

THE FLOW

Upcoming Events

Sept. 12th
Safety Director's Forum
11:30 AM
Northeast Florida
Safety Council

Sept. 21st
Kickbacks Gastropub
910 King Street
6:00 pm

Oct. 12th & 13th
NUCA of Florida
President's Cup
Innisbrook Golf Resort & Spa
Info on page 13

Oct. 25th to 28th
NUCA Fall
Conference & Exhibit
Naples Grande Beach Resort

SEPTEMBER 2023

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PRESIDENT'S MESSAGE

Hello Fellow NUCA members,

Geez... to say August had a lot going on would be a major understatement. We have had so much good things happening lately and made some major strides with progress on planning, attending and conducting events to support our agenda. I think I can speak for us all when I say.....Come on Fall, where are ready for you! However, without the support of all our generous sponsors for these individual events and the continuous monthly donors, none of this would be possible. It has allowed us to continue our fight for providing the best possible support and insight to our industry possible, so a huge thank you goes out to all.

In August, we have had some great influence on attacking the on-going issues with our local municipalities, staying in contact with our community leaders to make every effort to continue bettering our local government as the new mayor and her administration takes the reins. As well, we had two very successful events take place. NUCA of NF held our 1st ever "State of the Union" event where we brought three of the local municipalities together (JEA, CCUA and SJCUD) in one room and heard from each representative on their outlook for the future, current economy indicators and upcoming anticipated changes. Additionally, our annual fishing tournament was a huge success with a plethora of anglers, all kinds of gifts, good food and camaraderie with all the members.

So for September, we are hopefully going to cool off, take a breather, regroup and get ready for a busy fall. We do have our monthly safety directors forum coming up as scheduled on September 12th, board of directors meeting and a general networking event on Sept 21st at Kickbacks pub for some beers and mingling with our local peers and members. Everyone come on out and get a taste of some of our local breweries and support our community.

I will end with this, I want to ask each of our members to collect your thoughts and concerns about issues you are having with our local leadership, rules, specs, permitting, inspections...etc. through any of our local municipalities. Send them to us, tell a board member, email or call us. We want to hear from you!!

What are your problems that we can help with? In some regard, we have a blank slate to start lobbying and making our points heard with some of the recent changes with the new administrations. An individual voice gets muffled with a lot of the noise upfront, but with a large group such as NUCA and combined efforts from our group we CAN be heard. We have already reached out and laid the groundwork to get our voices heard, now we need to come together and combine our thoughts so we can make some real change.

See you in a few weeks at Kickbacks,

Tim

2023 NUCA of North Florida

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Trench Safety

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CALENDAR OF EVENTS

Upcoming Events

Sept. 12th
Safety Director's Forum

Sept. 12th
Executive Committee Meeting

Sept. 21st
Board of Directors

Sept. 21st
Kickbacks Gastropub
910 King Street
6:00 pm

Oct. 10th
Executive Committee Meeting

Oct. 12th & 13th
NUCA of Florida
Board Meeting &
President's Cup Golf
Innisbrook, Palm Harbor

Oct. 25th to 28th
NUCA Annual Convention &
Exhibit
Naples Grande

The Law and Your Business

The Law and Your Business – Board Member Personal Liability-Condo Association Tony Zebouni, Lindell, Farson & Zebouni, P.A.

Some of you (or your spouse) have undertaken the responsibility of accepting a position on the Board of Directors for a Condominium Association. What is your potential personal liability for a wrong vote or decision? A recent reported case discusses the statutory immunity and exceptions to the immunity that is generally afforded to Condominium Board members.

Dobal once served on the board of the condominium. During his time on the board, several unit owners including himself complained to the board about water leaks in their units. The board hired an engineer who determined the leaks were the result of the roof deteriorating from age. Dobal advocated for a special assessment that would repair the roof. Reacting to the cost of the special assessment, the three Board Members ran a successful campaign to be elected to the board and thereby remove Dobal.

After Dobal was removed from the board, the Board Members continued to target him. They made it their mission to punish Dobal for making public the fact that the roofing systems at the condominium were old and had to be replaced and for proposing a special assessment to be paid by the unit owners. The Board Members hired a second engineer to inspect the roof who came to the same conclusion as the first engineer: that the roof needed to be repaired due to age. Nevertheless, the Board Members instructed the engineer to change his conclusion and instead report that the leaks in Dobal's unit were not a result of a problem with the roof.

Section 718.111(1)(d), F.S. establishes immunity from suit for board members of condominiums but creates three exceptions. It reads:

An officer, director, or agent shall be liable for monetary damages as provided in § 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties [1] constitutes a violation of criminal law as provided in § 617.0834; [2] constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or [3] constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

The Board Members' alleged actions taken for the alleged purpose of retaliating against Dobal for identifying a problem and advocating for a special assessment would fall under the Statutory Immunity exemption #3 above, and the individual Board Members could be held liable for any damages suffered by Dobal,

Dobal v. Villas at South Beach Condominium Assn.

COJ Subcommittee on Permitting Report

By Kim Bryan

During the recent Jacksonville Mayoral campaign, the delay in obtaining permits from the COJ was a hot topic. During her campaign, new Mayor, Donna Deegan, promised prompt action to resolve the issue and the work has already begun. Mayor Deegan established an Economic Development Transition Committee which created a Permitting Subcommittee that brought together professionals in all areas of construction, engineering, architecture and development to identify specific needs and present possible solutions to help resolve the permitting problem. NUCA was represented by subcommittee member, Kim Bryan, who participated in the contractor virtual roundtable group.

COJ representatives, Ellyn Cavin (Development Services) and Josh Gideon (Building Inspection Division), presented their departments' current processes, discussed some of their goals and acknowledged some of their shortcomings.

There are several things that many of the groups agreed are working well and the City was encouraged to continue:

- Early Clearing Process and Permit
- Online submittals / Digital Signatures
- Permit Tracking
- Ability to meet with management

There were common themes of some of the issues:

- COJ review departments are understaffed (one reviewer currently has 55 sets of plans in his box)
- Incomplete submittals by engineers creating duplicate work and a “log jam” of the system
- Lack of experience by plan reviewers – difficulty interpreting the building code in a real world scenario
- Lack of experience and knowledge of the process by engineers and developers
- Duplicative Processes
- Outdated Land Development Procedures Manual
- Inability to submit civil and building permit applications at the same time
- Lack of communication
- CIP projects are in the same permit system as other projects

There were many recommendations for improving the process and solving the permit delay issue:

- Increase staffing and pay competitive salaries to keep personnel, reduce turnover
- Increase training for reviewers and those new to the process
- Provide submission checklists and templates
- Add a “gatekeeper” to the process to kick back incomplete submissions before they get to the reviewers desk
- Move Permitting back to Public Works department
- Hire a consultant to review the process, compare the COJ system to other cities of similar size and help make improvements
- Create a separate process for “mega” projects where an owner can pay extra to expedite the permit process

(Continued on next page)

COJ Subcommittee on Permitting Report (Continued)

- Go digital wherever possible
- Develop a process to allow more field changes without a complete plan resubmittal
- Separate landscape from the building permit review process
- Allow concurrent review of all departments at once
- Automatically issue the clearing permit when the 10-set is approved
- Create a system to automatically advance applications when each review is completed
- Separate private infill project reviews from full community reviews
- Create consistency in permit application reviews
- Work with Fire Marshall to reduce delays
- Add Permitting Ombudsman to resolve issues
- Avoid redundant comments and include codes where comments are made
- Stop undermining the private plan review process
- Establish a public-private board to oversee the planning and building departments

The City announced it is moving to a new digital system, JaxEPICS, that will help resolve some of the issues, but certainly not all. One challenge the City is encountering is the inability to provide salary packages equivalent to the private market which makes hiring and keeping their staff difficult. Additionally, the Subdivision Standards and Policy Advisory Committee, is in the process of completing revamping the Land Development Procedures Manual.

One group in the Subcommittee directed their focus on other impacts, such as:

Loss of tax revenue when a building can't be used or a business can't start sales timely

Financial impacts to start up and small business

Delays in construction

Cost control becomes even more difficult – every delay day has a cost

Impacts to contractors and homeowners

Impacts to the City's reputation as not being business friendly – causing development to go elsewhere

The meeting was open and honest on all sides. The Subcommittee respectfully thanked the Mayor for allowing the private business sector to identify and address current problems in the system and present potential solutions. Mr. Ed Randolph, the Mayor's new Executive Director of Economic Development, is now tasked with working with the Mayor on resolving the issues. The development and construction sector look forward to future opportunities to assist and participate in getting Jacksonville up to speed on its permitting and inspection services.



House Adjourns Without Restoring Infrastructure Funding

The U.S. House and Senate [left town July 27](#), a day earlier than planned, with several appropriations bills unresolved. Before they left, the House Appropriations Committee on a party line 33-27 vote approved on July 19 their version of the FY2024 Interior/EPA appropriations bill (HR 4367), which contains \$2 billion of draconian cuts in both the Drinking Water SRF and Clean Water SRF. NUCA was fortunate that the House adjourned before sending HR 4367 to the floor for a vote, leaving it for action when the House returns in September.

It is vital that Congress appropriates the full authorized funding levels for water and wastewater programs, and our advocacy efforts will continue throughout August in the House and involve the Senate, where the environment is more favorable to fully restore this funding. It is probable that Congress will not complete its appropriations work before its September 30 deadline, requiring a continuing resolution to avoid a government shutdown. We continue to ask [NUCA members to send their lawmakers our pre-written Muster letter](#) urging Congress to put a stop to political posturing with radical spending cuts to core infrastructure programs. The Muster letter is available via the front page of www.nuca.com.

USDOL Expands Submission Requirements For Injury Reports

The [US Dept. of Labor announced](#) on July 17 a final rule that will require certain employers in the construction industry to submit injury and illness information already collected to OSHA. The rule, which takes effect on January 1, 2024, will require employers with 100 or more employees to submit information from Forms 300 and 301 once per year. OSHA also stated that the data gathered via this rule would be made public, but with identifying information removed.

OSHA Revises Construction PPE Rule

OSHA proposed a new revision July 20 to a rule to require that personal protection equipment (PPE) used on a construction jobsite properly fit employees. Current regs require employers to provide and maintain PPE, but does not explicitly state that this safety gear must properly fit each employee. The agency said this change would benefit women, who can be impacted by oversized gear originally designed for men. The rule revision could impact around 10% of the construction workforce, the agency estimates. OSHA will accept [public comments](#) on the proposed rule until Sept. 18

2023 NUCA Convention & Exhibits, October 26-28: Registration Open

2023 is the year to "Make NUCA Yours!" and our fall convention the big event to "Build Your Business." Pencil in on your calendar the 2023 NUCA Annual Convention & Exhibits, our very popular annual member get-together. This year, the Convention will be held October 26-28 in Naples, Florida, at the Naples Grande Beach Resort. (The hotel liked our members so much in 2021 they wanted us to come back!) Our preliminary program is available at nucadigs.com and includes our relaxed favorites and new events. Our keynote speaker, generously sponsored by NUCA National Partner Core & Main, is the charismatic [Randy Fox](#), former NCAA official and corporate leader.

We want to see you in sunny Florida this fall! (We also want to see you and your guest in Palm Springs, California, for the 2024 NUCA Annual Convention & Exhibits, March 20-23, 2024.) Registration for the 2023 Convention is now open at www.nucadigs.com.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Trench Boxes

One of the most frequently used tools of utility construction is the trench box. The NUCA Safety Newsletter, Volume 33, issue 3 had a good, in-depth article on trench boxes. Many times, we are so used to doing something that we don't realize the significance of guidelines and standards related to the activity. That can be related to trench boxes too. Things as simple as the assembly process can become complicated if the right steps are not followed, such as the position of workers and the exposure to overhead handling of trench box parts. Training activities regarding trench boxes should include assembly and disassembly as well as lifting and moving, taglines and safety pins and engineering standards. Some companies own their own trench boxes. Unless there is some way of tracking engineering data and the relation to the specific trench box, there could be a violation when data is lost or misplaced. Also, when owning a trench box, frequent examinations should be made to ensure that damage has not resulted through handling that might compromise the safety of the trench box. Holes punched in the side walls allow water and sand to penetrate adding to the weight of the trench box. These damaged trench boxes may exceed the lifting capacity of the machine. Additionally, trench box sidewalls can rust from the inside and the walls become thinner reducing the strength factor significantly.

There are so many opportunities for us to take advantage of learning to improve our industry. Too often we rely on field experience to teach the right way to do a specific task, but it always relates to how the teacher has learned that task. Was the task taught properly or was the training the result of experience learned improperly? Ongoing training in the very basics of what we do should be a priority. We should never take for granted that our people understand the standards and procedures of all the complicated things we do. Not everyone can do what we do. We are specialists.



2023 FISHING TOURNAMENT RESULTS

We had another hot day for our tournament this year at the Northeast Florida Marlin Association in St. Augustine on August 19th. Grill Billy's provided BBQ of brisket, hot dogs and pulled pork. Valinda Krynicki, United Rentals Trench Safety helped with registration and selling raffle tickets. Rick Parker, Rinker Materials was our D.J. and helped with set-up and clean-up, Kim Bryan, The Hutson Companies and her daughters Riley and Emily helped filling out weigh-in cards, handing out door prizes and with the clean-up. Our fishing Chairman, Ashton Milam, United Rentals Fluid Solutions, was our announcer and gave out the door prizes and awards. Thank you to Joe Maguire with Coastal Utility Constructors for the generous donations of gift cards. Congratulations to the winners of this year's tournament.

REDFISH

- 1st Place Thad, Chad & Loui with Florida Pumping Services, 6.53 lbs
- 2nd Place, Ross Hodges, McGriff Insurance, 6.15 lbs
- 3rd Place, Cecil Vignutti, Ring Power, 5.89 lbs

FLOUNDER

- 1st Place, Josh Moncrief, Ferguson Waterworks, 3.24 lbs
- 2nd Place, Ross Hodges, McGriff Insurance, 2.21 lbs
- 3rd Place, Drew Lane, Advanced Drainage, 1.65 lbs

KINGFISH

- 1st Place, Douglas Bell, Reeves Construction, 26 lbs
- 2nd Place, Josh Pugh, Case Power & Equipment, 12.8 lbs
- 3rd Place, Bill Toth, Cecil W. Powell & Co., 12.67 lbs

SEA TROUT

- 1st Place, Beckam Whitehead, A.W.A. Contracting, 2.29 lbs
- 2nd Place, Davis Martinez, Advanced Drainage, 2.1 lbs
- 3rd Place, Carter Whitehead, A.W.A. Contracting, 1.79 lbs

OTHER SPECIES

- 1st Place, The Geiger Family, Cemex, Cobia 22.45 lbs
- 2nd Place, Easton Bourgholtzer, TB Landmark, Barracuda, 18.35 lbs
- 3rd Place, Scott Munnings, Sunbelt Rentals, Cobia, 18.3 lbs

KID'S TROPHY FOR THE LARGEST FISH

- Douglas Bell, Reeves Construction, King Fish, 26 lbs

FISHING DIVA

- Kimbree Gowen, Cecil W. Powell & Co., Barracuda 14.57 lbs

REDFISH MOST SPOTS

- James Magofna, Petticoat-Schmitt, 7 spots

GRAND PRIZE WINNER—\$150 CASH

- Drew Lane, Advanced Drainage

KID'S PRIZE WINNER—SURF BOARD

- Easton Bourgholtzer, TB Landmark

2023 NUCANF FISHING SPONSORS

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Sleeve Sponsors

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Fire House Sponsor
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Door Prize Sponsor

FISHING PHOTOS



FISHING RAFFLE WINNERS

\$500 Cash

Lauren Atwell, Petticoat-Schmitt

IMX Marine Igloo Cooler

Louis Cowling, Florida Pumping

\$250 Cash

A.J. McClatchy, Florida Roads

Bison 25 Quart Cooler

Mark Gowen, Cecil W. Powell & Co.

Bayou 10 Quart Fryer

Ashton Milam, United Rentals

STATE OF THE UNION MEETING HIGHLIGHTS

We had a great response for our meeting with over 90 people registered to attend. The evening kicked off with a half hour networking social followed by a buffet dinner. Our first speaker was Jeremy Johnston, Executive Director from Clay County Utility Authority. He also brought along with him, Paul Steinbrecher, Chief Engineer, Darryl Muse, Chief Operations Officer, Warrick Sams, Construction and Inspection Services Manager and David Rawlins, General Superintendent for Distribution and Collection. [Click here for link to Jeremy's presentation.](#) Our second presenter was Beth DiMeo, Senior Manager Water, Wastewater Project Engineer & Construction with JEA. Beth also brought with her, Paul Hutchinson. W/WW Manager. [Click here for link to Beth's presentation.](#) The final presenter was Scott Trigg, Chief Engineer of Capital Projects for St. Johns County Utility Authority. [Click here for link to Scott's presentation.](#)

A special thank you to Marty Adams, TB Landmark for all his working planning and organizing the meeting. It was great to see some many new people out at a NUCANF meeting.



Pictured Left to right: Beth DiMeo, JEA, Marty Adams, TB Landmark, Scott Trigg, St. Johns County Utility Authority and Jeremy Johnston, Clay County Utility Authority.



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PRESIDENT'S CUP & BOARD MEETINGS

SPONSORSHIP KIT

Come network with industry colleagues,
mingle with **NUCA of Florida** board
members and leadership at a reception,
before you join your peers on the greens for
the President's Cup.

SCHEDULE

THURSDAY, OCTOBER 12

- > Executive Committee Meeting- 10 a.m.-12:30 p.m.
- > Chapter Directors Meeting- 1 p.m.-1:45 p.m.
- > Advocacy Meeting- 1:45 p.m.-2:30 p.m.
- > Conference Committee Meeting- 2:30 p.m.-3:00 p.m.
- > Board Meeting- 3:15 p.m.-5:30 p.m.
- > Reception- 6 p.m.
- > Hospitality Zone (ticketed event) 7-9 pm

FRIDAY, OCTOBER 13

- > President's Cup Golf Event (8 a.m. Shotgun Start)
- > Awards Luncheon to follow play

VISIT WWW.NUCAFLORIDA.ORG OR
CLICK HERE TO REGISTER OR SPONSOR

Questions? Contact Kari Hebrank at 850-224-1585 or email khebrank@carltonfields.com.



MORE FISHING PHOTOS



MORE FISHING PHOTOS





**FALL CONVENTION & EXHIBIT
OCTOBER 25-28, 2023**

Building Your Business

Naples Grande Beach Resort | 475 Seagate Drive | Naples, Florida

Generously Sponsored By Our National Partners

NUCA is heading back to the relaxing Naples Grande Beach Resort in Naples, Florida, for our 2023 Fall Convention & Exhibits. Our favorite hotel in Naples is the perfect place to chill out—and build your business through our many educational seminars and sessions.

- Engaging networking events
- Our fun Welcome Reception & Duck Races—*Sponsored by United Rentals*
- Thought-provoking educational and roundtable sessions
- Exhibits with our National Partners
- Committee meetings investing in NUCA's future
- Exciting team building event—*Sponsored by Caterpillar*
- 4th Annual CEO Bobble Head Gold Tournament
- Spooktacular Halloween Costume Party & Live Auction—*Sponsored by John Deere*

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Register at WWW.NUCADIGS.COM



Keynote Speaker

RANDY FOX on
Transformational Leadership!
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Registration is Now Open!
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October 20, 2023

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