

THE FLOW

Upcoming Events



November 17th



**Benefit for Seamark Ranch
Registration & Sponsorship
On page 15 & 16**

NOVEMBER 2021

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PRESIDENT'S MESSAGE

Hello Members,

It was great to get out and see everyone at our general meeting this past week. We had some new faces in the crowd, which means we are growing as an organization.

This month our focus has been on growing our membership. No need to stop after October. Let's continue to invite other companies to be a part of an organization who is the watch dog for the betterment of our industry. This group not only looks out for our local interest we keep an eye on what's happening in the nation.

Our Sporting Clay Challenge is Tuesday November 2nd at Jacksonville Clay Target Sports. We currently have a few openings still available for the morning shoot. We always are looking for sponsorships. This event attracts many participants, so this is a great way to get your business out in front of members of this organization.

We will be having our last event of the year on November 17th. This is our Seamark Ranch Top Golf Benefit. 100% of the money generated from this event will be donated to the Seamark Ranch. Our organization has supported the Seamark Ranch for many years. This is a great way to end the year by giving back to children in need in our community. We are blessed to have this organization in our community. This event is always a good time.

We are working on scheduling two 'Next Man Up' classes. The focus will be a material testing class and heavy equipment class. The dates for those will be coming out soon. We are holding a lien law class on November 30th. If you are interested in attending reach out to Kathy.

Stay Safe and God Bless,

Marty Adams

madams@tblandmark.com

The best way to predict the future is create it.
Peter Drucker

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CALENDAR OF EVENTS

November 2nd

Clay Shoot

Jacksonville Clay Target Sports

November 17th

Top Golf Benefit
For Seamark Ranch
6:00 pm

January 20th

Annual Meeting &
Officer Installation
Aloft
6:00 pm

Feb. 7th & 8th

NUCA of Florida
2022 Legislative Days

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

Recent Appellate Ruling on Timely Recording of Liens a Win for Construction Lienors in Florida

By Mark C. Bryan, Esquire, Lippes & Bryan, P.A.

In a win for construction lienors seeking to collect money due for their labor, services, and materials, through a construction lien under Florida's Construction Lien Law, Florida's First District Court of Appeal recently issued an important opinion on timely recording of construction liens by Clerks of Court in Florida in the case of *Pritchett Trucking, Inc. v. The Honorable Jody Phillips, as Clerk of Court for Duval County, Florida*.

The lienor, Pritchett Trucking, Inc. ("Pritchett Trucking") delivered its construction lien in the amount of \$118,288.83 and recording fee to the Duval County Clerk of Court ("the Clerk") within 90 days of its last furnishing of services to the project (on April 23, 2018) in accord with Section 713.08(5), Florida Statutes. Due to no fault of Pritchett Trucking, the Clerk failed to record the construction lien in the official records until seven (7) days later (on April 30, 2018), and two (2) business days **after** the statutory 90 day deadline for Pritchett's lien to be considered timely recorded, thus making Pritchett Trucking's construction lien untimely and unenforceable. These facts were not in dispute. When asked to correct the record, the Clerk said it was unable to do so.

Pritchett Trucking, represented by our firm Lippes and Bryan, P.A, sued the Duval County Clerk to require the Clerk to e-record the construction lien with the correct recording date of April 23, 2018 (the date the construction lien was delivered to the Clerk with the recording fee). At trial, Pritchett argued that under Florida law, the Clerk is required to record liens when presented and **upon** payment of the recording fee, with "upon" meaning "at the time of" or "immediately thereafter," not seven (7) days later. The Clerk argued that it couldn't correct the late recording due to software limitations and that even if it could, it should not be made to correct the record. The Duval County Circuit Court Judge rejected the Clerk's arguments and agreed with Pritchett Trucking, requiring the Clerk to record a copy of Pritchett's lien, together with the final judgment of the court, as a single document to confirm the date of delivery of the lien as the recording date, resulting in Pritchett's lien being timely.

Thereafter, the Clerk and Florida Association of Court Clerks appealed the Trial Court ruling to the First District Court of Appeal, in the first time this issue has been before the appellate courts in Florida. On October 6, 2021, the Florida First District Court of Appeal upheld the Trial Court ruling interpreting the statutes as requiring the Clerk to carry out its statutory duty of recording a lien when presented, upon payment. The First District Court of Appeal concluded its opinion as follows: "Here, there were seven days between when the duty to record arose and when the duty was carried out, which was not "upon payment," " and affirmed the Trial Court's Final Judgment. Hopefully, this recent ruling will make it easier for trial court judges to mandate clerks to re-record construction liens with the proper dates in cases like this one.

Practical tip for recording liens: for same day recording, especially with a looming deadline, physically take the lien to the Clerk's office for recording. If you mail it or electronically file it, you can expect days of delay in recording from the date of the Clerk's receipt of the lien and payment, with the time period being determined by a myriad of limitless undefined factors, such as the Clerk's available resources and employees, or lack thereof, or the effects of pandemics or hurricanes. And, if the Clerk untimely records your lien despite receiving it and payment before the recording deadline, you have a remedy under this appellate opinion and the applicable statutes cited in it.

October Meeting Highlights

It was great to be back at Maggiano's at the Town Center. We had a good size crowd to enjoy some networking and to hear Anthony Crocco give us an economic update. Lauren Atwell also provided a NUCA national update. The NUCA Advantage program will soon be offering a 401K benefit plan. Look for more information to follow once the program is officially announced.



Fall Membership Drive

New Members

American Civil Construction, Inc.

Contact: Robert W. Ackley Jr.

Address: 2323 N. State Street, Unit 60, Bunnell, FL 32110

Phone: 386-263-0044

Email: Robert.ackley@americancivilconstruction.com

Contractor Member—Excavation, Site Development

American Precast Structures, LLC

Contact: Robert Neill

Address: 10483 General Avenue, Jacksonville, FL 32220

Phone: 904-467-7700

Email: Robert@american-ps.com

Associate Member—Concrete Precast structures

Referred by: Caleb Hurlbert, A.J. Johns, Inc.

Company Wrench

Contact: Brian Baum

Address: 4600 Philips Highway, Suite 2, Jacksonville, FL
32207

Phone: 904-522-3722

Email: b.baum @companywrench.com

Associate Member—Equipment Sales/Leasing/Rental

Referred by: Ed Porter, Bobcat of Jacksonville



NUCA Reacts To Delayed House Core Infrastructure Vote

The core infrastructure bill contains a historic amount of resources directed to water, broadband, and other infrastructure projects. The House's failure to promptly pass this bipartisan legislation places our member's projects, jobs, and future public works projects in jeopardy. NUCA CEO Doug Carlson stated, "House leadership has failed to recognize that clean water is not a political issue. Clean water and better infrastructure are not a Democratic or Republican talking point to be held as a hostage in extravagant political fights. Infrastructure is foremost an investment in every American community's well-being, economic growth, and the hope of a better future for millions of our nation's citizens." NUCA is urging our members to directly contact their lawmakers about this important bill via our Muster email advocacy link and support its passage without delay." Read Carlson's full statement [here](#) and [click here](#) to tell your representatives to pass the core infrastructure bill today.

Surface Transportation Reauthorization Gets 30-day Extension Through Oct. 31

Amidst the Democrats' fight over the two infrastructure bills, the House passed a 30-day extension of the FAST Act, the nation's surface transportation law, until Oct. 31. The chamber was unable to pass the core infrastructure bill, which contained the extension to the original Sept. 30 deadline. There was a one-day shutdown to the federal highway programs administered by USDOT, which has since ended but not before some 4,000 federal employees were temporarily furloughed. If any of your projects were impacted or delayed by the brief shutdown, please contact NUCA National governmental affairs staff. [Read more here.](#)

OSHA Hears From NUCA's Construction Safety Coalition On Employee Covid Mandate

The Biden Administration's pandemic response plan includes a mandate for all employers with 100 or more employees to receive a Covid vaccine or produce a weekly negative test before coming to work. In addition, federal contractors are mandated to receive the COVID vaccine, with no option for weekly testing. The Construction Industry Safety Coalition (CISC) and NUCA submitted on Sept. 27 our letter to OSHA's Administrator describing the "significant implications for the construction industry and for the construction workforce" if this mandate is implemented. OSHA is putting the mandate into effect through its Emergency Temporary Standard, which does not accept formal public comments. [Read the letter here.](#)

Sign Up For NUCA's Muster Advocacy Program

With infrastructure the hot topic in Congress this fall, make sure you sign up to NUCA's Muster legislative action alert service. It's easy to do, and we'll then alert you by email to upcoming infrastructure legislation that you can help promote and support. We've even completed a pre-written letter that you can send to your federal lawmakers with a click of your mouse. Sign up today to make your company part of getting America back to work! Sign up [here](#).

SAFETY NEWS

By Jeff Blomgren

Safety Director at Petticoat-Schmitt Civil Contractors

Safety Training and Orientation. How important is it?

In my 30 plus years of involvement in safety, I have learned one thing. If you want people to do the right thing, teach them what the right things are. In a labor market where we struggle to get qualified people to accomplish our contractual obligations we are faced with the reality that qualified people are very difficult to find. Also, our industry does not attract younger workers. The current education system lacks the emphasis on vocational training and are intent on qualifying students for a college education, many times, in useless degree disciplines. Many graduate and can't find employment in their chosen area.

Our industry pays well but the stigma of working in dirt only seems to appeal only to us and to farmers. We need to be able to reach a new market somehow. We need an infusion of candidates willing to work hard. Perhaps, with so many people leaving the job market in protest of government controls and mandates we may have an opportunity to provide a good living to people who want to make a change. If that happens, we need to advertise the opportunities and be prepared to help them understand the industry. That understanding comes with training. So many times we find that accidents and incidents are caused by lack of knowledge and understanding of the job tasks being performed. We rely on field training to take care of the education necessary to prepare a worker to do a job safely but that's not always the best policy.

There needs to be either a classroom environment or a similar process where the basics of the business and an outline of the expectations can be exchanged. Dialog can be established where new employees can learn the basics of what they might expect in the work environment. Explaining the simple things like PPE use and fundamentals of safe workmanship. Expectations for timeliness, accountability, attendance, skill development, communication channels, all can be accomplished by an effective orientation. The definition of "ORIENTATION" is "The direction someone is facing or the way someone tends to go.". Our obligation is not to expect or assume that training will occur. We need to be sure that it begins in an orderly and consistent process that includes the intent that we will start someone "facing the way they need to go" and be sure that the process is continued through the life of employment.



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NUCA HIRES NEW DIRECTOR OF CHAPTER AND MEMBER SERVICES

The National Utility Contractors Association (NUCA) announced earlier this month that Lauren Hensley has joined NUCA to lead the association's chapter and member services programs.

"After spending a decade in the association industry working in operations and sales for both membership and trade shows, Lauren has the extensive background and experience to go the extra mile for our members," said NUCA CEO Doug Carlson. "Quality membership service is what we seek for our members to get the most out of their NUCA investment. Lauren's background and personal energy is perfectly suited to move the association's growth and benefits to a higher level."

Lauren will provide operational support to the association's chapter leaders, liaison with the National Chapter Development Committee, and work with new member companies and chapters to strengthen their relationship and engagement with the association.

Prior to her NUCA job, Lauren worked for the start-up company CampfireSocial. Her position worked closely with the founder and CEO to carefully define and create a customer success vision for the SaaS company's platform, a social networking and e-commerce app designed to engage members and vendors in the association industry.

Before working for this cutting-edge start-up, Lauren worked on two of the nation's *Top 100 Trade Shows*: InfoComm and the Association of the U.S. Army (AUSA) Annual Meeting Symposium and Exposition.

She started her association career in membership at AUSA, guiding their Sustaining Member Program. Before she transitioned to the association's internationally-known trade show, she increased the number of member companies and assisted with the redesign and restructure of the AUSA's Membership Programs. While working for AUSA as an Exhibits Manager, she consistently exceeded exhibit revenue goals set for each show. She boosted the sales results by an astounding 178% for a new exposition event with only an eight-week lead-time for planning and execution.

After her AUSA work, she joined AVIXA as an exhibit sales manager where she increased her sales territory by 10% year after year, resulting in over \$1.4 million in exhibit and sponsorship revenue for the association in new and returning business. She is a 2011 graduate of Marymount University with a Bachelor of Arts in Education.

Lauren takes over the association's membership service duties from Meredith Leutbecker, who took a new position with a former employer earlier this summer. Lauren can be reached via email at lauren@nuca.com, and through NUCA's main membership contact phone number at 703-358-9300.



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HERE'S THE SCHEDULE

MORNING SHOOT		AFTERNOON SHOOT	
7:30 AM	Registration	11:00 AM	Registration
8:30 AM	Safety Briefing	11:30 AM	Lunch
9:00 AM	Shotgun Start	12:30 PM	Safety Briefing
11:30 AM	Lunch	1:00 PM	Shotgun Start



HAPPY THANKSGIVING!

We thank all of our members for your support this year and wish you and your families the happiest of Thanksgiving celebrations!



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TOPGOLF

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Wednesday, November 17th, 6:00 pm

Fee includes three hours of golf play, two drink tickets good for beer or wine and a buffet dinner. Cost is \$100 per player. Space is limited to 48 players.

Name	Company
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Attendees:

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

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Mail or Email this form to: NUCANF, PO Box 16810, Jax, FL 32245,
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November 17, 2021

\$500

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Name on card: _____ Billing Zip Code _____

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

Return with payment to:

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2021

Safety Directors Forum 811 One Call Meeting Damage Prevention Meeting

November 18–19
The Westin Charlotte
Charlotte, North Carolina

*Sponsored by NUCA's 2021
National Partners*

REGISTRATION INFORMATION

NUCA Members: \$295
Non Members: \$395

HOTEL INFORMATION

The Westin Charlotte
601 South College Street
Charlotte, North Carolina 28202

**NUCA is holding the 2021 Safety Directors Forum in conjunction with the annual 811 One Call and Damage Prevention meeting. Registration includes participation to both forums.*

NUCA



ONE CONFERENCE ~ TWO FORUMS

SAFETY DIRECTORS FORUM

The Safety Directors Forum (SDF) is an opportunity for safety personnel to network with other safety managers in the industry while building lasting relationships with other safety managers who can provide advice or help deal with difficult situations.

811 ONE-CALL AND DAMAGE PREVENTION MEETING

The 811 Damage Prevention meeting is designed to bring NUCA members together to address and strategize how members can better navigate the complex one-call laws and the impact they have on the industry.

THURSDAY, NOVEMBER 18

1:00PM–1:45PM

Joint Opening Keynote Speaker—Grand Ballroom A
CNA
Corey Rimmer, Assistant Vice President
Commercial Risk Control—Construction



2:00PM–4:45PM

SAFETY DIRECTORS' FORUM AGENDA—Harris Meeting Room
Risk Management—CNA
Safety Best Practices—Joe Wise, United Rentals
Trench Safety OSHA Update

811 ONE CALL DAMAGE PREVENTION FORUM—Tryon Meeting Room
S.U.E. Update - Nick Zembillas, Chief Executive Officer—
Subsurface Utility Engineering LLC
Downtime Legislation/Payment of Downtime—Shawn Ferrell,
Law Firm of Cohen, Seglias, Pallas, Greenhall, & Furman
CGA 2021 Update—John Fluharty

5:00PM

Joint Networking Reception—Grand Ballroom A

FRIDAY, NOVEMBER 19TH

8:30AM–9:30AM

Joint General Session—Grand Ballroom A
Infrastructure Protection Coalition (IPC) National Locator Study
Presented by Mark Bridgers, Principal—Continuum Capital

10:00AM–11:45AM

SAFETY DIRECTORS' FORUM AGENDA—Harris Meeting Room
Safety Lessons Discussion Panel
Safety Lessons & Best Practices Panel

811 ONE CALL DAMAGE PREVENTION FORUM AGENDA—

Tryon Meeting Room
National Locator Study—What We've Learned | Top Performing States
Moderator: Mark Bridgers

12:00PM–1:45PM

Joint Round Table Discussions | Networking Lunch—Grand Ballroom A

1:45PM–2:30PM

Joint Closing Session—Critical Response and Command
Mike Flowers, NUCA Director of Safety, Education, and Training

**Meeting times, topics, sessions, speakers are subject to change.
Please check the NUCA website for updates.*

Visit www.nuca.com/sdf for more details or to register.

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