

Alert | Florida Real Estate/Construction Law



September 2017

Irma's Latest Track May Impose Requirements on South Florida Property Owners and Construction Sites

With no significant change in the course of Hurricane Irma increasing the likelihood of a major wind event in South Florida, with the possibility of major hurricane (Category III, IV, or even V) conditions, contractors operating construction sites and property owners should be aware that Miami-Dade and Broward Counties impose an affirmative duty to secure loose objects when a severe weather advisory is issued. **In Miami-Dade County**, the requirement is triggered by a tropical storm watch, hurricane watch, or hurricane warning. **In Broward County**, the requirement takes effect upon the National Weather Service issuing a hurricane watch.

When a severe weather advisory is issued for Miami-Dade County, or any portion thereof, any loose object (on non-construction site properties) shall be secured by either: (a) storage of such loose object in a building or structure, or (b) bracing, bundling, or fastening such loose object to a fixed structure or otherwise in a manner sufficient to prevent such loose object from becoming windborne during a severe weather event. Loose objects are defined "as any object contained in any outdoor location of any residential, commercial, and industrial property in incorporated and unincorporated Miami-Dade County that may become windborne during a severe weather event including but not limited to outdoor furniture such as chairs and tables, display racks, bicycles, toys, loose debris, bulky waste, gardening supplies, household items, and business or industrial supplies or materials." For construction sites, best efforts must be used so that all furniture, display racks, material, and similar loose objects in exposed outdoor locations, including loose materials, are secured or otherwise appropriately braced to rigid

construction or stored in buildings to the extent practicable given the conditions. Hoisting equipment and cranes have a detailed set of requirements which can be found in Section 8E-11 of the County Code.

In Broward County, all furniture, display racks, material, and similar loose objects in exposed outdoor locations, shall be lashed to rigid construction or stored in buildings. Orders (which may be oral or written) to secure all construction shall be issued by the Building Official with a time to comply specified in the order.

The failure to appropriately secure loose materials on construction sites and other properties can potentially subject the property owner and/or contractor to county-imposed fines. Of much consequence is the potential damage to property or injuries caused by loose materials that were not appropriately secured, and the associated legal liability for the costs of such damage or injuries.

Please remember to follow only official reports and directions when it comes to weather warnings and safety.

Author

This GT Alert was prepared by **Robert S. Fine**. Questions about this information can be directed to:

- [Robert S. Fine](#) | +1 305. 579.0826 | finer@gtlaw.com
- Or your [Greenberg Traurig attorney](#)

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.~ Houston. Las Vegas. London.* Los Angeles. Mexico City.+ Miami. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul.∞ Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.^ Tokyo.* Warsaw.~ Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ~Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ¢Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2017 Greenberg Traurig, LLP. All rights reserved.*