

Insights



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Top Risk Management Issues for Florida Condo Developers: Part II

By [Robert Alfert, Jr.](#)
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In the second installation of a two-part article series for Multi-Housing News, published on July 10, Orlando partner Robert Alfert discusses the liability assumed by condominium developers in Florida and related risk management tips.

While liability cannot fully be avoided or delegated, a comprehensive, customized management plan can assist in limiting risk. Alfert highlights key risk management measures that developers can implement to lessen and manage risk on their condominium projects. “These measures, coupled with sound design, construction, operations and maintenance protocols, can go a long way to combatting the enhanced liability on condominium projects,” he states.

Among the tips discussed, Alfert encourages condominium owners to require architects to hire building envelope consultants. “The vast majority of condominium defect claims – arguably one could make this same statement on almost all forms of construction in Florida – arise from building envelope failures,” he explains. “Not all architects, a profession of generalists to be candid, are also experts in building envelopes and weather protection; and many large-scale or iconic design projects use architects from out of state that simply are not familiar with Florida’s wind-driven rains, hurricanes, heat, and humidity.”

He also stresses that owners should disallow damages limitations and waivers by the architect and contractor. “During this robust period of construction activity in the Florida market, it has become standard fare for architects and contractors to demand caps on their damages exposure and waivers of consequential damages,” he states. “Any caps or waivers are, simply stated, bad for a developer.” Developers should pick top-flight companies that will perform their work in a high-quality manner and stand behind it should problems arise.

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