

THE FLOW

OCTOBER 2019

Upcoming Events

November 5th

**Sporting Clay Challenge
Jacksonville Sporting Clays**

November 6th & 7th

**2019 NUCA Safety
Director's Forum
Nashville, TN**

November 21st

**Seamark Ranch Benefit
Top Golf**



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2019 OFFICERS & BOARD OF DIRECTORS

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Commercial Real Estate Solutions
of Jacksonville, Inc.

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Office: 904-398-5100
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514 Chaffee Point Boulevard, Ste. 1
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PRESIDENT'S MESSAGE

Dear Friends,

I hope that you all are healthy and doing well. Thank you to all our monthly sponsors, we couldn't be as successful as we are without you!

We will be starting our NEXT MAN UP training classes again starting this October. We will keep you informed on the classes and dates as they become available. As you have seen we will be holding our Annual Sporting Clay Challenge on November 5th. This is always a great event, not only for friendly competition, but also to network with fellow members within our area. We would like to thank all of the sponsors that have signed up and all of those that have donated items for this event. This event will sell out fast, so please get your registration turned in as soon as possible.

As always, please continue to support our members and associates. If there is anything, I can do to help you out, please do not hesitate to give me a call. I look forward to working with you all.

Sincerely,

Chad

CALENDAR OF EVENTS

2019 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Platinum Sponsors

Beard Equipment Company
Sterett Heavy Hauling

Silver Sponsor

Ring Power Corporation

Gold Sponsor

Standard Precast, Inc.

Bronze Sponsors

A.J. Johns, Inc.
ECS Florida, LLC
Flagler Construction
Equipment
Gate Fuel Service
John Woody, Inc.
Lippes & Bryan
Petticoat-Schmitt Civil
Contractors

November 5th

Sporting Clay Challenge

1:00 pm shotgun start

November 21st

Board of Directors Meeting

November 21st

Seamark Ranch Benefit

Top Golf

6:00 pm

The Law and Your Business

The Law and Your Business – Sub-Subcontractor Defeats Fraudulent Lien Claim by Surety

By Rebecca Ross, Regan Atwood. P.A.

In *Taylor Indus. Constr., Inc. v Westfield Co.*, the sub-subcontractor, Taylor, recorded a construction lien for welding work that it had performed, which was bonded off. Taylor filed a one count complaint against the surety seeking to collect \$175,453.36 plus reasonable attorney's fees, costs, and interest. The prime contractor, Slone, intervened and asserted that Taylor's lien was fraudulent. Taylor then filed a Motion for Summary Judgment seeking a finding that its lien was not fraudulent. Other motions for summary judgment were filed as well, but the main issue to be decided was whether Taylor's lien was enforceable.

Generally, the fundamental purpose of the construction lien law is to protect those that have provided labor and materials for the improvement of the real property. In order to succeed on a claim of lien that is transferred to a bond per Fla. Stat. 713.24, a lienor who is not in privity with the owner must show the following: 1) that it timely and properly served the statutorily compliant notice to owner; 2) that it timely recorded a claim of lien within 90 days of last performing work on the project; 3) that it filed suit to foreclose within one year of recording the claim of lien; and 4) that such lien is for labor, services, and/or materials actually incorporated into the project in accordance with the lienor's contract and the contract between the owner and the contractor.

Here, the surety argued that Taylor's lien was fraudulent because it included time billed for allegedly defective work; it included time and costs not authorized under the contract; and it was compiled in a grossly negligent manner. Taylor countered that the surety's arguments were essentially a good faith dispute as to the amount owed. Upon reviewing the evidence, the court could not determine whether the deficient or incomplete welding was actually performed by Taylor or another sub-subcontractor or whether any incomplete work was due to Taylor being asked to leave the job prior to being able to complete the welds. Also, the court found that even if Taylor's work was defective, it was entitled to an opportunity to cure any such defective work, which was not provided. The court added that the surety cannot complain about having to pay another subcontractor to repair work that it could have had Taylor repair without expense or to complain that Taylor's lien is fraudulent because it included charges for allegedly defective work of which Taylor was not made aware or given the opportunity to correct. Thus, for these and other reasons Taylor's construction lien was found to be valid and enforceable as a matter of law.

TEXAS HOLD'EM & PRESIDENTS CUP GOLF EVENT HIGHLIGHTS

NUCA of Florida held a pair of events at the Rosen Shingle Golf Club in Orlando. Board of Directors and committee meeting were held during the day on Thursday, September 19th followed by a reception and Texas Hold'em. We were happy to see a number of members from our chapter including people from John Woody, Inc., Vallencourt Construction, Advanced Drainage Systems, Standard Precast, Petticoat-Schmitt Civil Contractors, County Materials and Forterra Pipe & Precast.

On Friday, a breakfast buffet was served followed by 8:00 am shotgun start. At the conclusion of play, there was an awards luncheon.



NOMINATIONS FOR 2020 BOARD OF DIRECTORS



The Nomination Committee of NUCA of North Florida is now accepting applications for the 2020 Board of Directors. You can obtain an application by calling the NUCANF office at 904/296-1230 or sending an email to nucanf@gmail.com. Deadline to submit your application is October 18th.

The board meets every other month usually on the third Thursday from 4:30 pm to 6:00 pm. Additional special meetings may be called if necessary. NUCANF has a number of committees. Board members, once elected, are expected to be active members of at least two committees. All members of the Board of Directors are encouraged to promote the NUCA of North Florida (NUCANF), our State Association, NUCAof Florida , and our National Association, NUCA. Recruitment of new members is essential to ensure the growth of this association.

Voting for the election of the 2020 Officers and Board of Directors will take place via email. A ballot will be emailed on November 1st. Only one vote per member company.



EPA and Army Repeal Controversial WOTUS Rule

The Waters of the United States (WOTUS) rule was recently found by a federal judge to violate the Clean Water Act and is already blocked in 28 states. EPA Administrator Andrew Wheeler stated that the administrative repeal is the first step of two. The second will redefine what constitutes a "water of the United States," seeking to restrict the number of waterways which fall under federal jurisdiction. Read a brief synopsis [here](#) and Wheeler's statement [here](#).

Industry Continues to Add Jobs in August

The construction industry as a whole added 14,000 net new jobs in August. Employment in the industry has expanded by 177,000 jobs (2.4%) over the last year, despite labor struggles.

Registration for NUCA's 2020 Convention and Exhibit to Now Open

The convention will be held from February 27-29 in the beautiful Loews Ventana Canyon Resort in Tucson, AZ. Stay tuned for more announcements soon!

Safety Matters: Register Now for NUCA's SDF - Nov. 6-7 in Nashville, Tennessee

The Safety Directors Forum is a two-day event that offers the unique opportunity for safety management to network with other utility construction safety managers from across the country. Safety experts will present open-forum discussions on the most important and relevant safety information members need.



SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

WORKPLACE HAPPINESS – HOW DOES IT RELATE TO SAFETY?

Are happy workers safer workers?

In recent studies on workplace well-being, the researchers found a direct correlation to workplace happiness and safety. In data collected from “Work and Well Being” by J. E. De Neve 2018, The drivers of workplace satisfaction and happiness were collected and the results were surprising. Social relationships at work scored significantly higher than some of the other areas of measurement. 28% said that their social interactions were the most important to their happiness. Close to social relationships was having a satisfying job. 27% said that having an interesting job was one of the most important things to them. Oddly, pay was the lowest category with only 13% of the survey indicating job satisfaction. The remaining 32% went into the “other” category of lesser information. There’s an old saying, “If you love what you are doing you never have to work a day in your life.” Indications are that there is merit to this quote.

So, how do we get to the point where we are encouraging happiness at work? The survey showed that 93% said that supervisors/managers treating workers with respect was extremely important. 95% said that trusting the information coming from the management of the company could be trusted. There was a direct correlation between what workers observed in compliance in management and the level of job satisfaction and trust. Where managers were inconsistent in supporting the company goals and procedures, employees felt at risk. Employees felt safer when there was a consistent performance and support at all levels within the company.

How this relates to safety was apparent in the study in the comfort that the employee felt when faced with a situation where a decision needed to be made where work might be impacted by that decision. Employees working for a company that was consistent in messaging and performance at all levels, encouraged good decision making and supported and rewarded good judgement. This allowed creative thinking among workers and also encouraged intuitive decisions. Workers who had the ability to see possible problems were most often listening to that small voice that says that something might be not quite right and taking time to think things out.

Paying attention to happiness on the job is a proactive step to elevating the company to a higher level of safety. A company where the safety culture encourages an employee’s happiness is also encouraging employees to WANT to do the right thing and follow the rules because it’s the right thing to do and will work safely without constant supervision.

Effective leadership is essential in supporting a safety culture and workplace happiness. There’s more to leadership than just getting the job done. Supervisors and managers create their own culture. When it’s consistent with the culture of the company, workers respond. When it’s not, credibility and trust are sacrificed. Trust and respect are contagious. Groups of people who trust each other and respect each other are happy people. Happy people are safe people. Trust me.



8TH ANNUAL SPORTING CLAY CHALLENGE

TUESDAY, NOVEMBER 5, 2019
JACKSONVILLE CLAY TARGET SPORTS
12125 NEW BERLIN ROAD

COST: \$500* FOR TEAM OF FOUR/\$150 SINGLE
***\$600/TEAM AFTER OCT 11TH**



EVENT SCHEDULE
 11:00 Registration
 12:00 Lunch
 12:30 Safety Briefing
 1:00 Shotgun Start
 Awards Ceremony
 Immediately Following

Will you be providing your own golf cart? Yes No

Name	Company	Phone	Email

Payment: Check (NUCANF) Bill my account Charge credit card*
 Visa/MC/AX: _____ Exp Date: _____ V-Code: _____
 (The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.)
 Name on card: _____ Billing Zip Code : _____

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

Mail with payment to:
NUCANF, PO Box 16810, Jacksonville, FL 32245 or fax to (904) 296-1231.



8TH ANNUAL SPORTING CLAY CHALLENGE SPONSORSHIP OPPORTUNITIES

Sold

\$1,000 Raffle Sponsor (one spot only)

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary full page ad will also appear in the December 2019 or January 2020 Flow Newsletter.

\$500 Platinum Event Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary 1/2 page ad will also appear in the December 2019 or January 2020 Flow Newsletter.

\$300 Gold Event Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary 1/4 page ad will also appear in the December 2019 or January 2020 Flow Newsletter.

\$150 Station Sponsor (17)

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

Company: _____ Contact Name: _____

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

Visa/MC/AX: _____ Exp Date: _____ V-Code: _____

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.)

Name on card: _____ Billing Zip Code _____

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

Return with payment to:

NUCANF, PO Box 16810, Jacksonville, FL 32245 or fax to (904) 296-1231.



2019 CLAY RAFFLE

TICKETS: \$10 EACH OR 3/\$20

To Purchase tickets, complete bottom of this form and mail with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245. Tickets will be sold at the clay tournament and drawing will be held on November 5th.

Prizes:

**Yildiz SPZ ME/12 12 Gauge Over-and-Under Shotgun
OR \$450 CASH**

**RTIC 45 Quart Cooler
\$200 Value**

\$100 Cash

of Tickets _____

(Name)

(Company Name)

(Mailing address)

NUCANF* PO Box 16810*Jacksonville, FL 32245



NUCA

TUCSON, ARIZONA

Annual Convention & Exhibit
Loews Ventana Canyon Resort
February 27–29, 2020

The Evolution of Leadership

NUCA's 2020 Convention and Exhibit is just around the corner! Start making your plans to attend the industry's premiere conference. Our 2020 Convention will include the industry events and educational sessions you expect, all designed to help you achieve superior results for your business.

- ☀ Attend our dynamic educational sessions to become involved in our industry's leading topics
- ☀ Exchange new ideas for better job productivity with your industry peers
- ☀ Discover new advanced technologies and strengthen your relationships with the industry's top equipment and service vendors
- ☀ Enjoy the luxury of the Loews Ventana Canyon Resort and the NUCA Foundation golf tournament
- ☀ Have fun with industry colleagues and new friends

Register today! Early-Bird registration closes December 15, 2019.

For more information: NUCA.COM/CONVENTION



OCTOBER FEATURED SPONSOR



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

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

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

Owner Mike Woodall states "I am the most blessed and luckiest person in the world. I have the greatest employees whose knowledge and expertise are unsurpassed in the industry. I also have the privilege of working with my lovely wife Flo, my son Jon, and son in law Mike Kivlin."

John Woody, Inc. has always taken great pride in its reputation of performing quality work at a fair price.