeli will be joining NUCA on our podcast in a few weeks to talk about his message. We urge you to sign his digital version, hosted at [www.theasphaltpro.com/suicide-proclamation](https://www.theasphaltpro.com/suicide-proclamation).

### **NUCA Assurance: Construction-Focused Group Captive Business Insurance Only For NUCA Members**

NUCA Assurance is a new member benefit, tailored to our association and our industry! NUCA Assurance is construction-focused group captive program owned by members and offers a host of insurance benefits to business owners. It is designed by insurance experts with construction backgrounds to deliver the claims control and risk-management to support smart business owners. We are sending all NUCA members more information on this new benefit and how NUCA Assurance compares to your existing business operations insurance. To learn more about this new member benefit, go to [nucaassurance.com](https://nucaassurance.com).

# SAFETY NEWS

By Jeff Blomgren  
Safety Director at Petticoat-Schmitt Civil Contractors

## CPR/First Aid and AED Training

### “DO SOMETHING”

Most of America was watching January 2 when Damar Hamlin received CPR on the field when he went into cardiac arrest during the game in Cincinnati. For nine minutes, the Bills' medical staff performed CPR and used an AED to restart his heart and they were credited with saving his life. Training in CPR /First Aid and AED is essential in any safety program. You never know when you might need it. Having at least one person on every crew trained in CPR/First Aid and AED is a best practice for companies like ours. Research shows that 9 out of 10 people will die outside of a hospital environment unless a bystander performs CPR. Brain damage can start in four minutes and death in ten if CPR is not performed. Average response time for emergency services is ten minutes, that's why being able to respond with CPR is so important. It's a matter of life and death.

Many people are hesitant to perform CPR for various reasons. Fear of breaking ribs, mouth to mouth concerns, hesitation about using an AED or fear of legal ramifications are all concerns used as reasons not to become involved. The breaking of ribs is a reality. It might happen. But what is the alternative? Mouth to mouth doesn't have to be done. Hands-only CPR is also effective. Most domestic applications, where it's a child or spouse or family member, mouth to mouth hesitation isn't an issue because it's family but for those with concerns, hands-on is “doing something” that can help prevent brain damage and death.

AEDs are not complicated. AEDs are designed to be used by anyone with prompts that are an audio descriptive of every phase of effective use. Pictures and lights coach the user, and the AED is designed to detect a heartbeat and will not shock if it detects a heartbeat.

Good Samaritan laws are in place in all 50 states. The good Samaritan law is designed to protect the person or workers who are giving reasonable assistance to someone in peril or injured as long as they are acting in good faith, in line with their training and performing a lifesaving act.

CPR and First Aid training has expiration dates and renewal is essential to maintain the credentials but the training is not complicated and is readily available through many sources including on line, classroom and in house certified trainers. There's really no reason not to have workers qualified to perform CPR/First Aid and to use an AED. You never know when those skills may be needed.







## JACKSONVILLE JUMBO SHRIMP TICKET ORDER FORM

**May 11th**

Tickets are \$34 each and include your game ticket as well as an All-You-Can-Eat Buffet of hamburgers and hot dogs, potato chips, cookies, soda and water. Food service begins at 6:00 pm and lasts for 90 minutes. Game starts at 7:05 pm. Tickets will be emailed to you.

NAME: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

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

Email address: \_\_\_\_\_

# of Tickets \_\_\_\_\_ @\$34/ticket      Total Ticket Cost \_\_\_\_\_

Payment: \_\_\_\_\_ Check (NUCANF) \_\_\_\_\_ Bill my account \_\_\_\_\_ Charge credit card\*

Credit Card #: \_\_\_\_\_ Billing Zip: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ V-Code: \_\_\_\_\_

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.

Name on card: \_\_\_\_\_

\*A 5% processing fee will be added to all credit card charges.

Please complete and email to [nucanf@gmail.com](mailto:nucanf@gmail.com) by Friday, May 5th.

# NEW MEMBER SPOTLIGHT

## WE ARE EXPERTS IN SITE DEVELOPMENT



EARTHWORK &  
CLEARING



STORM DRAIN & WATER  
+ SEWER INSTALLATION



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### CONTACT US



904-779-5353



[www.jaxum.com](http://www.jaxum.com)



## **WELCOME NEW MEMBERS**

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

### **Walthall Oil Company**

Contact: John Roberts  
7107 Stuart Avenue  
Jacksonville, FL 32154  
Phone: 904-619-4946  
Email: [jroberts@walthall-oil.com](mailto:jroberts@walthall-oil.com)  
Website: [walthall-oil.com](http://walthall-oil.com)

### **Jax Utilities Management, Inc.**

Contact: Steve Jordan, Chief Financial Officer  
5465 Verna Blvd  
Jacksonville, FL 32205  
Office: 904-779-5353  
Cell: 904-657-3279  
Email: [steven@jaxum.com](mailto:steven@jaxum.com)  
Website: [jaxum.com](http://jaxum.com)

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### **Leppo Rents - Bobcat of Jacksonville**

Contacts: Gerald Turner, Location Manager  
Kathy Donegan, Marketing Manager  
1182 Suemac Road  
Jacksonville, FL 32254  
Phone: (904) 288-9181  
Email: [Gerald@lepporents.com](mailto:Gerald@lepporents.com)/[kathyd@lepporents.com](mailto:kathyd@lepporents.com)  
Website: [lepporents.com](http://lepporents.com)

New member spotlight article on page 14







**It's A New Congress.  
It's Time For New Ideas.**

**May 15–17, 2023**



Infrastructure must be on the agenda for the new 118th Congress.

NUCA's members are coming to Washington this spring to make it happen during the 2023 Washington Summit.

Our 2023 Advocacy Goals Include:

- **Private Activity Bonds (PAB):** Unlocking Private Finance for Infrastructure
- **Implementing the Infrastructure Investment and Jobs Act:** Five Years Of Funding
- **Workforce Development:** Finding Our New Employees / Immigration and H-2B Visa Reforms
- **Lead-Pipe Replacement:** Delivering The Right Resources To Finish The Job
- **Your Chapter's Government Affairs Agenda Items**

**WeDigAmerica.org | #NUCASummit**

At this year's Summit, meet in-person with your lawmakers. We'll provide fact sheets, advocacy training and timely lobbying updates. And we'll wrap it all up with our evening Congressional Reception. Lobby Day is May 17.

Registration and hotel information:  
**WeDigAmerica.org**





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# JOIN US 2023 CONSTRUCTION HIKE FOR HOPE

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**SATURDAY, APRIL 15, 2023**

Join Us ***Virtually*** or In-Person  
See hike locations:

JACKSONVILLE - ORLANDO

PANAMA CITY - PEMBROKE PINES - TAMPA

SCAN TO REGISTER



[www.afsp.org/construction](http://www.afsp.org/construction)



# NEW MEMBER SPOTLIGHT

## LEPPO RENTS

SALES • RENTAL • PARTS • SERVICE • TRAINING

OWN IT • LEASE IT • RENT IT • REPAIR IT

### Leppo Rents Acquires Bobcat of Jacksonville!

Leppo Rents - Bobcat of Jacksonville  
1182 Suemac Rd. Jacksonville, FL 32254  
Open Monday thru Friday from 7am-5pm



#### OUR SERVICES



##### SALES

- New & used equipment
- Leasing & financing options available
- Certified Pre-owned Bobcat Equipment
- Contact us for a quote & for special offers



##### RENTAL

- Quick, easy, & efficient rental process
- Expertly maintained fleet
- Pro-rated pricing
- Pick up and delivery options available



##### PARTS

- Certified Dealer
- New parts
- Used parts
- Re-manufactured parts



##### SERVICE

- Manufacturer trained technicians
- Certified annual inspections
- Service available in our shops or in the field

#### WHY LEPPRO?

*Leppo Rents is your premier construction equipment dealer and rental house!*

- ✓ **Own it, lease it, rent it, repair it** – we are here to support all of your equipment needs.
- ✓ **We are guided by the Leppo Way and we will:**
  - Meet Our Commitments - Make Good Decisions
  - Be Thorough - Ask Questions
- ✓ **We say “yes” for your success:**  
We support the success of all our customers, coworkers, communities, and vendors.
- ✓ **We have the right equipment for the job** – offering the big and small tools you need for your next project. You can rely on our quality and maintenance to get the job done on time.

#### ABOUT US

Founded in 1945, Leppo Rents is a full-line Bobcat equipment dealer offering sales, rental, service, parts, and training. In addition to Bobcat, Leppo carries JLG, will be the Bandit dealer in North Florida, and will also carry many other top brands.

Equipment lines range from compact, heavy construction, and access equipment including track loaders, skid steers, tractors, mowers, excavators, wheel loaders, telehandlers, scissor lifts, boom lifts, and more.

We have locations in Alabama, Florida, and Ohio!



**TEXT OR CALL US**  
**904-288-9181**



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