

# THE FLOW

## Upcoming Events

### November 7th



**12th Annual Sporting  
Clay Challenge  
Schedule on Page 11**

### November 15th



**Benefit for Seamark Ranch  
Registration & Sponsorship  
On page 14 & 15**

## NOVEMBER 2023

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## 2023 OFFICERS & BOARD OF DIRECTORS

### EXECUTIVE COMMITTEE

#### **President**

Tim Gaddis, Vallencourt Construction

#### **President-Elect**

Caleb Hurlbert, A.J. Johns, Inc.

#### **Vice President I**

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

Drew Lane, Advanced Drainage Systems

Chance Leonard, ECS Florida

Rick Parker, Rinker Materials

Ryan Pugh, Ferguson Waterworks

Dean Vanzant, A. J. Johns, Inc.

Barry Watson, Fortiline Waterworks

Chris Wilson, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

### PRESIDENT'S MESSAGE

Hello Fellow NUCA members,

Football, Fall and Hunting season is upon us, and I couldn't be happier. I absolutely love this time of year, and I hope everyone is enjoying the great things going on right now. Thank you again to our support team, monthly sponsors and constant donors. We would not be here without you.

In October, we continued our effort on bringing up the next leaders, holding the 'next man up' class with our partners at ECS of Florida, providing basic methods and content behind Materials & QC testing. The President's Cup was held in Palm Harbor for the State Association, where we were represented well for the North Florida Chapter.

As November comes along, we still have several events to get through before we wind down our year. The favorable Clay Shoot is coming up on November 7<sup>th</sup>, followed by Top Golf event for our regular board meeting and general attendance on November 15<sup>th</sup>. If you haven't got your tickets, don't wait b/c both are heavy hitters with a lot of great people coming out.

As I wind my year down as President, I want to challenge the next leaders and members of our group to continue bringing in new faces, getting involved in associations throughout our industry. Having a purpose and direction gets us through challenging times that aren't so fun or glamorous. Truth be told... this utility industry isn't for the weak. Ones that may be shy of commitment or timid of going the extra mile, may need to find another pathway. That's okay. The real work is hard, challenging, and frustrating a lot of the time. Nobody that has been around this business for any length of time ever said it would be easy.

But, this business is also very rewarding, satisfying, enables that feeling of accomplishment. As with any goal or dream, if you're going to make a difference you need a purpose, a code, grit to weather these storms and harvest your fruit. Those of you whom are up for the challenge, this can be your greatest accomplishment in your professional career. As I have said before, it's up to YOU to bring in the next generation and show them the way. Thankfully my mentors and elders showed me the way, for which I am forever grateful. And I am challenging each of you to do the same, we cannot fail our next generation.

Until next month,

*Tim*

## 2023 NUCA of North Florida

### Monthly Sponsors

#### Diamond Sponsor

Sunbelt Rentals  
Sunstate Equipment  
Trench Safety  
United Rentals  
Trench Safety

#### Platinum Sponsors

Beard Equipment Company

#### Gold Sponsor

Alta Equipment Company  
ECS Florida, LLC  
Fortiline Waterworks  
Linder Industrial Machinery  
Nimnicht Chevrolet  
Pipeline Constructors, Inc.  
Ring Power Corp.

#### 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

### Upcoming Events

Nov. 7th  
Clay Shoot  
Jacksonville Clay  
Target Sports

Nov. 15th  
Board of Directors Meeting  
4:30 pm  
Top Golf

Nov. 15th  
Top Golf Benefit for  
Seamark Ranch  
6:00 pm

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 – Small Claims Court Rules*

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

On occasion you may be involved in a “small” dispute that results in an action filed in Small Claims Court. The Rule governing Small Claims Court has been amended. Whether you are the plaintiff or defendant it is important for you to be aware that once the case is filed, the dismissal of a count or action can have important consequences. A Voluntary Dismissal refers to an action by a plaintiff or counter-plaintiff that is “dismissed” by the party without order of the court.

A dismissal may be treated as an adjudication on the merits and could result in the award of attorney fees to the “prevailing party”. There are two types of dismissal: with prejudice and without prejudice. Any dismissal without any other designation will be treated as a dismissal without prejudice, that means the charge may be refiled. A dismissal with prejudice means that the matter cannot be refiled, and that aspect of the case is concluded (absent appeal).

After a voluntary dismissal has been entered and a party wishes to refile, costs **must** be assessed and judgment for costs entered in any action dismissed by the party wishing to refile (absent stipulation from the opposing party). If a party who has dismissed a claim in any court of this state commences an action based on or including the same claim against the same adverse party, the court must order for the payment of costs of the claim previously dismissed in an amount found proper and stay the proceedings in the action until the party seeking affirmative relief has complied with the order.

Once an action is filed and there has been no record activity for 6 months the court may dismiss the case, unless a party shows good cause in writing at least 5 days before the hearing on the motion why the action should remain pending.

*Fl Small claim Rule 7.110*



## **ECS HOSTS NEXT MAN UP MATERIALS TESTING CLASS**

We had a full house for our materials testing class held at ECS and taught by Chance Leonard, Devin Bilyeu and Tim Gaddis. Students attended from T.G. Utility, A.J. Johns, Petticoat-Schmitt Civil Contracting, John Woody, Inc., Martin Marietta Materials, Vallencourt Construction, Florida Roads, Haskell and TB Landmark. Students were treated to Pizza, snacks and drinks before class got underway. Class covered what is CMT testing, and what role does it play?, Proctors, Density tests, LBR's, Geotechnical Reports, Boring's & Samples, Testing frequencies, and when to call/schedule, Asphalt, Verification testing with municipality, engineering, and owner differs. Students were given a tour of the testing labs and were given an opportunity to ask questions.

Thank you to ECS for the use of their facilities and to Chance, Devin and Tim for sharing their expertise with our students. We will be taking the next few months off from teaching classes. Look for information on the next class sometime during the first quarter of 2024.



## NUCA OF FLORIDA PRESIDENT'S CUP A BIG HIT!

It was a beautiful but humid day at Innisbrook in Palm Harbor, Florida when our group took to the South course for an early 8:00 shot gun start. Golfers were treated to a buffet of breakfast sandwiches and a bloody Mary bar before hitting the links. Immediately, following play, there was a buffet lunch and awards presentation. NUCA of North Florida did well with a clean sweep of 1st, 2nd and 3rd place. Thank you to everyone who participated or sponsored this event!



**1st Place**



**2nd Place**



**3rd Place**

1st Place Team: Tommy Hyatt III, Florida Roads & Chance Leonard, ECS Florida 2nd Place Team: Tim Gaddis, Vallengourt







### **Virtual Washington Summit: November 8**

Work continues on our virtual Washington Summit, to be held online Wednesday, Nov. 8 with your Congressional lawmakers. This year's disastrous \$2 billion cuts to the two critical FY2024 State Revolving Funds (SRF) are still in the House's Interior/EPA appropriations bill, which has not yet been voted on by the full U.S. House. Signs are looking favorable for the Senate's bill to restore much of the funding, but nothing is assured, especially in this hyper-partisan legislative environment.

Our tentative schedule will have an opening session between 9-10amET featuring keynote speakers and NUCA government affairs staff delivering the latest update, followed by online meetings with your lawmakers between 10am and 4:30pmET. We'll wrap up the day at 5pmET with NUCA CEO Doug Carlson and Chapter staff.

Your Chapter is working to schedule several online meetings for members to urge their Federal lawmakers to restore funding. There is no cost to participate. Look in your inbox for more information about the event in the weeks ahead. [Registration is open and can be found here.](#)

### **States To Be Sent \$61 Billion For Roads and Bridges**

USDOT and the Federal Highway Administration (FHWA) [announced Oct. 5](#) that they will be allocating \$61 billion in FY2024 for 12 formula programs to support investment in highway infrastructure. These resources will be directed towards roads, bridges and tunnels, carbon emission reductions, and safety improvements, as well as workforce development to support these investments. These investments are being made through the 2021 core infrastructure law (IIJA). This will be a substantial increase from FY2021, which only allocated \$17.6 billion in formula program funding.

### **EPA Announces \$7.5 Billion For Water Infrastructure Projects**

The U.S. Environmental Protection Agency (EPA) [announced on Sept. 21](#) \$7.5 billion is now available Water Infrastructure Finance and Innovation Act (WIFIA) funding. This low-interest loan program helps communities invest in drinking water, wastewater, and stormwater infrastructure and boost their local economy. To date, EPA's WIFIA program has distributed \$19 billion to help finance 109 projects across the country, creating over 60,000 jobs. This will be EPA's seventh round of WIFIA financing, with \$6.5 billion available through the WIFIA program and \$1 billion available through the State WIFIA (SWIFIA) program, which provides loans exclusively for State infrastructure financing authority borrowers. EPA is currently accepting letters of interest for both WIFIA and SWIFIA loans.

For this new round of funding, EPA has identified priority areas such as increasing investment in economically stressed communities, making rapid progress on lead service line replacement, and addressing PFAS and emerging contaminants.

### **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).

# SAFETY NEWS

By Jeff Blomgren

Safety Director at Petticoat-Schmitt Civil Contractors

## **Staying Safe In Cooler Weather**

Living and working in Florida we don't often have to think about snow and freezing temperatures, but we do get some cooler weather and here are some suggestions on how to prepare for it. It's a good idea to start preparing for colder weather now rather than waiting until we are already freezing. Monitor the weather. Knowing the potential condition of the work environment allows for preparation for changing weather conditions and will help in planning to work effectively. Cold that we are not expecting can be distracting and can create an unsafe mindset.

Most often the mornings are cold and then temperatures warm up throughout the day. From a PPE standpoint, we lose the protection of reflective vests and hi viz PPE because we have them covered up with warmer clothes. Remember, vests and hi viz PPE must be visible on our worksites. Also, hard hat liners (head coverings that meet OSHA standards for consistent hard hat protection) are a compliant alternative to hoodies and other types of headwear. Hard hat liners, cotton gloves that can be worn with the leather work gloves are ways to ensure compliance and comfort. Heat loss from the head accounts for 10% of the body's heat loss. Another form of heat loss and discomfort is in the area of footwear. Having cold and wet feet can make work life difficult and distracting. Insulated waterproof boots are an asset in colder weather. Staying hydrated even in colder weather, without sweating, is essential. Warm drinks and sports drinks and water are a deterrent to dehydration. Know the signs of cold stress. Even in Florida, hypothermia is a factor when workers are exposed to contrasts in heat and cold. Be aware of the conditions of hypothermia and be able to take steps to correct it. Although we don't experience the extremes of weather of our northern construction environments, we do have a certain amount of exposure to conditions that create issues that we have to recognize as a hazard. Preparation is the key to prevention.





## NOVEMBER FEATURED SPONSOR



### **GATE Fuel Service**

**delivers high quality products and services  
to handle all of your fueling needs!**

**Delivery** – From gasoline and diesel fuel, to lubricants and DEF; GATE Fuel Service will make safe and timely deliveries to your business.

**Storage Tanks** – Gate can provide tanks to store your fuel, lubricants and DEF, and will deliver directly to your business or construction site.

**Inventory Management** – We can monitor and maintain the inventory of your tank.

**Bunkering** – Certified by the US Coast Guard, GATE Fuel Service can transfer fuel, lubricants and DEF into your waterborne vessel.

**Fleet Fueling** – Let us fuel your trucks at your location! No tanks are needed and we provide reporting for your records upon request.

**Customer Service** – A dedicated staff of employees committed to customer satisfaction are available to set up your deliveries 24 hours a day, 7 days a week.

*Call Us ... We are ready to serve you.*

**904-636-9700**



## NAPLES HOSTS NUCA CONVENTION & EXHIBIT

Naples Grande Beach Resort was the spot for this year's NUCA Convention & Exhibit. The week started with Leadership training for Chapter Executive Directors and Leadership on Tuesday and Wednesday. The convention kicked off on Thursday morning with committee meetings and the 4th Annual CEO Bobble Head Golf Tournament. There was a welcome reception at the pool on Thursday evening hosted by United Rentals and a Duck Race Fundraiser to benefit the NUCA Foundation and was sponsored by FCCI. It was a beautiful night and it was so great to see so many people attending. Surprisingly, no one ended up in the pool!

Friday morning began with welcome remarks from Doug Carlson and a New Chapter Charter Ceremony for NUCA of Oklahoma. It was wonderful to welcome a new chapter to the NUCA family. The convention keynote speaker was Randy Fox, an international award –winning speaker, author and coach with 23 years as an NCAA basketball official and 20 years as a corporate operations and sales leader. The Exhibit hall opened with lunch with the exhibitors followed by an Industry panel session and a team building event and an evening reception and networking event in the Exhibit hall.

Saturday began with additional Industry business sessions and the Board of Directors Meeting and Regional Board meetings. After a free afternoon, there was a Halloween Party & Live auction to conclude the convention. Next year's convention will be held March 20th to 23rd at the Hyatt Regency Indian Wells Resort & Spa in Palm Springs CA. Registration opens on December 1st.



NUCA OF OKLAHOMA





**12th Annual Sporting Clay Challenge**  
**TUESDAY, NOVEMBER 7, 2023**  
**JACKSONVILLE CLAY TARGET SPORTS**  
**12125 NEW BERLIN ROAD**

**HERE'S THE SCHEDULE**

MORNING SHOOT		AFTERNOON SHOOT	
7:30 AM	Registration	11:00 AM	Registration
8:30 AM	Safety Briefing	11:30 AM	Lunch
9:00 AM	Shotgun Start	12:30 PM	Safety Briefing
11:30 AM	Lunch	1:00 PM	Shotgun Start

**Awards will be presented after both shoots.**







**SAVE THE DATE!**

**We are heading back  
to see the Icemen**

**On**

**February 16th**

**At**

**7:00 pm**

# SAVE THE DATE

**2024 GOLF TOURNAMENT  
TUESDAY, APRIL 23RD**

**ST. JOHNS GOLF & COUNTRY CLUB  
ST. AUGUSTINE**

# SAVE THE DATE

NUCA of North Florida, Inc.  
Cordially invites you to attend the



**TOPGOLF**

**TO BENEFIT SEAMARK RANCH**

Wednesday, November 15<sup>th</sup>, 6:00 pm

Fee includes three hours of golf play and a buffet dinner. Cost is \$100 per player. Space is limited to 60 players.

Name	Company
Phone	

Attendees:

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

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

Visa/MC/AX: \_\_\_\_\_ Exp Date: \_\_\_\_\_

V-Code: \_\_\_\_\_ Zip Code for Credit Card billing address: \_\_\_\_\_

(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.

**Mail or Email this form to:** NUCANF, PO Box 16810, Jax, FL 32245,  
Ph: 612-8692 Email: [nucanf@gmail.com](mailto:nucanf@gmail.com)



**TOPGOLF**

**TO BENEFIT SEAMARK RANCH  
BAY SPONSOR**

**November 15, 2023**

**\$500**

Sponsorship includes signage at the station. Your company will be acknowledged at the event and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen.

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

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

Visa/MC/AX: \_\_\_\_\_ Exp 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: \_\_\_\_\_ Billing Zip Code \_\_\_\_\_

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

**Return with payment to:**

**NUCANF, PO Box 16810, Jacksonville, FL 32245 or email to [nucanf@gmail.com](mailto:nucanf@gmail.com)**



## WELCOME NEW MEMBERS

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

### **Custom Pump & Controls**

Contact: Steven Whitehouse

1840 River Oaks Road

Jacksonville, FL 32207

Office: 904-858-9605

Cell: 615-613-5723

Email: [s.whitehouse@custompump.com](mailto:s.whitehouse@custompump.com)

Website: [www.custompump.com](http://www.custompump.com)



WELCOME



**RENT HEAVY EQUIPMENT**  
Lakeland Jacksonville West Palm Beach  
**866-262-4181**  
[companywrench.com](http://companywrench.com)



## NOVEMBER FEATURED SPONSOR



John Woody, Inc. was founded in 1979 by Weldon Woodall. A Jacksonville based company concentrating on water, sewer, and reclaimed systems.

The company is a licensed Underground Utility and Excavation Contractor specializing in private, government, and municipal work. JWI has completed projects throughout Florida and the southeastern United States.

JWI is a family owned business. It is the family bond and willingness to do whatever it takes to get the job done that has made this company successful.

JWI is proud to be long time members of NUCA, NUCA of Florida, and NUCA of North Florida.