

MacArthur Beach & Racquet Club
HURRICANE PREPAREDNESS
& RECOVERY PROTOCOL
(8-01-2023)

Introduction: The purpose of this document is to establish a protocol for MacArthur Beach Association Manager's actions and activities prior to, during, and after a Hurricane or Major Tropical Storm.

A. Owners Hurricane Preparedness Activities

- Unit owners are expected to ensure that their specific units are prepared for possible hurricane/tropical storms.
- Example of actions that should be taken include but are not limited to:
 - Lock all doors and windows.
 - Turn off water in unoccupied units.
 - Put towels or similar materials in window and door tracks to hinder water incursion.
 - Remove all furniture and other items that could become projectiles from lanais.
 - Identify to Association Manager anyone who will be on site during the storm.

B. Association Manager Hurricane Preparedness Activities

- Stay informed via internet, TV, and NOAA weather radio.
- Keep appropriate owner contact information in a secure location.
- Identify and document those owners/guests who plan on staying at MacArthur Beach during the storm.
- Remove, store, or secure Association property including pool chairs, umbrellas, and other items that could become dangerous projectiles.
- Ensure that backup generator is fueled and operational.

- Develop list of emergency services, utilities, community resources, and contractor/supplier contacts and telephone numbers that might be needed after the storm.
- Take or collect photos of MacArthur Beach facilities and property.
- Keep important documents such as insurance policies safe in a safe or waterproof container. Review and update “Insurable Value Appraisal” if appropriate.
- Review and know Insurance Policies Coverage and Deductibles.
- Maintain ongoing agreements with contractors where appropriate for potential recovery services.
- Maintain a readily available emergency fund of cash or cash equivalents (bank “line of credit”) to pay contractors/suppliers for recovery services.
- Inventory & update emergency supplies and first aid kit. (Flashlights, battery-operated radios, etc).
- Prepare for potential flooding in High-Rise Lobby (Sand Bags or Flood Panels).
- Purchase additional materials as required.
- Know where utility shut-offs are located (switches should be labeled).
- Arrange alternative methods/devices for communication needs, i.e. community website, email, text, and/or telephone.

C. During the Hurricane/Tropical Event – Association Manager

- Stay safe – Do not go out into the storm.
- Evacuate if appropriate or so ordered.
- Initiate recovery activities once it is safe to do so.

D. Owners Hurricane Recovery Efforts After Event

- Identify any damage to their specific units and report such damage via work order directly to Association Manager and Sunstate Management.
- Initiate recovery efforts for the damage to their specific unit.

- Failure to identify damage that may impact Association or other units property will result in those owners assuming responsibility for all related repair costs to any affected units.
- If owners or their representatives fail to communicate an assessment of their units condition to the Association Manager within 48 hours after storm has passed: (FL Statute 718.1265(1)(j, k) and 718.111(11)(j):
 - Association Manager, in order to address conditions impacting Association property, will enter those specific units.
 - To protect Association elements, Association Manager will initiate repair and dry out activities that in their judgment are necessary to maintain the integrity of Association's property and facilities.
 - Identify and document areas within the unit requiring attention (floors, carpets, walls, ceilings, windows, furniture, etc.).
 - Unit owners will be responsible for all costs associated with any damage to a unit caused by their negligence or wrongful acts.
- Contact their insurance agent to report damage assessment.
- Avoid stacking debris by utility poles, fire hydrants, vehicles, mailboxes, fences, storm drains, under power lines, on top of water meters, or in the road.

E. Association Manager Hurricane Recovery Efforts After Event

- Identify, assess, document, and photograph damage to Association property.
 - Identify immediate safety issues, flooding, electrical wires, etc.
 - Take photos of all building damage.
 - Identify and document damages.
 - Coordinate Association property recovery resources and efforts.
 - Document contract or repair actions and activities.
- Review and be aware of Association's Emergency Powers under Florida Statute #718.1265.
- Communicate with owners as soon as possible. Explain storm's impact and recovery efforts.

- Report broken sewer and water mains and any electrical breaks to the appropriate utilities.
- Provide regular updates via available communication channels to owners as to the status of recovery efforts.
- To help the City clean up after a storm, separate garbage, construction debris, vegetation, household waste and place them in separate piles at the curb, but not in the road.
- Avoid stacking debris by utility poles, fire hydrants, vehicles, mailboxes, fences, storm drains, under power lines, on top of water meters, or in the road.

F. Recovery Costs

- Recovery Costs including Dry Out Costs will be the responsibility of the unit owners and Association as follows where specific items/property damage can be determined:
 - **Unit Owners:** All personal property within the unit or limited common elements. This includes floor, wall, and ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-in cabinets and counter tops, and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components, or replacements of any of the foregoing which are located within the boundaries of the unit and serve only such unit. (FL Statute 718.111(11)(f)).
 - **Association:** For common elements, it is the responsibility of the Association to maintain, repair and replace as needed, as a common expense (FL Statute 718.113)(1) and 718.115(1). For those portions of a unit that the Association must insure which is damaged by an insurable casualty event (a sudden, unexpected occurrence such as a hurricane), the Association will repair or replace that property and pay any deductible not met from the Association's insurance proceeds. (FL Statute 718.111(11)(j)).

- **Shared Cost Responsibility (50% -50% Split):** When specific lines of responsibility cannot be precisely determined and/or the restoration contractor determines that the unit needs to be dried out to prevent further injury, contagion, or damage to the condominium property or Association property, Dry Out costs will be apportioned. Since both the Association and the unit owner benefit from the dry out, the dry out cost will be shared on a 50% - 50% basis between the unit owner and the Association.

Information Resources and References for this document:

- Florida Statute 718, The Condominium Act
- MacArthur Beach and Racquet Club's Bylaws
- MacArthur Beach's attorney's previous opinion at the law firm of Lobeck & Hanson, P.A.
- Blog opinion from the Naples law firm of Samouce & Gal, P.A.
- Sunstate Management ("Woodlands at Bent trees Association Community Emergency Response Team")
- Florida Community Association Journal (June, 2023)
- Cohen Law Group Article
- Becker & Poliakoff Law Blog
- Venice, FL 2023 Hurricane Guide
- Sarasota County, Florida All-Hazards Disaster Planning Guide
- FEMA Community Emergency Response Team (CERT) Manual