

# THE FLOW

## Upcoming Events

July 15th

Scholarship Night  
River City Brewing Company  
6:00 pm

August 29th

Fishing Tournament  
St. Augustine  
See forms on page 9 & 10



**JULY 2020**

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## 2020 OFFICERS & BOARD OF DIRECTORS

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Jon Woodall, John Woody, Inc.

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& Associates, LLC**

**Linda Daniels, CCIM**

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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 holding our Annual Scholarship Awards meeting July 15<sup>th</sup>, at River City Brewing Co. at 6:00 pm. Hope to see you there!

Unfortunately, the NUCA of Florida Conference in Naples has been postponed, we will keep you informed as we get more information on when it will be rescheduled

We will be hosting our annual NUCANF Fishing tournament on August 29<sup>th</sup>, so please go ahead and get your registrations and sponosrships filled out and turned in. We will be hosting our Annual Golf Tournament on September 22<sup>nd</sup>. Mark your calendars!

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*

## 2020 NUCA of North Florida

### Monthly Sponsors

#### Diamond Sponsor

United Rentals  
Trench Safety

Fortiline Waterworks

#### Platinum Sponsors

Beard Equipment Company

#### Gold Sponsor

Standard Precast, Inc.

#### Silver Sponsor

Ring Power Corporation

#### Bronze Sponsors

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

## CALENDAR OF EVENTS

July 15th

Board of Directors Meeting  
Scholarship Night  
River City Brewing Company  
6:00 pm

August 11th

Executive Committee Meeting

August 29th

NUCA Fishing Tournament  
St. Augustine

Sept. 8th

Executive Committee Meeting

Sept. 22nd

Golf Tournament

November 3rd

Sporting Clay Challenge  
Jacksonville Clay Target  
Sports

# The Law and Your Business

## **The Law and Your Business— Notice of Commencement and Priorities** **By Tony Zebouni, Lindell, Farson & Zebouni**

A general contractor executed and recorded a notice of commencement on January 7, 2014 that was accurate, with the exception that it was not signed by the owner of the property. Notwithstanding, the owner was aware of the general contractor's notice of commencement and made no objection to the same, nor did the owner terminate the general contractor's January 7, 2014, notice of commencement. No lender was listed on the January 7, 2014, general contractor's notice of commencement. The following day, January 8, 2014, BB&T recorded a mortgage against the subject property and recorded its own notice of commencement, listing BB&T as the lender. BB&T's notice of commencement was signed by the owner of the property.

A subcontractor who contracted with the general contractor to perform construction improvements on the property, served a notice to owner pursuant to section 713.06(2)(a) and eventually recorded a construction claim of lien against the property on September 25, 2014, for work performed. When efforts to collect the monies due under the lien failed, the subcontractor filed suit to foreclose its lien free and clear from all other claims -- including BB&T's claim. BB&T took no issue with the form and substance of the claim of lien itself, nor did it contest the perfecting of the claim of lien.

A notice of commencement serves two main purposes. First, it serves to protect the owner by providing a trigger date for when the statute of limitations begins to run. Second, and equally important, the notice of commencement serves to provide a lienor with the necessary information for purposes of serving the required notice to owner under section 713.06(2)(a), thereby perfecting the lien. The notice of commencement is in essence a roadmap for the lienor and contains the name of the owner of the real property to be improved; the description of the real property; the name of the general contractor, surety, and lender; and where the formal notices to the owner are to be sent and who is to receive copies of the same. § 713.13(1)(a).

The general contractor's January 7, 2014, notice of commencement in this case substantially complied with the requirements of section 713.13 because it contained all of the relevant and required information that satisfied the dual purposes of the notice of commencement: (1) to measure time limitations and (2) to provide the lienor with the current names and addresses of the owner and general contractor allowing the lienor to properly mail the statutorily required notice to owner. Further, BB&T was in the better position to protect itself by performing an updated title search through the date it filed its mortgage or by otherwise requiring the owner of the property to terminate the general contractor's January 7, 2014, notice of commencement pursuant to section 713.132 before recording BB&T's mortgage.

Accordingly, the court held that a notice of commencement not signed by the owner, but instead signed by the general contractor with the owner's authority, is not a nullity, per se, in a lien foreclosure action brought by a subcontractor where the subcontractor has strictly complied with chapter 713 and relies upon the defective notice of commencement, which is otherwise in substantial compliance with section 713.07.

This case highlights the importance of statutory compliance but also the time it took to get final resolution by the court.

*EDWIN TAYLOR CORPORATION, v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,*



## TRENCH SAFETY STAND DOWN



TB LANDMARK



Petticoat-Schmitt Civil Contractors



A.J. Johns had Buddy Underwood, Asst. Area Director from OSHA come and speak to their Pipe Crews .





#### **An Infrastructure Legislation Awakening in Congress**

Congressional lawmakers are finally beginning to turn their attention to surface transportation re-authorization legislation. The House released on June 3 its \$494 billion "INVEST in America Act," their version of this transportation legislation that faces a possible mid-June committee vote. The Senate transportation committee passed its \$287 billion version (S. 2302) last summer and awaits a full Senate vote. Congress is facing a deadline of Sept. 30 to act upon this important construction industry priority. Read the Senate bill [here](#), and read the House bill [here](#).

#### **Senate Passes Loan Extensions, Bill Signed By President**

The Senate passed late June 3 an NUCA-supported extension of the now-\$669 billion Paycheck Protection Program (PPP), sending the bill to President Trump for his signature on June 5. Borrowers under this federal loan program can extend their use of the program to 24 weeks, up from the previous eight weeks. Borrowers must now spend at least 60% on payroll for loan forgiveness, and can use the 24-week period to restore their workforce to previous levels. It also allows businesses who took a PPP loan to delay payment of their payroll taxes. Read more [here](#).

#### **OSHA Updates COVID-19 Enforcement Policies**

OSHA announced on May 19 that it would increase inspections in areas with "sustained elevated community transmission or a resurgence in community transmission" of COVID-19 flu cases. OSHA said it will prioritize high-risk industries and workplaces that have reported a large number of complaints. OSHA is also now instructing employers to record cases of the coronavirus among their workers, if they find the exposure is work-related. That is a reversal from the agency's instructions in April. Read more [here](#).

#### **Be Prepared to Return Your Employees to Work**

NUCA has collected many valuable resources to help you navigate the often confusing recovery process, including loan information, sample return-to-work checklist, small business guides, and more. Find all the info you need to be ready [here](#).

#### **Registration is Now Open for the September 21-23 Washington Summit**

It is more important than ever federal lawmakers understand the key role our industry plays in keeping the country healthy, clean, and prosperous - particularly in light of the current COVID-19 situation. We need to make sure they hear you loud and clear in Washington D.C. Getting face time with your own legislators works! Save the new date - September 21-23, 2020. [Learn more here](#).

#### **June Train the Trainer Has Been Postponed**

While NUCA's Train the Trainer sessions were rescheduled in the spring to June 22, continuing safety concerns have led to that session now being rescheduled again to be held at a later summer date yet to be determined. Stay informed about the latest updates, and learn more about the program and training session [here](#).

#### **Toolbox Talks: Protecting Employees Against the Coronavirus**

NUCA has released two public Toolbox Talks for utility construction crews to use for COVID-19 prevention on the jobsite. These are ready for your crew leaders and employees to use today. [English](#) | [Spanish](#)

## FOURTH OF JULY FUN FACTS

### THE USE OF FIREWORKS DATES BACK TO 1777

The tradition of setting off fireworks on Independence Day began on the holiday's first anniversary in 1777, according to the History Channel. On July 5, 1777, the *Pennsylvania Evening Post* reported that, "there was a grand exhibition of fireworks (which began and concluded with thirteen rockets) on the Commons, and the city was beautifully illuminated" the night of July 4. That same night, the Sons of Liberty set off fireworks over Boston Common.

### THREE U.S. PRESIDENT'S HAVE DIED ON JULY 4TH

On July 1826, 50 years after the declaration of Independence was finalized, former U.S. Presidents Thomas Jefferson and John Adams reportedly died just hours apart. Exactly five years later, James Monroe reportedly became the third U.S. President to die on July 4th.

### THE LIBERTY BELL HASN'T BEEN RUNG SINCE 1846

US History notes that every year on July 4, the Liberty Bell is symbolically tapped 13 times by children who are descendants of Declaration signers, honoring the original 13 states. Unfortunately, the bell cannot be rung, as it was deemed too fragile after a crack appeared on George Washington's birthday in 1846, which is the last time it was rung.

### JULY 4TH WASN'T FEDERAL HOLIDAY UNTIL 1870.

Nearly 100 years after Massachusetts made July 4 an official state celebration, Congress declared Independence Day an unpaid federal holiday as part of a bill to officially recognize several holidays. In 1941, the 4th of July finally became a paid holiday for federal employees.

### NATHAN'S HOT DOG EATING CONTEST BEGAN IN 1916.

Nathan's annual July 4th hot dog eating contest reportedly began on July 4, 1916 when according to its website, four recent U.S. immigrants made their own competition at Nathan's original Coney Island stand. The first recorded contest took place in 1972 and in 2018 Joey Chestnut set a world record by consuming 74 hot dogs in 10 minutes.

### AMERICANS CONSUME ABOUT 150 MILLION HOT DOGS ON JULY 4TH.

According to the National Hot Dog and Sausage Council, approximately 150 million hot dogs are consumed by Americans on the 4th of July each year. If lined up, that amount of hot dogs could stretch from Washington D.C. to Los Angeles more than 5 times.



# SAFETY NEWS

By Jeff Blomgren  
Safety Director at Petticoat-Schmitt Civil Contractors

## **Trench Safety Stand Down Week**

I'm sure that we all have success stories of our week of trench safety activities. I know we do here but what we do for the rest of our work life should reflect the same intensity that we have shown this week during TSSD. In researching the information we shared with our people this week, I was saddened by the stories of trench failures and the human toll left in the wake of those events. Some of the statistical data shared in the NUCA/ROCO Rescue webinar were eye opening. Having a competent person on site at all times, making sure that the protective equipment on site is used effectively and then, the after effect of non-compliance was startling. Every project manager, superintendent, pipe foreman, estimator, engineer, employee, etc. should have this webinar on their "to do" education list. It's a great information tool.





NUCA of North Florida

Annual Fishing Tournament on Saturday, August 29th  
Northeast Florida Marlin Association  
3030 Harbor Drive, St. Augustine

Cast-off: 7:00 – 8:00 a.m.  
Back to Dock: 3:30 p.m.  
B.Y.O.B. (Bring Your Own Boat)

Cost per Angler: \$125 Includes Meal & Beverages (after Weigh-in)  
Spectator Cost: \$30 Meal & Beverages Only (after Weigh-in)

\*Each Angler will also receive a Commemorative T-shirt & Door Prize Entry ticket at weigh-in

**Kid's 13 & under fish for free with an adult registration**

~Awards for 14 Lucky Anglers~

**SPONSORSHIP IS A VERY IMPORTANT PART OF THE TOURNAMENT'S SUCCESS!** If you are interested in being a **TOURNAMENT SPONSOR**, please check off one of the levels of participation.

- ☐ \$125 Single Angler with Meal/Drink Complimentary T-shirts .  
☐ \$ 30 Spectator with Meal and Beverages only

~TOURNAMENT SPONSOR LEVELS~

- ☐ \$350 TWO (2) Anglers with Meal/Drink & Company Logo on T-shirt, Complimentary T-shirts.\*  
☐ \$650 FOUR (4) Anglers with Meals/Drinks & Company Logo on T-Shirt, Company Sign or banner (supplied by you) and Complimentary T-shirts.\*  
***sold*** ☐ \$1,000 Sleeve Sponsor Includes everything in \$650 sponsorship plus your logo on sleeve. (Only two spots available) \*  
☐ \$1,500 Exclusive Hat Sponsor Includes everything in \$650 sponsorship plus logo on the back of the hat.\*

\* Please email logo in .jpg format to [NUCANF@gmail.com](mailto:NUCANF@gmail.com)

Company Name: \_\_\_\_\_ Your Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Reservations for Fishing Tournament need to be made by Friday, 8/14. Fill out this entry form and fax to NUCANF.

*List all those who will be fishing or attending*

#1 \_\_\_\_\_  
#2 \_\_\_\_\_  
#3 \_\_\_\_\_  
#4 \_\_\_\_\_

CAN YOU DONATE A DOOR PRIZE? ☐ YES ☐ NO Please contact Kathy for delivery.

Send your Entry/Payment to:

NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or fax to (904) 296-1231 or call NUCANF at (904) 296-1230.

**2020 NUCANF Fishing Tournament Sponsorship Opportunities**

**SOLD**

**\$1,000 Raffle Sponsor (Limit one)**

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening 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 October or November 2020 Flow Newsletter.

**SOLD**

**\$500 Grand Prize Sponsor (limited to one spot)**

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening 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 October or November 2020 Flow Newsletter. You may also have a vendor display at the awards dinner.

**\$500 Dinner Sponsor (limited to four spots)**

Same benefits as grand prize sponsor.

**SOLD**

**\$500 Weigh-in Sponsor (limited to one spot)**

Same benefits as door prize sponsor.

**\$300 Door Prize Sponsor**

Your company name will be prominently displayed on a sign at the event; your company logo will appear on the T-shirt and you will be acknowledged at the awards dinner that evening and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary ¼ page ad will also appear in the October or November 2020 Flow Newsletter.

**\$300 Registration Sponsor (Limited to one spot)**

Same benefits as door prize sponsor.

**\$300 Trophy Sponsor (Limit one)**

Same benefits as door prize sponsor

**\$300 Kid's Prize Sponsor (limited to one spot)**

Same benefits as door prize sponsor

Company Name: \_\_\_\_\_ Your Name: \_\_\_\_\_

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

Visa/MC/AX: \_\_\_\_\_ Exp Date: \_\_\_\_\_ V-Code: \_\_\_\_\_

Billing Zip 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.**

Return with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245



**NEW MEMBER**

Please join us in welcoming the following new member to the NUCA family.

**Bouchard Insurance**

**Contact: Hunter DeWitt, Commercial Insurance Consultant**

**1 N. Dale Mabry Hwy**

**Tampa, FL 33609**

**Phone: 727-373-2872**

**Email: [HunterDeWitt@BouchardInsurance.com](mailto:HunterDeWitt@BouchardInsurance.com)**

**Website: [BouchardInsurance.com](http://BouchardInsurance.com)**



**SAVE THE DATE**

The background of this section is a photograph of a golf course. In the foreground, there is a green fairway with several sand traps. In the background, a large, multi-story clubhouse with a dark roof and white walls is visible, surrounded by trees.

**NUCANF GOLF TOURNAMENT  
SEPTEMBER 22nd  
St. Johns Golf & Country Club**



# NEW MEMBER SPOTLIGHT



All successful construction projects begin with a detailed set of plans. Successful insurance risk management and surety programs also must start with detailed, well-executed plans.

*"Bouchard walks the walk with us, not just as a customer, but as a partner"*

## CONSTRUCTION RISK MANAGEMENT BUILT FROM THE GROUND UP



Our dedicated Construction Team analyzes your total cost of risk and offer solutions to meet your needs. Built from the ground up, this process involves the detailed analysis of your company and the risks associated with it. Using this analysis, a comprehensive insurance risk management program will be designed and implemented. When in place, the program will be monitored to ensure that the desired results are being achieved.

### Our process:

- Risk and exposure analysis
- Contract review/Certificate of Insurance procedure
- Evaluation of current program's strengths and weaknesses
- Design and implementation of risk management plan
- Insurance carriers' selection process using the industry leading carriers servicing the construction industry
- Claims management using our exclusive CompPro System
- Targeted loss control and safety services
- Continuing education safety training (some classes are eligible for Continuing Education credits)
- OSHA education and training



**Hunter DeWitt, CLCS**

941-400-5507

[Hunlerdewitt@bouchardinsurance.com](mailto:Hunlerdewitt@bouchardinsurance.com)

## JULY FEATURED SPONSOR



### **GATE Fuel Service**

**delivers high quality products and services  
to handle all of your fueling needs!**

**Delivery** – From gasoline and diesel fuel, to lubricants and DEF; GATE Fuel Service will make safe and timely deliveries to your business.

**Storage Tanks** – Gate can provide tanks to store your fuel, lubricants and DEF, and will deliver directly to your business or construction site.

**Inventory Management** – We can monitor and maintain the inventory of your tank.

**Bunkering** – Certified by the US Coast Guard, GATE Fuel Service can transfer fuel, lubricants and DEF into your waterborne vessel.

**Fleet Fueling** – Let us fuel your trucks at your location! No tanks are needed and we provide reporting for your records upon request.

**Customer Service** – A dedicated staff of employees committed to customer satisfaction are available to set up your deliveries 24 hours a day, 7 days a week.

*Call Us ... We are ready to serve you.*

**904-636-9700**

