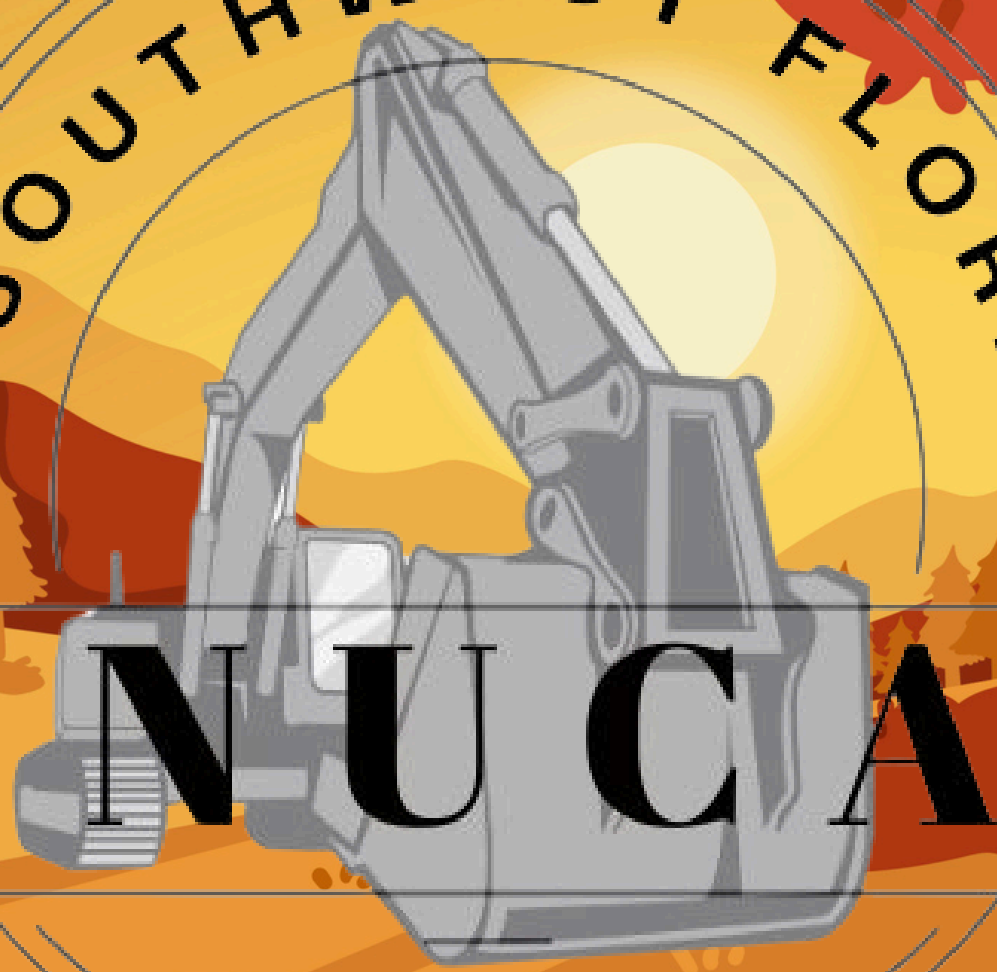


NOVEMBER NEWSLETTER 2024

OF SOUTHWEST FLORIDA



NUCA

UPCOMING EVENT SCHEDULE

NOV

6 - 8

-NUCA FALL LEADERSHIP CONFERENCE

DEC

6

-NUCA OF SWFL CLAY SHOOT TO BENEFIT
CONSTRUCTION ANGELS

12

-NUCA OF SOUTHWEST FLORIDA HOLIDAY
SOCIAL - CHARITY HOPE 4 KIDS

JAN

2025

23

-NUCA OF SWFL INSTALLATION OF OFFICERS &
DIRECTORS

FEB

11 - 12

-F.T.B.A. CONSTRUCTION CONFERENCE

MAR

7

-NUCA OF SWFL SPRING CLAY SHOOT

**NUCA of Southwest
Florida's Annual Clay**

Shoot

Proceeds to Benefit Construction Angel's

December 6th, 2024

Registration Open!

OPEN



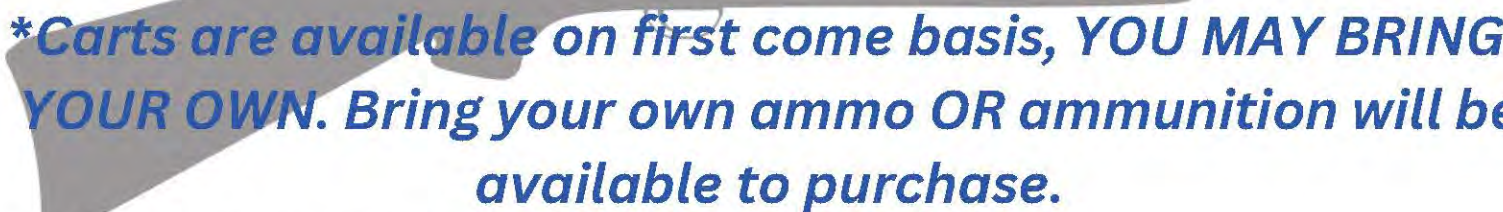
NUCA OF SOUTHWEST FLORIDA'S ANNUAL CLAY SHOOT

Proceeds to Benefit Construction Angels

Construction Angels is a national non-profit organization created for the immediate surviving family members of a construction worker who has lost their life while working on a jobsite. Construction Angels main objective is to help support "one of our own" and assist families in picking up the pieces.

Join us Friday, December 6th, 2024.

**Awards, raffle baskets, Green Bird contest,
and Challenge Bird contest.**



**Carts are available on first come basis, YOU MAY BRING*
YOUR OWN. Bring your own ammo OR ammunition will be
available to purchase.*

REGISTRATION: 8:00 AM

SAFETY TALK: 8:30 AM

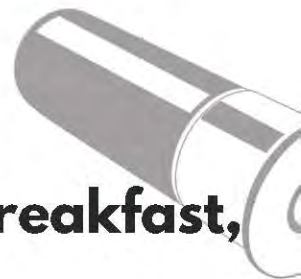
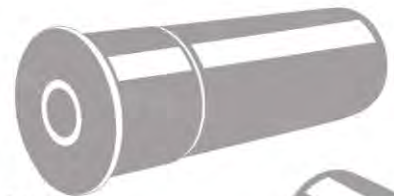
SHOTGUN START: 9:00 AM

FOUR PERSON TEAM

NUCA of SWFL MEMBER COST: \$650.00

NON MEMBER: \$800

**(Includes approx. 100 targets, golf cart, light breakfast,
lunch, beverages, and awards)**





2024 Clay Shoot Sponsorship Form

December 6th, 2024

(Proceeds benefit Construction Angels)

Company: _____

Mailing Address: _____

Phone: _____ **Email:** _____

Authorized Representative _____

Donations Are Appreciated: Hats, koozies, gift certificates, raffle prizes, door prizes, etc.

SPONSORSHIPS AVAILABLE

Breakfast Sponsor @ \$250.00 EACH _____

Lunch Sponsor @ \$500.00 EACH _____

Beverage Sponsor @ \$500.00 EACH _____

Cart Sponsor (1) @ \$1,000.00 _____

Shooting Stand Sponsor @ \$200.00 EACH _____

Green Bird Contest @ \$200.00 _____

Challenge Bird Station @ \$200.00 _____

Raffle Sponsor @ \$100.00 EACH _____

Awards Sponsor @\$100.00 EACH _____

Exhibitor Sponsor @\$300.00 _____

(Exhibitors shall bring their own tent, table, and advertising materials to display. NUCA SWFL will include a Shooting Stand

Sponsor Banner @ N/C)

TOTAL SPONSORSHIP AMOUNT \$ _____

Email to: nucaswfl@gmail.com





2024 Fall Clay Shoot Team Registration Form

(Proceeds benefit Construction Angels)



Friday, December 6th, 2024

40571 Bermont Rd, Punta Gorda, FL 33982

Registration: 8:00 A.M.

Safety Talk: 8:30 A.M.

Shotgun Start: 9:00 A.M.

NUCA SWFL MEMBER COST: \$650 per (4) Person Team

NON-MEMBER COST \$800 per (4) person Team

(includes 100 targets, golf cart, light breakfast, lunch, beverages and awards)

(Ammunition is not included)

Clay Shoot Rules & Info

- ◆ Liability Waiver Required
- ◆ Shotgun must have a barrel length minimum of 20 inches
- ◆ Safety meeting is mandatory
- ◆ Training available (appt. required) \$150/hour
- ◆ Tie Breaker—1 person from the tied teams shoot off
- ◆ Rental Guns Available



Bermont Shooting Club Inc.
Sporting Clays, 5 Stand, Clays, Trap, 3D Archery Course

Team Entry Form: NOTE: Carts are issued first come basis, you may bring your own.

Contact: _____ Company: _____

Phone: _____ Email: _____

Name of Shooters:

1. _____ 2. _____

3. _____ 4. _____

****Please designate any shooters 16 years or under** **Must have one experienced shooter on each team****

_____ NUCA Member Team of 4—\$650 _____ Individual Shooter \$175

_____ Non NUCA -Member Team of 4-\$800 _____ Individual Shooter \$225

_____ *Green Bird Contest 5-Shots—\$25 (2 Stations)*

_____ *Challenge Bird Contest—\$5 per shot*

_____ Raffle Basket Tickets (5) for—\$10

Total Amount Due \$ _____

NUCA of Southwest Florida, P. O. Box 62207, Fort Myers, FL 33906

nucaswfl@gmail.com

Tis' the Season to R.S.V.P



Thursday December 12th

*Come One, Come All to NUCA of Southwest
Florida's Holiday Social*

Where: Crowne Plaza - Ft. Myers - Gulf Coast
9931 Interstate Commerce Dr.

Ft Myers, FL

When: Thursday, December 12th
6 - 8 PM

Appetizers will be provided. Drinks are on your own.

**Please Bring Shopping Cards to be
Donated to Hope 4 Kids!**

(Publix, Walmart, Target, etc.)

Hope 4 Kids helps provide for the needs of SWFL children in foster care and for children in working families who are struggling. The donated gift cards will help to provide for these families during the holidays.

[Visit HOPESWFL.ORG](http://HOPESWFL.ORG) for more information

Jonathan Brooke

Vice President – Sales Producer

239.270.5009

Jonathan.Brooke@Acentria.com

11215 Metro Pkwy | Bldg 1, Suite 4

Fort Myers, FL 33966



In case you missed Cybersecurity month, here are some timely risk management tips!

Courtesy of
Acentria Insurance

CYBER RISKS & LIABILITIES

10 Essential Cybersecurity Controls

Cyber incidents—including data breaches, ransomware attacks and social engineering scams—have become increasingly prevalent, impacting organizations of all sizes and industries. Such incidents have largely been brought on by additional cyberthreat vectors and growing attacker sophistication. As these incidents continue to rise in both cost and frequency, it's crucial for organizations to take steps to address their cyber exposures and bolster their digital security defenses.

Doing so not only helps organizations prevent cyber incidents and associated insurance claims from happening, but can also help them secure adequate cyber coverage in the first place. After all, the heightened severity of cyber incidents has motivated most cyber insurers to increase their premiums and be more selective regarding which organizations they will insure and the types of losses they will cover. As such, many underwriters have begun leveraging organizations' documented cybersecurity practices to determine whether they qualify for coverage—whether it's a new policy or a renewal—as well as how expensive their premiums will be.

With this in mind, here are 10 essential cybersecurity controls that organizations can implement to help manage their cyber exposures.

1. Multifactor Authentication (MFA)

While complex passwords can help deter cybercriminals, they can still be cracked. To help prevent cybercriminals from gaining access to employees' accounts and using such access to launch potential attacks, MFA is key. MFA is a layered approach to securing data and applications where a system requires a user to present a combination of two or more credentials to verify their identity for login. Through MFA, employees must confirm their identities by providing extra information (e.g., a

phone number or unique security code) in addition to their passwords when attempting to access corporate applications, networks and servers.

This additional login hurdle means that cybercriminals won't be able to easily unlock accounts, even if they have employees' passwords in hand. It's best practice for organizations to enable MFA for remote access to their networks, the administrative functions within their networks and any enterprise-level cloud applications.

2. Endpoint Detection and Response (EDR) Solutions

EDR solutions continuously monitor security-related threat information to detect and respond to ransomware and other kinds of malware. They provide visibility into security incidents occurring on various endpoints—such as smartphones, desktop computers, laptops, servers, tablets, and other devices that communicate back and forth with the networks in which they are connected—to help prevent digital damage and minimize future attacks.

Specifically, EDR solutions offer advanced threat detection, investigation and response capabilities—including incident data search and investigation triage, suspicious activity validation, threat hunting, and malicious activity detection and containment—by constantly analyzing events from endpoints to identify suspicious activity. Further, these solutions provide continuous and comprehensive visibility into what is happening in real time by recording activities and events taking place on all endpoints and workloads. Upon receiving alerts regarding possible threats, organizations and their IT departments can then uncover, investigate and remediate related issues.

As a whole, implementing EDR solutions is a critical step in helping organizations enhance their network visibility,



CYBER RISKS & LIABILITIES

conduct more efficient cybersecurity investigations, leverage automated remediation amid potential incidents and promote more contextualized threat hunting through ongoing endpoint data analysis.

3. Patch Management

Patches modify operating systems and software to enhance security, fix bugs and improve performance. They are created by vendors and address key vulnerabilities cybercriminals may target. Patch management refers to the process of acquiring and applying software updates to a variety of endpoints.

The patch management process can be carried out by organizations' IT departments, automated patch management tools or a combination of both. Steps in the patch management process include identifying IT assets and their locations, assessing critical systems and vulnerabilities, testing and applying patches, tracking progress and maintaining records of such progress. Patch management is necessary to ensure overall system security, maintain compliance with applicable software standards set by regulatory bodies and government agencies, leverage system features and functionality improvements that may become available over time, and decrease downtime that could result from outdated, inefficient software.

From a cybersecurity standpoint, a consistent approach to patching and updating software and operating systems helps limit exposure to cyberthreats. Accordingly, organizations should establish patch management plans that include frameworks for prioritizing, testing and deploying software updates.

4. Network Segmentation and Segregation

When organizations' networks lack sufficient access restrictions and are closely interconnected, cybercriminals can easily hack into such networks and cause more widespread operational disruptions and damage. That's where network segmentation and segregation can help.

Network segmentation refers to dividing larger networks into smaller segments (also called subnetworks) through the use of switches and routers, therefore permitting organizations to better monitor and control the flow of traffic between these segments. Such segmentation may also boost network performance and help organizations localize technical issues and security threats. Network segregation, on the other hand, entails isolating crucial networks (i.e., those containing sensitive data and resources) from external networks, such as the internet. Such segregation gives organizations the opportunity to leverage additional security protocols and access restrictions within their most critical networks, making it more difficult for cybercriminals to penetrate these networks laterally.

Both network segmentation and segregation allow organizations to take a granular approach to cybersecurity, limiting the risk of cybercriminals gaining expansive access to their IT infrastructures (and the vital assets within them) and causing significant losses. When implementing network segmentation and segregation, it's imperative for organizations to uphold the principle of least privilege—only allowing employees access to the networks they need to perform their job duties—and separate hosts from networks based on critical business functions to ensure maximum infrastructure visibility.

5. End-of-Life (EOL) Software Management

At some point, all software will reach the end of its life. This means manufacturers will no longer develop or service these products, discontinuing technical support, upgrades, bug fixes and security improvements. As a result, EOL software will have vulnerabilities that cybercriminals can easily exploit.

Organizations may be hesitant to transition away from EOL software for a number of reasons, such as limited resources, a lack of critical features among new software or migration challenges. This is especially true when EOL systems are still functioning. However, continuing

CYBER RISKS & LIABILITIES

to use EOL software also comes with many risks, including heightened cybersecurity exposures, technology incompatibilities, reduced system performance levels, elevated operating costs and additional data compliance concerns.

As such, it's clear that proactive EOL software management is necessary to prevent unwelcome surprises and maintain organizational cybersecurity. In particular, organizations should adopt life cycle management plans that outline ways to introduce new software and provide methods for phasing out unsupported software; utilize device management tools to push software updates, certifications and other necessary upgrades to numerous devices simultaneously; and review the EOL status of new software before selecting it for current use to avoid any confusion regarding when it will no longer be supported and plan for replacements as needed.

6. Remote Desk Protocol (RDP) Safeguards

RDP—a network communications protocol developed by Microsoft—consists of a digital interface that allows users to connect remotely to other servers or devices. Through RDP ports, users can easily access and operate these servers or devices from any location. RDP has become an increasingly useful business tool—permitting employees to retrieve files and applications stored on their organizations' networks while working from home, as well as giving IT departments the ability to identify and fix employees' technical problems remotely.

Unfortunately, RDP ports are also frequently leveraged as a vector for launching ransomware attacks, particularly when these ports are left exposed to the internet. In fact, a recent report from Kaspersky found that nearly 1.3 million RDP-based cyber events occur each day, with RDP reigning as the top attack vector for ransomware incidents. To safeguard their RDP ports, it's important for organizations to keep these ports turned off whenever they aren't in use, ensure such ports aren't left

open to the internet and promote overall interface security through the use of a virtual private connection (VPN) and MFA.

7. Email Authentication Technology/Sender Policy Framework (SPF)

Many ransomware attacks and social engineering scams start with employees receiving deceiving emails, such as those from fraudulent senders claiming to be trustworthy parties and providing malicious attachments or asking for sensitive information. To protect against potentially harmful emails, it's paramount that organizations utilize email authentication technology.

This technology monitors incoming emails and determines the validity of these messages based on specific sender verification standards that organizations have in place. Organizations can choose from several different verification standards, but the most common is SPF—which focuses on verifying senders' IP addresses and domains.

Upon authenticating emails, this technology permits them to pass through organizations' IT infrastructures and into employees' inboxes. When emails can't be authenticated, they will either appear as flagged in employees' inboxes or get blocked from reaching inboxes altogether. With SPF, unauthenticated emails may even be filtered directly into employees' spam folders. Ultimately, email authentication technology can make all the difference in keeping dangerous emails out of employees' inboxes and putting a stop to cybercriminals' tactics before they can begin.

8. Secure Data Backups

One of the best ways for organizations to protect their sensitive information and data from cybercriminals is by conducting frequent and secure backups. First and foremost, organizations should determine safe locations to store critical data, whether within cloud-based applications, on-site hard drives or external data centers. From there, organizations should establish concrete

CYBER RISKS & LIABILITIES

schedules for backing up this information and outline data recovery procedures to ensure swift restoration amid possible cyber events.

9. Incident Response Planning

Cyber incident response plans can help organizations establish protocols for detecting and containing digital threats, remaining operational and mitigating losses in a timely manner amid cyber events. Successful incident response plans should outline potential attack scenarios, ways to identify signs of such scenarios, methods for maintaining or restoring key functions during these scenarios and the individuals responsible for doing so.

These plans should be routinely reviewed through various activities, such as penetration testing and tabletop exercises, to ensure effectiveness and identify ongoing security gaps. Penetration testing refers to the simulation of actual attacks that target specific workplace technology or digital assets (e.g., websites, applications and software) to analyze organizations' cybersecurity strengths and weaknesses. In contrast, tabletop exercises are drills that allow organizations to utilize mock scenarios to walk through and test the efficiency of their cyber incident response plans. Based on the results of these activities, organizations should adjust their response plans when necessary.

10. Employee Training

Employees are widely considered organizations' first line of defense against cyber incidents, especially since all it takes is one staff mistake to compromise and wreak havoc on an entire workplace system. In light of this, it's crucial for organizations to offer cybersecurity training. This training should center around helping employees properly identify and respond to common cyber threats. Additional training topics may also include organizations' specific cybersecurity policies and methods for reporting suspicious activities.

Because digital risks are everchanging, this training shouldn't be a standalone occurrence. Rather,

organizations should provide cybersecurity training regularly and update this training when needed to reflect the latest threats, attack trends and workplace changes.

Conclusion

In today's evolving digital risk landscape, it's vital for organizations to take cybersecurity seriously and utilize effective measures to decrease their exposures. By leveraging proper cybersecurity controls, organizations can help safeguard their operations from a wide range of losses and reduce the likelihood of related insurance claims. Furthermore, documenting these controls can allow organizations to demonstrate to cyber insurers that they consider cybersecurity a top priority, potentially increasing their ability to secure coverage.

For more risk management guidance, contact us today.

Jonathan Brooke


Vice President – Sales Producer

239.270.5009

Jonathan.Brooke@Acentria.com

11215 Metro Pkwy | Bldg 1, Suite 4
Fort Myers, FL 33966



The background features several black spider webs and three black spiders. One spider is positioned on a vertical line on the left side, another is on a horizontal line near the top right, and a large one is at the bottom left.

**NUCA OF SOUTHWEST
FLORIDA'S**

**SCHOLARSHIP
GOLF TOURNAMENT
2024**







Winners



Net – F.J. Nugent & Associates

Gross – Denco Construction



Net – Rangeline Tapping Services

Gross – Advanced Drainage Systems #2



Net – Atlantic Pipe Services, LLC

Gross – Ferguson Waterworks #1

Straightest Drive

Richard Dubois

with

South Florida Lift Stations Team

Longest Drive

Garret Thompson

with

BC Underground Team

Closest to the Pin

Garret Thompson

with

BC Underground Team

Chipping Contest

JD Leland

with

Flygt a Xylem Brand Team

THANK YOU TO ALL OF OUR SPONSORS!

KELLY TRACTOR



MAJOR SPONSORS

- CORE AND MAIN
- FORTILINE WATERWORKS
- HASKINS, INC.
- SMITH WEALTH MGMT-MERRILL LYNCH
- SOUTH FLORIDA LIFT STATIONS
- STAR PIPE PRODUCTS
- DENCO CONSTRUCTION

BEVERAGE SPONSORS

- FLYGT A XYLEM BRAND
- OLDCASTLE INFRASTRUCTURE
- VTC INSURANCE GROUP
- QUALITY PRECAST SOLUTIONS

BREAKFAST SPONSOR

- LINDER INDUSTRIAL MACHINERY COMPANY

LUNCH SPONSORS

- BERMONT MATERIALS
- CORE AND MAIN
- NEXTRAN TRUCK CENTERS FT. MYERS
- OLDCASTLE INFRASTRUCTURE
- RINKER MATERIALS
- SOUTH FLORIDA LIFT STATIONS
- THOMPkins CONTRACTING

PUTTING CONTEST

- DOBBS EQUIPMENT

CART SPONSOR

- FORTILINE WATERWORKS

THANK YOU TO ALL OF OUR SPONSORS!

HOLE IN ONE SPONSOR

- **MCWANE DUCTILE**

GREEN SPONSORS

- **MCWANE DUCTILE**
- **SOUTH FLORIDA LIFT STATIONS**
- **CORE AND MAIN**
- **GUYMANN CONSTRUCTION**
- **QUALITY PRECAST SOLUTIONS**
- **FOLEY PRODUCTS**
- **DENCO CONSTRUCTION**

LONGEST DRIVE SPONSOR

- **ACENTRIA INSURANCE**

CLOSEST TO THE PIN SPONSOR

- **ADVANCED DRAINAGE SYSTEMS**

PRIZE/ RAFFLE SPONSORS

- **BC UNDERGROUND**
- **CORE AND MAIN**
- **SOUTH FLORIDA LIFT STATIONS**

TEE SPONSORS

- **MCWANE DUCTILE**
- **ALTA EQUIPMENT COMPANY**
- **SOUTH FLORIDA LIFT STATIONS**
- **GUYMANN CONSTRUCTION**
- **CORE AND MAIN**
- **BC UNDERGROUND**

TENT SPONSOR

- **DYNAMIC EQUIPMENT GROUP**

STRAIGHTEST DRIVE SPONSOR

- **ACENTRIA INSURANCE**

***THANK YOU
GOLF TOURNAMENT COMMITTEE
MEMBERS***

**JONATHAN BROOKE
(ACENTRIA INSURANCE)**

**ANDREW STEELE
(KELLY TRACTOR)**

**DANIEL WIRTH
(RINKER MATERIALS)**

**DOMINICK STEFANACCI
(QUALITY PRECAST SOLUTIONS)**

**HEATH DRAPER
(LINDER INDUSTRIAL MACHINERY)**

**SCOTT FERRELL
(BC UNDERGROUND)**

RHONDA CASON

CAILYN FINN

THANK YOU VOLUNTEERS

**CHERYL RICCARDI
(ANDREW SITEWORK)**

**DAVE FENTON
(KELLY TRACTOR)**

**LAURA BERRY
(SOUTH FLORIDA LIFT STATIONS)**

**HEATH DRAPER
(LINDER INDUSTRIAL MACHINERY)**

**SCOTT FERRELL
(BC UNDERGROUND)**

**JONANTHAN BROOKE
(ACENTRIA INSURANCE)**

**DANIEL WIRTH
(RINKER MATERIALS)**

MIKE CASON

DANIEL CASON

JAYDEN WISE

JENNIFER CASON

RHONDA CASON

CAILYN FINN



Waters of the United States Ruling

A team of attorneys from Carlton Fields recently successfully argued in front of the Southern District of Florida determining the scope of “the waters of the United States.” Our firm defended a property owner against a civil enforcement action brought by the U.S. Department of Justice, *United States v. Sharfi* (S.D. Fla.). Our clients filled wetlands on their property without a federal permit, and our defense is that the wetlands are not regulated under the Clean Water Act. This is one of the first cases to apply the recent U.S. Supreme Court case of *Sackett v. EPA* (2023). *Sackett* held that Clean Water Act jurisdiction over “adjacent wetlands” to those having a continuous surface connection to bodies that are “waters of the United States” in their own right, with no clear demarcation between the “waters” and wetlands. In other words, there must be no clear distinction between where the water begins and the wetlands end.

The Judge recommended that summary judgment should be entered for our client. Importantly, she agreed with our arguments that 1) man-made ditches do not count as “waters of the United States” unless they are usually wet, and 2) wetlands are only regulated if they have a continuous surface water connection to a “water of the United States,” such that they are indistinguishable, as in *Sackett*. These two holdings upend years of federal agency arguments that they regulate ditches and that a wetland is regulated if it simply abuts a ditch. This holding could lead to benefits for the construction industry and for NUCA. We will continue to monitor how similar cases play out, how courts interpret the rules and how the EPA and agencies respond.

Lucas Parsons, Carlton Fields

Your Advocacy Dollars at Work!

The NUCA Advocacy Team continues to meet with key lawmakers to ensure Florida remains a construction-friendly state. A special thanks to the members of NUCA of North Florida, Kathy Blackman, Tony Zebouni and Marty Adams for taking the time to meet with elected officials in the Jacksonville area to discuss the issues facing NUCA. The Advocacy Team met with several lawmakers last week, including future Speaker of the House of Representatives, Sam Garrison, former Representative and Senate candidate Tom Leek, current Senator Clay Yarborough and House candidate Kim Kendall.

The NUCA Advocacy Team also recently met with several lawmakers in the Tampa area, including Representative Danny Alvarez, Representative Karen Gonzalez Pittman and candidate for House District 70, Michael Owen.

Supporting and meeting with business-friendly candidates and lawmakers is imperative to NUCA's continued success. We still have a handful of candidate contributions to distribute as we make our final push toward election day on November 5th. Stay tuned for our 2023-2024 Election Cycle Recap next month!

Want to support NUCA of Florida's Advocacy efforts? Make a Donation to our Advocacy Fund by visiting our website at www.nucaflorida.org and clicking on the "Make an Advocacy Donation" button at the bottom of the Home Page.



Kari Hebrank and Kathy Blackman with Representative Sam Garrison in Ponte Vedra.



Lucas Parsons, Tony Zebouni, Kathy Blackman, Kari Hebrank & Marty Adams with Senator Clay Yarborough.



Lucas with Representative Danny Alvarez in Ybor City.





SCOTT

Specializes in the construction of private, municipal, county, and state owned utility systems.

Scott Commercial Contracting LLC is a state licensed, fully insured, General Contractor and Underground Excavation Contractor specializing in civil utility construction serving all of South Florida. (CGC1531198 & CUC1225527)

ABOUT COMPANY

The demand for reliable utility infrastructure is growing in our country as more utility providers look for ways to reduce maintenance costs and keep systems running during weather events like hurricanes.

TEAM SCOTT has dedicated solutions to help providers meet those needs. In addition to our work in underground utility construction with directional drilling and underground utility construction, we can also assist with overhead utility construction by providing ground protection matting, environmental restoration, concrete construction and vacuum hydroexcavation/daylighting.

CONTACT INFORMATION:

John Scott, CFO

- ✉ info@team-scott.com
- ☎ Toll Free: (844) 417-2688
- ☎ Direct: 239-340-8695
- 🌐 www.team-scott.com



New Member Campaign

**WELCOME
NEW
MEMBERS**





DYNAMIC
EQUIPMENT GROUP

**Zach Thomas, Marketing
Manager**

2310 Rockfill Rd

Fort Myers, FL 33916

Phone: (239) 334-4987

<https://www.dynamicequipmentgroup.com/>

Army Corps To Outsource Florida 404 Permitting



☐ Featured (<https://floridaspecifier.com/category/featured/>)

BY STAFF REPORTS

October 4, 2024

A letter sent by the U.S. Army Corps of Engineers (Corps) this week indicates the federal government plans to hand off some portion of Florida wetlands permitting to a third-party contractor.

The letter, dated Sept. 30, informs stakeholders that the U.S. Army Corps of Engineers South Atlantic Division has selected SES Energy Services LLC to support several divisions, including the Jacksonville District Regulatory Division, to review “various

Department of the Army permit applications for proposed activities that are subject to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.”

(<https://floridaremediationconference.org/>)

The letter was sent by Travis Hughes, **Bipartisan Infrastructure Law Program Manager/Technical Team Lead** for the U.S. Army Corps of Engineers, based in Atlanta. SES Energy Services will work on proposed activities in Florida, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

The announcement comes as legal challenges have plagued the 404 program in Florida since a court ruling in February. A federal District Court judge ruled that the Corps is to re-assume the program from the Florida Department of Environmental Protection following a lawsuit by several environmental groups.

The program was transferred from the Corps to DEP in 2020 after the state requested authority to run the permitting process, which involves the discharge of dredged or fill material into federal waters. The court ruling was based on arguments from environmental groups that the U.S. Environmental Protection Agency acted illegally when it transferred authority to the state in 2020.

In May, DEP filed an appeal of the decision and sought a stay pending the appeal process. The Department stated at the time that it, “looks forward to making its case on appeal to defend the U.S. Environmental Protection Agency’s approval of Florida’s 404 Permitting Program and overturn the lower court’s legal errors.” In August, DEP sought and was granted expedited proceedings.

In July, the Corps Jacksonville District announced it would begin accepting and processing 404 applications. At the time, the Corps stated it would be relying on other offices for assistance but was otherwise fully prepared to accommodate the extra

“To minimize delays arising from this increased workload, the Jacksonville District is receiving national support from other USACE Districts and Technical Regional Execution Centers (TRECs) to assist in this effort,” its website states. “Some applications for activities in formerly state-assumed waters are being assigned to and reviewed by USACE Regulatory Project Managers in other Districts and TRECs. Applications for projects in formerly state-assumed waters that are received by the Jacksonville District are screened to determine whether they can be assigned to project managers outside of the Jacksonville District. If an application is assigned to another Regulatory District or TREC, the review and final decision on that application will be made by that District or TREC. National Regulatory Program standards will be applied to all Jacksonville District actions. The Jacksonville District will closely coordinate with the reviewing Districts and TRECs to address Florida-specific ecological resources and other relevant information.”

This week’s Corps letter outlines a modified procedure that may include a private contractor contacting an applicant during the project review process.

Ahead of this announcement, on August 28th, SES Energy Services advertised a new job opening to “lead regulatory reviews focused on Section 404” [federal wetland permits] to support their Jacksonville office. According to the announcement, SES Energy Services is a subsidiary of Bristol Bay Construction Holdings LLC, a holding company of Bristol Bay Native Corporation, an Alaska Native Corporation.

It appears that the Corps is outsourcing permit reviews at least partially to meet the backlog of 404 applications transferred from DEP.



Workers Compensation Rate Hearing

By Kari Hebrank, Carlton Fields

On October 16, the Florida Office of Insurance Regulation (OIR) held a hearing to consider a proposal to reduce workers compensation rates for employers by an *overall* average of 1 percent. Keep in mind, each class code would see a different rate reduction, or potential increase, reflective of industry trends and claims. The National Council on Compensation Insurance, (NCCI), proposes rates each year to regulators for the workers' compensation insurance industry. In August, NCCI proposed an overall average 1 percent decrease for 2025.

Interestingly, as they have done in previous years, the Florida Roofing & Sheet Metal Contractors Association (FRSA) spoke in opposition to the rate decrease citing the younger, more inexperienced workers entering the industry and the potential for an increase in claims due to the recent hurricanes as the reason. FRSA urged state regulators to freeze the roofing industry's rates, rather than approve a decrease that would take effect in 2025.

FRSA's argument to freeze the rates centered on the premise that more inexperienced workers on roofs and job sites as older employees retire will open contractors up to additional exposure, stating it would only be a matter of time before injuries and claims increase and rates swing in the opposite direction. They claim consistency in the rates will help mitigate this exposure.

NCCI described the workers' compensation system as "healthy" and said that while "consumer inflation has been elevated, the inflation for workers' compensation

medical costs remained stable." It also said a combination of continued claims "frequency declines and moderate benefit costs at or below the level of wage growth, have continued to put downward pressure on overall workers' compensation system costs relative to collected premiums."

OIR approved a 15.1 percent decrease that took effect in 2024 and an 8.4 percent decrease that took effect in 2023, but it is unclear whether they will approve the overall decrease of 1 percent this year or offer an alternative.

2025 Legislative Days Event

NUCA of Florida's engagement with lawmakers serves to foster relationships, offer expertise on the underground utility construction industry and share impacts of proposed legislation may have on our industry. In our on-going efforts to build a supportive environment, we host Legislative Days each Legislative Session. This year's 2025 Legislative Days Event is scheduled for March 31st to April 2nd with a Legislative Briefing Breakfast on April 1st followed by Capitol visits with lawmakers and a Welcome Reception from 5:30 pm—6:30 pm. On April 2nd, the Executive Committee and the Board of Directors will meet.

We have a discounted room block at the A/C Marriott Hotel near Cascades Park in downtown Tallahassee. The cut-off date for the room block is March 10th. To reserve your room, simply click on the link below:

Book your group rate for NUCA Florida Legislative Days

Be sure to register and sponsor Legislative Days by visiting the NUCA of Florida website at www.nucaflorida.org. Questions? Contact Kari or Lucas at 850-224-1585.

Top OSHA Fines for 3rd Quarter include Trench Safety Hazards **Via: *Construction Dive***

Failure to shore up a trench and a trench collapse result in two of the top OSHA fines for the third quarter of 2024. Read about the top 9 penalties cited by OSHA recently by clicking on the link below.

OSHA Penalties

CILB Proposes Rule Change for Precast Concrete Work Specialty Contractors

In 2021, the Florida Legislature passed House Bill 735 ("HB 735") aiming to make licensing more consistent throughout Florida by prohibiting local governments from issuing their own contractor licenses for trades which are not regulated at the State level. Originally, the bill was to be implemented by July 1, 2023, but the legislature extended this through July 1, 2025, allowing the CILB more time to establish the required specialty contractor categories for voluntary licensure. In response to the required licensing changes in HB 735, the CILB has issued a Notice of Change for a rule pertaining to Written Certification Examination Requirements. The proposed rule-change adds the words "Concrete Work" to the examination for Structural Pre-Stress and Precast "Concrete Work" Specialty Contractors. This change ensures that all relevant precast contractor activity is covered by the specialty contractor rule set forth in HB 735. This particular rule change does not currently have a hearing date set so we will continue to monitor the CILB meetings for updates to the specialty contractor rule.



FOLLOW US!

VISIT OUR WEBSITE



Thank you Members and Sponsors for Your Support!

Working Together For The Betterment Of Our Industry.

**NUCA of Southwest Florida
Southwest Florida Chapter of the
National Utility Contractors Association
P. O. Box 62207
Fort Myers, FL 33906
Phone: 239-939-1952
Fax: 239-790-1369**