

THE FLOW

Upcoming Events

January 19th

**Installation Of Officers
& Annual Meeting
St. Johns Golf &
Country Club
6:00 pm**

February 9th & 10th

**NUCA of Florida
President's Cup & Cornhole
Hammock Beach**

February 24th

**Jacksonville Icemen
Ticket Order Form
On Page 12**



DECEMBER 2022

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2022 OFFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Dear Friends,

Merry Christmas! I hope all of you are well, and ready to enjoy the holiday season. Thank you to all of our great sponsors, and members! With out you, we could not do this.

November was a big month for NUCA of North Florida. On November 8th, we had our annual Clay Shoot. This year was one of our biggest years ever. And we couldn't have done it with out our members and their support. Thank you! On November 17th, we had our annual Top Golf event to benefit the Seamark Ranch. We raised a lot of money to benefit the kids at the Ranch, and I'm proud and grateful for our memberships contributions. Oh, and how can we forget about the elections? 92% of candidates backed by NUCA of Florida won their respective races. For more info, reach out to Kathy or Kari and they'll get you some specifics. Our 2023 calendar is already filling up too. Be on the look out for the full list of events from Kathy.

Well, we made it. It's the end of the year and this is my last Presidents message for a while. I hope you all feel that I have represented you, our membership, and our organization well over the course of this past year. I know that I was not able to accomplish everything that I wanted too, but I feel like we gained ground with the city of Jacksonville and have gotten the organization to one of the strongest positions that it has ever been in. Thank you to the Exec committee and Board of Directors for your help and support. Thank you to Kathy for everything that you do. I'm looking forward to working with next years board to continue growing this great association.

I hope 2022 has been prosperous for you and your businesses and that 2023 is setting up to be as good or better than this one. I hope you all enjoy the holiday season, and your families over the next month. Once again, thank you to our sponsors and membership!

MERRY CHRISTMAS!!

Mike

Mike Kivlin

2022 NUCA of North Florida

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Trench Safety
Fortiline Waterworks
Sunbelt Rentals

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Contractors
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CALENDAR OF EVENTS

January 10th

Executive Committee Meeting

January 19th

BOD & Annual Meeting
St. Johns Golf & Country Club

February 9th & 10th

NUCA of Florida President's
Cup & Cornhole

February 14th

Executive Committee Meeting

February 24th

Jacksonville Icemen

March 10th & 11th

ASJMSF Bass Tournament
Lake Okeechobee

March 13th

NUCA Annual Meeting
Las Vegas

April 18th

Golf Tournament
St. Johns Golf & Country Club

The Law and Your Business

The Law and Your Business – Venue *Tony Zebouni, Esq. NUCA NF General Counsel*

It is important to read all the terms of a contract. A Florida contractor should favor litigating a dispute where it resides or at least where the project is being constructed. The language in a venue clause is crucial. Often when you see the word “may” as opposed to “shall”, a party could consider the provision permissive not mandatory. In a recent appellate case, the issue was whether the forum selection clause contained within the parties' agreement was mandatory such that any action arising under the contract may be maintained only in the state or federal courts of Denton County, Texas, or could an action be brought in Florida. Before executing the agreement, one party modified two words in the forum selection clause. The clause, in its final form, reflected the following:

This Agreement shall be governed by and interpreted in accordance with the laws of Texas. The exclusive venues for any dispute(s) arising under this Agreement (including but not limited to breach, validity, and enforceability of the Agreement) ~~shall~~ may be brought in the state and federal courts for Denton County, Texas. The parties' consent to the personal jurisdiction of and venue in such courts for all of such cases and controversies, which include any action at law or in equity.

There is a critical distinction between mandatory and permissive forum selection clauses. Permissive clauses constitute nothing more than a consent to jurisdiction and venue in the named forum and do not exclude jurisdiction or venue in any other forum. In contrast, mandatory forum selection clauses provide “for a mandatory and exclusive place for future litigation.

Clauses containing language of “exclusivity” are construed as mandatory. No “magic words” are required, but the language employed must evince the parties' clear intent to limit venue. Courts have consistently construed clauses containing the word “exclusive” and its variants as mandatory. The Florida contractor was required to litigate the dispute in Texas, *ECOVIRUX, LLC, Appellant, v. BIOPLEDGE, LLC*

CLAY SHOOT RESULTS

We had a beautiful warm but windy day for our shoot this year. Once again we had both a morning and afternoon shot and had a total of 53 teams registered. Both groups enjoyed a BBQ lunch provided by Grill Billy's in between the morning and afternoon shoots. Thank you to everyone who came out and participated or who sponsored this event. See list of sponsors on page 6, photos on pages

1st Place Team



TB Landmark Score: 387

2nd Place Team



Pipeline Construction Score: 384

3rd Place Team



Nextran Score: 368

Top Shooter:

Ben Powell Score: 100
Cecil W. Powell & Company

Top Shooter Runner Up:

Joe Patterson Score: 99
Alta Construction Equipment

Raffle Winner:

Drew Lane
Advanced Drainage Systems



2022 NUCANF SPORTING CLAY SPONSORS

GOLF CART SPONSOR

Ring Power Corp.

RAFFLE SPONSOR

Beard Equipment Company

PLATINUM SPONSORS

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Vermeer Southeast

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Godwin Pumps

John Woody, Inc.

Ritchie Bros Auctioneers, Inc.

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Cecil W. Powell & Company

ECS Florida, LLC

Ferguson Waterworks, Inc.

Fortiline Waterworks

Gate Fuel Service, Inc.

J.B. Coxwell Contracting, Inc.

Linder Industrial Machinery

Sawcross, Inc.

Sunbelt Rentals, Inc.

Synergy Equipment

T.G. Utility Company, Inc.

Truemont Materials

United Rentals Trench Safety



Infrastructure Vote Soars For Candidates In The 2022 Election

While control of the U.S. House remains to be determined at press time, one aspect stood out: "Voters made their intentions clear in the Congressional elections: they gave an enduring approval for last year's \$1.2 trillion infrastructure investment," said Doug Carlson, NUCA's Chief Executive Officer.

Carlson noted the controversy faced by several Republican lawmakers in 2021 for their summer vote to pass the core infrastructure bill. "All six of the Republicans who voted for the core infrastructure bill were re-elected, including Rep. Don Bacon of Nebraska. It was the right vote for them to make. The 2022 election results delivered a change to Congress. We'll know in the days ahead the true size and new direction of the 118th Congress. But NUCA's bipartisan approach to infrastructure legislation will help us keep a seat at the table in the new Congress. Voting to strengthen and boost American infrastructure is always a winner on Election Day," concluded Carlson.

DHS Releases 64K Additional H-2B Visas for 2023

The U.S. Dept. of Homeland Security announced last month that it will be issuing a regulation that will make available to employers an additional 64,716 H-2B temporary nonagricultural worker visas for FY2023, on top of the 66,000 H-2B visas that are normally available each fiscal year. These supplemental visas became available on October 1, 2022, to meet the high demand by American employers for seasonal positions. In addition to the 20,000 H-2B visas reserved for nationals of Haiti and the Northern Central American countries, the remaining 44,716 supplemental visas will be available to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years.

2023 Annual Meeting in Las Vegas: Registration Now Open

In conjunction with the CONEXPO-CON/AGG 2023 event, NUCA will hold a one-day annual meeting prior to the start of CONEXPO on March 13, 2023 at the MGM Grand in Las Vegas. Often funny, always insightful, economist Dr. Anirban Basu returns to the NUCA Annual Meeting by popular demand to give his industry forecast. NUCA's 2023 annual meeting will also include officer elections, transition of leadership, and networking with our National Partners. Head to www.nuca.com/annualmeeting23 to register and book your room.

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.

Do You Have Enough Leaders? NUCA's Essential Skills for Crew Leaders

NUCA's Essential Skills for Crew Leaders Training is a two-day, intensive course that trains your employees to be effective leaders and communicators so they can provide clear direction to your crew, and plan and schedule the crew's work to maximize safety, production, and profit. With all the necessary hiring coming up for new infrastructure projects, now is a great time to prepare by ensuring your veteran employees are ready to run your new crews. Find out more at nuca.com/crewleader, or contact NUCA's [Mike Flowers](mailto:mike@nuca.com) for more information at mike@nuca.com.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Servant Leadership

As we approach the holidays in 2022, we reflect on the past year. The challenges, successes and failures of the past will help us understand what the future opportunities may lay before us. Most often we define success in a “won-lost” format. Did we have injuries, accidents, and incidents greater than the past year? Did we make more money? Did we make progress in our goals and objectives? What if we looked at it differently? What if we asked ourselves, are our teammates happy doing what they are doing? Does our team seem cohesive and focused? How well did we work together to make those “won lost” measurements end on a positive note?

All teams need leaders. All teams have managers but not all teams have leaders. To define leadership is not so difficult. Author and motivational speaker, Tony Robbins, defines a leader as “One who influences, inspires and helps others to become their best.”. The most successful leaders are those who recognize that every individual is a vital part of the team, and that each individual has the desire to understand that they are a contributor to the common goal. Leaders who can help their team become focused on the common goals of the team work to equip them with the tools they need to accomplish those goals. That leader understands they can do that best by becoming a servant leader. A servant leader focuses on providing opportunities where they can coach and mentor, to encourage and influence their team to the point where they feel they can succeed. Becoming a servant leader isn’t difficult but it requires more listening and attention to each person to gain an understanding of what motivates a positive outcome. That personal contact and relationship building becomes increasingly difficult due to the technology and communication styles of today. We have lost the art of personal face to face communication. We need leaders who are willing to devote their time to building back the skills of recognition of people for who they are and appreciating what they do.

WELCOME NEW MEMBERS

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

Mersino Dewatering

Contact: Marion Hester, Marketing Coordinator
11749 New Kings Road, Jacksonville, FL 32219

Phone: (904) 423-1159

Website: www.mersino.com

Email: marion.hester.mersino.com

Business: Sewer/Water Construction and Treatment
Plant Construction

Owen Development Group

Contact: Charlie Owen, Owner

895 W. American Eagle Drive

St. Augustine, FL 32092

Phone: (904) 826-9008

Email: Charlie@owendevdevelopmentgroup.com

Business: Excavation/Site Development, Sewer/Water



MORNING CLAY PHOTOS



AFTERNOON CLAY PHOTOS





JACKSONVILLE ICEMEN TICKET ORDER FORM

Friday, February 24, 2023

Tickets are \$40 each and include a \$20 food voucher, access to pre-game space to socialize with other guests and an Icemen group gift of the game. Doors open at 6:00 pm and game starts at 7:00 pm. Please provide mailing address for food vouchers. In order to allow time to mail vouchers, please submit your order no later than Friday, Feb. 10th.

NAME: _____

COMPANY NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

of Tickets _____ @\$40/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 by Friday, Feb. 10th.

MORNING PRIZE CLAY WINNERS



Matt Martinko, Synergy



Todd Patrick, AJ Johns



Joe Maier, Sunbelt



Tyler Mobley, ADS



Phil Sleck, Haskell

AFTERNOON PRIZE CLAY WINNERS



Robert Allen, MWI



Jason Cuffel, Fortiline



Justin Pascoe, Vallencourt



Barrett Milam, Sawcross



Kyle Frazier

Cody's Professional Surveying & Mapping, Inc.



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