

THE FLOW

JULY 2022

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Scholarship Night
Maggiano's
6:00 pm

August 27th
Fishing Tournament
NEFMA
St. Augustine
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PRESIDENT'S MESSAGE

Dear Friends,

I hope you are all well. As always, thank you to our monthly sponsors! Without you, this great organization would not exist.

Well, it's July. We're more than half-way through the year. Thanksgiving and Christmas will be here before we know it, but first we get to celebrate the 4th of July. This is one of my favorite holidays. From the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." That, my friends, is what this American Dream that we all chase is about. Freedom should be celebrated, not attacked, or criticized by those who don't have it or understand it. Everyday our freedoms and rights are under attack. One way to help fight it (short of a revolution) is to vote. Vote for those that believe in the things that you do. Vote for the people who make achieving that American Dream a reality. One way to support those people would be to contribute to the NUCA Pac and NUCA of Floridas Advocacy Fund. We strive to support the political leaders that share our beliefs and help keep the construction industry going.

June was busy for NUCA of North Florida. We had a Next Man Up Class on equipment operation. Thanks to our friends at Ring Power for putting it on! Also, National Trench Safety Stand Down Week was the 20th – 24th. We had great participation from all of our members! On July 14th, we'll be holding our Annual Scholarship Night at Maggianos. Come out and show our scholarship winners some love! The NUCA of Florida Annual Conference is FINALLY HERE! We will be heading to the Opal Grand in Delray Beach on July 21st-23rd. Registration and the room block are open, so come join us as we tackle some major issues that we all face as an industry and enjoy some good company too! I look forward to seeing you all there! Last, but not least, the NUCA of North Florida Annual Fishing Tournament will be held on August 27th. We always have room for participants in this event, and always welcome sponsorships too! Come on out and help me celebrate my birthday by catching a boat load of fish!

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.

Sincerely,

Mike

Mike Kivlin

2022 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Fortiline Waterworks

Sunbelt Rentals

Platinum Sponsors

Beard Equipment Company

Gold Sponsor

Alta Equipment Company

Forterra Pipe & Precast

Nimnicht Chervolet

Silver Sponsor

A. J. Johns Inc.

ECS Florida, LLC

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Contractors

Ring Power Corporation

CALENDAR OF EVENTS

July 14th

Executive Committee Meeting

4:00 pm

July 14th

Board Meeting

4:30 pm

July 14th

Scholarship Night

Maggiano's

6:00 pm

July 21-23rd

NUCA of Florida Conference

Opal Grand

Delray Beach

August 27th

Fishing Tournament

St. Augustine

September 22nd

Legislative Night

The Law and Your Business

The Law and Your Business – Beware the Fine Print! *Christian Lake, Esq., Lindell Farson & Zebouni*

This week, I took the deposition of a contractor in a construction defect case. Rather than self-perform the work under the contract, the contractor subcontracted the work to a company the contractor had done business with for years, and with whom the contractor had a largely informal professional relationship. As a result of the longstanding nature of their professional relationship, the contractor and subcontractor verbally agreed on a price for the scope of work and thereafter the subcontractor got to work. No written contract was entered between the contractor and the subcontractor, and the contractor paid the subcontractor in full at the end of the job.

As you may imagine, since this article is in the *Law and Your Business* portion of the Flow, a dispute arose between my client and the contractor due to defective construction of the subject project, which has resulted in the need for a complete rebuild of the project. After the lawsuit was filed, the contractor made a claim with its insurance company seeking both insurance defense counsel and for the insurer to step in and cover the amount of the loss in the event there was to be any payment to my client.

The contractor's insurance company responded by denying the contractor's claim for a few reasons. For the purposes of this article, however, I will only discuss two of those reasons. First, the contractor did not enter a written contract with the subcontractor, did not obtain a release and indemnification from the subcontractor, and was not listed as an additional named insured on the subcontractor's policy pertaining to the subject project. All three of those steps were required within the terms of the contractor's insurance policy in the event the contractor wished to subcontract its work. Second, the scope of work that resulted in the defective construction lawsuit was outside of the scope of services that contractor stated its business performed within its application for insurance. Each of those failures by the contractor was cited by the insurance company as an independent reason for denying coverage and a general denial of coverage was issued by the insurance company as a result. This denial has left the contractor footing its own bill for legal fees in defense of the lawsuit and facing direct exposure to financial liability in this case.

Ensuring your business is adequately insured is of tantamount importance, especially in the world of contracting. This requires fully and accurately filling out your application for insurance and selecting the policy that provides the best value for the entire array of services your business provides. Failure to do this could leave sizable liability gaps in coverage that could spell trouble for your business if left unaddressed. Just as important is knowing the terms of your policy that your business must abide by to avoid cancellation or denial of coverage by your carrier. Insurance companies will often jump at the chance to cancel or decline coverage where all policy provisions have not been met, even if those provisions are buried dozens of pages into a 100+ page policy.

If you are concerned about your insurance coverage or your requirements within your policy, the law offices of Lindell Farson & Zebouni, P.A. would be glad to speak with you and see if attorney review of your insurance documents makes sense for your business.

NEXT MAN UP CLASS HELD

Ring Power hosted NUCA of North Florida's "Next Man Up" training event on Thursday, May 26 at their St. Augustine Demo Yard. Entry-level heavy equipment operators from area companies learned best practices through a combination of product walk-arounds and a presentation focused on personal safety to help prepare them for career advancement.

Major safety topics included Safety & Maintenance Inspections, Mounting & Dismounting Machines, Machine Cleanliness, Working On a Slope, and Rollovers. Ring Power's Demo Operator, Bryce McGuire explained the importance of always having "3 Points of Contact" with the machine when getting in or out.

Ring Power Sales Reps conducted machine walk-arounds on a Cat 289D3 Compact Track Loader, D1 Dozer, 926M Wheel Loader, and a 325 Excavator. Operators were shown where to find the Operator Manual in each machine, what safety features are available, and what each warning light/indicator means. Special emphasis was given on conducting the Safety & Maintenance Inspection the same way every time at the beginning of each shift.

Ring Power values "Safety Above All" and encourages everyone to lead with a safety-first approach. Intermediate and advanced level operator training is also available.



WASHINGTON SUMMIT HIGHLIGHTS

The 2022 Washington Summit was a big success! Our 95 attendees, guided by Chapter leadership, held more than 80 meetings with legislators and their staff! Those on the Hill were very open to the association's goals, and we expect the experience to yield positive legislative results for the industry in the next session of Congress.

Our chapter joined with members from the other Florida chapters to meet with staff from Senator Marco Rubio's office as well as Senator Rick Scott's office. We went on to meet with the staff from Rep. John Rutherford's office in D.C. and had a follow-up meeting with Rep. John Rutherford via zoom last week.

The main issues for this year's summit included Water Infrastructure/Lead Pipe replacement funding, Infrastructure Investment and Jobs Act Implementation and Workforce Development. Our fact sheets and Summit details can be found at wedigamerica.org.

We had the opportunity to visit Arlington National Cemetery and attend a Washington Nationals game in our free time.





2022 Washington Summit: 80 Conversations Aimed at Continuing the Industry's Growth

The 2022 Washington Summit was a big success! Our 95 attendees, guided by Chapter leadership, held more than 80 meetings with legislators and their staff! Those on the Hill were very open to the association's goals, and we expect the experience to yield positive legislative results for the industry in the next session of Congress. Our fact sheets and Summit details can be found at wedigamerica.org.

Take Advantage of NUCA's Virtual Safety Training Programs

NUCA's virtual training classes continue for our members, and we urge you to take advantage of them as Trench Safety Month approaches. Through National Partner [United Rentals](#), NUCA is offering our members and their employees virtual training classes for "Confined Spaces in Construction Training" and "Excavation Safety for Competent Person." These live virtual trainings can give members the opportunity to pick from multiple dates while giving them the flexibility of remote training. May-June's classes and registration can be found on the NUCA website front page under "Calendar." Please log into your NUCA membership profile [to register for the seminars](#).

EPA Announces \$6.5 Billion in New Water Infrastructure Funding

EPA announced on June 13 that up to \$6.5 billion is available for its WIFIA and SWIFIA programs. The agency said it would prioritize funding for economically stressed communities, lead service line replacement, PFAS contaminants, and One Water innovation projects. The funding has the potential to create up to 40,000 jobs. For more information about WIFIA and the EPA's funding announcement, visit www.epa.gov/wifia.

NUCA's Dig This! Podcast: Summit & NUCA of the Carolinas

NUCA's latest Dig This! #podcast is out! NUCA Government Affairs Committee chairman (and NUCA Vice Chairman) Tom Butler discusses May's NUCA Summit and its positive news about our 2022 legislative program. Our second segment talks with NUCA of the Carolina's Linda Goslee about her Chapter's member services & events. You can download NUCA's fourth podcast from digthis.buzzsprout.com or from all major podcast providers. We've also expanded the podcast services where you can find Dig This!, including Apple Podcasts, Spotify, and Stitcher. You can find our podcasts at nuca.com/podcast. Follow us for more episodes in the coming months.

Support The NUCA Foundation--And Get A Great Return on Your Unused Equipment

BigIron Auctions has partnered with the NUCA Foundation to host a Focus Auction Fundraiser on Sept. 21, 2022. Get a great return on the sale of your unused equipment through NUCA National Partner BigIron Auctions. BigIron will create your listing, market your equipment (listed and sold from your location), and collect buyer payments. A percentage of the proceeds will be donated to the NUCA Foundation for Education & Research. The deadline to list equipment is August 12, 2022. Contact BigIron at 1-800-937-3558 or bigiron.com/selling.

NUCA-STAR Company Safety Program Introduced

Safety is the utility construction industry's first priority. It is also the top priority of the National Utility Contractors Association (NUCA). To help our members reach that goal, NUCA is introducing this month the NUCA Safety, Training, Awareness and Recognition (NUCA STAR) Program. The NUCA STAR Program was developed by the association's Safety Committee to help evaluate, update, and recognize a member company's safety program and practices. NUCA members who volunteer to participate should see lower incident rates and accidents on their jobsites and in their company facilities. We'll be releasing more details about this new program in the weeks ahead. More at nuca.com/nucastar.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors



Join Now!

Why the Utility Contractors Safety Directors Forum?

We want you. If you are in the utility construction business of safety, you need to be part of an organization where you have an opportunity to share ideas and solve problems that you normally must figure out on your own. Why reinvent the wheel? We have a tremendous amount of institutional knowledge all around us and you can bet that someone has experienced the same issues you may be facing and has solved them successfully. We are a creative and essential industry. If the tool doesn't exist to help us safely do a task, we can make it. If there's a problem to be solved we can solve it. The best thing we do in our industry is solve problems. We do it every day. When you get a set of plans, it's really just an idea. We know it's supposed to be that way but, how many times do we find out it just doesn't work? Who fixes that? We do. With all we learn individually every day, don't you think it would sometimes be a great idea to get together with likeminded people and maybe figure out a better way? The Safety Director's Forum provides us with the opportunity to help each other navigate the process of safety and production by finding a better way of accomplishing our goals.

We have always felt that safety should be shared. If you have a better way, let's hear it. If you want to share something that works for you, share it. The safety of our people should always be a top priority. We are regulated in how we do what we do. There's nothing wrong with that. The results of how we do that, we might need to figure out. We might even have to put the brakes on some overregulation, and we have had to do that many times. We can only do that by group participation. NUCA does that really well. The Safety Director's Forum does the same thing. We are all in this for the same reasons. Making a living and making living better for our customers and our country. We can also be better at doing what we do. We are competitors. It's the American way. But we don't compete when it comes to the safety of our work family. Let's do it together.

Contact Kathy Blackman at nucanf@gmail.com for further information.



NUCA★STAR

SAFETY TRAINING AWARENESS RECOGNITION

All NUCA members want to send its workers home safely every night. By participating in the NUCA STAR program you can reach those safety goals and raise the bar on safety best practices in the utility construction industry over time.

The STAR Program has been developed as a tool to aid NUCA members in evaluating, updating, and recognizing their safety program and practices. Companies who volunteer to participate in the evaluation process should see lower incident rates and accidents across the board.

KEY EVALUATION AREAS

Leadership + Culture + Procedures + Records & Database Management

For more information contact:

Mike Flowers - Director of Safety, Education, & Training

mike@nuca.com | #703.358.9300

www.nuca.com/nucastar

www.nuca.com | #WeDigAmerica | #WeDigSafety



**Northeast Florida Marlin Association
3030 Harbor Drive, St. Augustine
August 27, 2022**

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)

*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

PRIZE STRUCTURE: First, Second and third place prizes will be awarded for the heaviest legal fish in each of the following categories: Kingfish, spotted sea trout, redfish, flounder and all other species. There will also be a prize for the redfish with the most spots on one side, a prize for the woman weighing in the heaviest legal fish and a kid's prize (13 & under) for the heaviest legal fish.

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 INCLUDING ANGLERS ~

_____ \$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, and Complimentary T-shirts.*

(See Sponsorship form for details as to what is included with your sponsorship)

Company Name: _____ Your Name: _____

Phone: _____

Reservations for Fishing Tournament need to be made by Friday, 8/6. List all those who will be fishing or attending:

#1 _____ #2 _____
#3 _____ #4 _____

Kid's 13 & Under (no charge)

Name: _____ Age: _____ Kid's Shirt Size: _____

Name: _____ Age: _____ Kid's Shirt Size: _____

Send your Entry/Payment to: NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or email to nucanf@gmail.com

2022 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 2022 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 2022 Flow Newsletter. You may also have a vendor display at the awards dinner.

\$500 Dinner Sponsor

Same benefits as grand prize sponsor.

\$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 2022 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

2022 NUCANF FISHING RAFFLE
Sponsored by Beard Equipment Company

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. Drawing will be held on August 21st at the Fishing Tournament. You do not need to be present to win.

Prizes:

**\$500 Visa Gift Card
Donated by Linder Industrial Machinery
Value: \$500**

**30" diameter custom Bobcat Fire-Pit
With Grill Top & Stoker
Donated by Bobcat of Jacksonville
Value: \$375**

**Portable Rinse Off Kit
4 Gallon Container, 12 Volt Pump, 12 Volt rechargeable Battery and
9Ft Flexlite Hose - BPH Free - Drink Water Safe
Donated by MWI Pumps
Value: \$395**

of Tickets_____

(Name)

(Company Name)

(Phone)

1st Choice of Prize: ___ Gift Card ___ Fire-Pit ___ Rinse Off Kit

2nd Choice of Prize: ___ Gift Card ___ Fire-Pit ___ Rinse Off Kit

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

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

Billing Zip Code _____ Email: _____

(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: _____

WELCOME NEW MEMBERS

Please join us in welcoming the following companies who recently joined our association.

Flamingo Septic & Utilities, LLC

Contact: Heather Mullis, Owner

4809 Phyllis Street

Jacksonville, FL 32254

Office: 904-940-4884

Cell: 904-315-5844

Email: heather@flamingoseptictanks.com

Fifth Third Bank

Contact: Mike Colon, SVP

225 Water Street

Jacksonville, FL 32002

Office: 904-486-1942

Cell: 469-442-6658

Email: Michael.Colon@53.com

Vac-Con, Inc.

Contact: Caroline Brown, Marketing Manager

969 Hall Park Road

Green Cove Springs, FL 32043

Office: 904-284-4200

Cell: 904-252-6027

Email: cbrown@vac-con.com

BigIron
AUCTIONS

NUCA
We Dig America



FOCUS AUCTION

SEPTEMBER 21, 2022

DEADLINE TO LIST: AUGUST 19, 2022

SPECIAL PRICING FOR NUCA MEMBERS!

Percentage of the proceeds will be donated to the NUCA Foundation for Education and Research.

THE MARKET HAS NEVER BEEN HOTTER!
GET A GREAT RETURN ON THE SALE OF YOUR UNUSED EQUIPMENT.

FULL-SERVICE AUCTION

We create the listing, market your equipment, and collect buyer payments.

NO TRANSPORTATION

We list and sell from the equipment's location.

HAVE EQUIPMENT TO SELL? CONTACT US TODAY!

www.bigiron.com | (800) 937-3558

Corporate Highlights

First Quarter 2022



FIFTH THIRD BANCORP

CORPORATE PROFILE

Fifth Third Bank, National Association, established in 1858, is a diversified financial services company headquartered in Cincinnati, Ohio. Fifth Third is among the largest money managers in the Midwest, and as of March 31st, 2022, had \$549 billion in assets under care, of which it managed \$61 billion for individuals, corporations and not-for-profit organizations through its Trust and Registered Investment Advisory businesses.



¹Defined as MSAs with \$3B+ in capped deposits (branch deposits capped at \$250 million per June 2021 FDIC data)

\$211B
IN ASSETS

OPERATES
4

MAIN BUSINESSES
Commercial Banking, Branch
Banking, Consumer Lending,
Wealth & Asset Management

OPERATES
1,079
FULL-SERVICE
BANKING CENTERS

2,201
Fifth Third
Branded ATMs
OH, KY, IN, MI, IL, FL,
TN, WV, GA, NC, SC

~54,000
Fee-free
ATMs
Nationally

STATISTICS as of March 31, 2022

CAPITAL RATIOS

Today, it is important that you know your banking company is strong and well-capitalized. **Fifth Third is both.**

Throughout its history, Fifth Third has represented a source of strength and stability. Our capital levels significantly exceed all regulatory "well-capitalized" levels as well as our own target levels.



^a Excluding accumulated other comprehensive income

CREDIT AGENCY RATINGS*

	Holding Co. Long-Term Issuer	Rating Level	Bank Long- Term Deposit ^a	Rating Level
Moody's	Baa1	8 th highest of 22	A1	5 th highest of 22
S&P	BBB+	8 th highest of 23	A-	7 th highest of 23
Fitch	A-	7 th highest of 23	A	6 th highest of 23
DBRS Morningstar	A	6 th highest of 26	AH	5 th highest of 26

* As an investor, you should be aware that a security rating is not a recommendation to buy, sell or hold securities, that it may be subject to revision or withdrawal at any time by the assigning rating organization and that each rating should be evaluated independently of any other rating. Additional information on the credit rating ranking within the overall classification system is located on the website of each credit rating agency.

^a S&P does not provide a depositor rating. Fifth Third Bank's issuer credit rating is A-

JULY FEATURED SPONSOR



A. J. JOHNS, INC.
CONTRACTOR

3225 ANNISTON ROAD • JACKSONVILLE, FL 32246 - 3696 • 904-641-2055

A.J. Johns, Inc. is a Jacksonville based complete site development contractor. We began in the local industry in April of 1970. In the beginning we only provided utility needs to our clients, but in 1983 we expanded our services to include all scopes of a complete site development contractor to better serve our clients, both public and private.

Our company founder, Mr. AJ Johns is a long-time respected leader in the Jacksonville business community. Our goals and mission at A.J. Johns, Inc. have remained consistent over the past 50 years. We strive to provide a turnkey approach to many types of developments.

A.J. Johns, Inc. has the leadership, trained and dedicated staff who continue to evolve in order to meet the needs of our clients. We strive to create strong and understanding relationships with our clients, engineers, vendors, and subcontractors through communication, teamwork and most importantly, a positive attitude. We have a reputation for delivering quality and cost-effective services and we are fully committed to exceeding the expectations of our clients. Building new relationships and strengthening long term acquaintances is key to both past and future success.

At A.J. Johns, Inc. our employees receive continuous training to keep them abreast of our ever-changing industry. Internal job training and employee development brings an added plus to the efficiency of our organization.

Our industry has faced many ups and downs over the years, but the most important assets to any company is its employees. We continue to invest in the future of our industry by creating new avenues to increase employment in our industry. All of our futures dwell in the minds of the coming generations. We must show them through example that the construction industry provides a pathway to a successful and a fulfilling future. We must invest in the future of our industry by instilling the morals and knowledge of what made us who we are today.