

Ditchmen Online Magazine

October 2014

Issue 63



We Need Cover Photos!

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President's Message



Striving to Reach Perfection and Continually Improving

Did you ever belong to something, but not feel you were a part of it? Well, the easiest way to overcome this is by putting yourself out there and getting involved. For me, whether it is hunting, working cattle, or being a member of an association, I feel you have to get involved. You cannot just sit on the sidelines waiting for things to happen. By getting involved, you start to feel you're a part of something. You start to see all the benefits through your involvement.

"You teach me, I forget. You show me, I remember. You involve me, I understand." – Edward O. Wilson. This is true within NUCA of FL. It is by reaching out and participating that we not only help others, but ourselves as well. I urge all of you to get involved with the utility and excavation industry – your industry – by being an active member of your local chapter and NUCA of FL. We can use your help, and you will see the benefits of being involved.

One year ago, we started to see our industry pick up. Today, we are in most areas of the country at full employment. Along with this good news brings other challenges, like a skilled workforce shortage. NUCA is committed to working on this problem through educational programs from your local chapter and on a national level with the Pipe layer online program and the NUCA Foundation for Education and Research. Please go to www.nuca.com to take advantage of getting your new hires up to speed quickly with Pipe layer online.

Along with the problem of a skilled workforce shortage comes the problem of safety. I urge all of our members to take advantage of the great training we offer on safety. Again, if you go to www.nuca.com, you can find local instructors and schedule any number of classes for your company. Bruce Kershner is a NUCA certified trainer for Competent Person Excavation, he will gladly come to your company or local chapter to provide you the required training. You can also download one of the safety topics, and go out to the field and use it as a safety toolbox talk or training aid.

Gearing back up and outfitting our new employees and crews can be expensive, take advantage of nationwide purchasing power with your membership, don't forget about the discounts NUCA has in place with ARAMark for uniforms, UPS for shipping, HP for office products, CONSENSUS Doc for those new alternate delivery projects you are winning and just in case Damage Prevention Claims Avoidance Program will help you have huge.

It has been great to see our membership increase during the last several months. I can count on Kari or Teresa or Kathy to email me a couple of times a month, telling me about our new members. I have to thank all our local ED's for welcoming our new members as well. As I have stated in the past, our strength grows with membership. With the construction boom taking place, I expect lots of new members in the months ahead.

The NUCA Annual Convention will take place in a few short months in Fort Lauderdale at the Hyatt Regency Pier 66 from March 24 thru March 26. I assure you, they are working hard to make it better than ever. We have to represent Florida strong and show the rest of the country's ditch diggers, there are none better than Florida Pipe layers. Watch your emails as we get closer to the date to see what is going to take place.

Don't forget to check out all the new ways to communicate with the association members, your colleagues and friends by following, posting with us on Facebook and Twitter.



Sincerely,

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

Lauren C. Atwell



NUCA OF FLORIDA 2014 PRESIDENTS CUP GOLF TOURNAMENT

PGA NATIONAL RESORT AND SPA
PALM BEACH GARDENS, FLORIDA

The 18th Annual Presidents Cup Golf Tournament was held September 26-28, 2014, at PGA National Resort and Spa in Palm Beach Gardens, Florida. Tournament Chairman, Mike Woodall, was joined by 13 other golfers for three days of tournament fun. After each day of play, the golfers relaxed in the hospitality suite while enjoying cool beverages, snacks, poker, and pool. There were several generous sponsors for this event: HD Supply Waterworks, Ferguson Waterworks, John Woody, Inc., ACT Pipe & Supply, Johnson-Davis, Inc., and Valenti, Trobec & Woody.

Friday started off a little soggy as the golfers made it to the tees on the Squire course. The format for the day was Captain's Choice, with Robert Lubianski and Keith Wilson from Texas coming out victorious. Second place for the day went to Tournament Chairman, Mike Woodall, and his teammate Jon Woodall. After a four-way tie-breaker Mike Woodall was the winner of the putting contest, while Mike Kivlin had the longest drive and his teammate, Dan Walsh, won closest to the pin.

The golfers moved on to the Palmer course and a two-man best ball format for Saturday's game. First place went to Bob Nelson and Kevin Johnston from ACT Pipe & Supply. Second place for the day was teammates Mike Kivlin and Dan Walsh. The winners from day one saw more success with Robert Lubianski winning the putting contest and Keith Wilson winning closest to the pin. Jon Woodall had the longest drive.

The final day of play was spent on the Champion course. Mike and Jon Woodall came out on top in this two-man alternate shot competition. Dan Walsh and Mike Kivlin were a close second. Dan, once again, beat out the others for closest to the pin. Rick Roark was the putting contest winner for the final day and Keith Wilson added longest drive to his accomplishments for the weekend.

After tallying the scores for all three days of play, the overall winners were Bob Nelson and Kevin Johnston.

The Presidents Cup Tournament was created to help fund NUCA of Florida's Legal Defense Fund and has grown into an excellent opportunity for members to come together for a weekend of networking and golf.

<u>TEAM 1</u> Mike Woodall & Jon Woodall	<u>TEAM 4</u> Brian Hunsicker & Doug Ipolito	<u>TEAM 6</u> Bob Nelson & Kevin Johnston
<u>TEAM 2</u> Dan Walsh & Mike Kivlin	<u>TEAM 5</u> Jimmy Vandever & Matt Wolfe	<u>TEAM 7</u> Robert Lubianski & Keith Wilson
<u>TEAM 3</u> Sam Shay & Rick Roark		

THE PRESIDENTS CUP

PGA National Resort and Spa

September 26-28, 2014

Day 1– Squire Day 2– Palmer Day 3– Champion Final

Shay, Sam Roark, Rick	65	77	66	208
Woodall, Mike Woodall, Jon	59	72	63	194
Nelson, Bob Johnston, Kevin	60	69	65	194
Lubianski, Robert Wilson, Keith	56	77	64	197
Vandever, Jimmy Wolfe, Matt	72	78	63	213
Walsh, Dan Kivlin, Mike	64	71	63	198
Hunsicker, Brian Ipolito, Doug	66	86	69	221

Squire

Putting Contest– Mike Woodall

Longest Drive– Mike Kivlin

Closest to the Pin– Dan Walsh

Palmer

Putting Contest– Robert Lubianski

Longest Drive– Jon Woodall

Closest to the Pin– Keith Wilson

Champion

Putting Contest– Rick Roark

Longest Drive– Keith Wilson

Closest to the Pin– Dan Walsh

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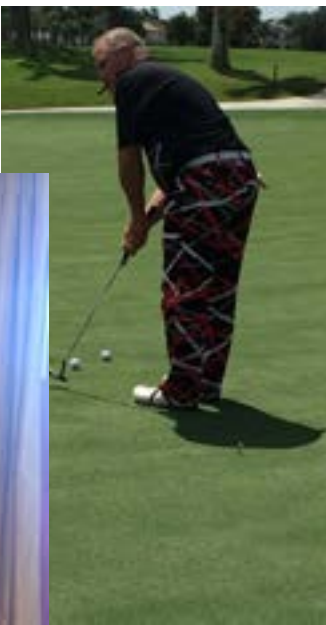


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Above: Thank you Putting Contest Sponsor, John Woody, Inc.
Right: Teammates Jimmy Vandever and Matt Wolfe.



Above: Tournament Winners Bob Nelson and Kevin Johnston.
Left: Bob Nelson makes his putt for Saturday's contest.



Above: Brian Hunsicker & Doug Ipolito break for a photo op on the Champion course.
Below: Teammates Rick Roark and Sam Shay.



Above: Tournament Chairman, Mike Woodall and his teammate Jon Woodall.



Above: Teammates Doug Ipolito and Brian Hunsicker
Left: A beautiful day for a tournament!



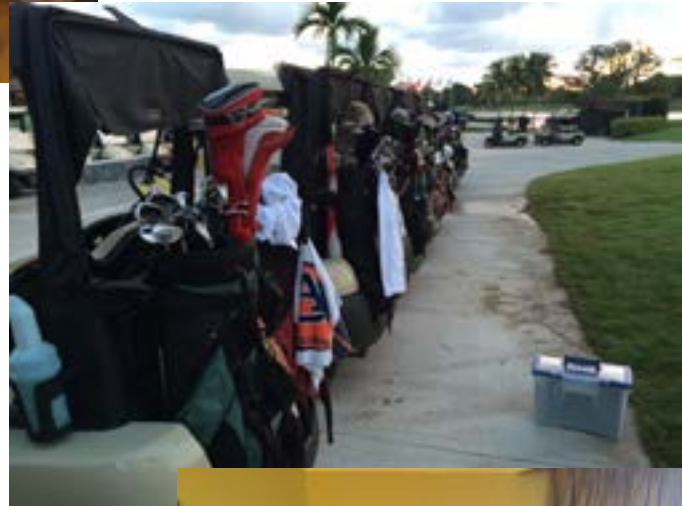
Below: Mike Woodall with Bob Nelson from ACT Pipe & Supply, the tournament Cigar Sponsor!



Above: Mike Woodall and Keith Wilson watch a narrow miss during Saturday's putting contest.

The President's Cup

	1st Day	2nd Day	3rd Day	Total
Woodall, Mike	65	70		
Wilson, Keith	59	72		
Nelson, Bob	60	69		
Lubianski, Robert	56	77		
Walsh, Dan	72	78		
Shay, Sam	64	71		
Kivlin, Mike	66	86		



Above: Teammates Mike Kivlin and Dan Walsh.

Above: Scores after day two of the tournament.

Right: Teammates Keith Wilson and Robert Lubianski



Left: Sam Shay and Mike Woodall watch as Sam sinks a putt on day one!

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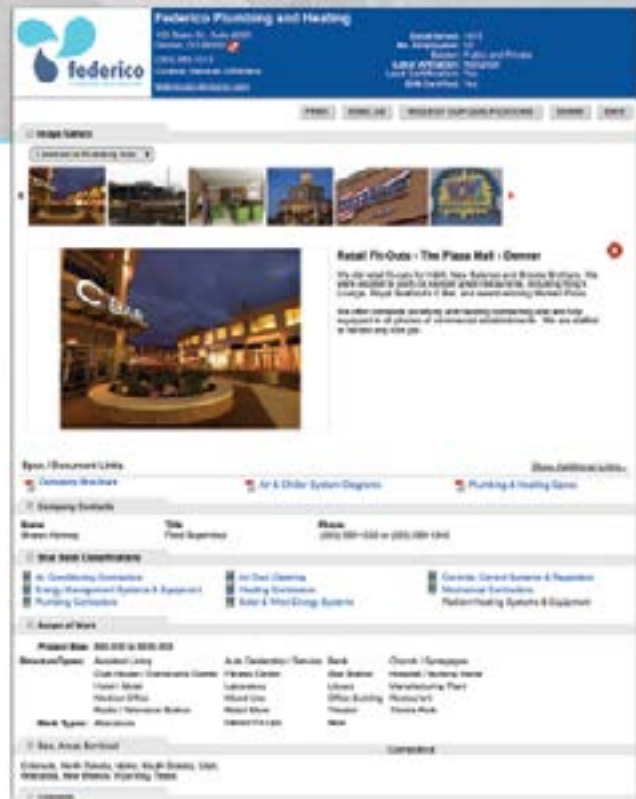
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Casting for Volunteers

Scott Johnson, President of the Andrew Scott Johnson Memorial Scholarship Fund, and your NUCA FL Wilson & Associates team, are seeking volunteers to serve on the new ASJMSF Planning Committee to help plan the charity fishing tournament. Clark Cryer, of Johnson-Davis, will serve as chairman of the committee. Earlier this year, the annual charity fishing tournament raised a whopping \$24,696.56! The scholarship fund awarded a total of \$23,000 in college scholarships to eight students. The Committee will meet via teleconference to discuss, strategize and plan for the 2015 ASJMSF Charitable Fishing Tournament. If you would like to be a part of this worthwhile cause, email your contact information to khebrank@wilsonmgmt.com.

OSHA Announces New Requirements For Reporting Severe Injuries

By George E. Spofford, IV
GrayRobinson, P.A.

Florida Offices Statewide
george.spofford@gray-robinson.com

On September 11, 2014, the U.S. Department of Labor's Occupational Safety and Health Administration announced a new rule requiring employers to notify OSHA when an employee is killed on the job, suffers a work-related hospitalization, amputation, or loss of an eye. The new rule will go into effect on January 1, 2015.

Currently, under OSHA's regulations, employers are only required to report work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations, or loss of an eye is not required under the current rule. Under the new rule, employers will be required to notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputations, or losses of an eye within 24 hours.

According to OSHA, if a fatality occurs within 30 days of the work-related incident, or if an in-patient hospitalization, amputation, or loss of an eye occurs within 24 hours of the work-related incident, then the event must be reported to OSHA. If the fatality occurs after more than 30 days of the work-related incident, or if the in-patient hospitalization, amputation, or loss of an eye occurs after more than 24 hours after the work-related incident, then an employer is not required to report the event to OSHA. However, the employer must record the event on the OSHA injury and illness records, unless the employer is exempt from OSHA injury and illness records.

Under OSHA's recordkeeping regulation, certain covered employers are required to prepare and maintain records of serious occupational injuries and illnesses using the OSHA 300 Log. However, there are two classes of employers that are partially exempt from routinely keeping injury and illness records. First, employers with ten or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records. Second, establishments in certain low-hazard industries are also partially exempt from routinely keeping OSHA injury and illness records. Typical low hazard industries are legal services, accounting services, architectural services, schools, and religious organizations (other than snake handlers- a joke), etc. The list of exempt employers can be seen at

<https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>. If you are a contractor, no need to look at the list, because you aren't on it. OSHA's new recordkeeping regulation maintains these exemptions. The new rule also updates the list of employers partially exempt from OSHA record-keeping requirements.

All employers covered by the Occupational Safety and Health Act, even those who are exempt from maintaining injury and illness records, will be required to comply with OSHA's new severe injury and illness reporting requirements. To assist employers in fulfilling these requirements, OSHA is developing an internet portal for employers to report incidents electronically, in addition to the phone reporting options.

Once OSHA is notified about these severe injuries, you can expect to hear from OSHA. Penalties for violating OSHA regulations can be up to \$7,000 per "Serious" violation and as much as \$70,000 per "Repeat" violation. OSHA also has the ability to assess penalties on a per employee exposed basis. For example, if there are 3 crew men in a non-complying excavation, and the employer has a prior "Serious" excavation violation, then the new citation will likely be deemed a "Repeat". The penalties in that circumstance could be significant, particularly if it is assessed on a per exposed employee basis (3 x \$70,000= A Bad Day).

For more information about the new rule, visit OSHA's website at <http://www.osha.gov/recordkeeping2014>.

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) 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.

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NUCA of Central Florida Calendar of Events

October 23	Board of Directors Meeting
November 17	Board of Directors Meeting
December 5	NUCA Central Florida Christmas Party

NUCA of North Florida Calendar of Events

November 11	Executive Committee Meeting
November 13	Sporting Clay Challenge
November 20	Boar Meeting
	Election of Officers Meeting
December 11	Building Industry Holiday Party

NUCA of Northwest Florida Calendar of Events

November 13	Monthly Board Meeting Franco's
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NUCA of Southwest Florida Calendar of Events

October 16	Membership Meeting
	Contractor Roundtables
November 19-20	"Racing for Success" Membership Recruitment
December 6	Holiday Party & Installation of Officers

SUCA Calendar of Events

October 17	Roundtable Lunch with Speaker from Greenlight Pinellas The Columbia, Talapia
October 31	Clay Shoot Tampa Bay Sporting Clays, Land O Lakes
December 5	Installation Banquet The Glazer Children's Museum, Tampa

UCA of South Florida Calendar of Events

November 7

UCA of South Florida Annual Scholarship Golf Tournament
1pm Shotgun Start, Palm Beach National in Lake Worth

Upcoming CILB Meetings

November 12-14

Altamonte Springs

US Department of Labor Wage Rate Survey

Overview: The US Department of Labor is currently conducting a Wage Rate Survey for our industry in Florida. The survey is for General and Specialty Contractors and it's open for the next six months. This survey determines the wage rates for individual trades and skills not just on Federal projects but also on many local public projects. Many local governments adopt the Federal Davis Bacon Wage Rates as their local living wage.

Issue: Historically, Merit Shop Contractors are not great at participating in surveys. Whether it's because they feel it doesn't apply to them or whether they prefer not to deal with the federal government, they have not been effective in taking action in this way when given the opportunity to do so. Conversely, unions do a tremendous job of responding and therefore, and in the absence of any competing data, we end up with union wages on public projects in Florida whether or not they are Federal.

Result: If we do not participate, we cannot complain about the resulting data. The last time a survey was conducted in Florida was in 2003. There is no prediction as to when the next survey will take place. Now is your time to act.

What can you do now?

New Members

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Rick Evans, President

400 Neal Road

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NUCA of Southwest Florida Fishing Tournament

NUCA of Southwest Florida held their annual Fishing Tournament on September 19th & 20th at Tween Waters Inn on beautiful Captiva Island. Everyone enjoyed time networking and spending the weekend with family and friends. The weather was nice and cool, the rain didn't damper a great weekend of fun, relaxation and fishing!

Thank you to all of our sponsors for their contributions in making our annual tournament an event everyone looks forward to year after year.

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Congratulations to our Tournament Winners!

Junior Angler

Most Fish: Jason Richardson, South Florida Lift Stations

Heaviest Snook

Ryan Baker, Mitchell & Stark Construction

Heaviest Redfish

Mike Barselou, HD Supply Waterworks

Heaviest Trout

Tony Zapata, MWI Pumps

Redfish Most Spots

Susan Stewart, Flygt a Xylem Brand

Heaviest Grouper

Jan Olsen, Meadow Burke

Heaviest Snapper

Sean McQuade, Meadow Burke

In-Shore Calcutta Winners

1st Place

L.D. Neal, Tony Alvarez, Ryan Baker, Mitchell & Stark Construction

2nd Place

Chris & Susan Stewart, Ray & Shani Kahler, Flygt a Xylem Brand

3rd Place

Mike McDonnell, Bill Tompkins, Oldcastle Precast

Off-Shore Calcutta Winners

1st Place

Jan Olsen, Mike Kovalick, Rob Massey, Ronnie Louman, Sean McQuade, Meadow Burke

2nd Place

Jim Murphy, Bill Schwalm, Jerry Ingles, Rick Conover, Corey Morin, J. P. Murphy, Inc.

Tournament Committee

Bob Russell, Aaron Hunt-Branch, Tim Wise – Guymann Construction of Florida

Brett Eckenrode – Southwest Utility Systems

NUCA of Southwest Florida and the Tournament Committee would like to thank our volunteers:

Kim Russell	Chris, Susan, Daniel, and
Cynthia Russell	Christina Stewart
Kathi Moore	Amy Esposito-Brown
	Daniel Cason

NUCA Southwest Florida next membership meeting will be October 16th @ the Holiday Inn Airport-Gulf Coast Town Center, Fort Myers. Social Hour begins at 5:30 pm, Membership Dinner Meeting at 6:30 pm, cost is \$35.00 per person. MSGT. Tim May will be our speaker on the topic of Commercial Vehicle Compliance and Safety.



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All County Paving is a full service Asphalt Contractor with its home office based in Delray Beach, FL. All County has locations in South Florida and Central Florida.

Ken Goldberg, All County's president says "All County Paving/M&M Asphalt deals with anything you can walk on that does not grow in your community, job site, parking lot, new development, or just asphalt restoration behind your pipe or rock crews". Our FDOT certification and our 28 years in business have taught us a few things and we live by them daily.

We are a family business and like to think of our UCA members as partners in our industry not just a customer. We are honored to be part of the UCA Board.

South Florida was our starting ground but today we cover all of Florida and can handle certain projects in the Southeast United States without missing a beat. "UCA is an exciting opportunity" says Jeff Cohen Vice President, "not just for the annual fishing tournament at Ocean Reef, but also to share some of our successes, spend some family time, and help grow our industry and our association partners today, and into the future".

Our goals are simple. Do everything the normal contractor "does not do". Start with answering the phone, providing customer service, standing up to a deficiency before the engineer points out or taking the extra step and not hiding behind a voice mail. We certainly are not perfect but will always try and try again to make it right.

All County is a little different. The goal is to be the best not the biggest. Our people care about providing a solution, not just a bid, and included with that is customer service, quality and communication (good or bad news).

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NUCANF Chapter News

We had a good turnout for our tournament despite the expected showers. Grill Billy's provided a wonderful BBQ of brisket, grilled shrimp, beans, slaw, cheese grits and banana pudding. Josh from Gate and his wife managed the weigh in. Steve Dempsey was our announcer. Congratulations to the winners of this year's tournament. REDFISH: 1st Place Tony Macaluso, Beard Equipment, 6.40 lbs, 2nd Place Brian Mason, CurleyTail/Flagler, 5.33 lbs, 3rd Place David Nelson, Linder Industrial Machinery, 2.71 lbs, Most Spots: Tony Macaluso, 1 spot FLOUNDER: Mike Hancock, United Rentals Trench Safety, 1.58 lbs, Joann Capps, Linder Industrial Machinery, 1.13 lbs, DeWayne Carver, Ferguson Waterworks, .73 lbs TROUT: Mike Hancock, United Rentals Trench Safety, 1.74 lbs, David Raymond, United Rentals Trench Safety, 1.49 lbs, Dave Pierson, United Rentals Trench Safety, 1.41 lbs OTHER SPECIES: Gordon Spottswood, Ferguson Waterworks, 5.12 lbs, Black Drum, Flo Woodall, John Woody, Inc., 1.77 lbs, Sheepshead

Thank you to our event sponsors: Hat Sponsor: United Rentals Trench Safety Sleeve Sponsors: H. D. Supply Waterworks, Port Consolidated Raffle Sponsor: Beard Equipment Company Dinner Sponsors: Linder Industrial Machinery, Standard Precast Grand Prize Sponsor: J.B. Coxwell Contracting Kid's Sponsor: Standard Precast Trophy Sponsor: Fortiline Waterworks.

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We had two new members recently join our association: Equify Financial LLC (Associate member) and TB Landmark (Contractor member).

We will be having our 3rd Annual Sporting Clay Challenge on Thursday, November 13th at W.W. Sporting Clays. Cost is \$500 for a team of 4. Sponsorship begins at \$100 and range to \$500. Forms are available at www.nucanf.com.

Applications are now being accepted for the 2015 Board of Directors. You must complete an applications by October 12th. Our election of Officers meeting will be held on November 20th.

We are currently selling tickets for our fall raffle. Tickets are \$10 each or 3 for \$20. Prizes are \$500 cash, Go Pro Camera (valued at \$200) and a Kindle E-Reader(valued at \$120). Drawing will be held at the Election of Officers Meeting on November 20th. You do not need to be present to win.

This year our association is participating in the Building Industry Holiday Party. The event will be held on December 11th at Unity Plaza. Tickets are \$30 for individuals/\$50 per pair before November 15th, \$35/\$60 after November 15th. Register today at <http://jaxholidaybash.com/>.



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Vice President

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DBPR Message

Dear Friends,

At DBPR, we pride ourselves on maximizing the efficiency of our department and making it easier for consumers and licensees to access information. While DBPR has a very robust website with masses of information readily available, we recognize that you're not always at home when you need to reach the department. That's why we have the DBPR Mobile app. Using the app, consumers can verify licenses, check restaurant inspection histories, report unlicensed activity and read the Bottom Line directly from a smartphone or mobile device.

Thanks to the DBPR Mobile app, state issued licenses can be verified from nearly anywhere. This feature is one of the greatest tools consumers can use to put the hiring power back into their own hands. If you need services that require a state license, always verify the license prior to hiring or signing any contracts. Take your phone out while you're meeting with a new contractor; if they can't pull up their license information on the app—that's a red flag.

For Floridians and tourists who love to eat out, the DBPR Mobile app also has all of Florida's restaurant inspection reports available to view right on a smart phone or mobile device. Using the app, consumers can pull up a restaurant's inspection history and make an educated decision regarding where to have their next meal. This takes the guessing out of dining out, and gives consumers peace of mind about deciding where to eat in Florida.

Sometimes, when an unlicensed professional has already been hired or is soliciting unlicensed services, the next step for a consumer is to file a complaint with the department. The DBPR Mobile app has a 'Report Unlicensed Activity' feature for consumers to submit photos, descriptions and details of unlicensed activity as they see it happening. Here at DBPR, our main goal is compliance. By reporting unlicensed activity directly to the department, consumers can help DBPR bring everyone into compliance. To learn more about the 'Report Unlicensed Activity' feature of the DBPR Mobile app, take a look at this great how-to video:https://www.youtube.com/watch?v=x2MWba_rU_M.

Lastly, the Bottom Line is also available on the DBPR Mobile app. If you know of a previously mentioned link or topic you want to share with others, feel free to pull up the DBPR Mobile app to access all of the Bottom Line articles. The app is here to help consumers, and it's yet another tool that DBPR provides consumers to stay connected and informed. The DBPR Mobile app is available for free download in the iTunes and Google Play app stores.

Sincerely,



Ken Lawson
Secretary
Department of Business and
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Tallahassee, Florida 32399
Customer Contact Center:
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www.MyFloridaLicense.com

State regulatory agency conducts construction sting in Jacksonville

The Department of Business and Professional Regulation Jacksonville Investigative Office conducted an undercover sting operation on September 11 – 15 targeting unlicensed contractors. Nine individuals provided estimates for construction and/or electrical services that they do not hold the proper license to perform. The Jacksonville Investigative Office will initiate cases against the following individuals for which Notices to Cease and Desist or citations will be issued; all DBPR cases are then forwarded to the local State Attorney's Office.

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Future Speaker Seeks Changes to Florida's Lien Law

By R. Bruce Kershner

NUCA of Florida Director of Government Affairs



Representative Richard Corcoran (HD- 37, R-Lutz, Florida) believes that owners of residential homestead property (or property intended to be homestead or primary residence) should not be subject to liens of persons who are not in direct contract (privity) with the owner. Typically, this would be the general

contractor under new construction or a renovation but could be other types of contractors under repair situations.

Florida's Construction Lien Law (Chapter 713, Part I, Florida Statutes) sets up the statutory scheme whereby those who make permanent improvements to real property can protect their rights to lien the property. It is generally looked at as sophisticated and well balanced in that it gives protection to lienors who strictly follow proper notice procedures, but it also protects owners who make proper payments from paying twice. Where lenders are involved in disbursing construction loan proceeds, they have obligations to make proper payments on behalf of the owners which works well.

However, Representative Corcoran firmly believes that the issue is between the contractor and those who were hired by the contractor, and that homeowners should not be responsible for reading certified mail and making sure releases are obtained from lienors who have served notice.

As of this date, nothing has been drafted by Representative Corcoran. He did float an amendment during the last week of the 2014 Legislative Session, but he withdrew it. It was intended to send a message to the construction industry that he has concerns with the current system and does not want homeowners paying twice for services or materials. The Representative basically wants to exempt subs and suppliers on single family residential construction, either homesteaded or properties intended to be homesteaded, from filing construction liens where they are not in privity with the owner. He stated that he does not intend to change the lien rights on commercial projects. He also stated that his proposal would not include second homes.

I have met formally with Representative Corcoran and can attest to his passion on this issue. He is slated to become Florida's Speaker of the House in 2016 and will be a part of Incoming Speaker of the House Representative Steve Crisafulli's Leadership Team for the next two years. He is in an extremely powerful position for the next four years.

The Construction Coalition, which NUCA of Florida is a member, recently held a special Construction Coalition meeting to discuss potential alternatives and ideas to address Representative Corcoran's concerns. The coalition would like to see the lien law

remain unchanged but understands that given who is seeking the changes requires the industry to look at options. I have also been criss-crossing the state meeting with various legislators and legislative candidates discussing the issue with them.

Although the construction industry believes there are a number of changes that could tighten up the existing law and make it more consumer-friendly, Representative Corcoran is looking for a solution that removes the residential homeowner from the equation.

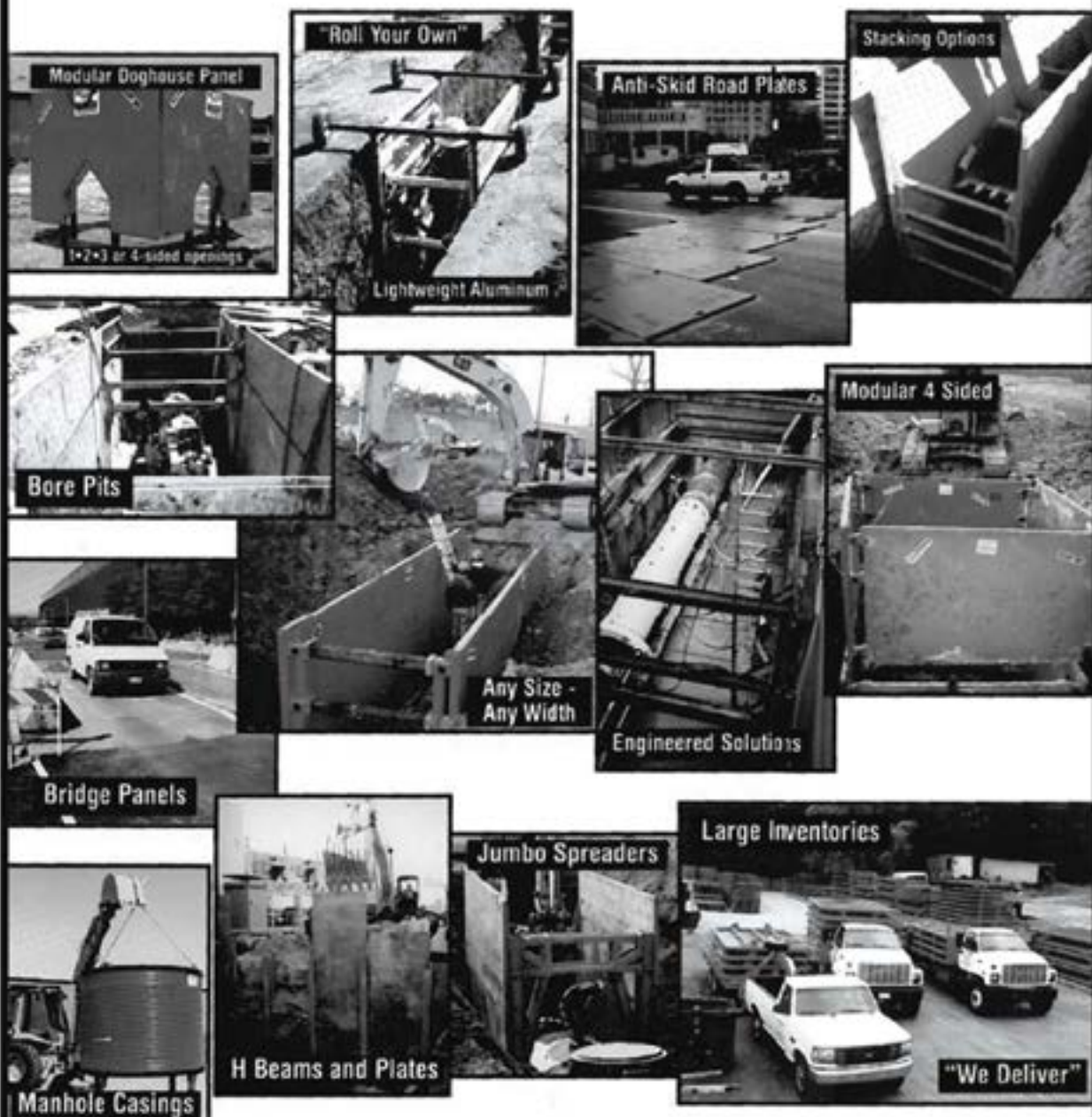
Options that have been discussed by industry groups to date include:

- ▶ Credit insurance on the specific project – There is an added cost for this which must be built in to the price of materials.
- ▶ The contractor obtaining a payment and performance bond for the protection of subs and suppliers – There is an added cost for this and also a question as to the availability of bonds for smaller residential contractors. Currently in Florida, these bonds are limited to large residential and commercial projects.
- ▶ Establishing privity with the owner – Contractors do not favor this option because the cost of the materials would then have to be deducted from their prime contract. A question has also been raised as to the potential problem for title insurers if the owner enters into multiple direct contracts. The owner and thus the title company would no longer be able to rely on the final contractor's payment affidavit to close out a project.
- ▶ Modify the Construction Recovery Fund – Florida's current fund is specifically for homeowners to recover if they have been harmed. A suggestion has been discussed that this fund could be modified to allow claims by subcontractors and suppliers who have not been paid by the contractor. Utah does this.
- ▶ Utilize the services of an escrow agent for the owner (perhaps only where lenders are not involved) to receive notices, disburse construction funds and obtain the appropriate releases and affidavits in order to bring a project to successful completion without a lien or bond. North Carolina recently instituted changes requiring every owner and contractor to appoint a "lien agent" who must be an insurance company licensed in the state.

Representative Corcoran suggested an additional meeting be held to include representatives from the banking and title insurance industries, which I will be a part of, following the November elections. I will provide additional information after that meeting.

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If you are interested in joining the Conference Committee please contact Kari Hebrank at khebrank@wilsonmgmt.com or Sydney Phillips at sphillips@wilsonmgmt.com.

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