

# Ditchmen Online Magazine

April 2014

Issue 57



**Photo by Advanced Drainage Systems - Nyloplast/Stormtech/HDPE**

A.D.S. - High Performance (HP) Polypropylene (PP) Pipe  
Restoring the Everglades Ecosystem

ADS was called upon to provide High Performance (HP) Polypropylene (PP) Pipe to implement a plan devised by the Army Corps of Engineers and the South Florida Water Management District. This project was designed to restore and preserve South Florida's natural ecosystems while enhancing water supplies and maintaining flood control.

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# President's Message

HORACE THE MULE

My Uncle Tom Sheeler, now deceased, of Orleans County, NY had a mule, who was named Horace. On Christmas Eve he called up Dr. Satterfield in Albion and said to him, "Doctor, Horace is sick, and I wish you would come take a look at him."

Dr. Satterfield said, "Oh Tom, its after 6 o'clock and I'm eating my Christmas Eve dinner. Give Horace a dose of mineral oil and if he isn't all right in the morning phone me and I'll come out and take a look at him."

"How'll I give it to him?" he inquired.

"Through a funnel," replied the good doctor.

"He might bite me!" he protested.

"Oh, Tom — you're a farmer, and you know about these things. Give it to him through the other end."

So Uncle Tom went out to the barn, and there stood Horace, with his head held down, just moaning and groaning.

He looked around for a funnel, but the nearest thing he could see to one was his fox hunting horn, hanging on the wall, a gold-plated instrument with gold tassels hanging from it.

He took the horn and affixed it properly. Horace turned his head, but paid no attention.

Then he reached up on the shelf where medicines for the farm animals were kept. But instead of picking up the mineral oil, he picked up a bottle of turpentine and he poured a liberal dose into the horn.

Horace raised his head with a sudden jerk. He let out a yell that could have been heard a mile away. He reared up on his hind legs, brought his front legs down, knocked out the side of the barn, jumped a five-foot fence and started down the road at a mad gallop.

Now Horace was in pain, so every few jumps he made, that horn would blow. All the dogs in the neighborhood knew that when that horn was blowing it meant that Uncle Tom was going fox hunting. So down the highway they went, close on Horace's heels.

It was a marvelous sight! First, Horace — running at top speed; the horn, in a most unusual position, the mellow notes issuing therefrom; the tassels waving; and the dogs, barking joyously.

They passed by the home of Old Man Harvey Hogan, who was sitting on his front porch, well "into the cups" as they say up north. He hadn't drawn a sober breath in 15 years, and he gazed in fascinated amazement at the sight that unfolded itself before his eyes.

Incidentally, Harvey is now head man of Alcoholics Anonymous in the western section of the state.

By this time it was good and dark. Horace and the dogs were approaching the Erie Canal Bridge. The bridge-tender heard the horn blowing and figured a barge was approaching. So he hurriedly went out and elevated the bridge.

Horace went over the edge, straight into the canal and was drowned. The dogs jumped into the water after him, but they could swim and climbed out without much difficulty.

Now it so happened that the bridge-tender was running for the office of Sheriff of Orleans County, but he managed to get only seven votes. The people figured that any man who didn't know the difference between a mule with a horn up his rear and a barge coming down the Erie Canal wasn't fit to hold any public office in Orleans County.

Sincerely,

A stylized, handwritten signature in black ink, appearing to read 'LA' followed by a flourish.

Lauren Atwell



Three different utility excavation projects utilize one shoring system: an Efficiency Production

## Manufactured Slide Rail System

By James McRay

The old adage “one size fits all,” normally does not apply to important trench safety equipment like trench shields and shoring. However, for three North Florida, South Carolina, and Alabama contractors, a more applicable adage would be, “one shoring system fits all sizes.”

Recently, North Florida-based Watson Construction LLC, South Carolina-based Terry R Lee Contracting, and Alabama-based BallCon, Inc., completed projects in Gainesville, Florida; Hardeeville, South Carolina; and Mobile, Alabama respectively. All three underground utility installation projects were very different from each other—a gas tank, a lift station, affluent pumps—yet the trio of projects did have one thing in common; they all used an Efficiency Production manufactured Slide Rail Shoring System rented and delivered from Efficiency Shoring & Supply in Jacksonville, Florida.

Efficiency’s Universal Slide Rail is a component shoring system comprised of steel panels (similar to trench shield sidewalls) and vertical steel posts. The highly versatile system can be used in a variety of configurations. Efficiency’s Slide Rail System can be configured into small four-sided pits; an obstruction-free ClearSpan™ configuration; or in a Multi-Bay™ configuration to install large tanks and structures or lengths of pipe over 40 ft.

### With Efficiency’s Slide Rail, Watson Construction earns LEED Platinum rating

This past December at the University of Florida’s Institute on Aging in

Gainesville, Watson Construction installed a 36 foot long, 10 foot tall fiberglass collection tank. The project was slated as a LEED Platinum rated facility and the rainwater collection and reuse system was an integral part of achieving the Platinum rating.

The tank was installed at a moderate depth of 15 feet; however depth wasn’t the primary challenge for Watson. The big challenge was contending with the surrounding structures, as the excavation site was crammed into the main building’s courtyard and had only limited access on three sides of the long pit.

“One of the biggest advantages of Efficiency’s Slide Rail System is the fact it can be installed with very limited access to the worksite,” said Mike Hemenway, Efficiency Shoring & Supply’s Jacksonville Branch Manager. “And the system can usually be installed with a standard sized excavator that many excavation contractors already have in their fleet; another advantage over other shoring system.”

“After careful consideration of the constraints of installing the tank such as the tank’s length and the depth of the pit, plus the limited space, we chose the Slide Rail System by Efficiency Production,” said Steve Miller, Watson’s Assistant Operations Manager. “It was almost a no brainer considering our past experiences with using the Efficiency system,” Watson added.

Slide Rail is considered “positive shoring.” It is installed by sliding the panels into integrated rails on the posts, and then pushing the panels and posts incrementally down to grade as the pit is dug; a process commonly referred to as a “dig and push” shoring system. “That’s another advantage of our Slide Rail; there’s no over-excavation,” added Hemenway. “The system keeps constant pressure against the surrounding dirt, which was critical for Watson digging so close to that tall building,” Hemenway concluded.

With the help of Efficiency Shoring’s onsite installation team, Watson installed a 10 foot wide, 41 foot long, 16 feet deep; two-bay, 4-Sided Multi-Bay™ configured Slide Rail System. Multi-

Bay™ utilizes Efficiency’s exclusive Parallel Beams that roll up and down the slotted rail on the inside face of the linear posts and have spreader collars—like trench shield sidewalls—which pin standard trench box spreaders.

For the Watson project, tie-back waler i-beams were added at the top of the system, attach into integrated waler brackets that connect into a slotted rail on the outside face of the linear posts. Paired with a sacrificial member (such as a spreader pipe or timber beam) braced cross-trench against the bottom of the linear posts; the entire parallel beam spreader assembly can be completely removed which provided Watson a full 40 feet of open space to install the 36 foot long tank.

“The Slide Rail System proved efficient, effective, and easy to use,” said Watson’s Project Foreman, James Tilley. “I had never used a Slide Rail System before, but with help from the guys at Efficiency Shoring, it was as easy as any conventional trench box I’ve ever used, if not easier in this particular application,” Tilley said.

### Terry R Lee Contracting installs lift station in tight spot with Slide Rail System

About 150 miles north of Jacksonville in the little town of Hardeeville, South Carolina; Terry R Lee Contracting was utilizing an Efficiency Slide Rail System on the Old Charleston CDBG Sewer Upgrade project for the Beaufort Jasper Water & Sewer Authority. However, Lee’s Slide Rail System was configured into a simple 16 x 16 x 20 foot 4-Sided Pit configuration, which shored the excavation for Lee to install a pre-cast 6 foot diameter, 20 foot tall round lift station.

Though location and other project factors may change, excavation shoring challenges tend to run in patterns such as dealing with surrounding structures and other environmental issues. “We were digging in a residential area so we had very little space; really only access on two sides of the pit,” explained Project Manager Bobby Lee. “We knew Slide Rail would be the best choice for the conditions; we’ve used (another manufacture’s) system before. How-

ever we were convinced to try an Efficiency Production Slide Rail System now that they have a close dealership," Lee said, referring to Efficiency Shoring & Supply's Jacksonville Branch.

To help install the system, Efficiency Production sent their Special Operations Shoring Division's Senior Slide Rail Installer, Tim Hurst, to assist Lee with the installation. "The Lee guys were great to work with; super hard working," said Hurst. "They were able to get the entire system installed in a little over five hours which is great time for a system that size."

#### **BallCon, Inc. and HCL Contracting use Slide Rail for pump install in congested WWTP**

Mobile, Alabama, was the next location featuring a Slide Rail System-shored excavation project. Mobile-based General Contractor BallCon, Inc. was the low-bidder to install an effluent pump station at the Wright Smith Jr. Waste Water Treatment Plant; one part of an overall project to upgrade the municipal WWTP.

Staying true to form, BallCon chose Efficiency's Slide Rail System in part for its ease of installation in a tight, congested spot. The 20 x 40 x 20 foot deep excavation needed to be dug

and shored in and around the treatment plant's operational structures.

There were two other reasons BallCon chose an Efficiency Slide Rail System. The first, "It was less expensive than sheet piling and every bit as efficient," said BallCon's Richard Ball. Secondly, "We had great communications with (Shoring & Shielding Specialist) Ryan Nalls at Efficiency Shoring. We'd never used Slide Rail before but because of the help from Ryan, we'd use it again," Ball said.

The excavation, shoring, and pump installation was performed by subcontractor HCL Contracting, also based in Mobile.

Newberry, Florida-based **Watson Construction** provides many construction products and services, including: site work, utilities, land development, earthmoving, clearing, demolition, erosion control, paving and sub-grading. Contact Watson at 352-472-9157.

Based in Hardeeville, South Carolina, **Terry R. Lee Contracting** specializes in sewer, water, storm drain and pump station installation for residential or commercial developments as well as public entities. More information can be found at [www.terryleecontracting.com](http://www.terryleecontracting.com).

In business since 2005, **BallCon, Inc.** is a licensed General Contractor with more than 30 years of experience; specializing in municipal sewer and water projects. BallCon is located in Mobile, Alabama, and can be reached for more information at 251-634-3842.

With four offices in Florida, two in Texas, and one in Chicago; **Efficiency Shoring & Supply** is an official Efficiency Production, Inc. factory-direct sales and rentals company. **Efficiency Production**, "America's Trench Box Builder™," manufactures the widest selection of standard and custom trench shielding and shoring systems. Efficiency's versatile products are designed specifically for safe and cost effective installation of utility systems and infrastructure improvements. All products are P.E. certified to meet OSHA standards. For more information, call Efficiency Shoring & Supply, 888-777- 8307, or visit [www.efficiencyshoring.com](http://www.efficiencyshoring.com).

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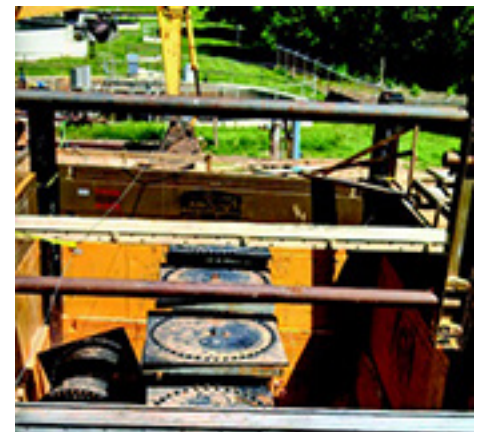
James McRay is the Director of Marketing & Media for Efficiency Production, Inc. He can be reached at 800-552-8800; [jmcray@efficiencyproduction.com](mailto:jmcray@efficiencyproduction.com)



Watson Construction's tank installation at the University of Florida's Institute on Ageing was slated as a LEED Platinum rated facility and the rainwater collection and reuse system was an integral part of achieving the Platinum rating.



The crew from Terry R Lee Contracting was able to install the entire Slide Rail System to grade in a little over five hours.



Using Efficiency Production's Slide Rail System, BallCon, Inc. and subcontractor HCL Contracting were able to excavate and shore a 20 x 40 x 20 foot deep excavation in and around the treatment plant's operational structures, including just a few feet from one of the WWTP's clarifiers.



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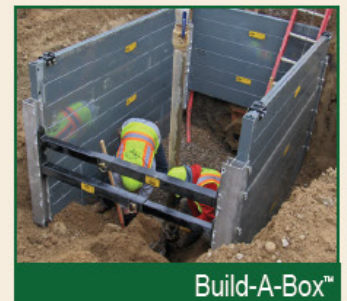
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# Insight on NUCA Member Kevin McLaughlin, Rowland Inc.

SUCA Chapter Member

## 1. Tell us about the services your company provides.

Rowland Inc. began operating under our current name in 1987 and in that time has completed tens of millions of dollars of Underground Utility Projects for multiple municipalities around the state of FL. In 1992 Rowland Inc. took our well-earned reputation for integrity and quality of work and entered the Manhole Rehabilitation business. We recognized a severe and growing issue with our aging sanitary sewer infrastructure was manhole degradation, inflow and infiltration. Increased waste water processing expenses due to infiltration and inflow, costs taxpayers millions of dollars each year. Significant savings are generated by rehabilitating manholes, lift stations and sewer lines. Rowland, Inc. has been an applicator of SewperCoat® brand cementitious material for 20 years. Recently Rowland just acquired the Inflow Shield product line. This product combines a cost effective, long term reduction of inflow & infiltration in wastewater systems. Combined with our manhole rehabilitation services, we now provide an end to end solution for I&I.

## 2. What attracted you to the underground utility business?

The fact that no two days are ever the same. You have the opportunity to work in the office and be involved in important business decisions, however there are other days where you may be in the field all day. You never know how each day is going to turn out.

## 3. What is your business philosophy?

Rowland Inc business philosophy has always been to work with the owners and to provide them with a quality project at a fair price. Over the past 25 years Rowland has never failed to complete a project or been in a single lawsuit with any owners.

## 4. What are your hobbies or interests outside of work?

I enjoy spending time with my family at the sports fields, running marathons.

## 5. What are you currently reading?

Fearless by Eric Blehm

## 6. Grill master or reservations?

Grill Master

## 7. What is your educational background?

B.S. Physics

## 8. What is your favorite college or pro team?

University of Notre Dame

## 9. Do you have any "guilty pleasure" TV Shows?

No

## 10. What would be your dream vacation?

Never really thought about it

## 11. What was the first car you drove?

1980 Toyota Corolla



Members of NUCA of North Florida with Senator Audrey Gibson.

## **Photos from Tallahassee Legislative Visits**

Rep. Lake Ray with members of NUCA of North Florida.







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# Efficiency Production Appoints Mike Hemenway new Branch Manager Efficiency Shoring & Supply Miami Branch

**Efficiency Production, Inc.**, America's leading manufacturer of trench safety equipment, today proudly announces that **Mike Hemenway** has assumed duties as the **Branch Manager** at **Efficiency Shoring & Supply's** Miami Branch Office.



The Efficiency Shoring & Supply Miami Branch staff are (left to right): David Diaz, Jeremy Horne, Branch Manager Mike Hemenway, David Roach, and Transportation Specialist James Allen.

"With my background in Heavy Construction, I enjoy working with contractors who are looking for a company with extensive experience in Trench Safety," says Hemenway. "Being able to apply my training and experience helps me gain the trust our customers expect. Building strong customer relationships not only helps us grow our business in South Florida, it helps save lives," he said.

**Hemenway**—available directly at 954-774-0386—has more than 16 years' experience in the Construction industry, and five years in the trench safety and shoring rental business; most recently serving as the Branch Manager at Efficiency Shoring



**FOR IMMEDIATE RELEASE**

**Contact:** James McRay, Director of Marketing & Media

**Telephone:** 517-676-8800

## Efficiency Production NewsRELEASE

& Supply's Jacksonville Branch Office.

Efficiency Shoring and Supply is located at **4201 Kean Road**, Davie, Florida; available locally by phone at 954-332-7700. The staff at the **Miami Branch** also includes:

- David Roach, Operations Manager; direct **954-654-5207**. Roach is a South Florida native and has been in and around construction since 1994.
- Jeremy Horne, Shoring & Shielding Specialist; direct **954-459-5399**. Jeremy is the newest addition to the Branch team, though he is a two year veteran in the shoring rental industry.
- David Diaz, Shoring & Shielding Specialist; direct **305-340-8549**. Also a native South Floridian, Diaz has been the construction equipment rental business for over eight years.

Efficiency Shoring & Supply offers a full range of trench shielding and shoring equipment, including:

- Steel and Aluminum Trench Shields
- Steel Manhole Shields
- Build-A-Box™ Aluminum Modular Trench Shielding and Aluminum Shields
- Hydraulic Shores, Rescue Shores, Hi-Clearance Shores, and Hydraulic Aluminum Shields

The branch also features factory-direct rental rates on Efficiency Production's PREMIER Slide Rail System, supported by the manufacturer's vaunted Special Operations Shoring Division; the nation's most experienced team of Slide Rail experts and installers.

All products are P.E. certified to meet

OSHA standards. Efficiency Shoring & Supply also services and supplies a full range of construction support equipment, such as:

- Stone Mizer™ Bedding Box Material Containers
- Porta-Tank™ Water-tank & Power-Spray System
- Road Plate
- Pipe Plugs
- Pipe Pullers
- Fall Protection
- Gas Monitors

Efficiency Shoring & Supply is Dallas/Ft. Worth's complete rental resource; offering OSHA and NUCA (National Utility Contractors Association) certified trench safety/Competent Person training.

Additionally, ESS is supported by the nation's leading trench shielding and shoring equipment manufacturer—Efficiency Production, Inc. Engineering support from EPI includes custom engineering and pre-bid CAD system drawings; special application design for highly challenging job site conditions; sales, marketing and customer service support; and on-site installation assistance from the country's foremost Slide Rail System and Trench Shielding Specialists.

Efficiency Production, "America's Trench Box Builder™," manufactures the widest selection of standard and custom trench shielding and shoring systems. Efficiency's versatile products are designed specifically for safe and

cost effective installation of utility systems and infrastructure improvements.

More information can be found on the web at: [www.efficiencyshoring.com](http://www.efficiencyshoring.com).



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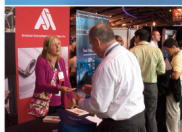
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## NUCA of Central Florida Calendar of Events

<b>April 21</b>	<b>Board of Directors Meeting</b> Joe's Crab Shack, Orlando
<b>April 25</b>	<b>Spring Golf Tournament</b> Duran Golf Club, Viera, FL
<b>May 15</b>	<b>Board of Directors Meeting</b>
<b>May 30</b>	<b>Auction &amp; Barbecue</b> Brevard Zoo, Melbourne
<b>June 19</b>	<b>Board of Directors Meeting</b>
<b>July 24</b>	<b>Board of Directors Meeting</b>
<b>August 1-3</b>	<b>Friends &amp; Family Weekend</b> Vero Beach & Spa
<b>August 21</b>	<b>Board of Directors Meeting</b>
<b>September 18</b>	<b>Board of Directors Meeting</b>
<b>September 26</b>	<b>Fall Golf Tournament</b>
<b>October 23</b>	<b>Board of Directors Meeting</b>
<b>November 20</b>	<b>Board of Directors Meeting</b>
<b>December 5</b>	<b>NUCA Central Florida Christmas Party</b>

## SUCA Calendar of Events

<b>May 1</b>	<b>SUCA Membership Meeting &amp; Live Auction</b> Summerfield Crossings, Riverview
<b>May 2</b>	<b>Annual Golf Tournament</b> Summerfield Crossings, Riverview
<b>June 7</b>	<b>Beach Day BBQ</b>
<b>June 12</b>	<b>SUCA Membership Meeting 7 Scholarship Night</b> The Columbian Restaurant, Ybor City
<b>August 7</b>	<b>SUCA Tradeshow</b> DoubleTree Hotel, Tampa



- |                     |   |
|---------------------|---|
| <b>September 19</b> | <b>SUCA Fish Fry</b><br>Al Lopez Park, Tampa                        |
| <b>November 1</b>   | <b>SUCA Clay Shoot</b><br>Tampa Bay Sporting Clays, Land O Lakes    |
| <b>December 5</b>   | <b>SUCA Installation Banquet</b><br>Glazer Children's Museum, Tampa |



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## **NUCA of Northwest Florida Calendar of Events**

- |                        |  |
|------------------------|--|
| <b>April 10</b>        | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>May 8</b>           | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>May (TBA)</b>       | <b>General Membership Meeting/Training</b> |
| <b>June 12</b>         | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>July 10</b>         | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>July 26</b>         | <b>Annual Fishing Tournament</b>           |
| <b>August 14</b>       | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>September (TBA)</b> | <b>General Membership Meeting/Training</b> |
| <b>September 11</b>    | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>October 9</b>       | <b>Monthly Board Meeting</b><br>Franco's   |
| <b>November 13</b>     | <b>Monthly Board Meeting</b><br>Franco's   |

## NUCA of North Florida Calendar of Events

- May 29**      **Board of Directors Meeting**  
**Night at Jacksonville Suns**
- June 10**      **Executive Committee Meeting**
- July 8**        **Executive Committee Meeting**
- July 24**      **Board of Directors Meeting**  
**Scholarship Night**

## UCA of South Florida Calendar of Events

- April 9**        **UCA Board of Directors Meeting**  
 UCA Office, Coconut Creek
- June 5-8**      **Annual Dolphin Fishing Tournament**  
 Ocean Reef Club, Key Largo



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# New SUCA Members

## Contractor Member

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[alausberg@tampabay.rr.com](mailto:alausberg@tampabay.rr.com)  
(813) 241-2586  
4102 Causeway Blvd, Tampa, FL 33619

## Associate Members

3D Data Prep Survey Inc., John Triska  
[john@3ddataprep.com](mailto:john@3ddataprep.com)  
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1304 Riverview Circle, Bradenton, FL 34209

United Rentals Trench Safety, Jeffrey Becker  
[jbecker1@ur.com](mailto:jbecker1@ur.com)  
(813) 630-2003  
7231 Adamo Drive, Tampa, FL 33619

Port Consolidated, Sarah Barnett  
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# DBPR Announcement

Dear Friends,

We recently launched the "Report Unlicensed Activity" function now available on the free DBPR Mobile app. The new function allows consumers to report unlicensed activity in real time. In a world of instant communication and technology, the new app function provides another avenue for the public to directly communicate with us at DBPR.

Unlicensed activity occurs when someone represents themselves as a licensed professional or provides services that only licensed professionals can perform. When a person misrepresents themselves as having a professional license to do specialized work like an electrical contractor, roofer or realtor, DBPR has an active role in taking action against those individuals. Unlicensed activity is against the law, and this new app function allows Floridians to instantly report concerns to DBPR.

Consumers can submit complaints of unlicensed activity with descriptions and pictures directly from mobile devices, and the information is received almost instantaneously by DBPR. To learn more about how to use the new app function to report unlicensed activity, you can [watch a tutorial](#) on the DBPR YouTube channel. Also, if you have not already downloaded the free DBPR Mobile app, it is available on the [iTunes](#) and [Google Play](#) app stores.

From air conditioning contractors to cosmetologists, consumer reports of unlicensed activity aid the Division of Regulation in carrying out more well-organized and successful sting operations. This fiscal year, DBPR has already conducted 18 stings throughout Florida.

It is our hope that this new app function will help streamline the process for both consumers and DBPR to handle unlicensed activity complaints and questions. As we work to bring unlicensed individuals into compliance with the law, this is just one more tool the department offers to better serve licensees and consumers.

Sincerely,



Ken Lawson  
Secretary

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## DBPR Mobile App Video

The Florida Department of Business and Professional Regulation (DBPR) mobile app has a new "Report Unlicensed Activity" function! Watch the the how-to video on YouTube:

<http://url.nucafl.org/dbprmobileapp>



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**2 Safety Matters**  
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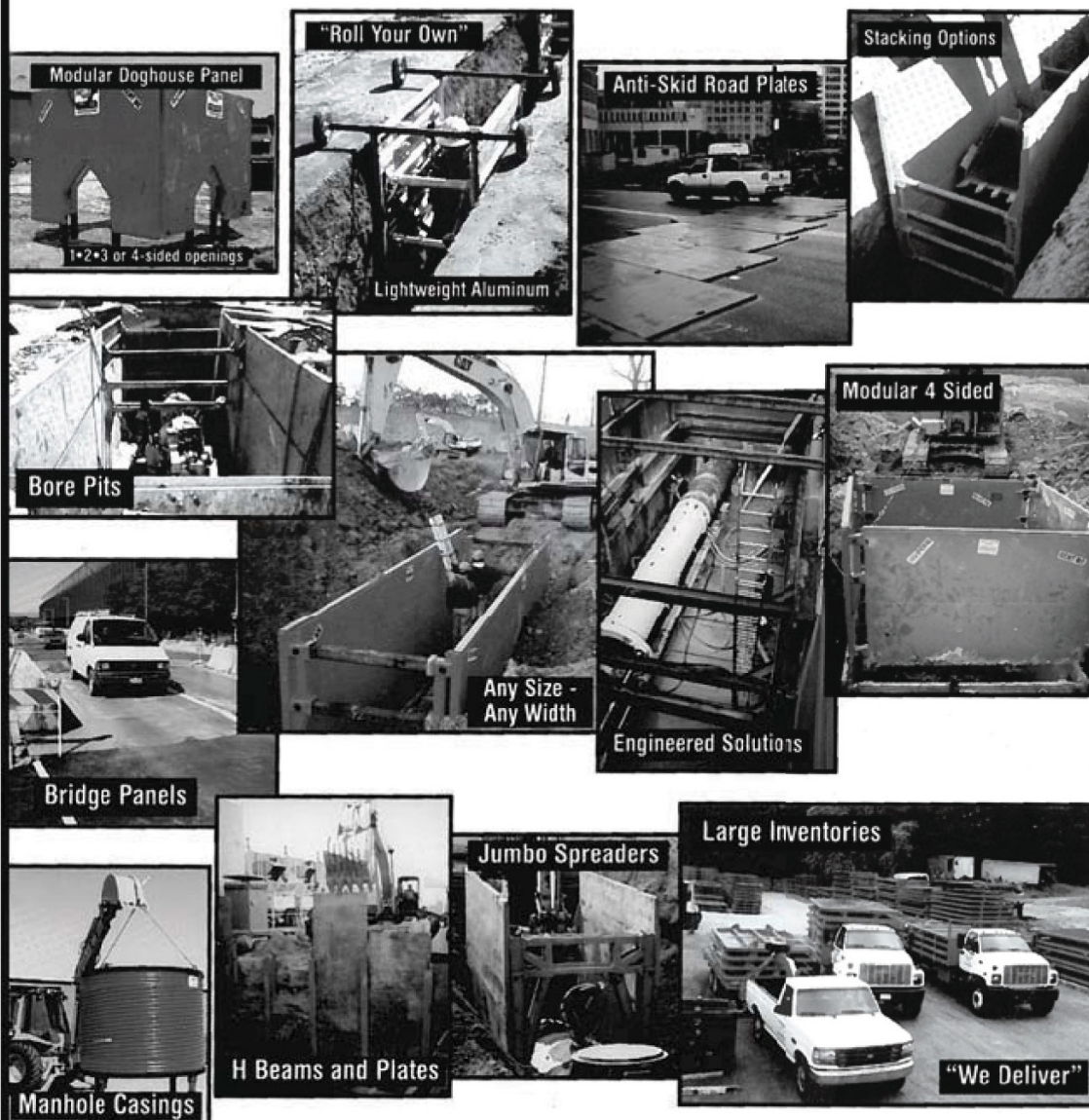


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# Sunshine 811 Message

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Later this month, we will be holding a Safe Digging Roundtable, scheduled for April 24th in Jacksonville, which will provide the opportunity to bring your concerns, suggestions, grievances and success stories to the appropriate stakeholder groups. The meeting will be moderated by Sunshine 811 and a panel of stakeholder experts will be there to answer questions.

THIS EVENT IS FREE!!! But space is limited to get signed up today. Space is limited to the first 100 people! SIGN UP HERE: Visit <http://goo.gl/IJZ7DK>.

The invitation is open to all of your stakeholder contacts, so please help spread the word!

Let me know if there are any questions.



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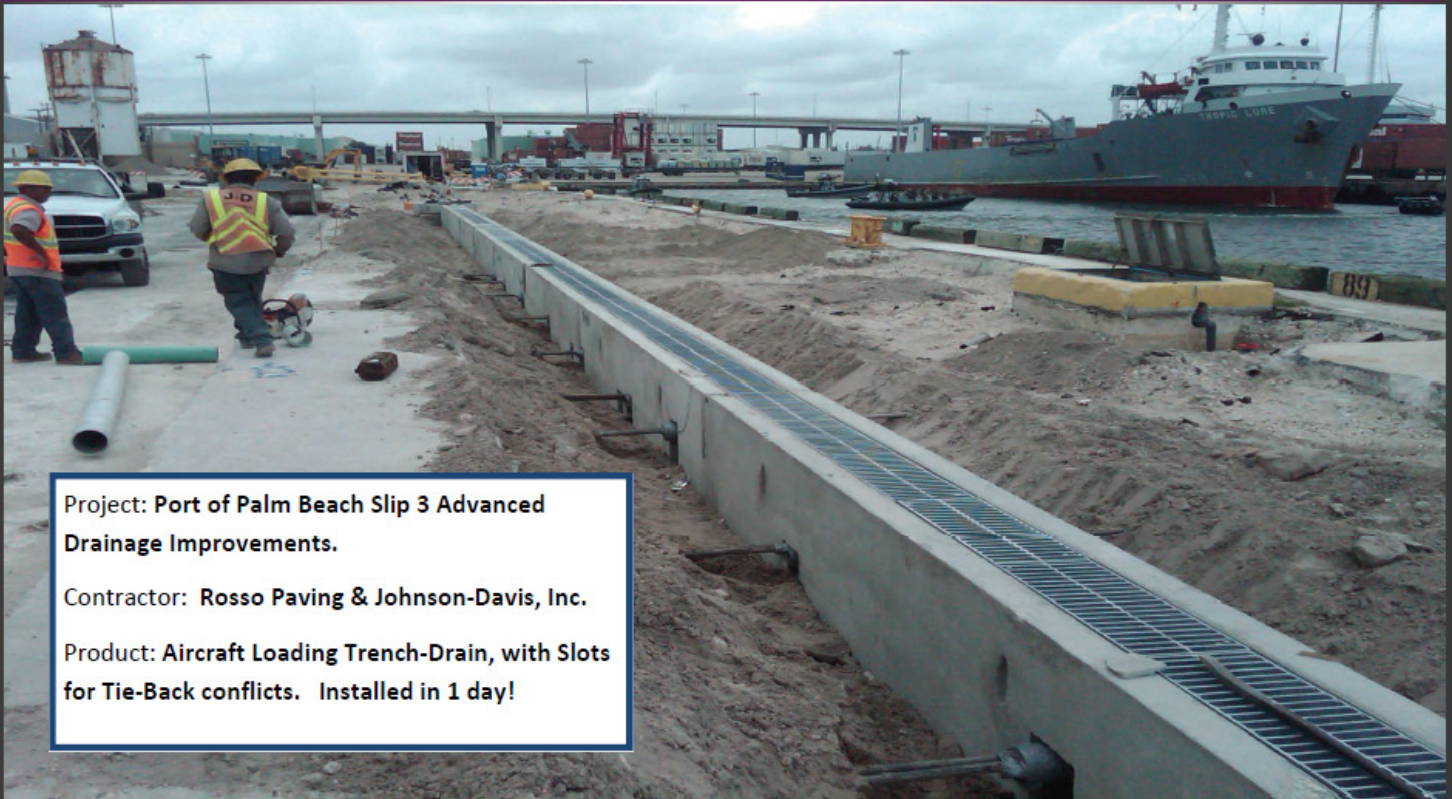
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# NUCA of Central Florida Report

**NUCA of Central Florida's 2014 Spring Golf Tournament** will be held on Friday, April 25th, at the exceptional Duran Golf Club in Viera. The registration fee of \$95.00 includes: Driving range warm-up, greens fee, cart, lunch, door prizes, prizes for the longest drive & closest to the pin, hole-in-one prize, as well as awards for 1st, 2nd & 3rd place. In addition, power packs are available – Receive four Drink Tickets, two Mulligans, one Ladies Tee Drive, and one Ball Toss for \$25.00. Sponsorship opportunities are available for Tournament Host, Beverage Sponsor, Event Sponsor and Hole Sponsor. Please visit our website, or contact the NUCA Central Florida office to receive a Golf Registration and Sponsorship package.

Our chapter's **J. Mitchell Ellington Scholarship** applications are now available. This program is named after Mitch Ellington who was one of the founding fathers of our organization and who passed away on October 10, 1995. Mitch had started this program with the intention of presenting it to students for whom an academic scholarship is more difficult to obtain. The scoring of this application will be directed toward a goal-oriented, hard-working student whose grades may not reflect the effort and dedication the student has for academics. This scholarship is open to any child of a NUCA of Central Florida member who will be enrolled in an academic institution for the year beginning in the fall of 2014 and includes freshmen as well as upperclassmen. This may be a four-year or two-year college, as well as a construction industry trade or technical school. Please call the NUCA of Central Florida office to receive an application, or for more information on ore scholarship programs available to our members.

Please join us for NUCA of Central Florida's **Annual Auction & Barbecue on May 30th**. This year we will be holding this exciting event at the **Brevard Zoo** in Melbourne. It will be an evening for the whole family with live animal encounters from the zoo, as well as our traditional barbecue dinner and plenty of auction items for all. Watch for more information to come, or contact the NUCA of Central Florida office for tickets.

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On its face, Florida's Lien Law is simple. A contractor that provides labor and material that improves real property is entitled to use a lien to make sure the contractor gets paid. However, the lien law actually is far from simple. In fact, it has become a morass of confusing terms, exclusions, and exceptions that can be a trap for the uninformed. This month we'll discuss a little known trap that could cost you money if you are not aware of it.

But first, we must set the table with some lien law basics.

A lien is merely a form of security for a debt owed under a contract. Think of a lien as the equivalent of a mortgage on your house. When you borrowed money from a bank to buy a house, you gave the bank a promissory note where you promised to pay the loan back and to secure that debt you allowed the bank to place a mortgage on your home. If you fail to pay back the loan as promised, the bank can foreclose its mortgage, sell your house and use the sale proceeds to pay off your home loan. A mortgage is usually placed on the property simultaneously when the debt is incurred, i.e. you give the mortgage when the loan is made.

Similarly, a lien is the security a contractor is allowed to place on real property that is improved by the contractor. The lien makes sure the property owner pays the contractor for the contractor's work as promised. If the property owner fails to pay as promised, the contractor can file a lien, foreclose the lien, sell the property, and use the proceeds to pay off the owner's debt. A lien is typically placed on the property after the work has been done and after the debt has been incurred.

Typically the following claimants in the project food chain may lien:

- Contractors (has a contract with the property owner);
- Subcontractors (has a contract with the contractor);
- Sub-subcontractors (has a contract with a subcontractor);
- Material suppliers to contractors, to subcontractors, or to sub-subcontractors; and
- Laborers.

There are other types of lienors, but these are the lienors that typically are encountered.

There are several different notice provisions which may or may not apply depending on where the lienor is in the food chain. However, one requirement that "everyone" knows about is that a lienor has to record the formal claim of lien in the county records within 90 days of the lienor's last

work on the property.

The lien law which is written by lawyers is a lot more complex than this (which is why lawyers are able to afford fancy ties), but this is the basic framework.

And now, we'll expose this month's lien trap.

If work on a project is terminated before the work is completed, say for example, the owner fires the contractor or the contractor abandons the work because the owner has failed to pay, then the time to record the lien can be 30 days from the contractor's last work, instead of 90 days. The time can be shortened to 30 days if, after a premature termination, the owner files and serves an "Affidavit of Recommencement" stating the owner's intent to recommence the work. Florida Statute, Section 713.07(4) states that if an Affidavit of Recommencement is filed and served on the potential lienors that performed work prior to the termination, then those lienors must record their liens within 30 days of the filing and service of the Affidavit of Recommencement. If the lien is not timely filed, then the lien is lost.

Thus, if you are involved in a project that is terminated prematurely, make sure your staff is aware of this potential trap and that they act immediately if an Affidavit of Recommencement is received.

George Spofford is a shareholder in the Tampa office of the GrayRobinson law firm. Spofford has represented the construction industry since 1985 and serves as General Counsel to the UUCF. GrayRobinson, P.A. ([gray-robinson.com](http://gray-robinson.com)) is a full-service business law firm with over 275 attorneys and 10 offices across Florida. If any member has specific questions relating to this topic or any topic they would like to see addressed in future editions, please feel free to contact George at (813) 273-5000 or [george.spofford@gray-robinson.com](mailto:george.spofford@gray-robinson.com).

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NUCA of Florida & Andrew  
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The NUCA of Florida/Andrew Scott Johnson Memorial Scholarship Foundation, Inc. was established in memory of the son of two-time Past President of NUCA of Florida, Scott Johnson (Johnson-Davis, Inc.). On December 28, 1999, Scott and Robin Johnson's son Andrew "Andy" Scott Johnson was tragically killed in an automobile accident at the age of 19. At the time of his death, Andy was a sophomore at Vanderbilt University studying Civil Engineering with hopes of entering the family business.

In less than three years since its formation, the foundation, through the generous gifts of family, friends and a concerned industry, has established a scholarship fund that will hopefully serve the association's membership to enable college bound students and forever memorialize a bright young man. Please consider taking this opportunity to continue funding the foundation by making a contribution today.

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