



GARFINKEL WHYNOT

ASSOCIATION LAW

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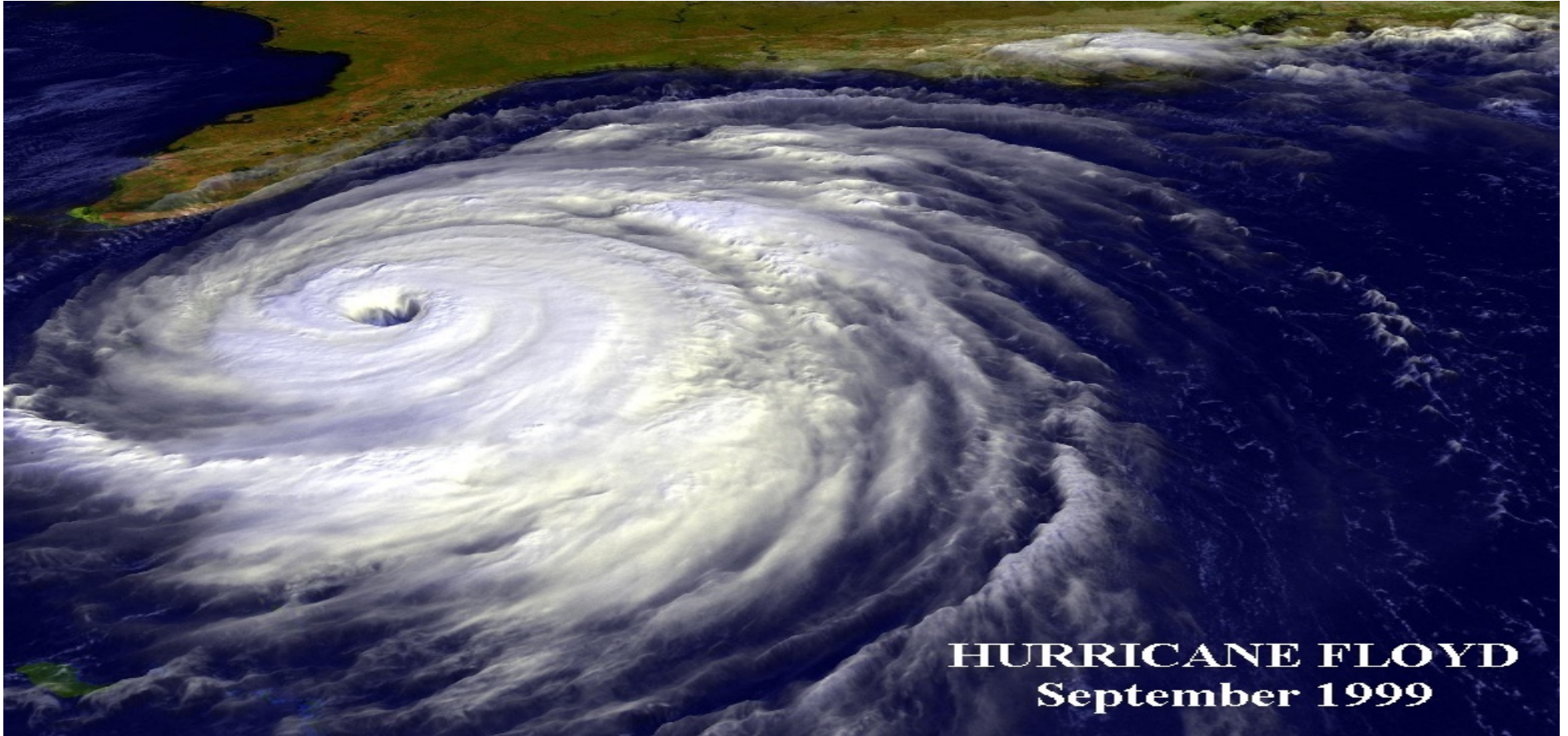
HURRICANE PREPAREDNESS



Don't Let Your Community Be Caught Unawares

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HURRICANE FLOYD
September 1999



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HURRICANE KATRINA
August 2005



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CONTRACT REVIEW

➤ Insurance Policies

- Is your premium paid?
- Know your limits and deductible
- When unsure, **ASK YOUR AGENT!**

➤ Management Contracts

- Does your management company provide any emergency contingencies?
- Are there any additional charges?

➤ Landscaping Contracts

- Pre-storm and post-storm services?



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CONTRACT REVIEW (cont...)

➤ Security Contracts

- Will your facility be secured prior to evacuation?
- When will personnel be back on site post-storm?

➤ Elevator Contracts

- Back-up generator contingency?

➤ Construction and Maintenance Contracts

- Ensure that work in progress will be secured and property protected in the event of a storm.

➤ Miscellaneous Contracts

- Ensure compliance with provisions relating to any association responsibility to 3rd parties.



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INSURANCE

- **Do you have the most advantageous coverages and riders?**
 - Law and Ordinance
 - Workers Compensation
 - Volunteer Rider
 - Boiler & Machinery (elevators, lift stations, pumps, etc.)

- **Has your agent been to the property?**
 - IS EVERYTHING COVERED?

- **Do you know what your deductible is? (*Section 627.701, Florida Statutes*)**
 - Two hurricanes in the same year
 - Additional options for Commercial Residential lines



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DOCUMENT SECURITY

- Insurance policies;
- Resident lists;
- Financial records;
- Employee records;
- Contracts;
- Governing Documents;
- Community Plat;
- Plans, specifications, and engineering drawings for the community and common elements, and;
- Computer records.



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HURRICANE COMMITTEE

- **Appointed by the Board of Directors**
- **Committee Charter and Standard Operating Procedure (SOP) should be established by the Board.**
 - Property inspection (photos and video) every year prior to the start of hurricane season (June 1st).
 - Additional training and certifications for committee members:
 - Community Emergency Response Team (CERT)
 - Red Cross certification
 - Emergency responder and CPR certification
- **Committee should identify vulnerable residents who may need special care or assistance in the event of a storm or evacuation.**



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COMMUNICATION

- **Community newsletters and/or broadcasts**
- **Advise members of the steps taken by the Board to protect members and their property in the event of a storm**
- **Provide information on how members can secure their property and Units (hurricane shutters, doors, windows, etc.)**
- **Provide the community with important contact information and the location of emergency services:**
 - **Local shelter locations**
 - **Local emergency response information**
 - **Local hospital and emergency care locations**
 - **Evacuation routes and evacuation procedures**
 - **Local Municipal Vulnerable Population Registry information**



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EMERGENCY BOARD POWERS

What is an “EMERGENCY”?

- An event for which the Governor has declared a state of emergency. Fla. Stat. § 718.1265 (2013)

- The Condominium Act and the Homeowners Association Act both provide a Board with some flexibility to respond to a community's needs during times of emergency.
- This authority is limited to that time reasonably necessary to:
 - Protect the health, safety and welfare of the association and the parcel owners and their family, tenants, guests, agents, or invitees; and
 - To mitigate further damage and make emergency repairs.



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EMERGENCY BOARD POWERS (cont...)

➤ **Statutory “Emergency Powers”:**

- Conduct meetings using notice that is practicable under the circumstances;
- Name assistant officers who are not directors to replace missing directors;
- Relocate the association’s principle office;
- Enter into agreements with counties or municipalities for debris removal and contracts with vendors to mitigate damages;
- Implement a disaster plan;
- Implement a mandatory evacuation order from the State, county or municipality. Owners who refuse to leave have no recourse against the association;
- Levy special assessments without a vote of the membership;
- Borrow money and pledge association assets to fund emergency repairs without owner approval.



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AFTERMATH: Immediate Actions



HURRICANE ANDREW
August 1992



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AFTERMATH: Immediate Actions

- Ensure YOUR safety and the safety of your family
- Ensure emergency services have been contacted and advised of priority situations
- Check on residents with special needs
- Account for the whereabouts of residents
- Secure the property (where possible) to counter theft or vandalism
- Notify police of any instances of theft, vandalism, or other criminal activity
- Document, photograph, and/or video damages where safe to do so
- Unless life threatening circumstances are present, do not remove any debris without consulting with the county or municipality about such debris removal
- Open lines of communication with unit owners, emergency services, contractors and employees to advise of duties, formulate a priority list, and assess resident needs
- Identify, assess, and document property damage



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RECONSTRUCTION & RESTORATION

- **Contact your attorney**
- **Contact your insurance agent**

(*IN THIS ORDER)

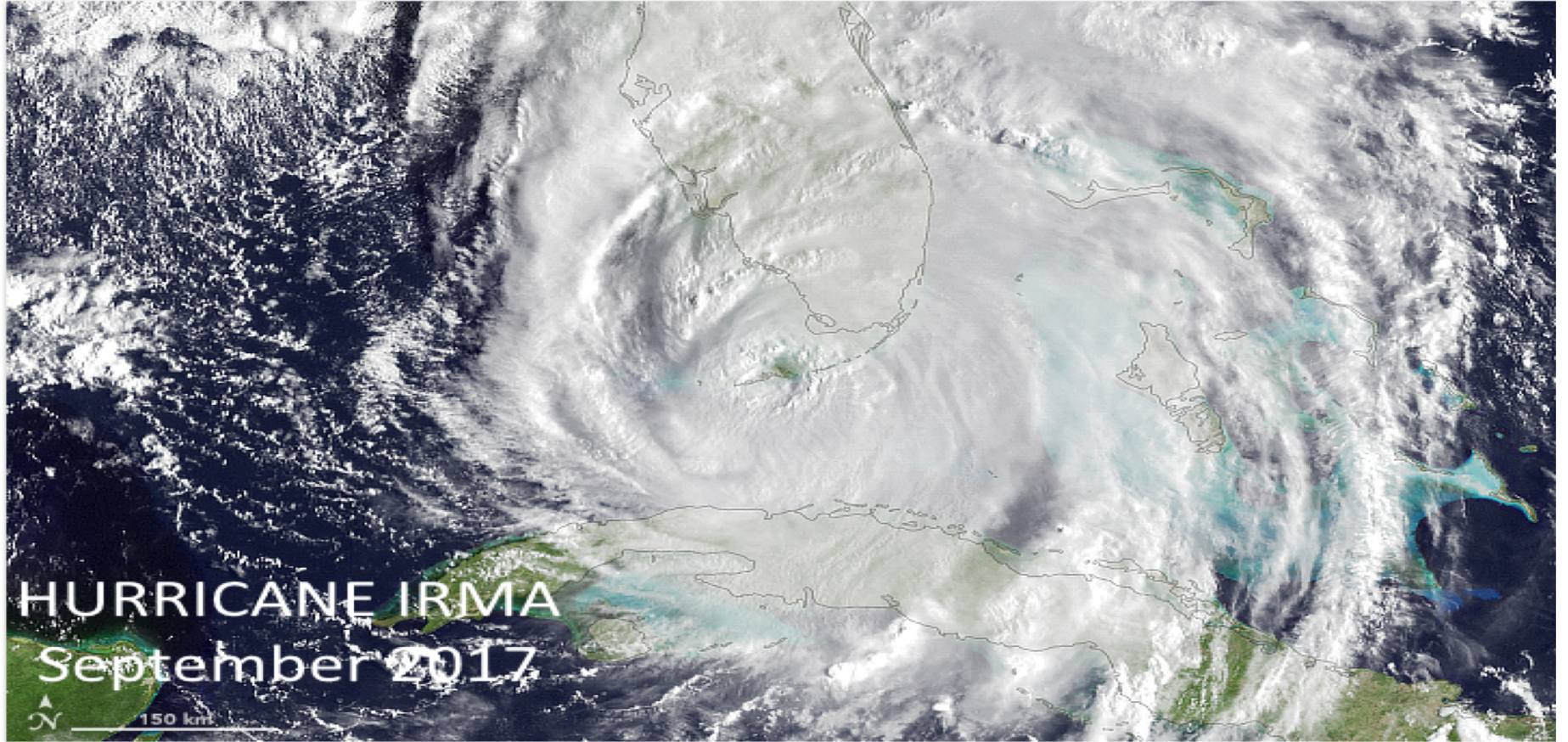
- **Do NOT** use a public adjuster without talking to your attorney first.
- **Do NOT** sign any contract or release without having same reviewed by your attorney.
- **Do NOT** use any unlicensed or uninsured vendors.

- Consider and discuss financing options and SBA disaster loan opportunities where applicable or needed.
- Aggressively prosecute your insurance claim.
- Obtain knowledgeable attorneys and experts to assist in the prosecution of your insurance claim.



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What We Learned From Hurricane Irma

➤ Townhomes

- Roofs
- Party Walls
- Insurance

➤ Evacuation Orders

- When its time to leave, you should leave

➤ Prepare for the Season

- Hurricane Plan
- Emergency Kit

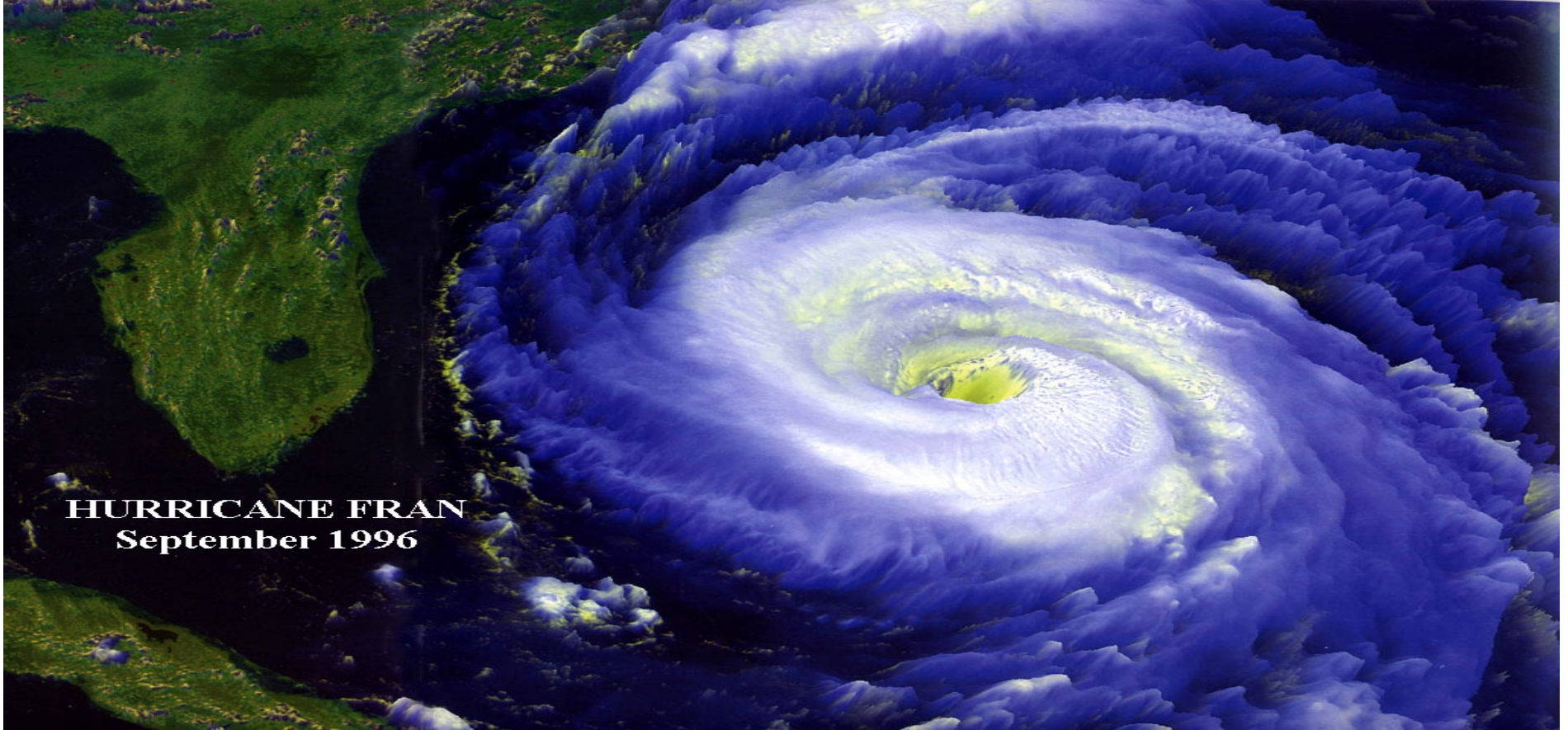
➤ Stay off the Roads

- First Responders



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HURRICANE FRAN
September 1996



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The Saffir-Simpson Hurricane Scale

CATEGORY 1

Winds: 74 to 95 mph

Storm surge: Four to five feet

Damage: Primarily to unanchored mobile homes, shrubbery and trees.

Recent example: Hurricane Gaston on the central South Carolina coast in 2004.

CATEGORY 2

Winds: 96 to 110 mph

Storm surge: Six to eight feet

Damage: Some roofing material, door and window damage. Considerable damage to shrubbery, mobile homes, poorly constructed signs and piers. Small craft in unprotected anchorages break moorings.

Flooding: Coastal and low-lying escape routes flood two to four hours before the center of the hurricane arrives.

Recent examples: Hurricane Frances in 2004 and Hurricane Wilma in 2005.

CATEGORY 3

Winds: 111 to 130 mph

Storm surge: Nine to 12 feet

Damage: Some structural damage to small residences and utility buildings with some curtain wall failures. Damage to shrubbery and trees with some large trees blown down. Mobile homes and poorly constructed signs are destroyed. Flooding near the coast destroys smaller structures with larger structures damaged by battering from floating debris.

Flooding: Low-lying escape routes are cut off three to five hours before the center of the hurricane arrives. Terrain continuously lower than five feet above sea level may be flooded eight miles inland.

Recent example: Hurricane Jeanne, 2004.



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The Saffir-Simpson Hurricane Scale

CATEGORY 4

Winds: 131 to 155 mph

Storm surge: 13 to 18 feet

Damage: More extensive curtain wall failures. Some complete roof failures. Shrubs, trees and signs blow down. Complete destruction of mobile homes. Extensive damage to doors and windows. Major damage to lower floors of structures near the shore.

Flooding: Low-lying escape routes may be cut by rising water three to four hours before the center of the hurricane arrives. Terrain lower than 10 feet above sea level may be flooded.

Recent example: Hurricane Charley, 2004

CATEGORY 5

Winds: Greater than 155 mph

Storm surge: Generally greater than 18 feet

Damage: Complete roof failure on many residences and industrial buildings. Some complete building failures. Complete destruction of mobile homes. Severe and extensive window and door damage. Major damage to lower floors of all structures located less than 15 feet above sea level and within 500 yards of the shoreline.

Flooding: Low-lying escape routes are cut by rising water three to five hours before arrival of the center of the hurricane. Massive evacuation of residential areas on low ground within five to 10 miles of the shoreline may be required.

Examples: Only three Category 5 hurricanes have made landfall in the United States since records began: The Labor Day Hurricane of 1935 in the Florida Keys; Hurricane Camille on the Mississippi Gulf Coast, 1969; and Hurricane Andrew in South Florida, 1992.

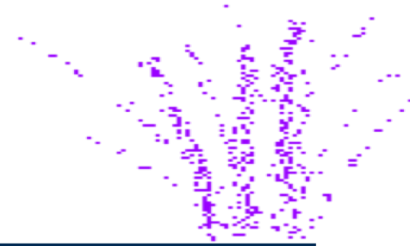


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THANK YOU



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