

# THE FLOW

**APRIL 2024**

## Upcoming Events

**April 23rd**  
**Golf Tournament**  
**St. Johns Golf & Country Club**  
**Check-in: Opens at 10:00 am**  
**Shotgun start: 12:30 am**



**May 16th**  
**Jacksonville Jumbo Shrimp**  
**\$34.00 per person**  
**Includes buffet and game ticket**  
**Registration Form on page 15**



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## 2023 OFFICERS & BOARD OF DIRECTORS

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### PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

I hope that all of you are doing well, and this spring weather is providing nice weather for us to be safe and productive. Thank you to our monthly sponsors we couldn't be successful as we would be without you.

We had our first young professionals' event of the year last month, and it was a great turn out. It was nice to see and meet the young people that will one day be responsible for our industry. It looks like we will have good stewards for the growth and commitment to our community and our industries growth and protection.

We have great upcoming events lined up with out Jacksonville Jumbo Shrimp game May 16<sup>th</sup> and the NUCA Washington summit. I look forward to seeing you there and cheering the Shrimp to a victory.

Thank you for your continued support, and if there is anything you need assistance with, please contact us so that we may help.

Best regards,

*Caleb*

Caleb Hurlbert

Project Manager

A.J. Johns, Inc.

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[churlbert@ajjohns.com](mailto:churlbert@ajjohns.com)

## 2024 NUCA of North Florida

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Gate Fuel Service, Inc.  
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Petticoat-Schmitt Civil Contractors  
Rinker Materials

## CALENDAR OF EVENTS

### Upcoming Events

#### April 9th

Executive Committee Meeting

#### April 18th to 20th

24th Annual ASJMSF  
Bass Tournament  
Lake Okeechobee

#### April 23rd

Golf Tournament  
St. Johns Golf & Country Club

#### May 14th

Executive Committee Meeting  
Board of Directors Meeting

#### May 16th

Jacksonville Jumbo Shrimp

#### May 22nd to 24th

NUCA Washington Summit  
Washington, D.C.

#### May 30th

SDF Trench Safety Stand  
Down Kick-off  
NEFSC  
8:00 AM

# The Law and Your Business

## *The Law and Your Business – Ambiguity in Contract*

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

In a recent reported Florida case, a dispute between the parties arose as to whether Buyers' offer was \$2 million for one property or all four, and Seller refused to close. Buyers filed suit for breach of the sales contract, seeking specific performance (force inclusion of all 4 properties). Specific performance may be granted only where the parties have entered into a definite and certain agreement.

Seller listed four properties for sale on the multiple listing service (MLS), with each listing identifying the list price as \$2.5 million. Three of the properties were “improved,” i.e., had a house built on them, and one property was a vacant lot. Buyers sent Seller a standard form sales contract titled “Sales Contract-As Is”. The contract lists the address of the “Property,” which Buyers filled of just the one parcel. The “Legal Description of the Property,” only contained the legal description of the one address. The Contract contained a provision “Other Terms and Conditions,” that included a description of four properties as the subject of their offer and the contract stated that the purchase price of the “Property” is \$2,000,000.

A patent ambiguity is that which appears on the face of a document and is caused by the use of inconsistent, defective, obscure, or insensible language. The different legal descriptions and addresses in different parts of the sales contract on its face in this case resulted in a determination that that there was a patent ambiguity. A patent ambiguity in the description of land rendered the Court unable to derive the intention of the parties as to what land was to be conveyed and that this internal contradiction “constituted a patent ambiguity because it appeared on the face of the agreement and no extrinsic facts or evidence were needed to reveal the ambiguity”.

The conflict in a material term of a contract, its subject matter, renders the contract unenforceable; without a meeting of the minds as to what real estate was being bought and sold, the contract fails for indefiniteness, and it cannot be revived by parol evidence.

It is important to read all the descriptions, terms and conditions of any agreement you before you sign to ensure that there are no patent ambiguities.

*Bowein v. Sherman*



## **YOUNG PROFESSIONALS KICK-OFF EVENT HIGHLIGHTS**

We had our first Young Professional social on March 7th at Seven bridges with about 35 people in attendance. There was a good mix of contractors and suppliers on hand. Guests were treated to some complimentary cocktails, make your own tacos, and some chicken wings. Pool tables, shuffle board and other games were also available. Most of the attendees expressed excitement about having a group of people their own age to network with and that it would make it easier to attend the general meetings because there would be some familiar faces.

Our next steps for this group will be to form a committee to plan meetings and events. If you are interested in serving on the committee, please send an email to [nucanf@gmail.com](mailto:nucanf@gmail.com). We plan to have our next meeting sometime this summer.



## **WELCOME NEW MEMBERS**

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

### **United Brother Development Company**

Contact: Derek Dostier

6924 Distribution Ave S.

Jacksonville, FL 32256

Office; (904) 262-3227

Email: [derek@ubd1.com](mailto:derek@ubd1.com)

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





### **Congress Punted – Again**

The House has not acted on any of the pending FY2024 appropriations bills, including the EPA legislation containing a restoration of the \$1.7 billion in State Revolving Funds NUCA has been advocating for since last summer. The Congressional calendar worked against the March 1 and March 8 deadlines imposed by the two chambers in January. However, there was not enough time in the legislative calendar to properly address these massive funding bills. The House and Senate was forced to adopt a short-term stopgap measure late in the following week, punting this decision to March 22. A government shutdown is not expected, given its negative optics in an election year.

### **NLRB Joint Employer Rule Blocked, Heads For Appeal**

On Mar. 1, [a federal judge in Texas struck down the Biden Administration's new "joint employer" rule](#), agreeing with the U.S. Chamber of Commerce that the law is too broad and violates federal labor law. The rule, issued last August, was scheduled to take effect on Monday, March 11. However, legal maneuvers to the rule continue, with the government expected to appeal this decision to the Fifth U.S. Circuit of Appeals. Employers should note that this news is not the final decision and continue to follow NUCA and other news sources for the last word.

### **EPA Releases \$5.8 Billion for Drinking Water, Wastewater Projects in SRFs**

The EPA announced Feb. 19 that it is releasing \$5.8 billion in funding to upgrade drinking water and wastewater infrastructure projects around the nation. The new funding supports EPA's state revolving funds (SRF), which are used by the utility construction industry for federal water infrastructure programs. The funding comes from the 2021 Infrastructure Investment and Jobs Act (IIJA) and was previously appropriated by Congress. Of the newly announced total, \$3.2 billion goes for drinking water SRFs and \$2.6 billion for clean water SRFs, which help to finance wastewater treatment and stormwater projects. A breakdown of state-by-state allocations can be found [here \(nuca.com/fixwater\)](https://www.nuca.com/fixwater).

NUCA strongly applauds this action, and hopes that this support by the Administration for needed infrastructure resources will be continued forward this year and beyond.

### **2024 Washington Summit: May 22-24**

It's an election year, and NUCA is calling you to the Nation's Capital! Congress must be reminded in 2024 that the water and wastewater resources allocated through the EPA's State Revolving Fund programs are a critical component this nation uses to improve public health, economic strength, job creation--and your company's success. The 2024 Washington Summit will be held May 22-24, 2024, headquartered at the famous Hyatt Regency Washington on Capitol Hill. [Registration is now open](#) at WeDigAmerica.org--sign up today to join your NUCA Chapter in D.C.

### **NUCA Advantage: Make It Yours Today!**

Your NUCA membership investment can deliver benefits far in excess of the dues cost--but only if you ask your human resources office to explore what it offers. "We worked with Theresa to switch from our previous benefits broker after we heard about Memberfy from NUCA. She went above and beyond to help us find a plan that worked best for us. The application process was simple, and the rollout of benefits to our employees was seamless!" testified Luke Miller of Colorado Pavement Solutions about their helpful NUCA Advantage experience. NUCA Advantage leads to expanded healthcare benefits options for your company, as well as payroll, wellness, compliance, benefits administration, 401K programs, online training, OSHA logs, and a wealth of free HR benefits available only to NUCA members. Find out about our expanded NUCA Advantage benefits program at [www.NUCAAdvantage.com](https://www.NUCAAdvantage.com).

### **In 2024, Share The Details About Trenchless Tech Efficiency**

Are you seeking to know more about horizontal direction drilling, or auger boring, or wish your city's administrators did, too? NUCA's "Trenchless Construction and New Installation Methods" manual can help your estimators, engineers, and project managers recognize that trenchless technology could deliver large cost savings to your excavation projects. The 148-page, full-color illustrated manual carefully addresses and explains the most common trenchless installation methods. This year, buy a copy for your local planning department as a professional gift to introduce their staff to these cost-efficient subsurface construction methods. The manual is available exclusively from NUCA and can be ordered online at [www.nuca.com/trenchlessmanual](https://www.nuca.com/trenchlessmanual).



# SAFETY NEWS

By Jeff Blomgren  
Safety Director at Petticoat-Schmitt Civil Contractors

## Staying Hydrated

Summer is approaching and so is the heat of the Florida sun. It's time to start thinking about what we can do to prevent heat related incidents from happening.

60% of our bodies are made of water. Water is essential for regulating body temperature, metabolizing food, lubricating joints and many other functions. If you don't get enough water, it can affect kidney function, unbalance electrolytes and can result in other complications. So, How do we plan for what we need to do to stay healthy? Here are some basic suggestion.

### **How much water should a person drink in a day.**

About 20% of our daily fluids come from the food we eat and the rest from the liquids we drink. The average person should drink between 12-16 cups of water daily. However, if you are sweating or have an illness you need to drink more. If you are sweating heavily, you are also losing electrolytes that your body needs to function properly and that may call for an electrolyte supplement. The amount of water consumption suggested is a cup of water every 20 minutes. Sports drinks and powdered supplements added to water can help replenish electrolyte losses.

### **Drink a glass of water first thing in the morning.**

You will get an energy boost and start your metabolism.

### **Focus on your bodily signals.**

Drink even when you don't think you need to. Older people do not drink enough water because they often don't experience thirst.

### **Drink a glass of water before meals.**

Food will digest better, and you will feel full faster and prevent overeating.

### **Monitor coffee and alcohol intake.**

Both caffeine and alcohol can lead to dehydration. Substituting either to satisfy thirst can lead to dehydration.

### **Salt tablets are not recommended.**

Too much salt can cause vomiting and worsen dehydration. Electrolytes can be replenished through a healthy balance of meals, snacks and hydration fluids.

Awareness, preparation and prevention can help us deal with our annual heat conditions.

Water Chart		
Body weight	Daily Recommendation	
80 lbs	40 oz.	Conversions 8 oz. = 1 cup 4 cups = 1 quart 4 quarts = 1 gallon
100 lbs	50 oz.	
120 lbs	60 oz.	
140 lbs	70 oz.	
160 lbs	80 oz.	
180 lbs	90 oz.	
200 lbs	100 oz.	
220 lbs	110 oz.	
240 lbs	120 oz.	
260 lbs	130 oz.	
280 lbs	140 oz.	
300 lbs	150 oz.	
320 lbs	160 oz.	
340 lbs	170 oz.	
360 lbs	180 oz.	
380 lbs	190 oz.	





# JUNE IS TRENCH SAFETY MONTH!

## Safety Training and Protective Systems Save Lives



## Trench Safety Stand Down Week | June 17–21, 2024

*Make plans for your company to participate in the 2024 NUCA Trench Safety Stand Down (TSSD) Week. Being a part of our popular 8th 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 25,800 employees on 2,487 jobsites from 455 companies participated in the 2023 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.

2024 TSSD Sponsored By



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Safety Management Services  
Sunstate Equipment Co.  
Team Fishel  
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Also Sponsored by NUCA's Safety Ambassadors Club

For more details and TSSD materials: [nuca.com/tssd](https://nuca.com/tssd) #TSSD24 #TrenchSafetyMonth



## YOUNG PROFESSIONAL SOCIAL PHOTOS





# NEW MEMBER SPOTLIGHT



11512 Lake Mead Ave., Building 800 | Jacksonville, FL 32256 904.645.3804

## Who We Are

The Holmes Organisation of Florida, Inc. has provided outstanding business insurance, bonds, private client services, and group benefits since 1989. We offer a unique perspective toward the needs of developing businesses, from the initial start-up phase through development and expansion. With over 30 years of experience providing client-focused service, we are a recognized industry leader that can offer the resources and proficiency of a large institution with the personalized service of a boutique firm.

Located in Jacksonville, Florida, our agency is segmented into the three practice areas of Commercial Lines, Private Client Group, and Group Benefits. These distinctions are designed to maximize service and utilize our 22-person team of experts. Each employee is committed to our clients' needs, responding to requests quickly, and providing the nimble support made possible through our collaborative approach.

## Here When You Need Us

While some companies have a "one-size-fits-all" philosophy for communication, we believe in a personalized approach. Our team is available at the level and frequency you require. In providing statements, certificates, claims handling etc., we have agency workflows with built-in protocols for providing information quickly and securely. We can offer standard service transactions through a secure web-based portal.

The Holmes Organisation acts as a partner in our clients' businesses. This relationship fosters communication and trust that is all too uncommon in today's marketplace. Being a knowledgeable resource, communicative partner, and good steward of resources has resulted in client relationships that span more than three decades.

## Product Offerings

- ❖ General Liability
- ❖ Commercial Auto
- ❖ Workers Compensation including USL&H
- ❖ Property and Inland Marine
- ❖ Professional Liability
- ❖ Umbrella/Excess Liability
- ❖ Bonding
- ❖ Directors & Officers

## NUCA CONVENTION HIGHLIGHTS

Members of our chapter have just returned from Palm Springs where we attended NUCA's Annual Convention & Exhibit. The first day included committee meeting and the Board of Directors meeting including a break-out by region. Later that day, we attended the kick-off program with Chapter award presentation where our chapter received an award for 35 years as a NUCA member. There was a beautiful welcome reception held outdoors with the mountains in the background, not something we see here in Florida! Friday's program began with Profit Pipeline sessions on Construction Market—Past, Current, Future, Young Leaders Insight, and a Workforce Development session lead by Lauren Atwell, Petticoat-Schmitt Civil Contractors. The exhibit hall was open in the afternoon and there was a fun team building event working with exhibitors to construct something out of materials provided. Friday evening was a hot wheels Fundraiser Race. Industry hot topic sessions were held on Saturday morning followed by the Annual Meeting Luncheon. Petticoat-Schmitt Civil Contractors was presented with the William H. Feather Award for 200,001 to 500,000 Man-Hours. The conference concluded on Saturday evening with the 60th anniversary gala which included a live auction, Ditchdigger of the year and Associate member of the year presentations.





NUCA CONVENTION PHOTOS



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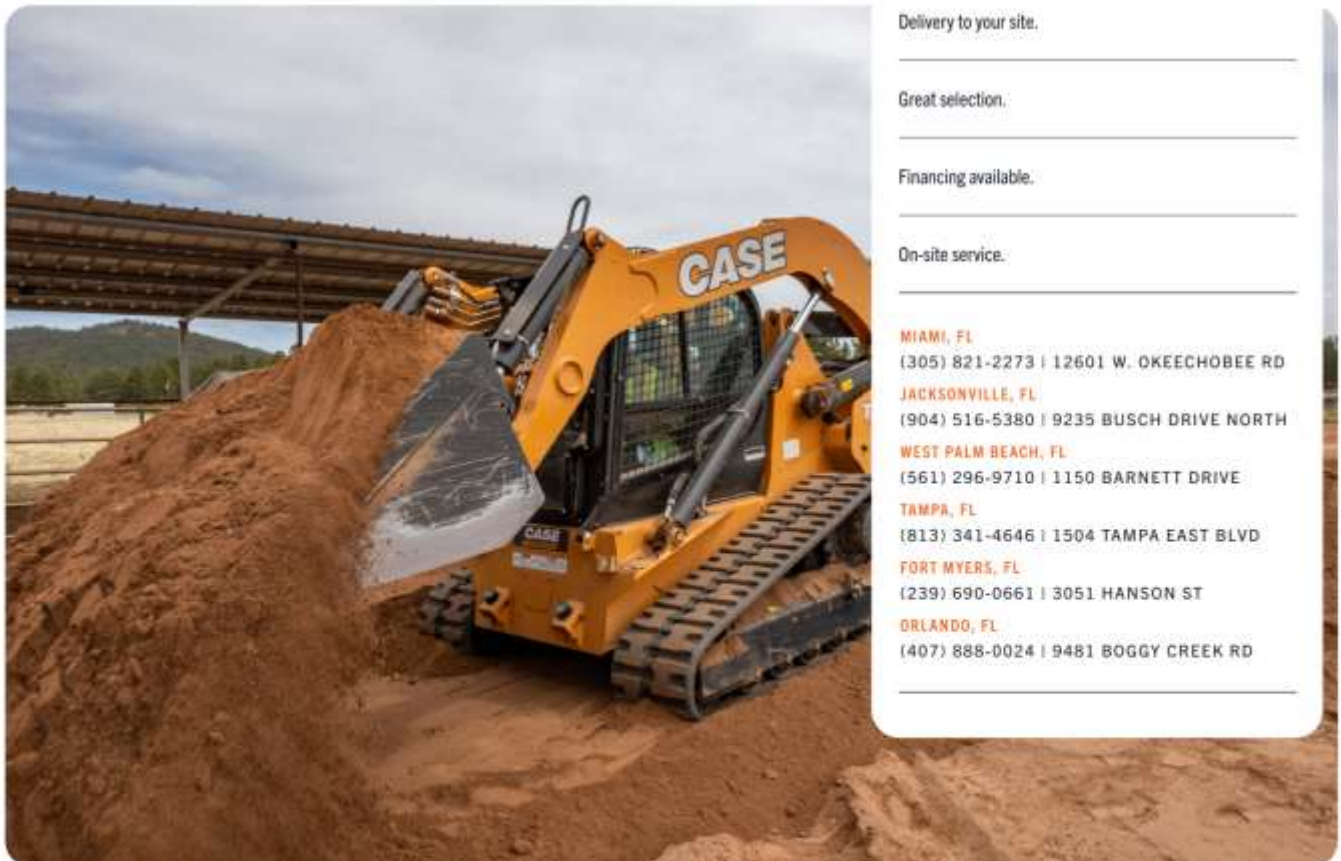
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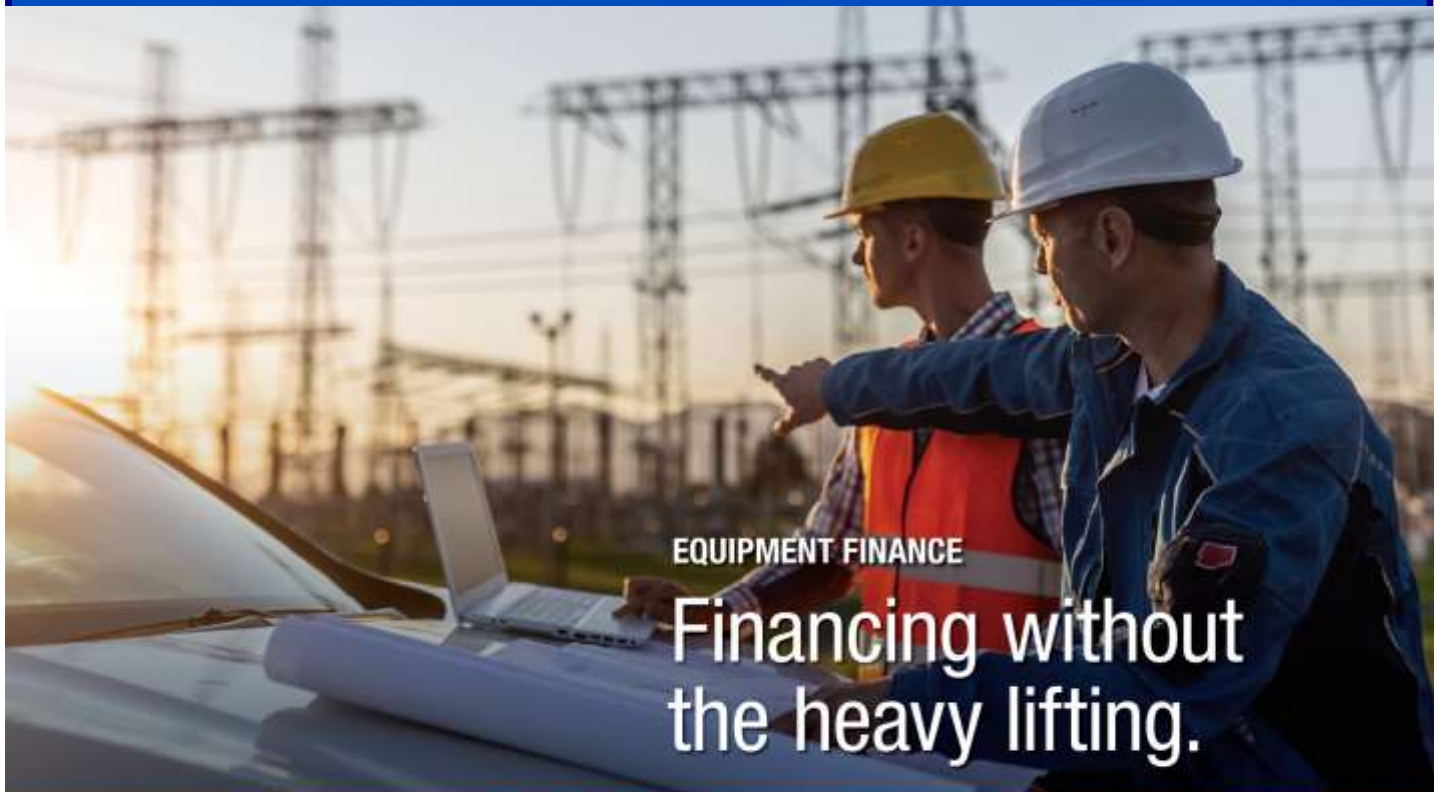


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## NEW MEMBER SPOTLIGHT



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## JACKSONVILLE JUMBO SHRIMP TICKET ORDER FORM

**May 16th**

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. Tickets are limited.

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 3th.



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Tampa - 813-630-0077  
Lake City - 386-758-7444  
Jacksonville - 904-737-6000  
Tallahassee - 850-900-3647

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