

# THE FLOW

## Upcoming Events

January 16th  
**Safety Director's Forum**  
**Northeast Florida**  
**Safety Council**  
**11:30 am**

January 18th  
**Installation of Officers &**  
**Annual Meeting**  
**Maggiano's**  
**6:00 pm**

February 16th  
**Jacksonville Icemen**  
**See flyer with link**  
**On page 17**



## DECEMBER 2023

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## 2023 OFFICERS & BOARD OF DIRECTORS

### EXECUTIVE COMMITTEE

#### **President**

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#### **President-Elect**

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Paul Gilsdorf, Haskell

#### **Vice President II**

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

#### **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

Joseph Geiger, Cemex

Billy Hood, J. B. Coxwell Contracting

Tommy Hyatt III, Florida Roads Contracting

Valinda Krynicki, United Rentals

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Chance Leonard, ECS Florida

Rick Parker, Rinker Materials

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Dean Vanzant, A. J. Johns, Inc.

Barry Watson, Fortiline Waterworks

Chris Wilson, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

### PRESIDENT'S MESSAGE

Happy holidays everyone!! I hope you and your family are ready for a Merry Christmas as SANTA is right around the corner!! I want to extend my sincere appreciation to all the NUCANF members, sponsors and all who represent our outstanding organization. Without everyone's continuous support, none of what we do would be possible.

December, how did we get here so fast, the year has came and went like the speed of light. As expected, the month of November was just as busy as the rest. We continued serving our members, held several great events and had an outpouring of attendance. The clay shoot was heavily attended and sold out for both morning and afternoon shoots, as well as our annual TopGolf event for a very successful night of fun for all our members.

During the month of December we will be taking a break from events & meetings to let everyone recharge for next year and spend time with family. In 2024 we have a number of events already on the books, and on track to continue serving our members with records numbers. Our goal is to continue providing new, rewarding ways for our members to network and engage, while providing guidance and pathways to better our industry and local economy. If there is something specific you would like to see as an event, community outreach or bettering the young leaders of tomorrow...please reach out to us, we are always open to new ideas.

As I write you for the final month of my term, I would like to give thanks and much appreciation to the leadership before me, the executive committee and board of directors for entrusting me with this position over the past year. We have accomplished a lot throughout 2023, continued our influence with local government leaders, networked with countless associates and had a positive impact on our local community. I hope I have served all of you well and I owe a debt of gratitude for allowing me to serve this great organization.

\*Please join us on January 18<sup>th</sup> as we kick off the new year of 2024 by welcoming our new leadership and installation of officers at Maggiano's Restaurant.

From my family to yours, I wish everyone a wonderful and blessed holiday season.

MERRY CHRISTMAS,

*Tim*

## 2023 NUCA of North Florida

### Monthly Sponsors

#### Diamond Sponsor

Sunbelt Rentals  
Sunstate Equipment  
Trench Safety  
United Rentals  
Trench Safety

#### Platinum Sponsors

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A.J. Johns Inc.  
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Lippes & Bryan  
Petticoat-Schmitt Civil  
Contractors  
Rinker Materials

## CALENDAR OF EVENTS

### Upcoming Events

Dec. 12th

**Executive Committee Meeting  
!2:00 Noon**

Jan. 9th

**Executive Committee  
3:30 pm**

Jan. 16th

**Safety Director's Forum  
Northeast Florida Safety  
Council  
11:30 am**

Jan. 18th

**Installation of Officers &  
Annual Meeting  
Maggiano's  
10367 Midtown Parkway**

Jan. 30 & 31st

**NUCA of Florida  
Legislative Days**

# **The Law and Your Business**

## ***The Law and Your Business – Dangerous Instrumentality***

***Tony Zebouni, Lindell, Farson & Zebouni, P.A.***

A recent Florida Supreme Court case ruled on a matter that involved the dangerous instrumentality doctrine. A dangerous instrumentality can be many things, including but not limited to vehicles, but not farm equipment. Florida law does not permit an automobile owner to authorize another to use such instrumentality on the public highways (waterways, etc.) without imposing upon such owner liability for the automobile's negligent use.

The doctrine serves to hold financially responsible those who originate the dangers incident to the operation of automobiles by entrusting such dangerous instrumentalities to others. Persons having an identifiable property interest in, such as, a bailment, rental, or lease of a vehicle, not just title owners, could be liable under the doctrine.

Florida stands alone among the states in adhering to the dangerous instrumentality doctrine as a means of holding an automobile owner responsible, under most circumstances, for the negligent use of his or her vehicle by another.

This is a case about an automobile accident involving a family car. The family member did not own the car but was using it with consent of the owner. Florida law provides that the owners of automobiles in this state are bound to observe statutory regulations of their use, and assume liability commensurate with the dangers to which they or their agents subject others in using the automobiles on the public highways, and accordingly, the principles of the common law do not permit an automobile's owner to authorize another to use such instrumentality on the public highways without imposing upon such owner liability for the automobile's negligent use.

A rental agency was financially responsible for the negligent operation of its vehicle by a person not named in the rental contract, even though the individual who had rented the car agreed in the contract to be the sole driver under the “non-delegable nature” of ownership liability under the dangerous instrumentality doctrine. This liability extends to use of your personal vehicle, boat, airplane, etc. to family members, friends, and employees.

*BRUCE KYLE EMERSON v. KYLE MICHAEL LAMBERT*



## 2023 CLAY SHOOT MORNING RESULTS

**1st Place: J.B. Coxwell**  
**Score: 367**



**2nd Place: United Rentals Fluid Solutions**  
**Score: 350**



**3rd Place: Nextran**



**Top shooter: Chris Johnson, Sawcross**  
**Score: 332**



**Score:**

94



## 2023 CLAY SHOOT AFTERNOON RESULTS

**1st Place: TB Landmark  
Score: 344**



**2nd Place: Case Power & Equipment  
Score: 341**



**3rd Place: Cecil W. Powell & Company  
Score: 315**



**Top shooters: Mark Fabien & Jared Griffis  
Score: 94**



### Raffle Winners:

<b>\$1,000 Cash</b>	<b>Beau Surrency</b>
<b>Gun Case</b>	<b>Tyler McKendre</b>
<b>Gun Case</b>	<b>Ashton Milam</b>





## House Passes Water Infrastructure Cuts, Battle Moves To Senate

The U.S. House [passed 213-203](#) on Nov. 3 its version of the controversial FY 2024 Interior-Environment Appropriations bill (HR 4821), which contained nearly \$2 billion in cuts to the annual clean and drinking water State Revolving Funds (SRF) resources used by our industry to build projects. Three Republicans broke ranks with their party to vote against the bill, with at least one ([Rep. Marc Molinaro \(R-NY-19\)](#)) doing so because of the cuts to water infrastructure. See how your own lawmaker voted.

The battle now shifts to the U.S. Senate, where its bipartisan version of this appropriations bill keeps SRF funding at FY2023 levels. Long and arduous negotiations between chambers are all but a certainty, and SRF funding is caught in the middle. NUCA lobbyists and staff have been working diligently to inform lawmakers of the consequences of the House proposal, which would effectively cancel out much of the anticipated positive impact of the 2021 Infrastructure Investment and Jobs Act's investment upon America's water and wastewater infrastructure.

While NUCA won't ever stop fighting for badly necessary increases in annual SRF funding, NUCA will work to push Congress to at the very least go with the Senate's figure in the upcoming bicameral negotiations. Congress is moving towards passing a Continuing Resolution to extend government funding at current levels until January and February 2024, making it all but guaranteed that negotiations over appropriations--and water infrastructure funding--will drag on into next year.

NUCA is urging all members to send their federal lawmakers our [Muster advocacy letter](#) demanding Congress pass the Senate's version of this bill. Please take a minute today to click on the link and urge your lawmaker to reverse these catastrophic cuts before it is too late.

Send Our Muster Alert To Your Lawmaker: Restore The FY2024 SRF Funding!

If you couldn't be part of our Nov. 8 advocacy program, you can still make a difference! The House's existing FY2024 Interior/EPA appropriations bill cuts a catastrophic \$2 billion from federal clean water SRF programs. If this cut goes into effect – and is not reversed this year or in the near future, it could potentially even lead in a few years to the industry's State Revolving Funds completely running out of funding!

Use our Muster advocacy email to tell your U.S. Senate and House lawmakers to restore this funding to the final bill!

It will only take a minute of your time. Click on our Muster link: <https://mstr.app/df417efa-39ee-4875-af4b-9c0d6f7125a0>

## Safety Pros: Attend The Safety Damage Prevention Conference, Jan. 25-26, 2024

NUCA's annual Safety Damage Prevention Conference offers a unique opportunity for members involved in safety and damage prevention to hear from experts on a wide variety of topics that impact the industry, and network with others from across the country. This conference also provides an opportunity to address and strategize how members can better navigate complex damage prevention issues. If you're an industry safety professional, mark your calendars for January 25-26, 2024, held at the Hyatt Centric French Quarter hotel in exciting New Orleans, Louisiana. More information will be found at [nuca.com/sdpc](https://nuca.com/sdpc).

## 2024 Annual Convention & Exhibit: Registration Is Open

NUCA's 2024 Annual Convention & Exhibit is just four months away! Have you made your plans yet to attend? Join us next Mar. 20-23 in Palm Springs, California for the industry's best networking, educational sessions, industry awards, and much more. Our destination at the Hyatt Regency Indian Wells Resort & Spa will entice you and your guest with its many delights. Registration is now open at [NUCADigs.com](https://NUCADigs.com).

# SAFETY NEWS

By Jeff Blomgren

Safety Director at Petticoat-Schmitt Civil Contractors

## **Why are we Late? What does being late have to do with safety?**

One of the major losses of productivity in any workplace is being chronically late. We are all late at some time or other but those that are continuously tardy are the ones that affect us most. Railroads used to run on timetables. Watches were calibrated and inspected annually to ensure on time performance. Military operations would fail if punctuality was an option putting soldiers and missions at risk. Schedules have meaning. Time limits are set and exceeding those limits can result in penalties such as LDs. Sometimes rushing to get things done on time can result in unnecessary risks. So, if time is so important, why are some of us late? Is it personalities, habits, or circumstances beyond our control? There's an interesting quote; "You can always make more money, but you can't make more time." Efficient use of time is a benefit in many ways. It creates an environment where self-discipline is valued, and where respect for others is evident and a safe work environment is valued. Things get done safely because there is a common commitment to the process. So, why are people late?

Most often, chronic lateness is the result of learned behavior. Punctuality is a learned quality. Accountability for being on time is something that used to be taught. However, with the tolerance level of most things relaxing more and more, attendance and tardiness does not have the same importance it once did and yet the effects of tardiness cost the industry millions every year in lost production and missed deadlines. Then there is the added problem of morale when on time employees must take up the slack for those who are chronically late. What can we do about it? With the labor market where it is today, retention is very important but so is an effective workforce. If the employee is capable of good workmanship, we are often reluctant to correct negative behavior and tolerate that behavior at the expense of the resentment of those employees who are all doing the right thing.

What can we do about it and why is it important? Establish a lateness policy and communicate it. Define lateness. How late is late? Excused absences. Consequences. Set expectations. Develop a plan for struggling employees. The bottom line is that companies can only run effectively and safely when employees work together as a team. That means everyone shows up on time and strives for excellence.

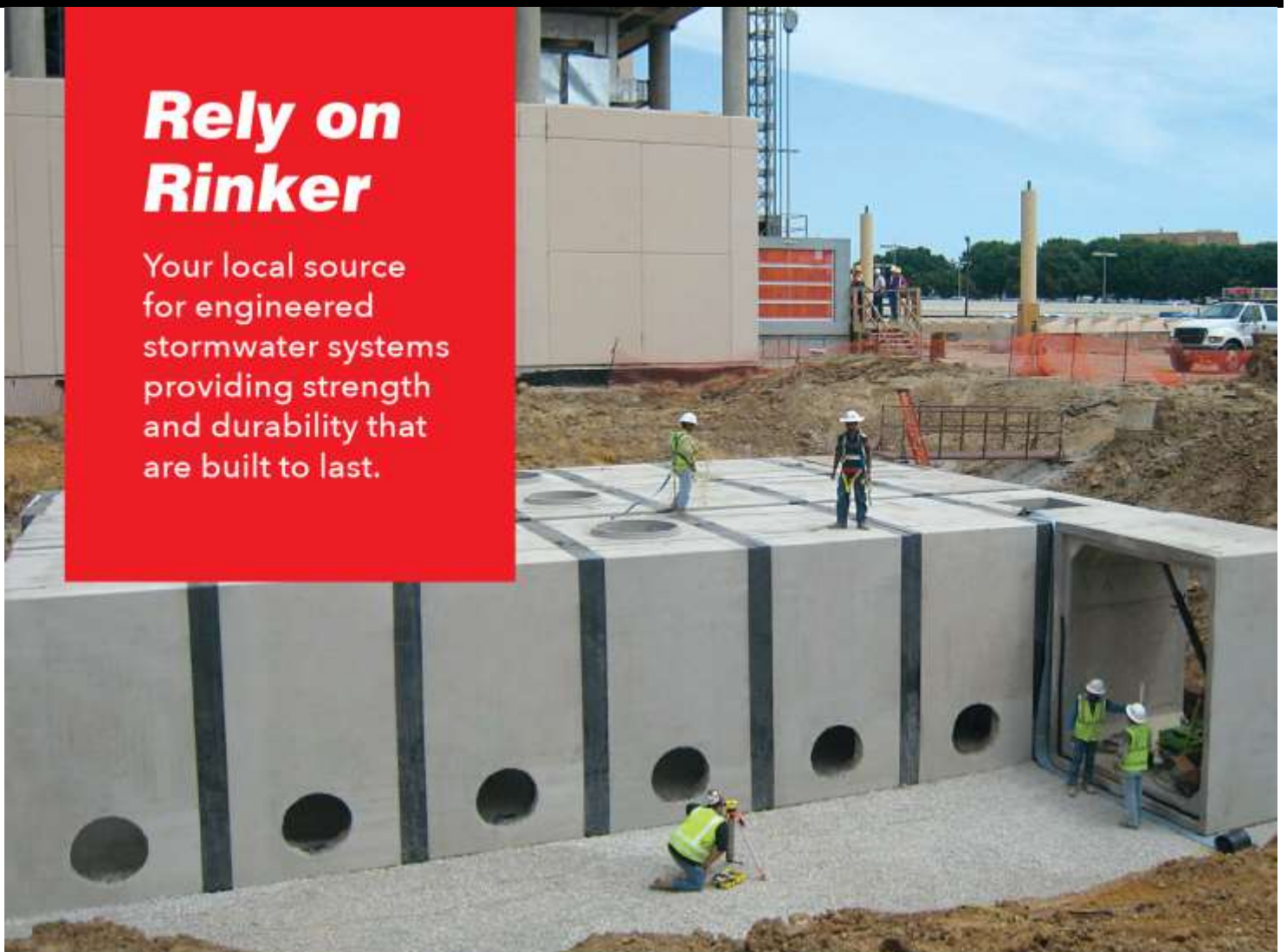




## DECEMBER FEATURED SPONSOR

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and durability that  
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## 2023 NUCANF SPORTING CLAY SPONSORS

### GOLF CART SPONSOR

Ring Power Corp.

### HAT SPONSOR

Alta Equipment Company

### RAFFLE SPONSOR

Beard Equipment Company

### SPECIAL CLAYS SPONSOR

Sunstate Trench Safety

### PLATINUM SPONSORS

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County Materials Corporation  
Duval Asphalt Products  
ECS Florida, LLC  
J.B. Coxwell Contracting, Inc.  
Linder Industrial Machinery

Martin Marietta Materials  
Pipeline Constructors Inc.  
Sunbelt Rentals, Inc.  
TB Landmark Construction, Inc.  
Vallencourt Construction Co., Inc.  
Vermeer Southeast

### GOLD SPONSORS

Case Power & Equipment  
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Godwin Pumps

John Woody, Inc.  
Ritchie Bros Auctioneers, Inc.  
T.G. Utility Company, Inc.

### STATION SPONSORS

A.J. Johns, Inc.  
Florida Pumping Solutions, Inc.  
Gate Fuel Service, Inc.  
J.B. Coxwell Contracting, Inc.  
Linder Industrial Machinery  
Sawcross, Inc.

Sunbelt Rentals, Inc.  
Sunstate Equipment Co. LLC  
Synergy Equipment  
T.G. Utility Company, Inc.  
United Rentals Fluid Solutions  
United Rentals Trench Safety

## **2023 CLAY SHOOT A BIG SUCCESS!**

We started our clay shoot bright and early with registration opening at 7:30 am. We had beautiful crisp weather for the morning shoot. Both morning and afternoon teams enjoyed spending time together over lunch. New this year, we presented awards to the morning teams prior to the afternoon teams heading out. See morning team results on page 5.

The afternoon group had to contend with much warmer temps which may have impacted their scores as J.B. Coxwell the first place team from the morning shoot also ended up as the top overall team for the day with a score of 367.

Thank you to everyone who purchased raffle tickets. Congratulations to the big winner Beau Surrency who won the \$1,000 cash prize. Thank you to Sunstate Trench Safety for donating two gun cases which were won by Ashton Milam and Tyler McKendree.

Our shoot has gotten extremely popular. This year we were sold out in one week. We thank all of our sponsors. Please be sure to see the list on page 10. We appreciate everyone who came out to shoot. Most importantly, thank you to our awesome registration helpers the day of the shoot, Molly Berry, ATS, Kim Bryan, The Hutson Companies, Valinda Krynicki, United Rentals Trench Safety and Ashton Thigpen, TB Landmark. A shout out to Marty Adams Chairman of the Clay Shoot and members of the Clay Shoot committee for their help in planning the event and helping recruit sponsors.

We are always looking for feedback for things that you liked or ways to improve this event. Please let Marty or Kathy know if you have any suggestions or if you would like to serve on the committee.

We have already booked our event for next year. Mark your calendars for election day, Tuesday, November 5, 2024.



## MORNING SHOOT PHOTOS





## AFTERNOON SHOOT PHOTOS





## **TOPGOLF EVENT RAISED \$11,500 FOR SEAMARK RANCH**

Thanks to the generous support of our members, we raised a total of \$11,500 at our recent event at Topgolf. We had over 60 members and guests registered for this event. It's always a big hit with our members who look forward to it every year and Seamark Ranch is grateful for our support. It was nice to see that several members brought their kids out to play some golf.

Thank you to our Bay Sponsors for their support. Please see the list of our bay sponsors on page 13.







## **2023 TOP GOLF BAY SPONSORS**

**American Precast Structures, LLC**

**Beard Equipment Company**

**County Materials Corporation**

**Custom Pump & Controls, Inc.**

**J.B. Coxwell Contracting, Inc.**

**John Woody, Inc.**

**Linder Industrial Machinery**

**Martin Marietta Materials**

**Oldcastle Infrastructure**

**Walthall Oil Company**



### **2024 MEMBERSHIP DUES INVOICES**

**Your company should receive your invoice for your 2024 NUCA of North Florida Membership Dues either by email or via USPS in early December. Payment is due January 31st. If you don't receive an invoice, please email me at [nucanf@gmail.com](mailto:nucanf@gmail.com).**





# NUCA

REPRESENTING UTILITY & EXCAVATION CONTRACTORS  
NORTH FLORIDA

Save the date for February 16<sup>th</sup> at 7:00pm!

As part of the NUCA promotion, guests are able to purchase a discounted ticket to the game. Price is \$20 a ticket. If you want to add a \$20 food/beverage voucher, select the \$40 option once you are getting your tickets.

Scan the QR code or visit the link below for more details!

TO PURCHASE TICKETS, PLEASE VISIT:

[JAXICEMEN.COM/NUCA23](http://JAXICEMEN.COM/NUCA23) OR SCAN THE QR CODE!



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



# NEW MEMBER SPOTLIGHT

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#### **BARMESA**

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#### **CPC SYSTEMS**

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### CONTROLS:

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#### **PRIMEX CONTROLS**

Float series panels, Variable frequency control systems, Hydro-pneumatic control system, Miami-Dade approved water & sewer panels

#### **OHIO ELECTRIC CONTROLS**

Pump system controllers, Duplex and simplex control panel parts & components

#### **SIGNALS BY CPC**

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#### **ANCHOR SCIENTIFIC/SJE RHOMBUS**

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#### **IXOM**

Air-powered wastewater mixers

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Tampa, FL 33610  
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## DECEMBER FEATURED SPONSOR



### **Constructing Happiness: How Petticoat-Schmitt's Digger Day™ Transforms Dirt Into Delight**

Imagine a day where laughter echoes louder than engines, and joy digs deeper than machines. In the vibrant spirit of 2022's inception, Petticoat-Schmitt's Digger Day™ has transformed into a sought-after spectacle that fuels anticipation among both the young and the young at heart, alongside the incredible families connected with The Child Cancer Fund.

Picture this: the sun painting the sky in hues of optimism, more than 30 families converging for a day that's destined to be "dug" into their hearts forever. The 2023 chapter of this enchanting event welcomed them all with open arms, setting the stage for an unforgettable journey.

For the kids, it was a day to seize control of colossal machines, to steer their dreams across fields of imagination. But that wasn't all – there were faces transformed into living art, a bounce house bouncing with boundless energy, and the magic of sand art capturing fleeting moments. And what's a celebration without pizza that's as warm as the smiles it brought, paired with cold drinks that quenched both thirst and soul? It was more than a field of dirt; it was a realm where love and hope took root.

Behind the scenes, the magic was conjured not only by Petticoat-Schmitt but by the symphony of 28 compassionate companies, many of whom stand proudly as members of the National Utility Contractors Association (NUCA). These organizations, united in purpose and bound by professionalism, exemplify the highest standards in the industry.

Their joint commitment to Petticoat-Schmitt's mission of "building life-changing infrastructure" wasn't confined to construction sites. It manifested in the shared vision of bringing positive change beyond projects, extending a helping hand to those who need it most. As NUCA members, these companies showcased not only their dedication to the industry, but also their giving heart, underscoring that the spirit of community and the pursuit of excellence go hand in hand.

The fruits of this harmonious collaboration? A resounding \$33,000 raised, every dollar a testament to the power of unity and the resilience of love. As the sun set on Digger Day™, the echoes of happiness lingered, etching memories that will forever inspire. Petticoat-Schmitt extends its heartfelt gratitude to every NUCA member and every compassionate soul that made this day more than an event – it became a legacy of support, strength, and unwavering belief in the magic of unity.

### **Looking Forward to 2024: Expanding the Joy, Engaging More Hearts**

As the wheels of excitement slow down from Digger Day™ 2023, Petticoat-Schmitt is already gearing up for the next chapter. In 2024, we commit to reaching even greater heights of joy and impact. Our vision is to welcome more NUCA members into the fold, expanding the collective strength and passion that makes this event extraordinary.

The heart of Digger Day™ lies in the smiles of children and the warmth shared by their families through the Child Cancer Fund. The love and joy generated by Digger Day™ are contagious, and in the coming years, we aspire to spread this contagion even further. Our ongoing commitment is not just to build infrastructure but to build connections, foster hope, and make a lasting difference. Together, let's make Digger Day™ 2024 an even more incredible celebration of unity, compassion, and the boundless possibilities that unfold when hearts come together.

