

THE FLOW

Upcoming Events

May 9th
**Board of Director's
Meeting**

May 11th
**Jumbo Shrimp Night
Sold Out**

May 16th & 17th
NUCA Washington Summit

June 6th
**Safety Director's Forum
Trench Safety Stand Down
Kick-off Event**

June 19th to 23rd
**Trench Safety Stand Down
See info on page 15**

MAY 2023

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PRESIDENT'S MESSAGE

Hello Fellow NUCA members,

Happy spring to everyone, I am hoping these past April showers will bring some needed May flowers. We are definitely in the prime season to get some work done. A big thank you to our members, generous monthly sponsors, and constant contributors to this wonderful organization. We would not be able to better our industry, fight for our cause nor operate this efficiently without your continuous support.

This past month we held our annual golf tournament at St Johns Golf & Country club. A successful event would be an understatement, as we had an outpouring of players, more vendors than I can count showcasing their services and products, and an overall great time that was had by all. I can't thank Kathy and our golf committee enough for the tireless work they put in to make this event a huge success.

There are a lot of things happening on our state level right now. Many new bills, rules, budgets, political races...etc. so get involved, research topics related to your industry, speak to your local politicians and voice our concerns regarding our trade. As a common loud voice, we can be heard. If you have any questions about where to start, reach out to Kathy or myself, we would be glad to help.

We have some wonderful summer events on the horizon. The Jumbo shrimp game is happening May 11th, bring the family or friends and enjoy some baseball and hot dogs at the ball park for America's favorite past-time. Our next man up class is in the works, so be on the lookout for some free training exercises coming soon for your next class of leaders. Stay tuned for more details.

I will leave you with this (for the month). Leave today better than you did yesterday. Find someone new, unaware to NUCA or this utility business for that matter, and tell them about this great industry. Plant a seed, foster it, and be persistent. We need the next generation of men & women to step in and step up. I was beyond blessed to be raised and taught around good men & women who cared enough about the next generation of workers to plant that seed in me at a very young age. I owe them everything, without that seed, I would not be where I am today. We never know when our last day will come, as we are all on borrowed time. Just like young children, if we don't show them...who will? It's up to you...!!!

Until next month,

Tim Gaddis Jr.

2023 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

Sunbelt Rentals
Sunstate Equipment
Trench Safety
United Rentals
Trench Safety

Platinum Sponsors

Beard Equipment Company

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Nimnicht Chevrolet
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Silver Sponsor

A.J. Johns Inc.
Benchmark
Gate Fuel Service, Inc.
John Woody, Inc.
Lippes & Bryan
Petticoat-Schmitt Civil
Contractors
Rinker Materials

CALENDAR OF EVENTS

May 9th

Board of Director's Meeting

May 11th

Jumbo Shrimp Night

May 16th & 17th

NUCA Washington Summit

June 6th

Safety Director's Forum
TSSD Kick-off Event

June 6th

Executive Committee Meeting

June 19th –23rd

Trench Safety Stand Down

July 13th

Board of Director's Meeting
Scholarship Night
Aloft Tapestry Park

July 19th-22nd

NUCA of Florida
Conference

Ritz Carleton, Sarasota

August 19th

Annual Fishing Tournament
NEFMA
St. Augustine

The Law and Your Business

The Law and Your Business – Public Records-Recovery of Attorney Fees

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

Many of you have bid and contracted, or intend to bid, with Public Entities in Florida. Often you may have a question or dispute and seek additional information. The Florida Public Records Law (Ch. 119) is a valuable mechanism to obtain reliable information from the government, absent filing a lawsuit. A recent appellate decision clarifies the requirements for recovery of attorney fees under Section 119, F.S.

Section 119.12(1)(b) requires a complainant to provide a separate “written notice identifying the public record request” before the plaintiff may recover attorney's fees in an enforcement action. In May 2019, the Plaintiff requested public records from the City related to a law enforcement matter. Plaintiff emailed this request to the City's Police Department and the City Clerk, who serves as the City's records custodian. After five months without response, Plaintiff filed suit to enforce his request. Only then did the City produce the requested public records. The City admitted that it wrongfully delayed delivery of the requested public records.

Section 119.12(1) -- titled “Attorney fees” -- provides in pertinent part:

(1) If a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that:

- (a) The agency unlawfully refused to permit a public record to be inspected or copied; and
- (b) The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.

Unfortunately, the Plaintiff's sole communication with the city -- his emailed public record request itself -- did not satisfy the requirements of section 119.12(1)(b)'s requirement that he provide “written notice identifying the public record request.”

For purposes of determining eligibility for an award of attorney's fees, that public record request must satisfy section 119.12(1)(b)'s requirement that the complainant provide “written notice identifying the public record request,” triggering the five-day notice period before a civil enforcement action could be filed. Plaintiff's failure to properly follow the requirements of the statute resulted in a failure to recover attorney fees. *Roldan v. City of Hallandale Beach*.

GOLF TOURNAMENT RESULTS

We had an absolutely perfect day for golf on April 18th for our annual golf tournament. This year, our tournament was sold out in a record 14 days. Thank you to everyone who sponsored or played in the tournament. A special thank you to our registration helpers Valinda Krynicki, Molly Berry, Kim Bryan and Joe Geiger. If you have any feedback about our event, please email Kathy at nucanf@gmail.com.

**1st Place Team:
Vallencourt
Construction
Score: 48**

**2nd Place Team
Sunstate Equipment
Score: 48**

**3rd Place Team
Petticoat-Schmitt
Score: 47**



See our sponsor list on page 6 and photos on page 10, 13 and 14.

Contest Winners

Closest to the Pin #5

Longest Putt

Skirts for Steak

Liquor Raffle

Bourbon

Walter Crabtree

Parker Touchton

Billy Kickham

Dennis Armstrong

Austin Hattaway

Platinum Sponsor—Beard Equipment Company

Vendor Showcase Participants

All Pro Asphalt, Inc.	Leppo Rents - Bobcat of Jacksonville
Alta Construction Equipment, LLC	Linder Industrial Machinery
Beard Equipment Company	MWI Pump Rental
Case Power & Equipment	Oldcastle Infrastructure
Cecil W. Powell & Company	Rinker Materials
Company Wrench, LTD	Sunstate Equipment Co. LLC
Duval Asphalt Products	Truemont Materials
Florida Pumping Solutions, Inc.	United Rentals Trench Safety
Fortiline Waterworks	Vac-Con, Inc.
HB NEXT	Walthall Oil Company

Event Sponsors

Advanced Drainage Systems	Raffle Sponsor
American Ductile Iron Pipe	Registration Sponsor
Beard Equipment Company	Platinum Sponsor
Ferguson Waterworks, Inc.	Dinner Sponsor
J.B. Coxwell Contracting, Inc.	Lunch Sponsor
Martin Marietta Materials	Beverage Cart Sponsor
McGriff Insurance Services	Trophy Sponsor
Pipeline Constructors Inc.	Dinner Sponsor
Ring Power Corporation	Dinner Sponsor
Ritchie Bros Auctioneers, Inc.	Dinner Sponsor
T.G. Utility Company, Inc.	Longest Drive Sponsor
Vallencourt Construction Co., Inc.	Lunch Sponsor

Green Sponsors

A.J. Johns, Inc.	J.B. Coxwell Contracting, Inc.
Acme Barricades, Inc.	John Woody, Inc.
American Precast Structures, LLC	Petticoat -Schmitt Civil Contractors
Beard Equipment Company	Sunbelt Rentals, Inc.
County Materials Corporation	Sunstate Equipment Co. LLC
D. Armstrong Contracting	Synergy Equipment
ECS Florida, LLC	United Rentals Trench Safety
Florida Roads Contracting, Inc.	Vermeer Southeast
Gate Fuel Service, Inc.	Vulcan Materials Company



\$6 Billion In Drinking Water SRF Funding Released

The Environmental Protection Agency (EPA) announced April 4 it was releasing over \$6.5 billion for states for projects to upgrade drinking water infrastructure through the [Drinking Water State Revolving Fund \(DWSRF\)](#). These new resources were made possible by the 2021 infrastructure law supported by NUCA. Almost \$3 billion of the funding announced will be provided specifically for lead service line identification and replacement, said EPA. However, about \$45 billion is estimated to be needed to replace all 9.2 million lead service lines in the U.S., an important point our members will be making to lawmakers at our May Washington Summit.

Energy and Permitting Reform Bill Passes House

The U.S. House passed on March 30 by a vote of 225-204 the "Lower Energy Costs Act" (H.R. 1), the GOP bill promoting domestic energy production. H.R. 1 will also institute comprehensive permitting reforms to speed the approval process used for infrastructure construction projects. [According to the GOP](#), the proposed law will increase domestic energy production, reform the permitting process for all industries, reversing anti-energy policies advanced by the Biden Administration, streamline energy infrastructure and exports, and boost the production and processing of critical minerals. The bill's fate in the Senate remains uncertain.

Check Out the Latest Episode of NUCA's Dig This! Podcast Discussing NUCA WINS

Jim Messina, from NUCA WINS and Compatica, and Bob discuss NUCA's reporting app, NUCA WINS, its ability to streamline your reporting processes, its many useful features, its ROI (which could pay for the cost of the app itself), and more regarding this incredible tool exclusively available for NUCA members. Check out this and all [Dig This! Episodes](#) at [nuca.com/podcast](#) or via your favorite podcast platform.

Get Ready For Trench Safety Stand Down Week - June 19-23, 2023

This June 19-23 is the seventh annual Trench Safety Stand Down (TSSD). This is your company's opportunity to talk directly to your employees and others about excavation safety. Companies can conduct a stand-down by taking a break to conduct a toolbox talk or other safety activity to draw attention to the specific hazards related to working in and around trenches/excavations. We hope each NUCA member will participate in our TSSD program and promote June's "Trench Safety Month"! For more information, TSSD materials, and submission details, go to [nuca.com/tssd](#).

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](#).

Are You A Part Of The NUCA-STAR Company Safety Program?

Safety is the utility construction industry's first priority. It is also the top priority of NUCA. To help our members reach that goal, NUCA introduced this summer the NUCA Safety, Training, Awareness and Recognition (NUCA STAR) Program. The NUCA STAR Program was developed by the association's Safety Committee to help evaluate, update, and recognize a member company's safety program and practices. NUCA members who volunteer to participate should see lower incident rates and accidents on their jobsites and in their company facilities. There is no cost to NUCA members. More at [nuca.com/nucastar](#).

What If You Could Spend Less For Your 401k Employee Benefits?

A plan checkup is the most important tool for uncovering cost savings in your employee retirement plan. Because you're a NUCA member, you can now discover whether your existing 401(k) program still works for your benefits package. And a checkup can reveal when it's time to explore a change to a more cost-effective option. If you want to learn more about the NUCA Advantage 401k option today and how easy it is for your company to implement, contact NUCA Advantage program director Christopher Price at 954-625-1531 or by email. NUCA Advantage also offers employee healthcare benefit options, HR tools, standard industry forms, online classes, and much more for your business success. All can be found online at [nucaadvantage.com](#).

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Risk Management – What Is It?

Risk Management Defined

Risk management is the process of identifying, assessing, and controlling risks arising from operational factors and making decisions that balance risk costs with mission benefits.

If someone asks, “What do you do for a living?”, we answer with the appropriate response but really, Risk Management is what we do every day. Risk Management is what our real job is. When we say “our job”, that means all of us. Everything we do has an element of risk. Driving to work or the store, actually doing whatever our occupation is, even when we are doing something fun like boating, fishing, four wheeling, amusement parks, climbing mountains, yard work, honey-do projects, all contain an element of risk. We do, or we should do, a risk management exercise for things we are doing every day. What is it that I’m doing and what is it that could affect my personal safety or the safety of others? What factors or personal decisions do I need to make to control the risks I may face? Let’s take going to the beach for the day with the family as an example. It’s a fun thing but there are risks. It takes a bit of planning. Gas for the vehicle, weather reports, surf conditions, food, sun screen, towels, etc. Just for fun, make a mental list of things that could be a risk or hazard just having fun on a day at the beach. I’m sure you can come up with a significant number of things, but do we just stay home and not go? No! life is meant to be lived. We can’t live in a bubble. We need to work and play and to live life. We have more control over our personal lives but we should also be able to rely on our workplace to be actively identifying assessing and controlling the risks we may face but it’s also up to us individually to make good decision.

Safety professionals are not the only ones responsible for our safety. Ultimately, risk management is up to all of us.

NUCA
of FLORIDA

PUTTING ON THE RITZ



2023 Annual Conference
July 20-22, 2023
Sarasota Ritz Carlton

REGISTRATION OPEN

[CLICK HERE](#)

GOLF TOURNAMENT PHOTOS



WELCOME NEW MEMBERS

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

Garrison Enterprise, inc.

Contact: Elbert G. Basolis, Jr., President

211 W. Elmer Road

Vineland, NJ 08360

Phone: 856-692-6696

Cell: 609-774-3597

Email: Meagan@garrisonenterprise.com

Website: www.garrisonenterprise.com

Business: Line stopping, Wet Tapping & Hot Tapping,

Temporary Water storage, Insertion Values





**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



MORE GOLF TOURNAMENT PHOTOS



MORE GOLF TOURNAMENT PHOTOS



JUNE IS TRENCH SAFETY MONTH!

Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 19–23, 2023

Make plans for your company to participate in the 2023 NUCA Trench Safety Stand Down (TSSD) Week. Being a part of our popular 7th 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. Sponsored this year by NUCA National Partners United Rentals and Sunstate Equipment Co., NUCA and OSHA have teamed up for our annual trench safety program. More than 22,500 employees on 1,967 jobsites from 345 companies participated in the 2022 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.

2023 TSSD Sponsored By

NUCA
We Dig America



Alex E. Paris Contracting
Atlas Excavating
Barber Utilities
Case Construction Equipment
Caterpillar, Inc.
Cemen Tech, Inc.
Core & Main
CNA
Ditch Witch
Efficiency Production
Ferguson Waterworks
Greg Strudwick & Associates
HCSS
HRP Construction
Hymax by Krausz

John Deere
Johnson Bros.
Komatsu America Corp.
L.G. Roloff Construction
McLaughlin Boring Systems
National Trench Safety
Oxford Plastics USA
Petticoat-Schmitt Civil Contractors
Safety Management Services
Sunstate Equipment Co.
Team Fishel
United Rentals
Xylem
Wacker Neuson Corp.

Also Sponsored by NUCA's Safety Ambassadors Club

For more details and TSSD materials: nuca.com/tssd #TSSD23 #TrenchSafetyMonth

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FROM EARTHMOVING MACHINERY TO COMPACT EQUIPMENT and so much more. Alta Equipment Company has the right tools for any job. With a full selection of available attachments, as well, find the functionality and capabilities in our rental inventory.

- **COMPLETE LINEUP OF RENTAL EQUIPMENT**
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CONTACT US TO LEARN MORE

8 FLORIDA LOCATIONS

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Orlando - 407-850-9614
Davie - 954-581-4744
Ft. Myers - 239-481-8554

Tampa - 813-630-0077
Lake City - 386-758-7444
Jacksonville - 904-737-6000
Tallahassee - coming soon

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