

THE FLOW

Upcoming Events

January 20th
**Annual Meeting &
Installation of Officers**
Aloft Tapestry Park
6:00 pm

Feb. 7th & 8th
NUCA of Florida
Legislative Days
Tallahassee, FL

Feb. 25th
Jacksonville Icemen
Veterans Memorial Arena
Ticket Order Form on
Page 14



DECEMBER 2021

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2021 OFFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Hello Members,

What an impressive turnout we had for our Seamark Ranch Fundraiser at Topgolf. It was great seeing everyone there. We even got to see the next generation of the Woodall family. What a handsome fella he is. Too bad he had Alabama colors on already.

As we end our year, I ask everyone to continue to reach out to potential members. As always, our strength is in our numbers. There is a great organization with great members, and we are always looking to welcome new members.

Our Sporting Clay Challenge was also a remarkable success. Thank you to all who participated and sponsored. Congratulations to the Cecil W. Powell team for placing first.

We are working on scheduling two 'Next Man Up' classes. The focus will be a material testing class and heavy equipment class. The dates will be coming out after the first of year. I plan to push for these classes harder this upcoming year. We need a work force, and we need to help educate them. There is a ton of knowledge in the group, let's share it with others!

I see good things ahead for our industry. The state and federal governments are planning to spend a lot of money on infrastructure in the upcoming years.

Lastly, I want to personally thank everyone for making my year as president a great success. It felt good to be gathering in person as we started to get things back to normal. No one can do this by themselves. It takes a team, and I am thankful for the team I had around me.

Stay Safe and God Bless,

Marty Adams
madams@tbandmark.com

Education is the passport to the future, for tomorrow belongs to those who prepare for it today.

Malcolm X

2021 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Fortiline Waterworks

Platinum Sponsors

Beard Equipment Company

Gold Sponsor

Alta Equipment Company
Forterra Pipe & Precast

Silver Sponsor

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ECS Florida, LLC
Gate Fuel Service
John Woody, Inc.
Lippes & Bryan
Petticoat-Schmitt Civil
Contractors
Ring Power Corporation

CALENDAR OF EVENTS



December 15th
Executive Committee

January 11th
Executive Committee

January 20th
Annual Meeting &
Officer Installation
Aloft
6:00 pm

Feb. 7th & 8th
NUCA of Florida
2022 Legislative Days

Feb. 15th
Executive Committee

Feb. 25th
Jacksonville Icemen

March 2nd to 5th
NUCA National Conference
San Antonio, TX

April 5th
Golf Tournament
St. Johns Golf & Country Club

The Law and Your Business

The Law and Your Business – Lien Rights When Doing Work for a Tenant Christian Lake, Esq., Lindell Farson & Zebouni

One of the most effective and essential tools a contractor has to ensure it is paid for work done on a project is the right to record a claim of lien against the property. However, in some instances, such as when a governmental entity owns the property, a contractor is not able to lien the property itself. However, if the work is being done for a tenant on a property that a lien can otherwise not be recorded against, a contractor can still record a claim of lien against the tenant's "leasehold" interest in the property.

In a recent case called *James B. Pirtle Construction Company v. Warren Henry Automobiles, Inc.*, a Florida court of appeals decided a case where the contractor, Pirtle, had conducted work relating to the construction of an automobile dealership for Warren Henry. During the course of construction, a dispute arose between the parties and Pirtle was not paid in full for its work at the property. As a result, Pirtle recorded a claim of lien against Warren Henry's interest in the property and initiated a lawsuit to enforce that lien.

Complicating matters was the fact that the property was owned by the City of North Miami, and Warren Henry was merely a tenant at the property. Since Florida law prohibits placing liens on government-owned properties, Warren Henry asked the trial court to discharge Pirtle's lien since it related to a government-owned property. The trial court granted Warren Henry's request and discharged the lien, but Pirtle appealed.

The court of appeals overturned the order discharging the lien, which resulted in Pirtle's lien being reinstated. The reason for this decision is incredibly important for your business. In its opinion, the court of appeals stated the rule in Florida that a lien can be recorded against what is known as the "leasehold interest" of a tenant on a property. A leasehold interest is the interest held by the tenant at a property, and that interest is subject to liens and foreclosure lawsuits similar to more traditional liens on the property itself. While this may not fit the common understanding of lien foreclosures, a leasehold interest has value, and a tenant can actually lose their lease, and their business space, to the highest bidder at a foreclosure sale.

The likely sale price of a foreclosed-upon leasehold interest will be lower than the price obtained at a typical foreclosure sale for the property itself. This is because the purchasing party is paying a lump sum to come in and accept all of the conditions of the lease, including payment to the landlord. However, the prospect of potentially losing a commercial lease and needing to seek a new place to conduct business can sometimes spur a tenant to make efforts to resolve the payment dispute rather than face losing their space through foreclosure proceedings.

Lien law is a complicated area of the law, and sound legal advice is recommended in making any decisions about your lien rights and actions to enforce those rights. If you have questions about your lien rights relating to contracted work you are conducting, whether the work is for the owner or a tenant, please contact the law offices of Lindell Farson & Zebouni, P.A.

2021 CLAY SHOOT RESULTS

We had a beautiful day for our Clay shoot tournament. Once again we had both a morning and afternoon shot and had a total of 46 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 9.

1st Place Team



Cecil W. Powell & Company 354

2nd Place Team



TB Landmark 350

2nd Place Team



J. B. Coxwell 350

3rd Place Team



Nexttran 346

More pictures on page 10 and 11.

Fall Membership Drive

New Members

McGriff Insurance Services

Contact: Michael Larsen

Address: 200 E. Forsyth St, Jacksonville, FL 32202

Phone: 352-318-7629

Email: Michael.larsen@mcgriff.com

Associate Member: Insurance

Pipeline Constructors, Inc.

Contact: Ron Demark

Address: 2117 North Temple Ave, Starke, FL 32091

Email: ron@pipelinecontractorsinc.com

Contractor Member: Excavation, Site Development, Sewer/
Water, Roadway/Highway/Bridge Construction

Referred by: Valinda Krynicki

Haskell

Contact: Paul Gilsdorf

111 Riverside Avenue

Jacksonville, FL 32202

Email: paul.gilsdorf@haskell.com

Contractor Member: Sewer/Water, Treatment Plants

Phillips & Jordan

Contract: Tim Clay

Address: 30115 SR-52, Ste 301, San Antonio, FL 33576

Email: tclay@pandj.com

Contractor Member: Sewer/Water, Roadway/Highway/
Bridge Construction



OSHA Releases Covid-19 Mandate For Businesses

OSHA released Nov. 5 its Covid-19 vaccine mandate for businesses with 100 or more employees. The mandate, issued by OSHA as an Emergency Temporary Standard (ETS), takes effect immediately but delays full implementation until January 4, 2022. Covered employers are required to develop, implement, and enforce a mandatory vaccine policy, but does include certain exceptions including for employees who work exclusively outdoors. The agency has provided an extensive set of compliance instructions, FAQs, and other information for businesses to read and understand their policy. NUCA continues to encourage utility construction industry employees to get the Covid-19 vaccine but oppose mandates, and affirm our industry's long-standing commitment to creating safe work environments for everyone. NUCA has set up a Vaccine Mandate webpage (nuca.com/vaxmandate) that includes links to the OSHA compliance instructions, a USDOL webinar describing the ETS, current news, information links, and other useful sources for our members to use for understanding and corporate compliance details.

We will keep the membership updated on this OSHA standard—especially its court challenges, with one federal court already imposing a nationwide injunction on the standard as of Nov. 13--throughout the weeks ahead.

President Signs Historic Core Infrastructure Bill Into Law

President Biden signed the NUCA-supported Infrastructure Investment and Jobs Act (H.R. 3684) into law on Nov. 15 at a White House signing ceremony. The bill was passed out of the House on Nov. 5 [on a 228-206 vote](#).

This bill delivers the largest amount of federal resources to the American utility construction industry in history. Out of \$550 billion in new spending, the new law invests over \$55 billion in water and wastewater infrastructure, \$42 billion in broadband construction, \$110 billion in surface transportation projects, \$73 billion in modernizing the electric grid, \$7 billion in building a nationwide electric vehicle charging network, and billions more in other badly-needed programs, representing one of the largest federal infrastructure investments in American history. This crucial bill also reforms certain permitting processes used by the construction industry, including codification of recent "One Federal Decision" permitting reforms, and it imposes higher broadband speed standards on much of the new construction to ensure Americans have access to the connections they need in the modern digital economy. [More here on what state will receive at a minimum from this law.](#)

Steer Your Way To Sunny San Antonio: NUCA's Annual Convention & Exhibit

You and your guests are invited to San Antonio, Texas, on March 2-5, 2022, to enjoy yourselves and network with fellow industry professionals at the 2022 NUCA Convention! Our Convention hotel is a family-friendly resort located next to SeaWorld and 20 minutes away from downtown. Our industry hot topic sessions, National Partner exhibits, awards, team-building exercise, and the annual CEO Bobble Head golf tournament will make this a memorable experience for you. Registration is now open: [Register now!](#)

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

A Christmas to Remember

Last year we struggled with COVID19 travel and assembly restrictions, disruptions in resources and complications we never imagined. We need to remember how fragile our idea of our world is and how easily things can go sideways. Most of that 2020 year we want to forget and instead concentrate on making Christmas 2021 a Christmas to remember. What we learned is that we need to appreciate what we have and take care of what is important to us. Faith, home, family, friendships and work are all things that should be part of our master plan for ending this year and starting 2022 off right. If we want to do that, we need to focus on doing the right things to ensure success. Navigating the holiday season brings unique challenges. Travel, food, decorations, opportunists who may want to steal your Christmas, safety issues like candles, live Christmas trees that can dry out and become a fire hazard, overloaded electrical circuits, faulty wiring, using ladders improperly, etc. Did you know that there are an average of 15,000 ladder related injuries during the Christmas season?

We work so hard providing a safe workplace for our teammates but sometimes that doesn't carry through to the domestic side of life. Just a few safety precautions related to the items listed here will help insure a safe holiday season for all of us and all we value in life. Making sure the vehicle is ready for trips, follow good sanitary practices regarding food, choosing safe decorations, anyone remember the shattered glass ornaments? Securing our homes when we are away by stopping the mail and newspaper (who still reads newspapers?) and having the neighbors keep an eye on the place. Check wiring, use safe ladder practices, don't leave candles burning. So many simple precautions that will make 2021 a Christmas to remember and not a Christmas we would want to forget. Best wishes to all for a safe and happy holiday season.





2021 NUCANF SPORTING CLAY SPONSORS

GOLF CART SPONSOR

Ring Power Corp.

RAFFLE SPONSOR

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PLATINUM SPONSORS

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Duval Asphalt Products

T.G. Utility Company, Inc.

ECS Florida

United Rentals Fluid Solutions

J. B. Coxwell Contracting

United Rentals Trench Safety

GOLD SPONSORS

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TB Landmark Construction, Inc.

John Woody, Inc.

USI Insurance Services LLC

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STATION SPONSORS

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Cecil W. Powell & Company

Legacy Engineering, Inc.

ECS Florida, LLC

Lindell, Farson & Zebouni P.A.

Ferguson Waterworks

Phillips & Jordan

Fortiline Waterworks

United Rentals Trench Safety



CLAY SHOOT PHOTOS





2022 ELECTION OF OFFICERS

Our 2022 Officers and Board of Directors will be installed on Thursday, January 20th at 6:00 pm at Aloft Tapestry Park.



NUCA of North Florida **2022 OFFICERS & BOARD OF DIRECTORS**

EXECUTIVE COMMITTEE

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President-Elect

Tim Gaddis, Vallencourt Construction

Vice President I

Caleb Hulbert, A.J. Johns

Vice President II

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Secretary/Treasurer

Rob Pinkston, Ferguson Waterworks

General Counsel

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Drew Lane, Advanced Drainage Systems

Chance Leonard, ECS Florida

Rick Parker, Forterra Pipe & Precast

Alvaro Rios, T.G. Utility Company, Inc.

Barry Watson, Fortiline Waterworks

Jarod Wolford, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

TOP GOLF EVENT HIGHLIGHTS

We had 70 people attend our benefit for Seamark Ranch held at Top Golf on Wednesday, November 17th. Each guest received two drink tickets, a BBQ buffet dinner and 3 hours of golf. We raised a total of \$8,800 to donate to Seamark Ranch. Thank you to everyone who participated and also our wonderful bay sponsors.

Bay Sponsors

Beard Equipment Company

John Woody, Inc.

Ring Power Corporation

United Rentals Fluid Solutions





JACKSONVILLE ICEMEN TICKET ORDER FORM

Friday, February 25, 2022

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 tickets. In order to allow time to mail tickets, please submit your order no later than Friday, Feb. 11th.

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. 11th.



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Steer Your Way to
Sunny San Antonio
and Maximize Your
NUCA Membership

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NUCA Annual Convention & Exhibit
March 2–5, 2022 | Hyatt Regency Hill Country Resort & Spa



Join Us For NUCA's Premier Event!

You and your guests are invited to San Antonio to attend the 2022 NUCA Convention & Exhibit.


Come to San Antonio, Texas for our association's annual convention and join your fellow NUCA members for our high-octane learning sessions and exhibit hall featuring the latest utility and excavation products and services for contractors. Every NUCA member is welcome to attend.

Our Convention hotel is a family-friendly resort located next to SeaWorld and 20 minutes from the city's downtown Riverwalk. It's a secluded resort with exceptional amenities, comfortable charm, and a rich history of authentic Texas hospitality.

- ★ Industry Hot Topic Sessions
- ★ Exhibits with our National Partners
- ★ Meeting new industry colleagues and old friends
- ★ Engaging education & committee sessions
- ★ Recognition awards & Top Jobs honors
- ★ Memorable team building & live auction events
- ★ 3rd Annual CEO Bobble Head Golf Tournament
- ★ Inspiring speakers, fun social events, and *so much more!*

Registration Is Now Open!

To register, please visit our new NUCA Convention website, NUCAadigs.com.

 **#NUCA2022**

NEW MEMBER SPOTLIGHT

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DECEMBER FEATURED SPONSOR



**BUILD IT RIGHT.
BUILD IT WITH CONCRETE.**



Our Green Cove Springs Facility received a 2020-2021 facelift, with the addition of new forms, a new coring machine and a state-of-the-art batch plant. Our increased production and capacities along with our Production rates, assists in reducing lead times and improving quality. During this time our facility has increased the number of team members from 32 employees to a current level of 58 strong. With our emphasis on quality and making the customers experience a pleasurable one, we continue to work to strive to be the leader in the structure and Round Concrete Pipe industry.

**Forterra is a leading manufacturer of
pipe and precast product solutions.**

Rick Parker | 904.504.4871 | Rick.Parker@forterrabp.com

Bert Luke | 407.832.7412 | Albert.Luke@forterrabp.com

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