



## Overview of Final Protocol

The Support Surfside Fund will distribute funds as gifts to victims and survivors of the collapse of the Champlain Towers South Condominium. The funds may be used however the recipients wish.

Decisions about eligibility and distribution are made by a local Steering Committee with intentions of transparency, integrity, compassion, and fairness. This Final Protocol has been approved by the Steering Committee following a period of public comment.

The Final Protocol establishes four categories of eligibility:

- Legal heirs of those who were killed as a direct result of the collapse of Champlain Towers South
- Those who were physically injured by the collapse
- Those who were present in Champlain Towers South at the time of the collapse and survived
- Residents of Champlain Towers South who were displaced by the collapse but were not present at the time of the collapse

The application will be available online on or around Wednesday, October 6, 2021.

It is very important for you to sign up for the Fund's Contact List on **[www.NationalCompassion.org/Surfside](http://www.NationalCompassion.org/Surfside)**. This will ensure that you receive emails:

- When the application is available
- When the deadline for submitting an application is approaching

We are here to help you through this process and are happy to meet with you and answer your questions. Email **[Surfside@NationalCompassion.org](mailto:Surfside@NationalCompassion.org)** with any questions or to set up a meeting.

## Final Protocol

September 13, 2021

**This is the Final Distribution Protocol, which governs the Support Surfside Fund (the “Fund”), developed by the Fund Administrators, incorporating relevant and appropriate feedback from the Steering Committee, the National Compassion Fund, the survivors and victims, and the general public; including those participating in the Town Hall meeting held by the Administrators on September 10, 2021.**

**The money paid by the fund is a gift to which no person has a legal claim or entitlement. All aspects of this Draft Protocol including, without limitation, the classifications of applicants, distribution criteria, application process, timetable, and amounts to be awarded, may be revised and are subject to the full and complete discretion of the National Compassion Fund which serves as Fund Administrator.**

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This Fund is a joint project of The Miami Foundation, The Coral Gables Community Foundation, and The Key Biscayne Community Foundation. The Fund was enhanced through the generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed, the victims who were physically injured requiring hospitalization, the victims who were physically injured and treated on an outpatient basis, the victims who were lawfully present in the building during the Collapse (the “Surfside Collapse”) on June 24, 2021, and residents of Champlain Towers South who were displaced by the collapse. The National Compassion Fund, LLC (Federal Tax ID #30-0022798) is a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization (Federal Tax ID #30-0022798).

**TO BE ELIGIBLE FOR PAYMENT, ALL APPLICATIONS MUST BE SUBMITTED ONLINE NO LATER THAN WEDNESDAY, NOVEMBER 3, 2021. IF THE VICTIM IS UNDER THE AGE OF 18, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM’S BEHALF.**

The amounts awarded from the Fund will take into consideration variables that include: (1) the balance in the Fund on October 31, 2021; (2) completion of the review of all submitted applications; and (3) review and approval by the Administrators. The Administrators reserve all right to determining the validity of all information submitted by applicants.

The Administrators recognize that the victims of the Surfside collapse came from many different countries. Accordingly, neither citizenship nor immigration status will be considered in determining an applicant’s eligibility.

## SECTION ONE: ELIGIBILITY

### **CATEGORIES OF ELIGIBLE APPLICANTS (ELIGIBILITY IS LIMITED TO ONE CATEGORY)**

#### **A. Application for legal heirs of those who were killed by the collapse**

Eligible applicants for deceased victims killed as a result of the Surfside Collapse will receive the highest category of payment under the scope of this Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

#### **B. Individual Physical Injury Applications for Victims Requiring Overnight Hospitalization**

Eligible applicants who were present at the Champlain Towers South, who were physically injured and hospitalized for one or more nights between June 24, 2021, and November 3, 2021 (the last day to submit an application to the Fund), due to physical injuries resulting from the Surfside Collapse will receive payment under the Final Protocol.

#### **C. Individual Physical Injury Applications of Victims Treated on an Out-Patient Basis**

Eligible applicants who were present at the Champlain Towers South, who were physically injured as a result of the Surfside Collapse, and who received medical treatment on an out-patient basis no later than Monday, July 5, 2021, will receive a payment under the Final Protocol.

#### **D. Individuals Present at the Site**

Eligible applicants who were present at the Champlain Towers South at the time of the Surfside Collapse are eligible to receive payment under this protocol. The Fund recognizes that all individuals present experienced significant psychological trauma. By basing eligibility on presence, we remove the need for applicants to describe their trauma.

#### **E. Residents Displaced But Not Present at Time of the Collapse**

Eligible applicants who were residents of the Champlain Towers South and whose homes were destroyed in the Surfside Collapse though they were not physically present at the time of the collapse are eligible to receive payment under this protocol. Only one application per unit will be required in this category rather than an application for each individual, however multiple applications will be considered if more than one family resided in the unit.

## SECTION TWO: PROCESS AND PROCEDURES

Eligible applicants must file an application in order to receive a payment from the Fund. **THE APPLICATION MUST BE SUBMITTED BY THE DEADLINE OF WEDNESDAY, NOVEMBER 3, 2021 [however, the Fund Administrators reserve the right in their sole discretion to grant a deadline extension]**. In the application, applicants will specify whether the application is for deceased victims, for physical injury, for presence in the building, or for being displaced by the Surfside

Collapse. Each eligible applicant should submit only one application per victim. In their application, applicants must choose only one distribution category for which they are eligible. An applicant may submit more than one application if they are on behalf of separate victims. For example, a person who was present or injured may submit their own application, and also submit an application on behalf of a family member who was killed if they are the designated representative

The process and procedures for consideration of eligible applications will be as follows:

**A.** The Fund will be administered by the National Compassion Fund

The Final Protocol to govern the Fund and a link to submit an online application for benefits (“application”) will be emailed to all known potential applicants who have provided the necessary information to the National Compassion Fund (“NCF”) by submitting their information through the Fund-specific online contact form, which is located on the NCF website ([www.NationalCompassion.org](http://www.NationalCompassion.org)). The Final Protocol and information concerning the application process will also be available on the NCF website beginning on September 17, 2021. Representatives from NCF (the “Fund Administrators”) will administer and process the applications. Only one application should be submitted by, or on behalf of, each victim. All applications must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed in the application or such information curing any deficiencies in information) no later than Wednesday, November 3, 2021. Questions regarding the completion of an application should be sent via email to [Surfside@NationalCompassion.org](mailto:Surfside@NationalCompassion.org).

**B.** Access to the application online will be available at [www.NationalCompassion.org](http://www.NationalCompassion.org) beginning on or around October 6, 2021. Applicants who lack access to the internet are invited to call the toll-free applicant assistance number at 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

**C.** In the event that an applicant submits an incomplete or deficient application (e.g., the applicant failed to include required documentation or failed to fully complete the application), a representative from the Fund Administrators’ office will send an e-mail notification to the applicant in an effort to cure any such deficiencies.

**D.** Shortly after the deadline for submission of all financial contributions and the final review and determination of all eligible applications by the Fund Administrators, payments will be issued. The Fund Administrators will submit final payment determinations to the Steering Committee for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant. Applicants may not rely on the timing of any payment. The Administrators, the Steering Committee, and NCF shall have no liability whatsoever for any damage of any kind arising out of or resulting from the timing of any payment from the Fund. Emergency assistance payments received from Support Surfside will be counted as an advance against an applicant’s final distribution. This will ensure equal payments to approved applicants in the same category.

**F.** An application filed for a deceased victim who died without a Last Will and Testament shall require information pertaining to individuals (e.g., spouse, children, parents, siblings) who may be eligible to receive compensation under the local intestacy law of the jurisdiction where the deceased victim was domiciled. In cases where the victim was not married, the personal representative legally authorized to administer the Estate must submit the application. If the deceased did not leave a Will, the personal representative must prepare a proposed plan of distribution of the funds among the deceased's legal heirs and beneficiaries. In circumstances where the deceased was, at the time of their death, engaged to be married, cohabitating with an intimate partner, or separated from a spouse, the Fund Administrators may, in their discretion, require a fiancé, intimate partner, or children of the deceased to be included in the proposed distribution plan. All legal heirs, beneficiaries, and fiancé or cohabitating intimate partner, must consent to the proposed distribution. If agreement among the heirs cannot be reached as to who will serve as the personal representative or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally responsible person eligible to file the application. Under those circumstances, the Fund Administrators will, in their discretion, withhold funds until an agreement is reached, or deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order.

**G.** If a minor child requires an application, a parent or legal guardian must submit and sign the application. If an application is required for an incompetent adult, the application will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

**H.** An application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) the date of admission to and discharge from the hospital, If the victim was hospitalized overnight, (ii) the date of medical treatment If the victim was treated as an outpatient, and (iii) the nature of the injury and contemporaneous evidence from the treating professional that the injury was sustained as a result of the Surfside Collapse.

**I.** An application filed for presence must have the applicant's presence at the site of the Surfside Collapse corroborated by law enforcement records. The Fund Administrators (rather than the applicant) will be responsible for validating this information.

**J.** An application filed for displaced residents must have the applicant's residence in the Champlain Towers South corroborated by property records or a lease. The Steering Committee shall assign a higher level of benefits in this category to applicants for whom Champlain Towers South was their primary residence as indicated by the election of a homestead exemption on the property, or a long term residential lease. Unit owners who did not reside In Champlain Towers South on either a full or part-time basis shall not be eligible to receive payment in this category. Residents who were not present at the time of the collapse, but cohabitated with residents of the same unit who were present, shall receive a prorated payment.

**K.** NCF, its Fund Administrators, and the Steering Committee will use reasonable efforts to maintain confidentiality of all information submitted by applicants but cannot guarantee confidentiality. Applicants are asked to consider any personal ramifications should any information submitted under this protocol become publicly available.

**L.** The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend consulting a tax advisor for any questions regarding tax liability for these payments.

**M.** When all distributions of payments have been completed, a full examination of the Support Surfside Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. The results of these Agreed Upon Procedures will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

### **SECTION THREE: OUTREACH AND COMMUNICATION**

**A.** The National Compassion Fund (NCF) may conduct outreach to victims of the Surfside Collapse by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on applications, and to work to ensure that all eligible persons who wish to submit applications are able to do so before the Wednesday, November 3, 2021, filing deadline. But NCF does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with NCF are included in the Protocol. It is the responsibility of the person eligible to file an application to make sure that the application is timely filed and received. Contact information that is held by law enforcement or healthcare professionals is never shared with NCF, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with either law enforcement, the Red Cross, the Federal Emergency Management Agency, or any other service provider. Information must be shared with NCF via the Fund-specific online contact form.

**B.** Once finalized, the Final Protocol and application information will be disseminated to all known victims who have filled out the Fund-specific online contact form on [www.NationalCompassion.org](http://www.NationalCompassion.org). The Fund Administrators will work directly with applicants as requested so that applications are submitted by the Wednesday, November 3, 2021, deadline.

**C.** Applicants may request to schedule optional meetings face-to-face or by telephone with the Fund Administrators. All applications will be processed during the period between October 6, 2021, and November 15th, 2021. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between September 15, 2021, and November 2, 2021. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send a request via email to [Surfside@NationalCompassion.org](mailto:Surfside@NationalCompassion.org).

## SECTION FOUR: PROPOSED SURFSIDE TIMELINE

- June 24, 2021 – Collapse occurs
- July 6, 2021 – Announce partnership with NCF and Steering Committee Chairman
- July 21, 2021 – Announce Steering Committee membership
- August 6, 2021 – First meeting of Steering Committee: approve Draft Protocol and send for translation
- August 12, 2021 – Receive Draft Protocol translations
- August 16, 2021 – Publish Draft Protocol and public comment period begins
- September 10, 2021 – Town Hall Meeting and Public comment period ends
- September 13, 2021 – Steering Committee meets to approve Final Protocol
- September 17, 2021 – Receive Final Protocol translations
- September 20, 2021 – Final Protocol published to NCF website for survivors, victims, and interested parties
- October 6, 2021 – Application is available online. Application instructions are disseminated to all known applicants and potential applicants.
- **October 6 – November 3, 2021 – Applications completed (with required documentation) and submitted to the Fund Administrators**
- October 20, 2021 – Fund closes to donations
- **November 3, 2021 – Deadline for submission of application**
- September 15 – November 2, 2021 – All personal meetings requested with the Fund Administrators completed
- October 6 – November 22, 2021– All applications reviewed by the Fund Administrators. Recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval.
- November 29, 2021 – Steering Committee approves Funds Distribution Plan<sup>1</sup>
- November 30, 2021 – Distribution of payments to approved eligible beneficiaries begins on a rolling basis
- Three weeks after the end of the month in which all disbursements are completed: Independent auditing firm conducts examination of Fund according to Agreed Upon Procedures

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<sup>1</sup> Subject to the administrators receiving all requested validations from medical providers.