BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

HARSH WEATHER DEFIES CONSTRUCTION INDUSTRY IN FLORIDA

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Given the amount of unprecedented 'disasters' we have had this past year and the COVID-19 pandemic directly affecting the construction industry with supply shortages and delays, there is simply no better time to be ready for severe storms than yesterday. Hurricanes have caused damage to all kinds of construction and infrastructure in the US, most recently in Florida, Texas and Puerto Rico. With supplies so scarce, industry-wide delays and contractors already weary, what legal measures can businesses and homeowners alike take to assure they are not left out to dry?

Contractors and owners should review hurricane preparation plans and be prepared to protect not only the project but nearby property. Cost increases and scarce materials, such as drywall, steel and lumber, coupled with high demand, has created a perfect storm (pun intended) for delays and inadequate protection against a looming and possibly rapidly-intensifying hurricane.

Last year's hurricane season produced 20 named storms, 8 hurricanes, and 3 major hurricanes. AccuWeather predicts this year's Atlantic hurricane season will be above normal. With hurricane season already in full swing, it is crucial now more than ever for Florida's construction industry to work closely with its customers in an effort to be fully prepared. Unfortunately, the sunshine state will always face its fair share of extreme weather, but there are a number of best-practice tips to minimize the impact:

- **Look out for weather**. Watch weather reports carefully and always plan accordingly.
- **Make plans**. Prepare plans for unfavorable weather conditions and communicate them widely with your employees and customers. Knowing these plans, performing drills, and ensuring adequate supplies ahead of time will benefit all project players.
- **Review your contract**. Your construction agreement likely includes, or should include, a variety of provisions relating to both storm preparation and damage, such as emergencies, *force majeure*, delays/extensions, weather, insurance, deductible responsibility, etc. Whether negotiating or already dealing with an executed agreement, make sure you know and understand the pertinent provisions. .
- **Protect the site from damage**. Have employees move any loose equipment or materials indoors to the extent feasible or otherwise properly secure and cover.
- **Prevent electrical accidents**. In the case of wet weather, make sure any electrical cords are not exposed to flooding or other wet conditions..
- **Prevent roof leaks**. In the event your roof is not watertight ahead of a storm, and a roof is rarely truly watertight prior to completion, make sure to take adequate measures to identify/eliminate any potential water infiltration sources and have sufficient tarp materials on hand.
- **Don't enter murky waters**. Alligators do love Florida.

Should you have any questions or concerns about your construction contracts, please do not hesitate to reach out to Adam E. Richards, if you have inquiries about your policy, your claim, or your insurance carrier’s obligations, please contact Michael J. Higer of Berger Singerman's Insurance Team.

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