



ARIAS BOSINGER
REAL ESTATE & ASSOCIATION ATTORNEYS

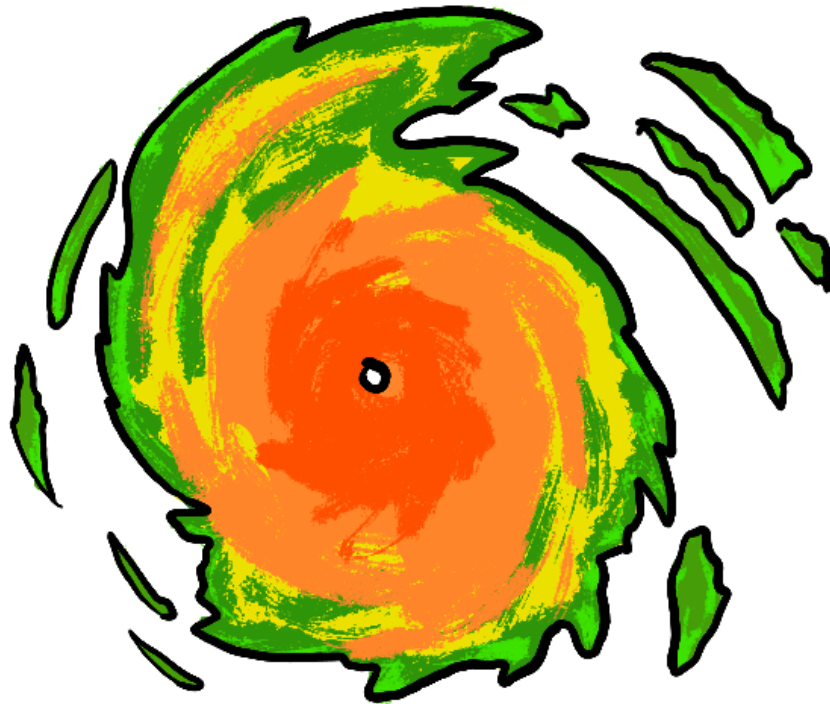
HURRICANE PREPAREDNESS

BEFORE, DURING, AND AFTER THE STORM

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2021 RECAP



21
Named storms

Average is fourteen

Ana	Larry
Bill	Mindy
Claudette	Nicholas
Danny	Odette
Elsa	Peter
Fred	Rose
Grace	Sam
Henri	Teresa
Ida	Victor
Kate	Wanda
Julian	

5
Rapidly intensifying storms

Elsa, Grace, Ida, Larry, Sam

7
Hurricanes

Average is seven

4
Major hurricanes

Average is three

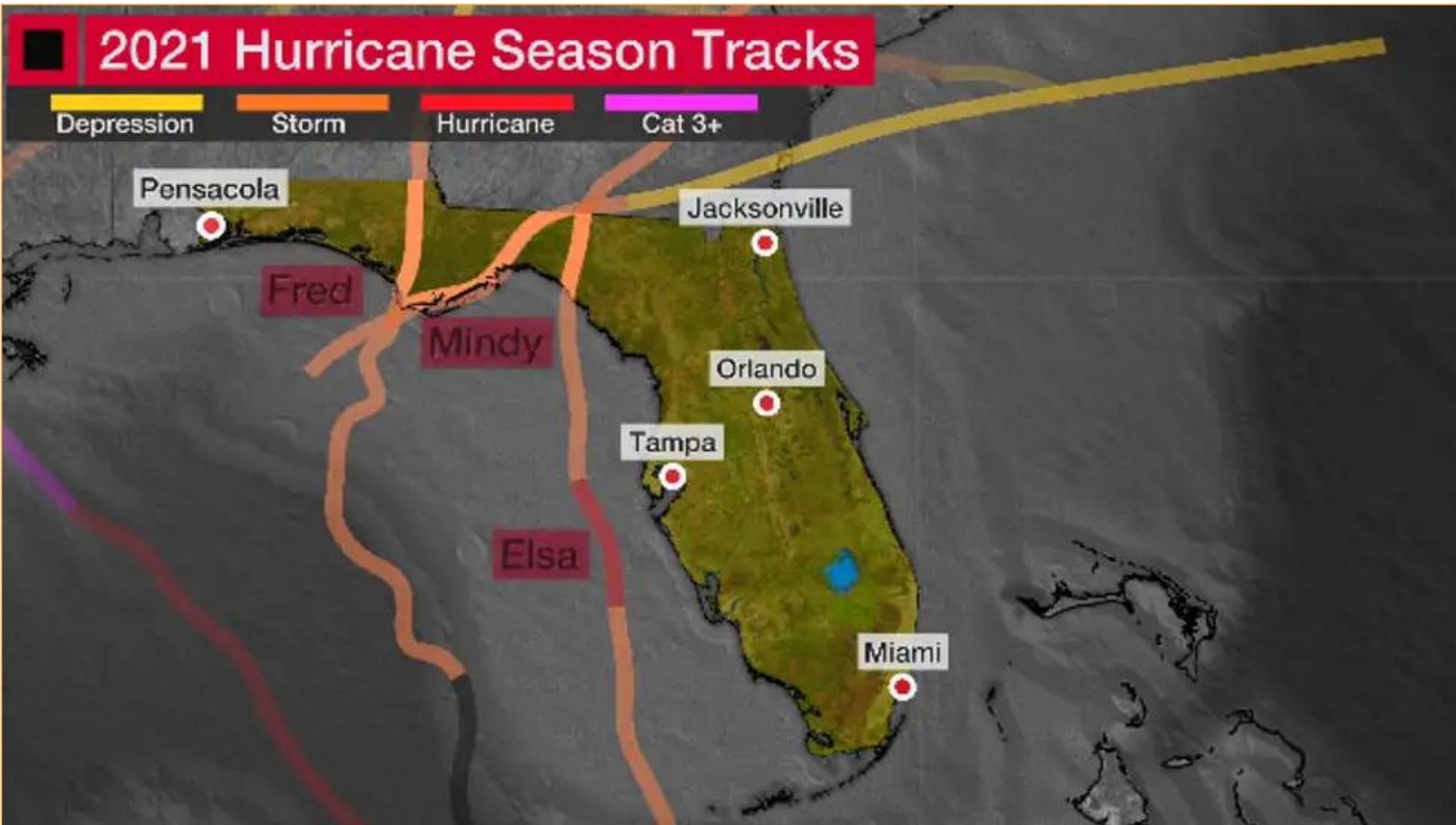
8
Storms hitting the U.S. coastline

7th
Consecutive year with a named storm forming before June 1st



2021 Hurricane Season Tracks

Depression Storm Hurricane Cat 3+



June 1st* – November 30

'Average' Atlantic Hurricane Season

* Effective 2021

1981-2010

**12 Named Storms
6 Hurricanes
3 Major Hurricanes**



1991-2020

**14 Named Storms
7 Hurricanes
3 Major Hurricanes**

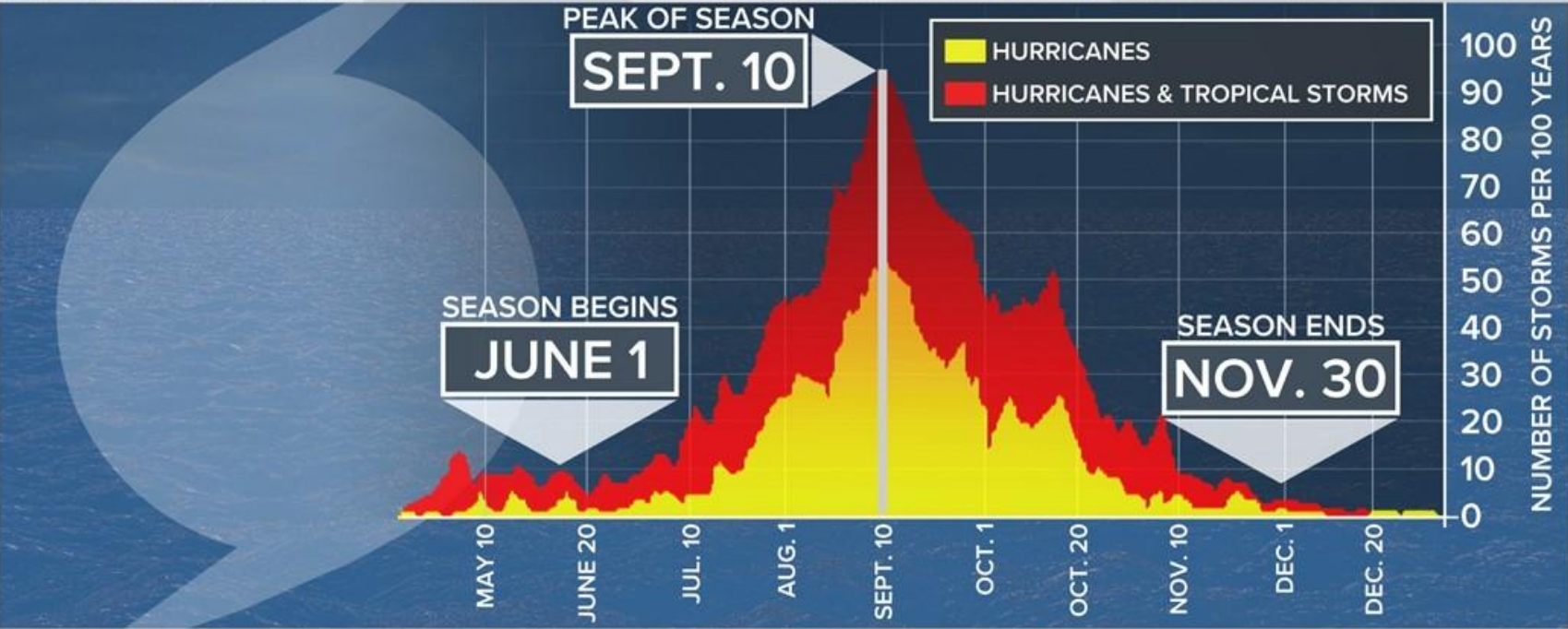
* Numbers for an average season reflect the climate record for tropical storms and hurricanes and use the most recent 3 decades as the period of reference. More at: <http://bit.ly/NOAAHurricaneSeasonAverages>



Be prepared: Visit hurricanes.gov and follow @NWS and @NHC_Atlantic on Twitter.

Issued 4/9/21

HURRICANE FREQUENCY



2022 HURRICANE FORECAST

AVERAGE FROM 1991-2020

	NOAA	CSU	2021	AVG
▶ NAMED STORMS	14-21	19	21	14
▶ HURRICANES	6-10	9	7	7
▶ CAT 3+ HURRICANES	3-6	4	4	3

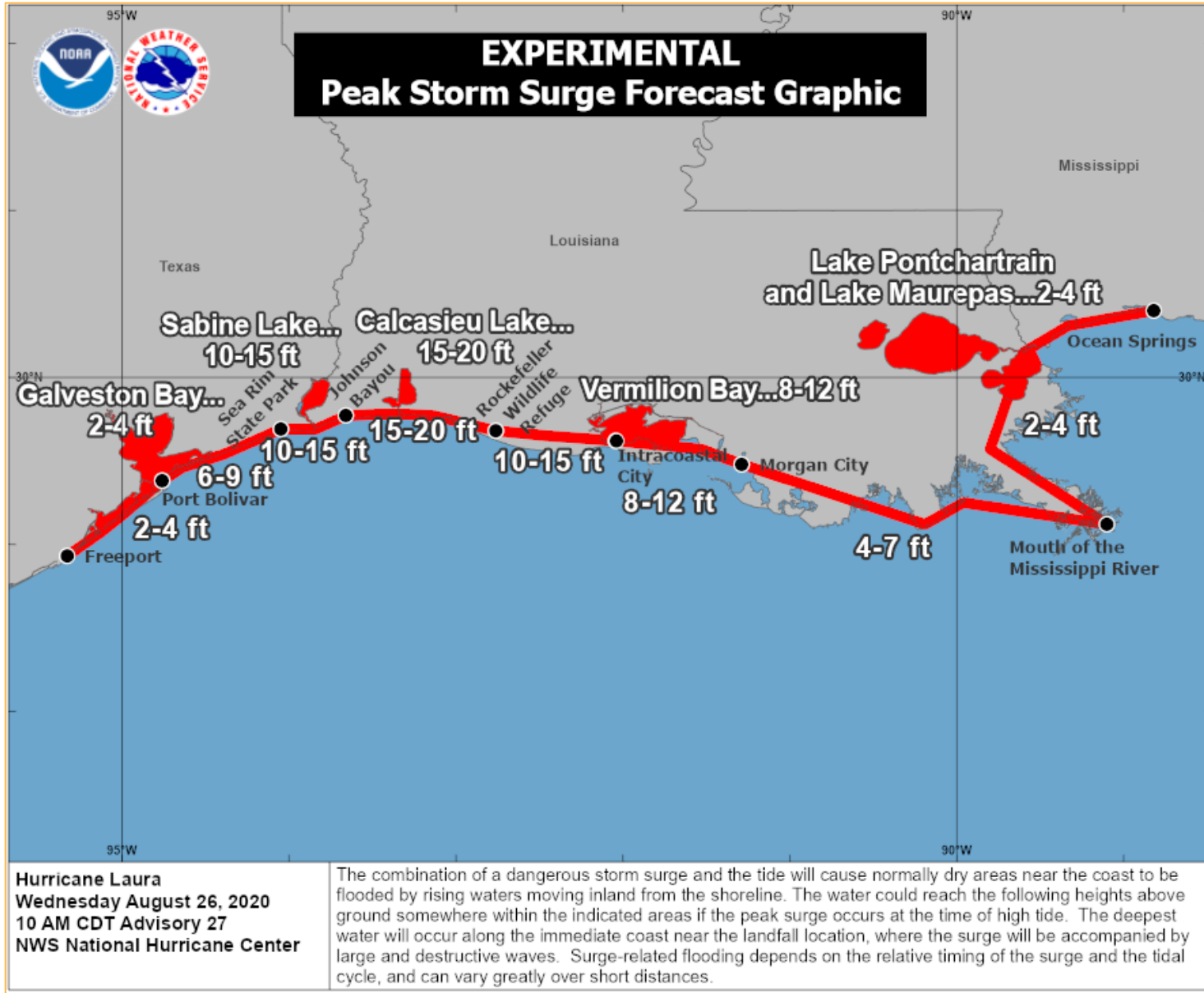
LANDFALL HOT SPOTS

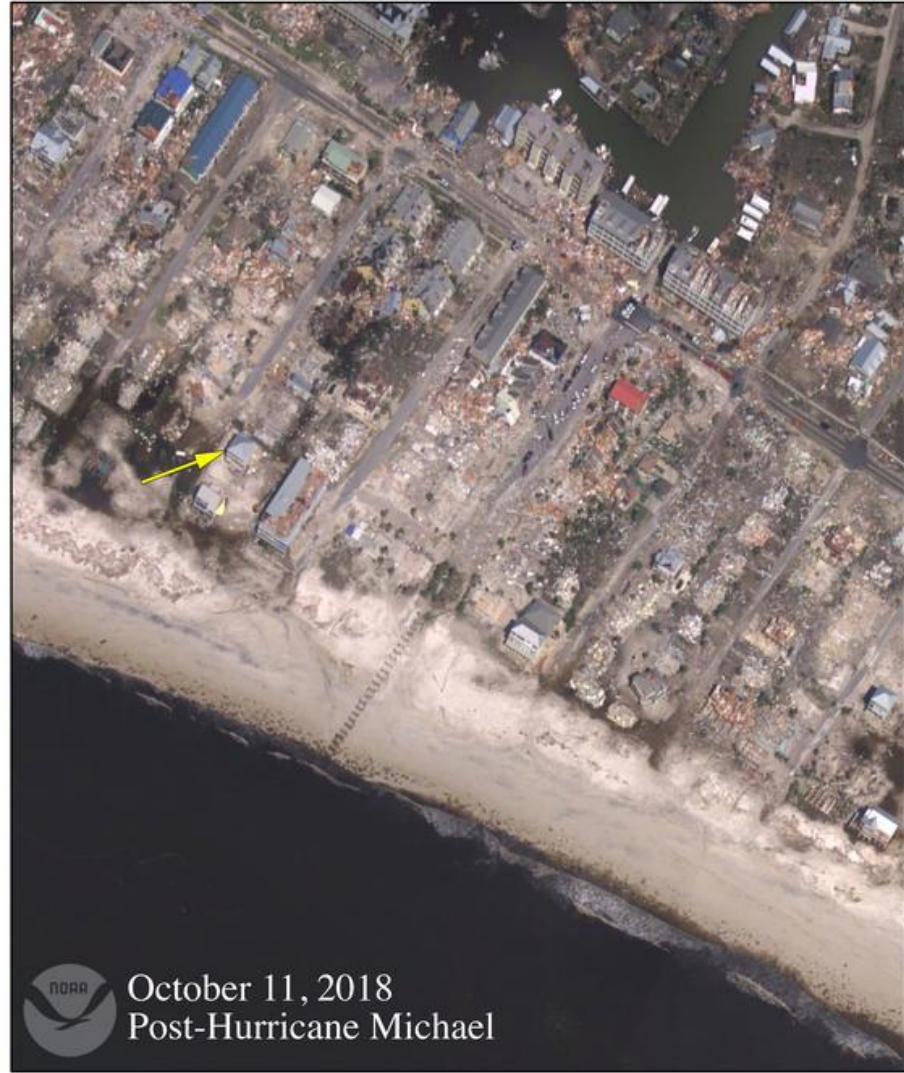
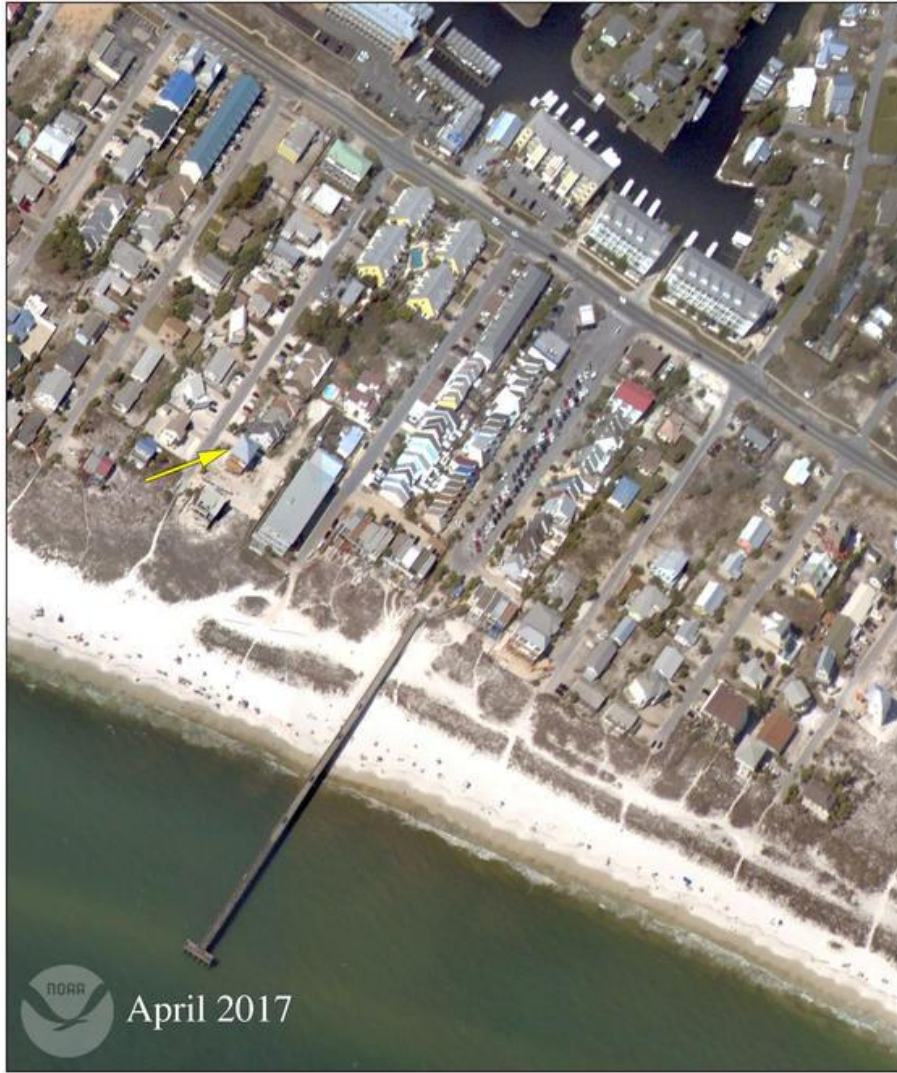
2022 HURRICANE SEASON

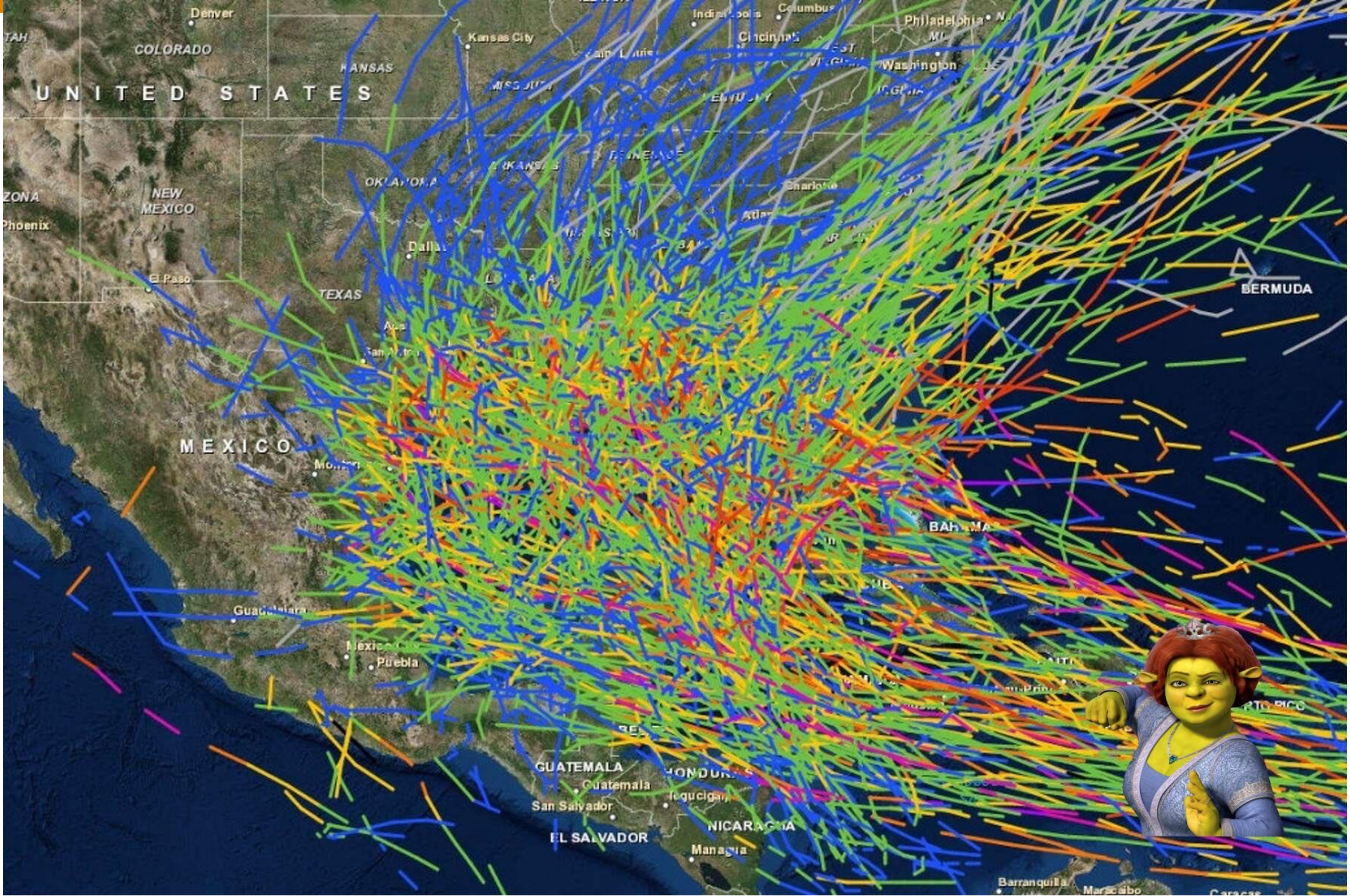


HURRICANE CATEGORY SCALE 1-5

CATEGORY	WIND SPEED / MPH	DAMAGE	STORM SURGE / FEET
CATEGORY 1	74-95 MPH	MINIMAL	4-5
CATEGORY 2	96-110 MPH	MODERATE	6-8
CATEGORY 3	111-129 MPH	EXTENSIVE	9-12
CATEGORY 4	130-156 MPH	EXTREME	13-18
CATEGORY 5	157+ MPH	CATASTROPHIC	19+







BEFORE THE STORM

- Review insurance coverage
- Prepare the association and property



WHAT IS HURRICANE COVERAGE?

- Coverage for loss or damage caused by wind/hail/rain/tornadoes during a hurricane.
- Interior and personal property covered?
 - Depends: Only if the direct force of the windstorm first damages the building, causing an opening.

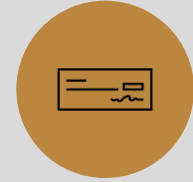
-Florida Statute 627.4025

COVERAGE & DEDUCTIBLES



TYPES OF COVERAGE

- Property
all-risk v. named perils
- Windstorm
loss caused by named storm
- Flood
loss caused by rising water



DEDUCTIBLES

- Wind (%) v. other perils (fixed)
- Wind deductible example
\$1M
1% = 10,000
2% = 20,000
5% = 50,000

REPLACEMENT COST V. ACTUAL CASH

- Today's cost to repair
- BUT actual cash value deducts depreciation
- Example:
 - Roof replacement is \$100k
 - 60% of lifespan remaining = \$60k
 - 0% of lifespan remaining = \$0
- Must complete work
- No more than actual cost



ORDINANCE OR LAW COVERAGE

- Policy covers loss to damaged property
- Additional coverage
- Local building code requires an upgrade or replacement of undamaged property.
- Example:
 - Greater than 25% of roof must be repaired
- Must complete work

WHAT COVERAGE IS REQUIRED FOR THE ASSOCIATION?

It depends...



INSURANCE REQUIREMENTS



INSURANCE REQUIREMENTS HOMEOWNERS (CH. 720)

Florida Statute silent as to property insurance

Governing documents control

Shared roofs/walls

Must maintain fidelity bond (waivable)



INSURANCE REQUIREMENTS CONDOMINIUMS (CH. 718)

Full insurable value/replacement cost (appraisal)

Deductible consistent with industry standards

Fidelity bond

Unit owner loss assessment coverage

MAY: Flood insurance

BEFORE THE STORM

PREPARE THE ASSOCIATION



Board Meeting:

- Disaster and Restoration Plans
- Service Contracts/vendor list

Planned e-mails/memos

Owners Meeting:

- Discuss Plans

Review current policies

Compile Records

Identify your vulnerabilities

Know the threats

Pre-storm inspection and mitigation

Document condition of property and inventory



PREPARE THE PROPERTY

DURING THE STORM

IMPLEMENT DISASTER PLAN



Final walk of property

**Full/partial shutdown of building -
elevators, electricity, water, air
conditioning**

Official records

Planned e-mails/texts to owners

If state of emergency declared, Board may, but not required:

- relocate office
- name assistant officers
- disaster plan
- declare portion of property unavailable

**“health, safety, welfare of the association,
owners, and guests”**



**DURING THE STORM:
EMERGENCY POWERS**

AFTER THE STORM

IMPLEMENTATION



Restoration Plan

- Assess and document damage to the property
- Communicate with owners
- Contact vendors
- Clean-up, mitigate, and restore

Emergency Powers

- Board meeting
- Line of credit
- Special assessments

PLAN



HOW DO I NAVIGATE THE CLAIMS PROCESS?



AFTER THE STORM: MAKING A CLAIM

- Prompt Notice
 - Policy: “prompt notice”/“as soon as practicable”
 - Statute: 2 years
- Inspection
 - Independent adjuster
- Proof of Loss
- Document request
- Examination under oath



CLAIM OUTCOMES

Denial

Accept part of the claim and issue partial payment

Accept coverage in full and issue payment

- RCV v. ACV

COMMON DEFENSES



LATE NOTICE



FAILURE TO
MAINTAIN



WEAR AND
TEAR



PRE-EXISTING
DAMAGE



CONSTRUCTION
DEFECT



INSURED'S OPTIONS

1. Appraisal
2. Pre-suit mediation
3. Lawsuit

Pre-suit Notice

- Fla. Stat. 627.70152





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THANK YOU