



## Management of Risk

CASF Safety Committee recently held a session to discuss Management of Risk (The Insurance Policy). The meeting was presented by Phil Grose from Furman Insurance. Numerous interesting scenarios were covered and discussed by Mr. Grose and the group. Below is a brief summary of what insurance issues are important in the construction industry.

### What Is An Insurance Policy?

- ◆ An insurance policy is really a contract that "promises to pay" if a certain occurrence or loss occurs.
- ◆ A policy transfers risk off the company balance sheet.

### Types of Insurance Coverage for the Construction Industry

- ◆ General Liability
- ◆ Auto Liability
- ◆ Physical Damage
- ◆ Umbrella Coverage
- ◆ Property
- ◆ Workers Compensation
- ◆ Builders Risk
- ◆ Pollution

### How Much Risk Are You Retaining?

- ◆ What is in the policy? It is important to read and understand what is and is not covered.
- ◆ The policy is summarized on the Declaration

Page.

- ◆ ISO Forms - Insurance Services Office forms are standard documents
- ◆ Company or Endorsement Forms - Customized forms that add or exclude insurance coverage on the policy.
- ◆ Some Take Away coverage may be purchased back if not used.

### What Protection Is Critical?

- ◆ Standard contract requirements for a project
- ◆ \$1 million per project occurrence
- ◆ \$2 million per project aggregate
- ◆ Blanket additional insured status for your company's work, products and operations.
- ◆ Blanket waiver of subrogation
- ◆ Primary and non-contributory
- ◆ Umbrella
- ◆ Contractual requirements
- ◆ Workers comp

### What is an Umbrella Policy?

A policy designed to provide protection against catastrophic losses. It generally is written over various primary liability policies, such as the business auto policy, commercial general liability policy, watercraft and aircraft liability policies, and employers liability coverage. The

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## Member News

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The design build team of **Walters - Zackaria Architects** and MBR Construction announces the completion and grand opening of the new 34,000 sq. ft. Wilton Manors City Hall and Police Station.

This municipal project was completed ahead of time and on budget!

### **Stiles Construction**

President Timothy Moore announced that the Palm Beach Zoo's new Melvin J. and Claire Levine Animal Care Complex has become the first zoo animal hospital in Florida to achieve Gold Leadership in Energy and Environmental Design (LEED) certification.

The veterinary care complex built by Stiles has achieved the statewide milestone through the U.S. Green Building Council's stringent rating system that considers five key areas: site planning, water management, energy management, material use, indoor air quality and innovation in the design process.

**KM/Plaza** is proud to announce that it was recently awarded the Hotel De L'Opra, a 667,000 sq. ft., 34-story hotel at 1771 NE Fourth Avenue in Miami.



Wilton Manors City Hall



Wilton Manors Police Station



Levine Animal Care Complex



Hotel De L'Opra

# Service-Oriented Construction Law Firm

Each month Construction FOCUS features a CASF member company, selected by drawing a business card from among those attending the monthly networking breakfast. The next breakfast, sponsored by Miller Construction Company, will be held on Thursday, March 18, 7:30 a.m. at the Courtyard by Marriott-Cypress Creek in Ft. Lauderdale.

Raymond L. Robinson, Esq. founded Robinson & Associates, P.A. Attorneys at Law in 1987. His high standards and legal excellence is highly evident in every facet of the firm. Their practice serves business and individual interests in South Florida and The Florida Keys, including Broward, Miami-Dade, Palm Beach

*Robinson & Associates, P.A.*  
Attorneys at Law

and Monroe Counties. Mr. Robinson is Board Certified by the Supreme Court of Florida as an expert in construction law and is a certified Circuit Court Mediator. Their attorneys are admitted to practice before the United States Supreme Court, Eleventh Circuit Court of Appeals in Atlanta, All Florida Courts including Federal, State and

Bankruptcy Courts.

Whether working with a large business, a local company, or an individual, Robinson & Associates, follows a service-oriented philosophy, offering clients personal attention. Unlike many large law firms, the size of their client's business is not a factor in the quality of service they provide. They believe personalized service is the key to resolving their client's legal matters as expeditiously and economically as possible.

Robinson & Associates, P.A. strives to set themselves apart with service, accessibility, responsiveness, efficient representation and lasting relationships. Their attorneys represent virtually every participant involved in the construction business, including general contractors, subcontractors, suppliers, owners, developers and design profession-

als. Their construction law covers numerous services including: drafting and negotiating construction agreements, joint venture agreements, resolution of disputes, enforcement and defense of lien foreclosures, surety bond claims, bid protests and collections.

Robinson & Associates, P.A., handles corporate mergers and acquisitions and their real estate practice represents developers, investors, lenders, and business users in the acquisition, development, sale and leasing of real estate. They provide purchase and sale agreements, loan documentation, security agreements, due diligence, title examination, lender representation and mortgage foreclosures. Robinson & Associates have also successfully resolved many landlord and tenant disputes. They understand the intricacies of the law and offer a variety of services, such as lease drafting, negotiation, evictions, rent collection, and bankruptcy.

According to Mr. Robinson, "CASF has allowed me the opportunity to meet the top professionals in the construction industry. It has been great, not only for networking but also a source for technical advice and expert assistance on issues that I have encountered in practicing construction law."

*Robinson & Associates, P.A. Attorneys at Law is located at Park Place II - 1501 Venera Avenue, Suite 300, Coral Gables. For more information, call 305-662-7618, or visit their website at [www.rrobinsonlaw.com](http://www.rrobinsonlaw.com).*

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# Management of Risk

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umbrella policy serves three purposes: it provides excess limits when the limits of underlying liability policies are exhausted by the payment of claims; it drops down and picks up where the underlying policy leaves off when the aggregate limit of the underlying policy in question is exhausted by the payment of claims; and it provides protection against some claims not covered by the underlying policies, subject to the assumption, by the named insured, of a self-insured retention.

## Are You Exposed?

- ♦ It is very important to review your policy with your insurance agent/risk advisor and conduct a thorough review of the policies, forms and contractual requirements.
- ♦ What are your deductibles?
- ♦ What is the damage risk to your work? ("rip & tear"

expense)

- ♦ What do your product warranties cover?
- ♦ What is your coverage "trigger"?
- ♦ Are there gaps in your coverage?
- ♦ What are the exclusions in your policy? (i.e. residential, mold, design/build)

## What Is Your Coverage Trigger?

The event that must occur before a particular liability policy applies to a given loss. Under an occurrence policy, the occurrence of injury or damage is the trigger; liability will be covered under that policy if the injury or damage occurred during the policy period. Under a claims-made policy, the making of a claim triggers coverage. Coverage triggers serve to determine which liability policy in a series of policies covers a particular loss.

## What Do Your Insurance

## Certificates Tell You?

- ♦ Lines of coverage
- ♦ Limits of coverage
- ♦ Insurance carrier
- ♦ They usually do not tell you the specifics of coverage forms
- ♦ They may indicate endorsements, but often do not detail the exclusions

## Subcontractor Agreements

- ♦ Written for all subcontractors
- ♦ Attorney reviewed
- ♦ Compliant with current State of Florida statutes
- ♦ Includes minimum insurance requirements and limits
- ♦ Rating of carrier
- ♦ Deductibles
- ♦ Indemnification clauses

## **Upcoming CASF Safety Committee Meetings & Events**

♦ Committee Meeting:  
Thursday, March 25 - 8:00 AM - CASF Office

♦ Safety Conference:  
Friday, April 23 - 7:30 AM - Courtyard by Marriott

*For more information contact Joyce at 954-974-6333.*

# Miami-Dade Crane Ordinance Defeated

On March 18, 2008, Miami-Dade County passed and adopted the Ordinance, which set binding regulations for the construction, installation, operation, and use of tower cranes, personnel, and material hoists. The Ordinance also allowed the County to implement a hurricane wind load standard of 140 miles per hour for tower cranes. As a result, the ordinance would not only halt existing projects that employed hoisting equipment, but it would also curtail future projects in the County and set precedence for other cities, counties and municipalities throughout the

State and country to adopt similar laws.

Soon after, CASF, along with AGC, ABC and the FCOC (*Florida Crane Owners Council*) formed the CSC (*Crane Safety Coalition*) and hired the law firm of **Smith, Currie & Hancock, LLP** seeking a permanent injunction to prohibit enforcement of the Ordinance. A Federal Judge ruled that the Ordinance superseded "federal standards", and granted the CSC a permanent injunction.

The County then appealed the ruling on the position that federal OSHA laws are to protect workers and the

Ordinance has a singular purpose: to protect the public, not the workers. Since the County could not identify a single incident in which a crane accident injured a member of the general public during a hurricane, and because the Ordinance contains non-approved occupational safety or health regulations conflicting with a federal standard, the Ordinance was preempted.

The district court's grant of summary judgment and the issuance of a permanent injunction were affirmed on January 26, 2010.

Our thanks go to attorney Brian Wolf and associates.

# LEED Breakfast Forum

Friday, February 19, 2010



Panel Members (l to r): Carlos Duarte, Turner Construction Company; Brian Lomel, TLC Engineering; Jeff Slade, Education Committee; Mike McDermott, Stiles Construction and Scott D. Williams, Hypower, Inc.

For a .pdf copy of the slide presentation, Go to:  
<http://www.casf.org/associations/7457/files/0219leed.pdf>

# Winter Social at JA World

Thursday, February 25, 2010



Front Entrance to BizTown and Finance Park



Melissa Aiello, President of Junior Achievement S. Fla.



Mike Fee, Harley Miller, Nancy and Jeff Burley



Jaime Blomquist (center) w/ Expressive Design team.



Melissa Aiello, JA, with Harvey Namm and the Artistics Surfaces team.



CASF Store Front promoting skilled trades at Junior Achievement World

ROUTE 10:

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CONSTRUCTION ASSOCIATION OF SOUTH FLORIDA



CONSTRUCTION