SONIA KAPPEL-HARLAND LAS OLAS

ROCCO DELUCA CORAL RIDGE

GLORIA GOLD

PLAYA DEL MAI

LINDA HALE PLAYA DEL SOL

CHRIS HAMMERS

MURRAY HUNTER

NANCY JAMES PLAZA SOUTH

JOY RAMDEEN

RANDY SPANO SEA RANCH LAKES NORTH

JERRY SPANO L'HERMITAGE

JAY COHEN THE WARWIC

HARRY RATCHFORD
GALT OCEAN TERRAC

LILIAN BACCHUS

DWAYNE BAILY
ROYAL AMBASSADOR

LINA BENZAN-ACHNEDL

COMMODORE

**DONNA BROOKS** 

CORAL RIDGE TOWER

GARY CONDRA

GALT OCEAN TOWER

DORIS CORTES
SOUTHPOINT

ZIAD DAGHER

SOLANGE DABNEY

SEA RANCH CLUB

HUSSEIN EZZAT

**ROD "TEX" PERKINS** 

PLAYA DEL MAR

JOZEF MOZA

**PEGGY MCENTEE** 

GALLEON

DIANA MAY REGENCY SOUTH

FRANCESANN MANELAS

POINT OF AMERICAS

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"An Official Publication of the Galt Mile Community Association"

**MARCH 2004** 

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Galleon

Galt Ocean Club

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L'Ambiance

L'Hermitage I

L'Hermitage II

Ocean Club

Ocean Manor

Ocean Summit

Playa del Mar

Plava del Sol

Plaza East

Plaza South

Regency South

Regency Tower

Riviera

Royal Ambassador

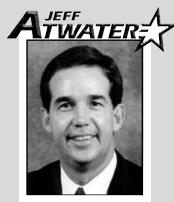
Southpoint

## SENATOR ATWATER AT THE GALT

Eric Continued

Florida State Senator Jeffrey Atwater addressed an Advisory Board meeting of the Galt Mile Community Association in late September, 2003. The Thursday afternoon luncheon meeting afforded members the opportunity to query the Senator about a variety of issues that affect our neighborhood, City and State. The Senator, accompanied by Legislative Assistant Michelle Mattox, fielded questions about shore preservation, fire safety, insurance and the political process.

Robert Rozema, GMCA President, alerted the Senator to our concern stemming from the severe tidal erosion that plagues our beaches. The GMCA played an integral part in the Florida State Cabinet's decision to include Fort Lauderdale in the permit sought by the Broward County Department of Environmental Protection to



renourish the beaches from the Dade County line to Pompano Beach. A contingent of Galt Mile residents staged a successful demonstration at the May 13th Cabinet meeting to refocus the Cabinet's attention on the critical part that our beaches play in the State's economy and the lives of all Floridians. Unfortunately, the Senator was in Rome at the time and unavailable to join the other Broward County, Hollywood and Fort Lauderdale representatives that lent staunch support to the beach renourishment project. The Senator expressed regret at having missed the opportunity to support the project at the critical Cabinet vote. He explained that "politics demands a clear vision of all sides of every issue." He recounted that Deerfield Beach, one of the offshore donation sites for the sand, has raised concerns about being left with a shortage of sand once the dredging operation is complete. It was pointed out to Senator Atwater that every environmental study precluded any possibility of damage to the Deerfield Shoreline and Broward County has guaranteed Deerfield that they would assume all responsibility for any possible adverse reaction suffered from the donation. The Senator also acknowledged that while the vast majority of environmental groups (including every major one) were clearly in favor of the beach renourishment, politicians generally retreat from involvement in any environmental controversy. The Senator agreed that there was no rational justification to allow the beaches that protect our infrastructure and underwrite the already shaky Florida economy to quietly disappear.

Continued on page 6

## THE COMMISSIONER TEEL REPORT

Eric Berkowit



Photograph of Commissioner Teel

## BUDGET HISTORY

I know many of you have been following the City Commission's budget deliberations over the past weeks. I want to devote this newsletter article to a brief explanation of the issues. The 2003 City of Fort Lauderdale budget, offered by the former administration, was balanced using assumed savings that simply did not exist in reality. It contained revenue overestimates and expenditure underestimates. If we had put that budget into motion we would have literally run out of money by the end of the year. I have tried to summarize, below, how the city got into this dilemma and how we plan to extricate ourselves.

What factors impacted the past City budgets 2000-2003?

#### **External Factors**

National economy on a three-year downslide causing lowest interest rate in 50 years

Continued on page 9

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## JUST SOLD

Information provided by Eastside Properties

Ten more properties were sold in the Galt Ocean Mile Community:

L'Ambiance #1401

(3/2)

\$600.000 - closed 1/15/04

Southpoint #1503

(2/2)

\$420,000 - closed 1/20/04

Plaza South #18J

(2/2)

\$365,000 - closed 2/17/04

Commodore #1706

(2/2) \$365,000 - closed 1/21/04

Playa del Sol #2816

(2/2)

\$362,000 - closed 1/9/04

The Galleon #1503

(1/2)

\$250.000 - closed 2/17/04

**Royal Ambassador** 

(1/1)

\$197,500 - closed 1/15/04

Riviera #907

(2/2)

\$280.000 - closed 1/23/04

Playa del Mar #912

(2/2)

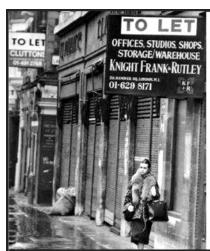
\$350,000 - closed 2/16/04

Southpoint #1904

(3/2)

\$640,000 - closed 1/6/04





# space for lease

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- Available April 1, 2004
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## The Galt Mile News

The Galt Ocean Mile News is the official newsletter of the Galt Mile Community. Published 12 times a year, this publication is designed to educate the Galt residents of neighborhood-oriented current events and issues, and to offer residents Galt-specific discounts from various local merchants.



## **PUBLISHER**

# Yellow Dog

Allison Weingard Muss 954-292-6553 galtnews@yahoo.com

Art Director: Gio Castiglione
Distribution: Michael Loomis
Ad Sales: Allison W. Muss

Editor: Eric Peter Berkowitz



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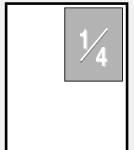
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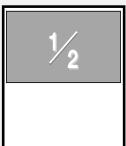
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FULL

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- All newsletters are black and white publications.
- Art must be provided on zip disk, CD-ROM, or e-mailed to awmuss@bellsouth.net by the 15th of the prior month of the publication. All submissions must include a disk menu (if via disk or CD), and a print-out. We cannot quarantee the return of media provided to the publication.
- Images, such as logos and photos, must be formatted as an **EPS, TIFF, JPEG, or PDF**.
- Images, such as logos, which contain text, must be converted into paths.
- Must include all placed or nested images and fonts (Postscript/Type 1 only).
- Ad must be Macintosh formatted.
- Ad must be created in QuarkXpress, Adobe Photoshop, or Adobe Illustrator. Some Word Documents are acceptable.
- Images must be high-resolution (with a minimum density of 300 DPI at final size).
- File cannot be saved with transfer functions or screening options checked.
- Make all checks payable to: Allison Weingard Muss and mail to 1661 Poinsettia Dr., Fort Lauderdale, FL 33305.

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PLEASE NOTE: THIS IS AN ADDITIONAL INVESTMENT to ad placement costs.

All new creative charges may vary according to the detail and specs required for any particular advertisement.

- All photos, logos, descriptive text, address, phone, and fax numbers will be client-supplied.
- Web and Internet addresses are optional.
- Photos may be provided, however, a hi-res digital file is preferred; all prints will be returned.
- When necessary, graphic treatments will incur extra costs.
- All ads created by the publication are and will remain the property of Allison Weingard Muss. If client would like to use the artwork in other publications, a user fee will be assessed.

## PARKS DEPARTMENT AUDIT

Eric Berkowitz

City Auditor Allyson Love has acquired new status as a result of the City's Budget Boondoggle. Her office is the center of a power struggle between the City Commission and the City Manager's office. The City's Charter Review Board, contemplating a reapportioning of governance controls, is examining the possible relocation of the Auditor's responsibilities to the City Commission from the City Manager's office. Commissioners have asserted that this would effectively give them a "handle" on past and potential spending missteps such as overtime abuses. Any changes to the Fort Lauderdale City Charter would require approval by the voters.

The value of this office has recently revealed itself as completion of a partial audit of Parks Department overtime yielded startling abuses. Some Parks Department employees have substantially increased their incomes (up to 45% above their base pay) through the use of essentially unaudited overtime pay. The audit, recently distributed to city commissioners. also determined that the department has no written policies on overtime, lax oversight and no way to determine what work was done. Love's office stated in a review of overtime spent during the 2002-03 budget year. "Overtime usage and distribution appears excessive, not adequately documented and/or monitored."

City auditor Stacey Thomas found that supervisors themselves were paid overtime without demonstrating proper authorization, employees didn't always clock in or out when on overtime, and some were paid overtime in the same week they took sick leave, compensatory leave or vacation. Supervisors weren't required to document reasons for the overtime. The audit states that, "Crews worked overtime on weekends without a foreman/supervisor to monitor their productivity, and the overtime work was not distributed equitably."



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Continued on page 7

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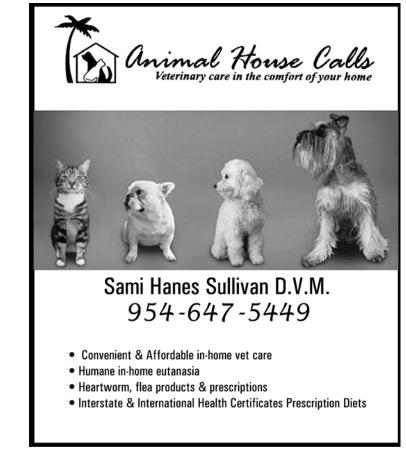
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Audit . . Continued

Parks Department exceeded last year's budget of \$474,864 by \$242,015, running it up to \$716,879. The audit covered only about 20% of the department's staff. Abuses ranged from mild to severe, with one employee earning the equivalent of 45 percent of his base pay -- or \$28,829 -- in overtime, and another clocked \$26,316 in overtime, or 40.4 percent of his \$65,111 base pay, according to the audit. Three other employees made 30% of their base pay while twenty others racked up 20% increases.

The audit determined that 78 percent of the overtime audited in the parks division, and 18 percent in the recreation division, could not be justified with any documentation. The unjustified overtime during the audit period amounted to \$61,493 of the \$106,503 that was reviewed. The few available records show that overtime was doled out to employees staffing festivals. pools, beach patrol, parks, tennis courts, teen programs, and after-school and camp programs. The biggest overtime earner, for instance, is the only individual in the Department who can drive the "showmobile," a mobile stage used at city events.

Parks and Recreation Director Ernest Burkeen said that while he doesn't believe that abuse is widespread, he's pleased to learn about the sloppy practices so that they may be addressed. "Our failure has been to document in terms of writing down what exactly we're doing," said Burkeen, who inherited the department in 2001. Burkeen said he thought all employees adhered to an unwritten policy to document the reason for the overtime. Burkeen asserted that, prior to the City's budget crisis; the Department's emphasis has on service, such as trying to reinvigorate the Himmarshee area with weekly Downtown Live events, staffing summer camp and programs and overspending the water budget by trying to rescue new landscaping. "Our focus has always been on the aggressive side about trying to provide the service first and then where to find the money later," said Burkeen. "It was 'provide the service. Do whatever you can to provide the service.' Now we have different times, and we're not doing nearly as much as we have in the past."

A recent budget memo shows that since this year's budget began on October 1st, his department had spent only \$31,736 in overtime by December 31st. By the same time the previous budget year, the department had spent more than seven times that amount, or \$235,032. Remember, this audit only covered one-fifth of the department! In the meantime. because of the light that her office can focus on cloudy fiscal scenarios, Auditor Allyson Love's stock can only go up. The times, they are a-changin'.

The City Auditor is currently attached to the City Manager's office. The telephone number of Acting City Manager Alan Silva's office is 954-828-5013. To reach the Parks and Recreation Department, call 954-828-PARK (7275). For more in-depth information regarding the Fort Lauderdale Budget Crisis, check the Galt Mile Community Association Web site (www.galtmile.com), go to the Issues Section, scroll down to "Budget Bust" and CLICK! •

# HIS MONTH AT-A-GLANCE

MON

TUE

SAT

SunTrust Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	GMCA President's Council Meeting 7:30 - 9 p.m.	Jazz in the Hall Greater Fort Lauderdale Chamber of Commerce Network with businesses, live jazz, wine & hors d'oeuvres. 5:30 to 7 p.m. Info.: 954-462-6000	Czech Philharmonic Orchestra Broward Center Tix.: 954-462-0222	11	12	\$1 Million Florida Derby Gulfstream Park 954-454-7000
14	Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center 7 p.m. Info.: 954-828-5033	Fort Lauderdale City Commission Meeting City Hall 6 p.m.	17 Saint Patrick's Day Festivities Himmarshee/Riverfront area	Galt Mile Community Association Meeting Nick's Italian Restaurant 111 a.m. Las Olas Wine & Food Fest 7 to 9 p.m. Info.: 954-524-4657	19	Riverwalk 5-K Run Las Olas Riverfront Registration: 5:30 a.m. Race: 7 a.m. Tix.: 954-462-0222
21	Lsrael Philharmonic Orchestra Broward Center Tix.: 954-462-0222	Florida Panthers v New Jersey Devils ODC 7:30 p.m.	24	25	<b>26</b> Get Downtown Office Party Brasserie Las Olas 5 to 8:30 p.m. 954-468-1541	Florida Panthers v Atlanta Thrashers ODC 7:30 p.m.
Cincinnati Symphony Orchestra Broward Center Tix.: 954-462-0222	Florida Panthers v Carolina Hurricanes ODC 7:30 p.m.	Dopamine Cinema Paradiso 5 & 7:30 p.m.	31	Museum of Art First Thursdays Museum of Art Music, drinks, food, & art 954-525-5500 x 230	2	3
SunTrust Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985 Daylight Saving Time	GMCA President's Council Meeting 7:30 - 9 p.m.	6 Passover	Fort Lauderdale City Commission Meeting City Hall 6 p.m.	8	<b>9</b> Good Friday	10

## A LOOK AHEAD

April 10 Paws for Applause War Memorial Auditorium/Holiday Park, 12:30 to 4:30 p.m. Info.: 954-562-9896.





Commissioner . . . Continued

City's interest rates on investments fall - \$1.3 million Aftermath of 9/11 and increased spending on public safety - \$4.5 million Declining FPL franchise fees and State sales tax - \$414,000 Cost of municipal elections - \$80,000 Higher pension contributions - \$8 million Increase in workers compensation contributions - \$2 million Additional contributions to health insurance plans - \$2 million Property tax revenues 2002-2003 - \$1 million

## How did the City respond to falling revenue?

The City did not change its spending patterns!

Police Dept. exceeded budget two years in a row -\$3.8 million -\$2.6 million Fire Dept. exceeded budget two years in a row Parks Dept. exceeded budget two years in a row -\$1.35 million

The City added services and positions!

Parks Dept. added 15 new positions - \$593.000 - \$433,000 Police Dept. added computer-aided dispatch - \$652,000 Fire Dept. added new rescue unit at the beach

The salary line has continued to increase!

Salaries

89,211,550.35 97,010,958.75 107,747,999. 116,099,355.40

2002

2003

DOUGLAS N PYSER, D.M.D, M.A., P.A.

Continued on page 11

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Do I need to consult my healthcare provider before I start an exercise program? Thank you, Stephanie R., Ft. Lauderdale Hello Stephanie,

According to the US Department of Health and Human Services, and what is recommended in the Fitness Industry, you should talk to your Healthcare Provider before starting any physical activity if you:

- 1. Have heart disease, have had a stroke, or are at risk for these
- 2. Have diabetes or are at risk for it
- 3. Are obese (have a body mass index of 30 or greater)
- 4. Have an injury, like a knee injury (you want to have an idea of what is injured, so you and your trainer know what you should or should not do)
- 5. Are older than 50
- 6. Are pregnant

It is always best for everyone to have a fitness and wellness evaluation. As we say, "you need to know where to start, before you begin". This also allows you to track your progress, or lack thereof. Some people work with a trainer for years, without getting any true results. This is a sign to get a new trainer.

#### How much exercise do I need to lose weight? Right now I walk. I enjoy reading your column, Jack W., Ft. Lauderdale Hello Jack,

To lose a pound of fat, you need to burn 3,500 calories. Since walking a mile burns about 80 calories, you can see this alone will not get you to your goal. One of our Nutrition Consultants, Dr. Ceccarelli, and Head Trainer and Exercise Physiologist, Craig Butler, recommend two things; diversify your exercise program and look at your caloric intake. It is safe for a healthy adult to lose a pound a week. In order to do this, you should start with a Nutrition Evaluation so you know how many calories you are eating now and how many your body type needs to work efficiently. Then you will understand how to properly cut out calories that you don't need. Next, start an exercise program that includes weight bearing exercises, cardio, flexibility and balance training. Remember to have a fitness evaluation first and make sure you look at your body composition, not just your scale weight.

Please send all questions or ideas to: kellyfitness@bellsouth.net or fax 954-630-2212. WELLFIT Forum is made up of an Exercise Physiologist, Fitness Professional, an Athlete, a Nutrition Specialist and a Doctor. The WELLFIT Forum is a column developed for you, our readers, that answers auestions regarding fitness, wellness, nutrition and health for adults and children.



Shirley B. Attias

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### Captives...Continued

- The financial strength of the captive is secured by accepting only quality companies (Associations) that have learned (or are willing to learn) to manage risk effectively.
- The purchase of strategic insurance products such as specific and aggregate excess reinsurance coverage allows captive members to manage predictable losses while transferring potential catastrophic losses.
- Premiums are based on loss history rather than trends in the overall insurance market.
- Many of the fixed costs associated with traditional carriers are greatly reduced due to the ability to unbundle services and negotiate directly with service providers.
- Income potentially accumulates tax deferred for a period of time.
- Members should expect a return on their underwriting profits and investment income by adhering to risk management strategies. In other words, there is the potential for a significant return on dollars that were once considered pure expense.

You cannot achieve control of your insurance destiny simply by joining a captive. The success of the captive depends on the participation of its owners. One of the most important roles shared by every captive member is dedication to risk control. Risk control encompasses both loss prevention and claims management. Loss prevention refers to those practices established by a business to prevent and reduce the frequency of accidental loss. Claims management addresses ways to minimize the effect of those losses. Both the captive and its individual members should develop programs and services that help ensure that both aspects of risk control are handled efficiently and professionally.

Loss prevention is generally referred to as safety engineering. As one of the qualifications for joining a captive, each potential member should have in place or be willing to create an aggressive safety or loss prevention program. These programs should be evaluated by independent professional safety consultants who provide ongoing assistance to members in addressing needed improvements. Factors inherent in an effective loss prevention program are:

- Employee Supervisory Training designed to enhance safety awareness.
- Hazard Surveys on-site inspections to identify physical hazards.
- Policy/Procedure Development help to create and implement safety related programs.
- Regulatory Compliance assures that members understand and comply with OSHA, DOT and other pertinent regulations.

Despite our best laid plans, there are no guaranteed methods to avoid all accidental losses - if there were, you wouldn't need insurance. But accidents do happen, and the way you manage your losses will have a direct effect on your future premium as well as your investment income. Unlike conventional insurance in which the insured has little idea of who is handling their claims or the status of those claims, captive members take an active interest in the entire claims management process. Aggressive Claims Management yields substantial savings. Below are some of the controls that captive members can exercise to manage claims effectively.

Continued on page 15

#### Atwater...Continued

Florida State Senator Jeffrey (Jeff) H. Atwater, a first term Republican representing District 25 in Broward and Palm Beach Counties, staged an upset during his struggle for the Senate seat also sought by Bob Butterworth, the high profile Democratic candidate who resigned as Florida State Attorney General in a futile effort to fill the seat vacated by Debby Sanderson. Senator Atwater's Capitol office is located in the Senate Office Building (Room 212) at 404 South Monroe Street in Tallahassee. Florida 32399-1100. His Tallahassee telephone number is 850-487-5100, SunCom: 277-5100, and fax: 850-487-5296. His local District Office is at the Oakland Park City Hall on 3650 N.E. 12th Avenue in Oakland Park, Florida 33334. Local contact numbers are Phone: 954-847-3518 and Fax: 954-847-3519. Senator Atwater's e-mail address is "atwater.jeffrey.web@flsenate.gov". Michelle Mattox, Senator Atwater's Legislative Assistant serving the Galt Mile Community, can be reached at 954-847-3518. Complete contact data for Senator Atwater and further information about the Fire Safety Amendment, beach renourishment and other relevant issues can be found at the Galt Mile Community Association's web site (www.galtmile.com).

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#### Fire...Continued

opportunity. The Pipe Fitters and Plumbers Unions, the Fire Marshals, the National Fire Sprinkler Association, and other groups that stand to lose millions of dollars from this hole in their political pork barrels will undoubtedly desperately try to plug it. This needs to be defended against. Some of the protocols inherent in the amendment are unnecessary burdens designed to feed a hungry bureaucracy rather than relay information. There is no reason to disallow proxies when voting to opt out of the retrofitting. Limited proxies have historically been acceptable substitutes for written consent. There are also more affordable methods of confirmed notification than "certified mail." These requirements need to be modified.

Of greater import is the statutory recognition of acceptably safe alternatives to "the sprinklering of common areas". Intelligent Fire Detection and Alarm systems have the technological maturity to surpass the protection afforded by "sprinklering common areas." Automatic recall systems and voice evacuation speakers in the units would provide substantially greater safety at less cost than a half ton of plumbing supplies. It is not surprising that these well-known alternatives have been given short shrift by Plumbing and Pipe Fitters Unions and the Fire Sprinkler Association as well as the beneficiaries of their political contributions. Translating these relevant facts into political reality is a challenge that needs to be met with the same coordinated effort that produced the Amendment. Becker & Poliakoff have their work cut out for them. They're going to need all the help they can get. We all need to see that they get it! Stay tuned...

The lobbying effort coordinated by Becker-Poliakoff to resituate the responsibility (and decisions) for Fire Safety protection back to the homeowners and their chosen Fire Safety Engineers needs to be broadened. As more condos and co-ops join the effort, more light can be focused on the relevant issues (especially in Tallahassee). To participate in the Fire Safety Lobby (to exempt your community from an expensive retrofitting), contact Attorney Donna D. Berger Esq. of Becker & Poliakoff, P.A. at 954-985-4163 or toll-free at 800-432-7712 Ext. 4163. She can be contacted by e-mail at "dberger@becker-poliakoff.com". As a participating residence, you'll receive automatic access to Becker & Poliakoff's "Fire Safety Update," a Web site that delivers current progress data in its appropriate legal context.

Extensive information and current updates about the Fire Safety Statute and the Fire Safety Amendment are available on the Galt Mile Community Association Web site (www.galtmile.com). Go to the Issues Section, scroll down to Fire Safety and CLICK. Links to the State and Local Fire Marshals' Web Pages, Becker-Poliakoff, and the complete text of the amendment (S592) are available as well.

FYI - In December 2003, Fort Lauderdale Fire Marshal Steve Kastner, Division Chief of the Fort Lauderdale Fire Prevention Bureau and a longtime friend to the Galt Mile community, addressed a President's Council meeting of the of the Galt Mile Community Association and explained that his office would refrain from enforcing the dogmatic provisions of the Statute until they were clarified! He extended an open invitation to any Association that needed guidance about Fire Safety issues to call him. The Bureau's contact information is Phone: 954-828-6370, fax: 954-828-5338. Marshal Kastner's e-mail address is "SKastner@fortlauderdale.gov" and his direct number is 954-828-5654. Complete contact information is available at the GMCA Web site! •

Commissioner Continued

While the revenues do not balance with the expenses!

Revenues (Over/under)

(1999) -1,250,702.92 (2001) -1,228,269.61 (2002) -3,744,026.27 (2003) -6,040,644.25

#### Simply put, we have been living beyond our means!

Alan Silva, our Acting City Manager, has put together a plan to manage the deficit, control spending, and get the City back into a position where revenues coming in are equal to expenses. These budget adjustments will:

- Generate \$8 million in salary savings during the current fiscal year (FY 2003-2004)
- Generate an additional \$4 million in savings during the current fiscal year (FY 2003-2004) to ensure the budget is realistic and balanced
- Reestablish a base budget that saves \$15 million heading into fiscal year 2004-2005

At our meeting on December 16, the City Commission agreed to the following:

- A one-month code fine amnesty program to generate \$500,000. Public Safety Aides will be spared elimination if the code fine amnesty program covers the cost
- Mounted patrol will continue, with modifications, through outside contributions
- Approximately 50 personnel layoffs. (NO POLICE OFFICERS OR FIRE FIGHTERS WILL BE LAID OFF)
- 100 Vacant positions will be eliminated
- Fire apparatus selectively removed from service only to minimize overtime

Mr. Silva has committed to the City Commission that Department Heads will be held accountable for any future overspending and will suffer appropriate consequences. Although the next two years will be austere and difficult for all of us, residents and employees, I firmly believe that the City's current financial situation warrants these measures.

I leave you with my best wishes for a happy, peaceful and more prosperous New Year. •

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## **INSURANCE CAPTIVES**

Fric Berkowitz

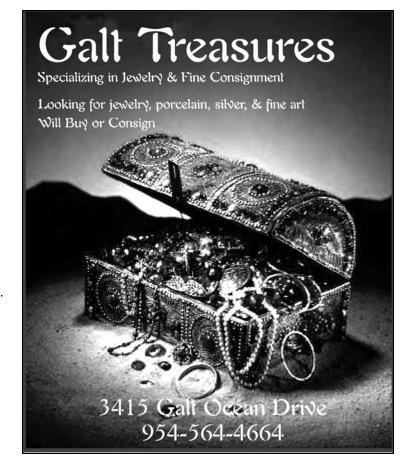
The overwhelming increases in insurance costs throughout the country have permeated the South Florida market with a vengeance. Every level of insured has experienced rapid readjustment of operating budgets to respond to spiraling premiums. One generic method of containing costs has historically been to "cut out the middle man". The insurance version of this "cost-control technique" is called an Insurance Captive.

An Insurance Captive is an insurance company that provides insurance to and is controlled by its owners. Captive "parents" may be individuals, corporations or even associations. A single parent captive is an insurance com pany formed to provide insurance coverages to its single parent owner, individual or corporate, and/or its subsidiaries. The group or association captive is an insurance company formed to provide insurance to its group or association of owners. The owners consist of two or more non-affiliated companies usually from a related business field with the shared objective of controlling their insurance costs. In general, to form a single parent captive, a company's annual insurance premium should be a minimum of \$750,000. However, just about any size company can be part of an association or group captive. A group captive can be either homogeneous and insure similar types of businesses risks or heterogeneous and insure risks of several types of organizations. Both homogeneous and heterogeneous captives provide similar benefits. The choice is simply a matter of preference and compatibility. Since its inception, the captive has been considered an alternative to traditional insurance. Today, the figures present a different picture, one in which alternative insurance strategies are expected to gain a 50 percent share of the overall insurance market.

Every year, Associations, business owners, and executives invest a large portion of income to insure the health and safety of their companies and employees. In a traditional insurance program, a year with minimal or no losses generally yields little, if any, return on that investment; a bad year typically equates to higher premiums the following year. Either way, you lose what potentially could be a substantial return on this investment. Traditional insurance carriers may leave you in the dark when it comes to tracking how your money is spent, when claims are paid out and to whom. As a group captive member, you are an owner. You control the "who," "why" and "when" of the insurance process. The financial strength of the group allows members the independence to choose the highest quality service providers. while limiting the risk of catastrophic losses. This ability to control and manage these services reduces fixed costs.

The immediate realization of significant cost reductions and future long-term savings that Captives offer are the result of several factors that the "group" controls:

Continued on page 11





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Dr. Harrietta Ceccarelli Chiropractic Physician Captives...Continued

 Early Return-to-Work Program controls the cost of workers' compensation claims. One of the requirements for membership is the aggressive pursuit of transitional or modified-duty work.

 Attorney Selection allows members to have significant input in the selection of legal counsel.

 Claim Reviews/Quality Performance Meetings are organized and coordinated to provide captive members the opportunity to meet with their claims adjusters to discuss the status of claims. Designate "hot claims," which alert adjusters and Captive Resources to specific claims that require special or immediate attention. Assist in the resolution of claims issues with prior insurance carriers.

While Insurance Captives can be set up in both U.S. and foreign domiciles, most captives formed are generally incorporated and conduct business under the jurisdiction of an offshore domicile such as the Cayman Islands. Offshore incorporation provides lower cost of operation, more practical governmental regulations, and potential tax advantages. In the U.S., group captives are licensed by a domiciliary state and use a fronting carrier, or they operate under the Federal Risk Retention Act. The companies may either be stock, reciprocal or mutual in organizational form. In theory, all mutual insurance companies are captives that are controlled by their policyholders. Although not formally recognized by many as being part of the captive insurance community in the U.S., intergovernmental insurance pools are captives owned by the public agencies they insure. Most are not subject to the more extensive state regulations that are imposed by captive insurers. Since the 1960s, many "household name" insurers started up as captives and gradually expanded into fully-fledged commercial insurance companies writing business for third parties as well as their parent companies— Allstate was once Sears' captive.

A captive program can be an effective way to manage risk and provide adequate coverage to its parent company or group owners. Sometimes, state laws do not allow captive insurance programs to issue insurance policies. In these instances a captive insurance company uses an admitted insurer to front the insurance program. A fronted program offers four major advantages:

- 1) Insurance policies are issued by the fronted carrier to meet state filing and financial responsibility requirements.
- 2) Fronted companies can offer a wide range of services including risk prevention, underwriting, pricing, claims handling, accounting, policy services and reinsurance.
- 3) A fronting arrangement allows the captive to generate cash/flow and investment income benefits from lines of insurance which cannot be written by the captive because of state insurance regulation.
- 4) Stable pricing and consistent coverage availability can be achieved from a long term partnership between the captive and fronted company.

Continued on page 19

Let me introduce myself.

I am Lizzie Pind...resident of Galt Ocean Mile's Plaza South, and realtor for Galt Ocean Mile residents. As an educated and trained contracts administrator, I can assist you buy, sell, or rent a home.

A native of Denmark, I have been living in South Florida for 7 years, helping neighbors buy, sell, or rent homes that suit their South Florida lifestyles.



For all your real estate needs, please visit my Web site at http://www.sofloridaproperties.com

Lizzie Pind Realtor

Hansen Realty Ph- 954 294-2787 Email- pind@bellsouth.net



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# FIRE SAFETY AMENDMENT IN A NUTSHELL

Eric Berkowitz

Senate Bill 592, after surviving a shaky adolescence last legislative term, developed into a law that's earned the curiosity of every condominium and co-op in South Florida. While the law allows electronic transmission as a form of notice for not-for-profit corporations; includes e-mail and fax addresses as part of an association's official records; permits domestication of foreign not-for-profit

corporations; significantly revises the insurance provisions found in 718.111(11); and clarifies that any actions arising to enforce condominium documents do not carry a 1-year statute of limitations (5-year statute of limitations is consistent with recent case law), it is most well known for its enigmatic "opt-out" provisions granted to condominium and cooperative owners throughout the State of Florida.

The law that this effort amends required that any high-rise building (75 feet or higher) be retrofitted with an automatic sprinkler system inside each unit by 2014 pursuant to the requirements of the NFPA-1 (National Fire Protection Association) National Fire Prevention Code. There are two exemptions to this requirement: A) if every unit opens onto an open-air walkway with access to two remote stairwells or B) if a building chooses to install an engineered life safety system in lieu of the total retrofit. The engineered life safety system is not clearly defined by the Code but it typically consists of a partial sprinkler system together with various components including a sophisticated fire alarm system, fire-rated corridor and unit doors, self-closing mechanisms on the unit doors, elevator recall system, etc. At best, the alternative is extremely expensive and questionably effective. In addition, once the alternative option is exercised, the local jurisdictional authority (i.e. your local fire marshal) can (and often does) substantially shorten

the deadline of 2014.

The Amendment (S 592) offers a third choice that only requires the sprinklering of the "common areas" of the building. However, to "opt out" of the original options, it is imperative to follow a carefully drawn legal road map. Two-thirds of the total Association membership must vote to opt out at a duly called association meeting either in person or through the use of a written consent. Proxies are not acceptable for this vote! Once the measure passes, three bases have to be touched before the decision is actualized.

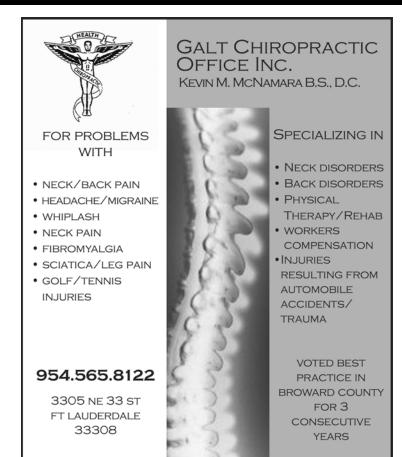
A Certificate confirming the Association's elective result needs to be filed in the public records of the building's county. Each unit owner must be notified in writing (in 16-point bold print) by certified mail within twenty (20) days about the results of the vote to waive the retrofitting requirement. The third step mandates that the Division of

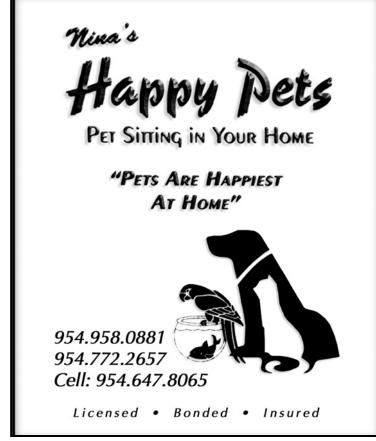
State Fire Marshal of the Department of Financial Services be, in turn, alerted to the certified results of the Association membership's "opt out" vote. Since there's no deadline for this "opt out" vote and proxies are ARE NOT an option, it seems preferable to time the vote to coincide with the "season" to take advantage of the additional unit owners available for the vote. While this format is easily understood, it is critically important to take each legal step correctly. Achieving this without the guidance and oversight of the Association's attorney is akin to dancing through a mine field while wearing a blindfold. Attention to legal detail will inoculate the Association against the liability nightmares that derive of trying to "be your own lawver". The Association's attorney is unquestionably the correct point person for this mission. The Association's Insurance Agent should be the strong right arm.

What's left is an enigma. The one-time opt out vote DOES NOT relieve an Association of having to retrofit sprinklers into the common areas. There are three available definitions of common areas. There's the traditional definition of common areas found in Chapter 718 (The Condominium Act) and Chapter 719 (Cooperatives) of the Florida Statutes. S 592 (the Amendment) redefines common areas as "any enclosed hallway, corridor, lobby, stairwell or entryway." The original legislation directs buildings to use the NFPA 1 and the NFPA 101 Codes as statutory guidelines for

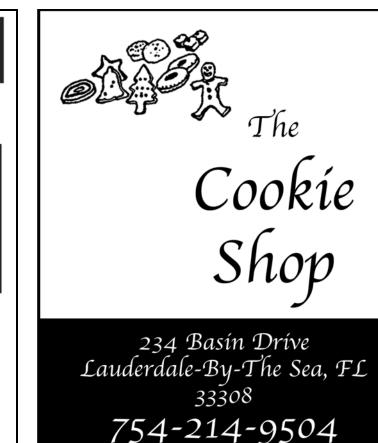
installing an acceptable system. To help make this issue as clear as mud, neither NFPA Code addresses (or conceives of) the installation of sprinklers uniquely in the common areas. Aren't you glad that the Association's attorney is spearheading this effort!

The Association's final step is legislative preparation. Few positive events in Tallahassee occur spontaneously. The bill that passed did so because of a concerted hard-fought effort contributed to by numerous concerned Associations. The next legislative session presents a danger and an









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Atwater...Continued

Senator Atwater identified the "Fire Safety Amendment" controversy as "an ongoing struggle that is far from settled". Referring to the secretive statute sponsored by the National Fire Sprinkler Association and the Plumbers and Pipe fitters Union that slipped through the legislature a few years ago, the Senator explained that two elements would conspire to perpetuate the controversy. One element is the media-fed scare tactics that the Senator termed the "Towering Inferno Scenario". The second element is the huge amount of money at stake for the industries (and their lobbyists) that sponsored the original legislation. Again, the Senator exclaimed that the issue was a political mine field that intimidated any politician with a survival instinct. Howard Goldstein, President of Plaza East, asked the Senator how Condominium Associations should respond to the contradictory interpretations of both the legislation and the subsequent amendment. The Senator, a co-sponsor of Senator Geller's Amendment S 592 that supports the right of condominiums to "opt out" of certain exigencies created in the original legislation, advised the attendees to "do nothing!" Senator Atwater was alluding to a recent Public Meeting conducted by State Fire Marshal Tom Gallagher's office wherein the State Fire Marshal's staffers admitted that "This law is in a state of flux. The Fire Marshal's office, along with most local fire authorities, is awaiting clarification from the legislature." Politicians are aware that the media-driven scare tactics exploited by the sponsoring lobbyists bear little relation to reality. While our representatives support a more moderate "owner determined" engineered fire safety system (Geller's Amendment was signed into law last May), they dread being painted as "soft on fire safety."

The Senator also spoke to the insurance industry's highly unstable approach to Florida underwritings. The industry is attempting to justify its volatile behavior as simply a reaction to topsy turvy actuarial fundamentals drawn from the unusual claims patterns that are supposedly unique to the State of Florida. Many insurance companies have recently declined to continue servicing certain key categories, opting instead to forego offering competitive coverage and sacrificing their "admitted" status. There is, for instance, a dearth of admitted carriers for such industry cornerstones as automobile insurance and malpractice coverage. If not for the State of Florida's self-directed disaster insurance (a seven-member Board of Governors and a technical advisory board, ALL appointed by the State Treasurer (Tom Gallagher) for three-year terms, representing geographically diverse regions of the state), there would be NONE. It appears as if this threadbare system is one disaster away from non-existence. This issue was first tackled by Senator Atwater while serving in the Florida House in 2002. He successfully sponsored a bill designed to merge the Florida Windstorm Underwriting Association (FWUA) and the Residential Property and Casualty Joint Underwriting Association -- the insurers of last resort for residents in hurricane-prone regions of the state -- into a new entity, the federally tax-exempt Citizens Property Insurance Corp. The industry is claiming that they need statutory protection from "frivolous litigation". The insurance industry has uniformly bemoaned having to survive in a "litigious" environment across the country. Not surprisingly, the industry feels that they could prosper if claims payments weren't judicially enforced. The obvious problem with this solution is that claims would be paid based upon the carrier's ability to afford them, not on their merit. Who wouldn't enjoy a similar arrangement with FP&L, BellSouth, Visa or our friendly mortgage holder? Taking a stand on this dogmatic dilemma represents another recurrent nightmare to our elected "voices" in Tallahassee, squeezing them between the rock hard Insurance and Trial Lawyers' Lobbies.

The Senator deftly rewrote the meeting's agenda. In addition to exhorting his position on a variety of ongoing struggles, he took the opportunity to decry the perplexing paralysis that seems to continually afflict Tallahassee. There was some confusion surrounding the Senator's purpose for responding in this manner. While some of us interpreted the Senator's message as "be patient", others framed it as an admonition to "get use to it!"

Continued on page 11

Voting...Continued

The March 9th municipal races include the cites of Cooper City, Coral Springs, Davie, Hallandale Beach, Hollywood, Lauderdale-by-the-Sea, Lauderdale Lakes, Lauderhill, Margate, North Lauderdale, Parkland, Pembroke Pines, Pompano Beach, Southwest Ranches and Wilton Manors.

Registered Democrats and all eligible voters in the cities holding municipal elections can vote Monday through Saturday until March 8th at any one of the Supervisor of Elections' six regional offices. Hours are 8:30 AM to 5 PM weekdays, 9 AM to noon on Saturday, February 28th and 9 AM to 5 PM on Saturday, March 6th. Early voters can receive and cast ballots at the following locations:

- North Regional Satellite Courthouse 1600 W. Hillsboro Beach Blvd., Room 166, Deerfield Telephone: 954-831-1225
- South Regional Satellite Courthouse
   3550 Hollywood Blvd., Room 160, Hollywood
   Telephone: 954-831-0443
- West Regional Courthouse
   100 N. Pine Island Road, Room 130, Plantation
   Telephone: 954-831-2370
- Pembroke Pines Office
   8301 Florida Drive, Room 102, Pembroke Pines
   Telephone: 954-964-0442
- Broward County Main Library
   100 S. Andrews Ave., Fort Lauderdale
   Telephone: 954-357-7444
- Lauderhill Mall
   1241 NW 40th Ave., Lauderhill
   Telephone: 954-357-3889

For additional information, check the Galt Mile Community Association Web site at (www.galtmile.com). To access extensive information about campaign contributions, go to "Report Card" and scroll down to "Follow the Money." Also, check the Broward County Supervisor of Elections Web site (www.browardsoe.org) for voter's registration, election information and results, district information, political committees and volunteer recruitment.

Captives...Continued

Insurance companies benefit from fronting in several ways. Fronting insurance programs generate more business to the insurance companies that would otherwise be written by another insurance entity. A fronting program which is adequately secured with reinsurance and financial guarantees should generate a higher rate of return on equity to the fronted company than the traditional insurance company. A significant risk for a fronted company is the credit risk of the captive. Credit risk is generated from the captive's inability to meet its financial obligations from the business and financial risk. They include adverse loss experience, catastrophic loss or inadequate spread of risk.

This illuminates the relationship between control and responsibility inherent in an Insurance Captive. If the members are lax in their control of screening and allow "sloppy" Associations to participate, it will drive up the group's expenses. If they don't control risk or manage claims effectively, ditto. If the decisions they make about service providers, legal and underwriting talent, reinsurance and domicility are casual, the substantial benefits disappear.

If, however, the members run the Captive efficiently, new applicants will be attracted like moths to a flame, expanding the Captive's financial base, diffusion of risk and overall clout. Whether a front is used or not, joining the nearly 5000 existing Insurance Captives throughout the world should relocate control of our insurance costs where it belongs, in our hands.•



Due to a conflict of interest, the condo association board has decided to change the name of this publication to



It's the same great paper, just with a better name!





www.galtmile.com

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## VOTE SMART. VOTE EARLY

Eric Berkowitz

Registered voters planning on participating in the March 9th elections in Broward County do not have to wait until then to make their will known. Florida's registered Democrats will choose their preferred presidential candidate for the November election. Voters from all parties in 15 cities and towns holding municipal races across Broward County will choose commissioners, council members and mayors. Elections Supervisor Brenda Snipes wants to make things easier for her office by encouraging people to vote early in next month's political contests. As of Wednesday, February 25th, eligible voters can cast absentee ballots, either through the mail or in person at any one of Supervisor Snipes' six offices.

Prior to 2001, voters had to provide evidence of hardship before being granted an absentee ballot. Residents were forced to sign affidavits stating why they couldn't make it to the polls on Election Day. Private and personal excuses including a medical condition, disability or a planned vacation were elicited and sworn to. In 2001, the Florida Legislature eased the restrictive conditions necessary to cast a ballot early, opening the opportunity to the overall electorate. Broward County first offered in-person early voting in the September 2002 primaries. Universally available early voting, also known as "convenience voting", grows in popularity with every election.

Gisela Salas, Brenda Snipes' deputy supervisor of elections, disclosed that almost 7000 voters have requested absentee ballots by mail for the March 9th election so far. "Residents can use any of the six centers, regardless of where they live." Salas continued, "Most voters will use touch-screen voting machines during early voting." Broward Mayor Ilene Lieberman said many people prefer casting absentee ballots at one of the supervisor's offices before a major election. Addressing the exploding popularity of early voting. Lieberman elucidated, "It eliminates the need for people to request an absentee ballot, send it in the mail and wonder whether it got there on time. I believe it encourages better turnout." Voting at a convenient time, avoiding lines and polling place delays and having as much time as desired to peruse the issues at the polls are some of the advantages that early voters enjoy.

Continued on page 6



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#### **United States Gold Coins**

\$1 Gold Coin Dated 1849 to 1889—Worth from \$105 up to \$40,000 \$2.5 Gold Coin Dated 1796 to 1834—Worth from \$3,500 up to \$500,000 Dated 1834 to 1907—Worth from \$120 up to \$125,000 Dated 1908 to 1929—Worth from \$135 up to \$50,000 \$3 Gold Coin Dated 1854 to 1889—Worth from \$500 up to \$100,000

\$5 Gold Coin Dated 1795 to 1807—Worth from \$2000 up to \$275,000 Dated 1807 to 1834—Worth from \$1600 up to \$150,000 Dated 1834 to 1838—Worth from \$190 up to \$45,000

Dated 1839 to 1908—Worth from \$105 up to \$1,000,000 Dated 1908 to 1929—Worth from \$150 up to \$150,000 \$10 Gold Coin Dated 1795 to 1804—Worth from \$4,000.000 up to \$1,000,000

Dated 1838 to 1907—Worth from \$180 up to \$550,000 Dated 1907 to 1933—Worth from \$245 up to \$150,000

\$20 Gold Coin Dated 1850 to 1907—Worth from \$400 up to \$500,000 Dated 1907 to 1933—Worth from \$385 up to \$1,000,000

#### **United States Silver Dollars**

Dated 1795 to 1798—Worth from \$600 up to \$500,000 Dated 1799 to 1803—Worth from \$500 up to \$150,000 Dated 1840 to 1873—Worth from \$120 up to \$100,000 Dated 1873 to 1884—Worth from \$50 up to \$7,000

Dated 1878 to 1904—Worth from \$8 up to \$500,000

#### **United States Half Dollars**

Dated 1795 to 1797—Worth from \$400 up to \$400,000 Dated 1801 to 1807—Worth from \$100 up to \$45,000 Dated 1807 to 1839—Worth from \$30 up to \$28.000 Dated 1839 to 1891—Worth from \$15 up to \$150,000 Dated 1892 to 1915—Worth from \$5 up to \$25,000 Dated 1916 to 1947—Worth from \$1.75 up to \$45,000 Dated 1948 to 1964—Worth from \$2 up to \$500 Dated 1965 to 1970-Worth from .55 cents to .65 cents Dated 1971 to 1995—Worth from .50 cent to \$25



Dated 1936 to 1942—Worth as low as \$800 as high as \$5,000 Dated 1950 to 1955—Worth as low as \$100 as high as \$450 Dated 1956 to 1959—Worth as low as \$20 as high as \$50 Dated 1960 to 2004—Worth as low as \$4 as high as \$35,000



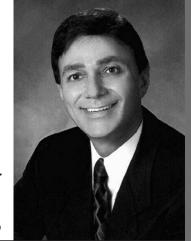
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