



GALT MILE NEWS

JULY 2009

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GALT MILE SUN TROLLEY ADAPTS TO SURVIVE

By Eric Berkowitz

On April 16, 2009, Sun Trolley Executive Director Les Hollingsworth updated the Galt Mile Community Association Advisory Board about an ongoing struggle to salvage the Galt Mile Sun Trolley route. Most of the Sun Trolley's routes have already fallen victim to budget-based funding shortages. Passenger utilization targets formulated to justify continued DFLTMA (Downtown Fort Lauderdale Transportation Management Association) funding for these neighborhood bus routes consistently fell short despite the implementation of an aggressive marketing campaign to boost ridership. Hollingsworth and Marketing Coordinator Rabia Qureshi cultivated alternative revenue streams from advertizing, soliciting corporate sponsors and renting the Sun Trolley's 14 flashy vehicles for birthdays, weddings and other private events. They also molded service functionality to better address user needs. Not unlike hailing a taxi, prospective riders could flag down the Sun Trolley while strolling along the route.

Although the Galt Mile route suffered the same disappointing ridership statistics that closed the Tri-Rail Weekend Connector, the Weekend North-South Downtown Circulator, the Broward East-West Express, the Lauderdale Manors route and other Sun Trolley legacy connections, Commissioner Bruce Roberts worked with Hollingsworth to find a formula supportive of a reprieve. Shortly after inheriting the District 1 reins from former Commissioner Christine Teel, Roberts revived Teel's contention that folding the Sun Trolley's Galt Mile route would create an unacceptable hardship for local residents. The Barrier Island's isolated geography severely impairs access to the Broward transportation alternatives available to county residents impacted by the other route closures.

Other Broward County Transit routes could admittedly fill the resulting public transportation

void to destinations like the Coral Ridge Shopping Center and certain North Beach locations. However, the Sun Trolley uniquely connects the otherwise isolated Coral Ridge Towers complex to important local venues such as the Galt Mile Reading Room. It also provides the entire population of Galt Ocean Drive with access to the Beach Community Center. More importantly, when the Galt Mile route was extended to Holy Cross Hospital in 2007, the Sun Trolley ridership was swelled by patients largely dependent on the easily accessible (and currently free) transportation for their continued health care. Loss of the Sun Trolley could create an insurmountable obstacle to the medical therapies that sustain many of these mostly elderly residents.

The Sun Trolley Galt Mile route has been dodging termination for months. On October 10, 2008, Hollingsworth sent a "Service Termination" notice to "Galt Mile Patrons". The notice said, "Due to budget constraints and ridership requirements the Galt Ocean route will discontinue Friday, October 17, 2008. Alternative service is provided by Broward County Transit, Bus # 72, Bus # 10 and Bus # 62. These services are offered seven (7) days a week. Bus # 72 operates every 15 - 20 minutes, Bus # 10 operates every 20 - 30 minutes, and Bus # 62 operates every 40 minutes. To find other Broward County Bus schedules please visit www.broward.org/bct by using Google Trip-Planner or call 954-357-8400 for more information."

The resulting flood of irate opposition prompted the city to request reconsideration by the Transportation Management Association. On October 28, 2008, Hollingsworth sent an announcement to an angry District 1 constituency, "The City Commission of the City of Fort Lauderdale, at its meeting of Tuesday, October 21, 2008, requested that the Transportation Management Association (TMA)

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\$8 GRAND FROM UNCLE SAM

By Eric Berkowitz

Last year, the "Housing and Economic Recovery Act of 2008" provided for a first-time homebuyer tax credit of \$7,500. Since the terms required repayment, the tax credit was essentially an interest-free 15-year loan. In February of 2009, congress passed President Obama's \$787 billion stimulus package, increasing the tax credit to \$8,000 and building in an incentive for making the first 36 mortgage payments. If beneficiaries of the \$8,000 tax credit hang on to their new homes for at least three years, it need not be repaid.

Also known as the "American Recovery and Reinvestment Bill of 2009", about 35% of the stimulus package is earmarked for tax cuts and 65% is dedicated to government spending, the Laurel and Hardy of economic recovery. Half of the new spending will target infrastructure like roads, highways and renewable energy. The other half will be disbursed to states for economic stabilization and stemming unemployment. While fueling local employment will help insure that working homeowners are equipped to meet their mortgage obligations, the Federal Government hopes to simultaneously massage the housing market by stimulating new homeownership.

As often occurs with lawmakers' work product, the term "first-time homebuyer" is a misnomer. In fact, the legislation embraces anyone who hasn't owned a primary residence for at least 3 years before purchasing a qualifying home. For married couples, if either husband or wife maintained an ownership interest in a primary residence during the 3 years prior to the new purchase, they are ineligible for the tax credit. Qualifying is also conditional on purchasing the home after April 8, 2008, and before December 1, 2009.

Ownership of a primary residence in the United States is the eligibility threshold. Recent ownership of a vacation home, rental home, or any residence outside the United States will not trigger disqualification. The tax credit could benefit anyone currently relocating their primary residence to the Galt Mile neighborhood from Canada or anywhere outside the United States. Although homeowners officially residing in Boston, New York, Chicago and other parts of the country are ineligible, their tax-paying non-homeowner children may qualify! Homeowners victimized by Wilma or Katrina are eligible if they haven't used their property as a primary residence for three years prior to the new home purchase.

The credit is calculated by taking 10 percent of the home's value - up to a maximum of \$8,000. It is reduced or eliminated for higher-income taxpayers. To receive the full \$8,000, a single applicant's yearly modified adjusted gross income (MAGI) cannot exceed \$75,000 while married couples can earn up to \$150,000 annually. The phase-out range for a married couple filing a joint return is \$150,000 to \$170,000 and \$75,000 to \$95,000 for single taxpayers. If two or more taxpayers who are not married purchase a principal residence and otherwise satisfy the requirements, IRS Notice 2009-12 provides that they can divide the credit in proportion to their purchase price contributions, according to their ownership interest or in any manner deemed "reasonable" since they are both technically eligible for the entire credit.



Since a tax credit (such as the one described in the original 2008 legislation) is ordinarily applied against one's tax liability, a taxpayer owing less than \$8,000 wouldn't realize the full amount. To avoid the politically unpopular perception that the resource is regressive, the 2009 bill regenerated the benefit as a "refundable tax credit." In other words, while there are maximum income limits for qualifying first-time homebuyers, there are no minimum income criteria. After applying the credit to any taxes owed, any remainder is sent by check as a refund from the IRS. If you made an eligible purchase in 2008, you must claim the first-time homebuyer credit on your 2008 tax return. For eligible purchases in 2009, the credit can be claimed on the 2008 or 2009 income tax return. To claim the tax credit, you must file form IRS 5405 "First-Time Homebuyer Credit" along with your amended 2008 return (assuming you've already filed for 2008) or your 2009 return.

Exceeding the income phase-out range (\$95,000 or \$170,000 for joint filing married couples) or owning a primary residence in the U.S. within 3 years of purchase aren't the only eligibility obstacles. You are also precluded from participating if you are a nonresident alien, if you sell the home before the end of the year or if you purchased the home from a close relative (spouse, parent, grandparent, child or grandchild - although homes purchased from step relatives are acceptable). Those of you who were about \$8,000 shy of owning your home can now cut the deal. If your home in Winnetka, Scarsdale, or Franklin Lakes befools your eligibility, buy it in your kids' name! •

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Trolley...Continued

continue operating the Galt Ocean Mile Sun Trolley service on weekdays to the Coral Ridge Shopping Center and to the Holy Cross Hospital." Clarifying that the stay of execution was temporary, Hollingsworth explained, "The Galt Ocean Mile Sun Trolley route is under review. The TMA will provide 30 days notice of any termination or change to the current service."

At their April 7th Conference Agenda meeting, the City Commission considered a survival strategy for the Galt Mile route. Instead of operating Monday through Friday from 8:30 am to 4:30 pm (except on city holidays), the scaled back plan would support route operations for 3 days a week – Mondays, Wednesdays and Fridays (except city holidays), from 9:30 am to 4:30 pm. The key destinations are: the Galt Ocean Mile Reading Center, the Beach Community Center, The Coral Ridge Mall, Holy Cross Hospital, the Mai Kai Restaurant, and the Pelican Grand Beach Resort. The frequency of service is every 60 minutes and the last hospital pickup is at 3:45 pm. The service change was scheduled to start on Monday, May 11th. Hollingsworth applauded the rescue package, sending out an April 15th letter to Galt Ocean Mile patrons announcing the new schedule. As such, along with the Downtown Courthouse Loop, the Las Olas Beaches/Convention Center Connection and the Northwest Circulator, Galt Mile residents will continue to benefit from a local neighborhood bus service. We owe a debt of gratitude to Hollingsworth and Roberts. Since the Sun Trolley no longer offers the kind of future that a man of Hollingsworth aspires to, it's temporarily being managed by Downtown Development Authority Executive Director, Chris Wren. •



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FPL PLANS TO PLUG PUBLIC

By Eric Berkowitz



Go ahead, open that email from Florida Power & Light. Are your eyes playing tricks or is FP&L really lowering rates? Unfortunately, FP&L is playing tricks. The email is part of a multi-million public relations campaign to brazenly whitewash an impending rate hike that is so obtuse, it would bewilder P.T. Barnum. In 2005, when FP&L requested a rate increase of \$4 to \$5 per customer, public outcry prompted vociferous opposition by consumer advocates. Then-Attorney General Charlie Crist brokered an agreement that froze FP&L's rates for four years. Since the company's existing rate term expires at the end of 2009, FP&L notified the Florida Public Service Commission (PSC) in November 2008 of its intention to

Following the March 18, 2009 filing, they blasted out press releases and emails promising their 4.5 million customers that "the typical 1,000 kilowatt-hour residential customer bill would decrease by an estimated \$4.92 monthly, or 4.5 percent, from \$109.55 to \$104.63 on January 1, 2010." The estimated decrease reflected anticipated reductions in the cost of fuel based on February 9, 2009 fuel price projections for 2010.

FP&L neglected to mention that their proposal to the state included an annual base rate increase of \$1.04 billion in 2010, rising to \$1.2874 billion in 2011. The base rate portion of the bill accounts for approximately 42 percent of the total monthly bill paid by customers. FP&L spokesman Mayco Villafaña said the base rate is currently \$39.31. If the request is granted, the base rate next year will be \$51.71. For customers whose monthly consumption is 1,000 kilowatt hours, the monthly increase will amount to \$12.40 in 2010, or 31 percent of their current base rate. Monthly energy use by the vast majority of FP&L customers is significantly greater than 1,000 kilowatt hours.

Attempting to convey the company's "altruistic" motives, FP&L President and CEO Armando J. Olivera explained "Our bills are among the lowest in the state and well below the national average, and we're working hard to keep them that way by making smart investments to benefit our customers. These investments help to reduce the impact of volatile fuel prices, which in turn helps to keep customers' total bills lower over the longer term as well."

Over the past two decades, FP&L has raised rates by 31% to offset fuel price increases. Given the expected decline in fuel costs, the projected reduction in fuel prices could lower monthly bills by \$17.83. By couching the monthly \$12.40 base rate increase in the expected gross \$17.83 fuel price reduction, the utility hopes to mask the largest rate request in history by focusing the public's attention on the remaining \$4.92 net monthly fuel cost savings. Buried in the 41 boxes of documents that comprised its PSC filing, the company said it was seeking a 12.5 percent return on shareholders' investment.

Florida's Public Counsel, J.R. Kelly, a consumer advocate for state utility customers, shredded FP&L's marketing spin, "FP&L is trying to take credit for the price break but they don't want to take the blame when prices are up." He also refuted Olivera's contention that the utility was competitively disadvantaged, stating, "FP&L's proposed 12.5 percent rate of return is much higher than the national average - 10.5 percent or less." FP&L is currently earning 10.8 percent, which Kelly thinks is already too high. Kelly expanded, "I don't know what to say. This is just out-of-sight returns...when we're just in a horrible economic situation. Certainly with respect to the \$1 billion, it's by far the largest request for a rate increase that this state has ever seen."

Addressing the fact that their announced rate reduction is contingent on a comparable decrease in fuel prices, FP&L spokesman Mayco Villafaña explained, "Should fuel prices increase, that's all the more reason for FP&L to continue making investments that help to reduce the impact of volatile fuel prices on customers' bills." Reinforcing Olivera's rationale for hiking prices, Villafaña said the proposal will help the utility strengthen the grid and improve reliability.

Perhaps unintentionally, Villafaña finally shed light on the reason for the otherwise inexplicable magnitude of the rate request, explaining "Our request also reflects additional compensation that investors require for the risks associated with operating in an area highly prone to hurricanes."

Continued on page 9

Maintaining a strong financial position will ensure we can acquire the capital we need at reasonable costs, which is good for customers." The task faced by Florida regulators is to distinguish what the utility needs for infrastructure improvements from the percentage of the rate increase that will ultimately line the pockets of investors.

This wasn't lost on Florida Attorney General Bill McCollum and Florida's Public Counsel, J.R. Kelly, who issued a consumer advisory on hearings held by the Public Service Commission (PSC) on the proposed \$1.3 billion rate increase. The first of the hearings, wherein residents were empowered to air their concerns about the proposed increase, were scheduled to take place in Sarasota and Fort Myers on Friday, June 19th. Additional hearings were convened during the following week throughout the FP&L service area. Locally, a hearing was held at the Broward County Main Library Auditorium (100 S. Andrews Avenue, Fort Lauderdale, FL) on Thursday, June 25th at 9:00 a.m.

In the June 12th media release, McCollum stated "This proposed rate increase is excessive, especially when homeowners are already struggling to make ends meet. While the economy is affecting power companies, the difference should not be made up entirely at the expense of Floridians' wallets." Attorney General McCollum's office has intervened before the PSC in the rate increase hearings. Gubernatorial candidate McCollum undoubtedly noticed that, after squelching FP&L's 2005 request for a rate hike, former AG Charlie Crist became Governor. Along with members of Florida Counsel Kelly's Office and Attorney General McCollum's Office, representatives from the Florida Retail Federation, Florida Industrial Power Users Group and AARP also attended the hearings to elicit the concerns of Floridians and voice their opposition to the increase proposed by the energy monopoly.

"These are difficult economic times for ordinary citizens, businesses and state and local governments all over Florida," said Kelly, who represents customers in utility cases before the PSC. "We all should be tightening our belts rather than trying to raise prices and increase profits." Describing how his office expects to separate the wheat from the chaff, Kelly summarized "We intend to vigorously review everything they're asking for and to make sure that it's prudent, it's reasonable. Anything that's not, we intend to argue against it on behalf of the ratepayers."

Florida Retail Federation President Rick McAllister agreed, exclaiming "We continue to be extremely concerned about an industry that thinks it's perfectly natural to have a 12 percent return on investment when no one else in the world right now is getting that." McAllister said "Given the economic crunch, this seems a good time to publicly dissect utilities' rates. In the state of Florida, they're monopolies. They're protected to the nth degree, and I'm not sure they need to be getting these kinds of returns." Identifying the PSC as consumers' last line of defense, McAllister continued "Utility monopolies have a special obligation to Florida's citizens. Without competition to keep prices in line, the PSC is the protector of the people and businesses they serve. The rate increase requested by Florida Power and Light appears irrational and a disservice to the people of Florida. We encourage business leaders to attend the public hearings and voice their outrage."

AARP Florida State Director Lori Parham called on area residents to turn out and testify at one of four public hearings scheduled for Broward and Miami-Dade Counties on June 25th and 26th. "It is very important that as many people as possible come in person to these hearings to testify. This may be the public's last chance to have its say on this outrageous plan."

Speaking to the FP&L strategy of packaging the rate increase with the fuel price reduction to mute public reaction, AARP spokesperson Leslie Spencer said it wasn't fair to link fuel charges with base rates because fuel charges can change overnight. "A rate increase is a rate increase, and \$12 a month is substantial," said Spencer. In an FP&L news release posted on their web site, the company lists 24 "Cautionary Statements And Risk Factors That May Affect Future Results," enumerating the myriad obstacles that could make the fuel price reduction disappear like a ninja. Along with regulatory and market changes, accidents, bad weather, the inability of management to integrate an acquisition in a timely manner, terrorist threats, construction delays and competitive pressure, the reduction could be voided by financial losses incurred from management's use of "derivative instruments, such as swaps, options, futures and forwards, some of which are traded in the over the counter markets or on exchanges." Since they've already laid the groundwork for a corporate magic trick, now might be a good time to review your options.

At several of the rate hearings, senior assistant Attorney General Cecilia Bradley warned against enduring a "double smack", a secondary consequence often overlooked by the general public. Describing how certain adverse ramifications will "trickle down" through the economy, Bradley said "Businesses have to compete with other businesses. When the electricity goes up, they will have to raise the cost of goods and services." Describing the extent to which the ensuing economic chain reaction could proliferate, Bradley continued, "Even other utilities such as water utilities may go up. They use electricity."

Public counsel J.R. Kelly cringes whenever an FP&L spokesperson bemoans the utility's suffering through 24 years without a base rate increase. Admitting that FP&L last raised its base rate in 1985, Kelly explains that the PSC had since extracted many of the expenses that were once included in the base rate and relocated them into "pass through recovery clauses," thereby immunizing the utility to market variables without forcing taxpayers to directly underwrite shareholder profits. One such expense, fuel costs, has accounted for 31% of the increases that FP&L burdened us with over the past decade. Other factors imbued with "pass-through" status are franchise fees, revenue taxes and storm-related surcharges. Since the PSC treats FP&L like an adoring grandchild, they've consistently conceded any incremental resources requested by the utility, only not in the form of an increase to the base rate.

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FP&L Spokesperson, Mayko Villafano



AARP Florida State Director, Lori Parham

SB714 VETOED

CRIST CRUSHES SPRINKLER RETROFIT EXTENSION

By Eric Berkowitz

On January 16, 2009, Statehouse Representative Ellyn Bogdanoff filed House Bill 419. Its sister bill, Senate Bill 714 filed by Senator Dennis Jones, was ultimately substituted for HB 419 as the 2009 legislative session wound down. Popularly known as the association "glitch" bill, SB 714 sought to reverse some of the counterproductive and/or expensive regulations that were piggy-backed onto House Bill 601 during the final frantic week of the 2008 session, enacted as Chapter 2008-240 once signed by the Governor. Filed to correct a host of poorly drafted, contradictory or unworkable regulations, its provisions addressed a wide range of association issues including insurance, board elections, fire sprinklers, fire alarm systems, Timeshare Condominiums and back-up generators for elevators.

On June 1, 2009, Governor Crist sent millions of Florida association members diving for the Roloids by vetoing SB 714. The legislation would have relieved condominium unit owners from being forced to purchase individual property insurance and likewise relieved Associations from the burden of eliciting proof that the insurance was purchased. It would also have eliminated the right of associations to "force place" such coverage if the unit owner failed to produce an insurance certificate. Due to the veto, an association can still unilaterally purchase condominium insurance for any unit and assess the cost to the unit owner - without consent. Unit owner coverage will continue to be mandatory and still requires at least \$2,000 of "special assessment" coverage - although such a product does not exist! SB 714 would have redrafted the language to "loss assessment" insurance and clarified that it is excess coverage, curing a defect that allows insurance companies to require a second deductible for property damaged during an event. Benefit checks issued by your carrier for damage to your unit can be sent to your association since the association must still be named an additional insured and loss payee on your insurance policy.

Unit Owners are still required to insure "improvements and additions" that benefit fewer than all the owners. Since current law fails to define "improvements and additions," this may or may not include balconies, fixed balcony appurtenances, vehicle enclosures such as carports, storage spaces and other building elements whose designations hover between "limited common areas" and "private property".

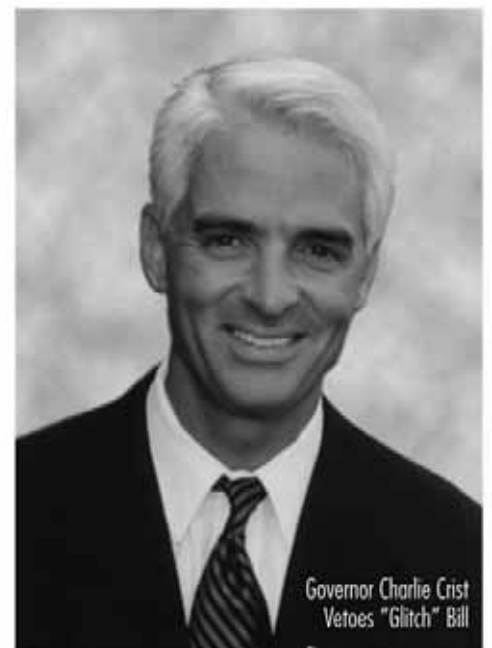
SB 714 would have exempted some single and two-story buildings with an "exterior means of egress corridor" from having to install an expensive manual fire alarm system, despite being deemed unnecessary by the National Fire Protection Association (Subdivision 31.3.4.1.1, NFPA 101, Life Safety Code).

Along with remediating these and other unintelligible and/or expensive "glitches" carried in current statute, the vetoed legislation also contained a long anticipated extension of a \$multi-million fire sprinkler retrofit, postponing an onerous assessment from 2014 to 2025.

Seven years ago, the Florida Legislature passed a clandestine bill requiring every Florida Association housed in a structure 75 feet above grade to install a Full Sprinkler System or establish an acceptable "Engineered Life Safety System". Scrutiny of the new law revealed it to be a \$multi-billion payday for certain vested interests instead of effective fire protection. Drafted by the American Fire Sprinkler Association and the Florida Fire Sprinkler Association with input from the Plumbers and Pipefitters Union, glaringly absent from this "midnight legislation" were any studies or research clarifying its impact on condo and co-op owners.

When initially filed in 2002, certain representatives from the Florida Fire Marshals and Inspectors Association (FFMIA) called on legislators to pass this bill as a testament to their concern for the safety of our heroic firefighters. Instead of presenting authoritative documentation demonstrating that a variety of different fire safety solutions should be tailored to a structure's material composition, size, entry and egress, construction features and existing fire safety elements, the impressively uniformed lobbyists convinced lawmakers that sprinkler retrofits were a fire safety panacea for every condominium.

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Governor Charlie Crist
Vetoes "Glitch" Bill

Not surprisingly, many of the uniformed retrofit proponents were receiving two paychecks. Executive Director Chuck Akers of the Florida Fire Marshals and Inspectors Association is also the Executive Director of the American Fire Sprinkler Association, an industry trade group responsible for boosting sprinkler sales. Other key Fire Marshals Association officials are also employed by the National Fire Sprinkler Association, another sprinkler trade organization behind the original legislation. FFMIA Past President and lifetime member Steven Randall is also the South Central Regional Manager of the National Fire Sprinkler Association (AKA Florida Fire Sprinkler Association). FFMIA lifetime member Buddy Dewar also serves as the National Fire Sprinkler Association's Director of Regional Operations.

Following a State-wide outcry against the suspect expenditure, the legislation was subsequently modified to allow condo owners to "Opt Out" of retrofitting their units "by the affirmative vote of two-thirds of all voting interests". The opt-out provision, passed over the virulent objections of lobbyists for the Plumbers and Pipefitters Union and the Fire Sprinkler Associations, allowed Associations and their Fire Safety Engineers to tailor a "Minimum Alternative Life Safety System" instead of the budget busting full sprinkler retrofit. As a concession to the lobbying interests, the corrective legislation required Fire Safety Engineers to add sprinkler retrofits in every unit foyer and common area when designing a comprehensive Fire Protection plan for an association.

The serial hurricanes of 2004 and 2005 changed the world for Florida condominium owners, forcing associations across the state to wrestle with a litany of critical expenses. In a competition of life safety projects, the "Towering Inferno" scenarios used by lobbyists to market the sprinkler retrofits in Tallahassee were measured against the prospect of being sucked out of a 14th floor window. In addition to addressing two critically important life safety issues, condo owners had to upgrade 30 year-old elevators, 30 year-old parking decks, 30 year-old HVAC risers, 30 year-old roofs and face down a host of other important maintenance challenges. Having witnessed the ruinous devastation wrought by the hurricanes, local fire marshals across the state were at the forefront of promoting hurricane mitigation to save lives.

Forced to pay \$millions for code compliant upgrades required by windstorm insurance carriers, additional \$millions for deductibles, uninsured losses and suddenly trebled insurance premiums, many Associations had to scramble to secure a combination of short and long-term financing to preclude a mass exodus of fixed-income residents unable to pay the unanticipated assessments. Reserves that were rededicated for emergency use in special legislative sessions are long gone. While some associations have already spent fortunes retrofitting every exterior exposure with impact rated windows and doors and/or code-compliant shuttering systems, most are still actively engaged in their installation or the planning stages for this objective.

In view of the crushing fiscal hardship suffered by Associations from the hurricanes, the legislature passed a bill to help besieged condominium owners survive the untenable financial squeeze. In 2006, House Bill 391 by Representative Carl Domino extended the deadline to retrofit high rise unit foyers and common areas with sprinklers from the current 2014 to 2025. The extra decade would afford unit owners an opportunity to amortize their association's bloated debt service before paying another sizable assessment. After successfully surviving comprehensive committee reviews in both legislative bodies, HB 391 was passed out of the House by a vote of 113 Yeas vs. 0 Nays and was passed out of the Senate by a vote of 40 Yeas vs. 0 Nays. Retrofit lobbyists failed to convince lawmakers that investing scarce association resources in limited sprinklers would yield a more productive safety benefit than a comparable investment in hurricane protection. Despite its unanimous support and passage, Governor Bush surprised condo owners by vetoing the bill, pointing out the absence of any official study examining how retrofit costs will impact condominium owners.

When the housing market collapsed last year, the recessionary impact on associations was catastrophic. Assessment expenses that were previously fiscally precipitous suddenly slipped beyond the reach of financially strapped homeowners. In some associations, maintenance assessments were increased by 50% to pay down short term bridge loans required to return the property to habitability. When droves of homeowners abandoned their suddenly unaffordable properties to foreclosure, banks deliberately delayed taking title to dodge assessment obligations. The resulting association budget shortfalls were assessed to every unit owner. Projects not mandated in an association's documents or not deemed operationally critical were postponed until 2011, 2012, 2013, etc. To help keep significant numbers of mostly elderly residents in their homes, urgently needed hurricane mitiga

Continued on page 12

“Those of us that received a \$20 premium discount for installing impact windows are still laughing”

tion and other "life safety projects" were either suspended or enabled by additional (3rd or 4th) layers of multi-year bank financing. To justify a surprise fee increase for Florida mortgages purchased or securitized on or after April 1, 2009, Fannie Mae Director James Lockhart declared that a review of their mortgage loans revealed record-high default and foreclosure rates among Florida condo owners. This unprecedented series of economic reversals is forcing Florida condo owners to measure the necessity for addressing even critical needs against a prospective foreclosure followed by bankruptcy proceedings.

When Crist vetoed SB 714, Association Attorney Gary A. Poliakoff of Becker & Poliakoff blasted the veto advice apparently accepted by the governor. In a letter to Crist, he asked, "With all due respect, exactly who did your advisors assume will be forced to pay the special assessments to retrofit a condominium where 40 percent to 50 percent of the units are in default in payment of their assessments, or in mortgage foreclosure?" How many unit owners in your building will be forced to move if burdened with another \$8,000 to \$20,000 assessment?

The cost of retrofitting a high rise condominium building with a "Minimum Alternative Life Safety System" is astronomical. Recent bids for 200 to 400 member associations range from \$1.4 million to \$4.76 million. Basic retrofit costs run from \$40/m2 (\$3.75/ft2) to \$65/m2 (\$6/ft2) for common areas, hallways, stairwells and the foyer in every unit. The National Fire Sprinkler Association acknowledges costs as high as \$108/m2 (\$10/ft2). President Steve Muncy of the Dallas-based American Fire Sprinkler Association pegged the cost of high rise retrofits between \$54/m2 (\$5/ft2) and \$162/m2 (\$15/ft2). Local fire safety engineers point out that the dropped ceilings, drywall plenums and creative construction elements required to hide the steel, copper or CPVC will proportionately increase installation costs. Conversely, the cost will drop in buildings with some of the required system elements already in place, such as a fully sprinklered

garage or pre-existing dedicated standpipes on each floor. Of course, anticipated assessments must be increased by the percentage of foreclosures afflicting the association. Associations in which every unit has two completely different egresses to ground level are exempt. Sorry, two outlets to the same hallway doesn't qualify.

The "Alternative Minimum Life Safety System" as mandated by statute was never intended for extinguishing fires. Its stated objective is to provide a moderately safe egress. It is only one of many layers of fire protection in an engineered fire safety plan. Since effective early detection and containment will save far more lives than the sprinklers placed in unit foyers and certain common areas (as required for an Alternative Minimum Life Safety Plan), they are arguably more important components to any integrated fire safety system.

The bill was written before several generations of new technology seriously dated many of the mandate's precepts. Many of our buildings are ideally adapted to Compartmentation - fire resistance rated (1, 2 or 3 hours) assemblies, with smoke treatments, that contain the fire to the room of origin until Fire-Rescue arrives. If these "compartments" are sealed against fire/smoke spread with fire/smoke dampers (which restrict air movement in ducts), firestopping penetrations, fire doors and other safety features, they become a far more effective protection protocol - without risking building-wide water damage.

It also predates various emerging sensor technologies (e.g., computer vision system, distributed fiber optic temperature sensor, and intelligent multiple sensor), signal processing and monitoring technology (e.g., real-time control via Internet) and integrated fire detection systems. By centralizing signal processing on the detector's circuit board, giving each detector its own central processing unit (CPU) and software storage, it can pass information to a central panel when polled or upon sensing a fire. Smart detection and alarm systems based on neural network technology can be inte

Continued on page 13

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grated into building automation and control systems using a gateway to preserve the integrity of the fire safety system.

Benefits include smoke control (managing variable air volumes via existing HVAC systems), single seat access to building information, easier maintenance, sharing sensor data, obtaining information about the location and status of people during an emergency, two-way voice communications with every unit's occupants and real-time data about their environment and condition. The same data can be made available for any unoccupied areas of the building, allowing firefighters to effectively assess conditions at or en route to any occupant's location.

A mechanical ratchet device that turns every window, balcony or catwalk into a viable escape egress was demonstrated and endorsed several times since 2006 at the Broward County Fire Academy. While the safety features inherent in these improvements are light years ahead of "sprinkler retrofits in unit foyers," they portend no \$billion payday for the legislation's commercial supporters.

Prior to the veto, Representative Elynn Bogdanoff reminded Governor Crist that in 30 years, not one injury resulted from an association's failure to perform a sprinkler retrofit. Senators Ted Deutch and Jeremy Ring, Statehouse Representatives Kelly Skidmore and Mark Pafford, along with other officials from Miami, Broward County and Parkland called upon Governor Crist to form a Task Force to repeal his veto of Senate Bill 714. Skidmore said, "As a result of Governor Crist's veto and the Legislature's failure to address the foreclosure crisis, thousands of Floridians who live in community associations will face increased association fees, also known as assessments, to comply with Florida law and make up for delinquent assessments unpaid by owners of foreclosed units. A perfect storm is brewing and it's not out in the Atlantic. It's right here in our community. Condo owners and their associations are

about to collapse under the weight of a financial burden with no help in sight."

Since the bill enjoyed nearly unanimous legislative support, the 2/3 favorable vote required in both chambers for a veto override is a no-brainer – if afforded the opportunity. The Seminole Tribe may ring that bell. A veto override must be undertaken at the legislative session immediately following the veto. Ordinarily, that would occur at the next regular session and the bill's provisions would probably be refiled in new legislation. However, legislators dissatisfied with Governor Crist's 2007 Tribal gambling deal upped the Seminoles' minimum payment from \$100 million to \$150 million and threatened the Tribe with a competitive disadvantage. The parties have until August 31st to find common ground under the legislature's new terms. If they fail, the issue will go to Washington where the Department of the Interior has already expressed support for the Seminoles' position. However, if they arrive at an agreement, the legislature would meet in special session to ratify the deal. In preparation for a second bite at the apple, associations across the State will carefully monitor the state-tribal negotiations as September approaches. If such an opportunity to override the Governor's veto emerges, pressure to reincarnate SB 714 will flood the State Capitol.

It is unlikely that a Task Force will revive the legislation. Upon vetoing the bill, senatorial candidate Crist emulated his predecessor, exclaiming, "I am directing the Department of Business and Professional Regulation to initiate a comprehensive review of actual retrofit costs and the impacts that retrofitting may have on insurance premiums." Those of us that received a \$20 premium discount for installing impact windows are still laughing. Since the actual retrofit expenses vary radically according to each association's respective building elements and existing safety features, asking the DBPR to check the attendant costs will give little insight into prospective assessment charges. The good news is that when this issue returns next year, it will not face a Governor en route to Washington. •

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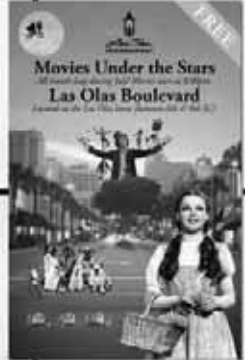
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<p>12</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>13</p> <p>Aerosmith with ZZ Top BankAtlantic Center Tix.: www.bankatlanticcenter.com</p>	<p>14</p>	<p>15</p> <p>Movies Under the Stars "Hotel for Dogs" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>19</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>20</p> <p>Creative Summer Art Academy & Musical Theatre Museum of Art 9:30 a.m. to 3:30 p.m., M-F Info.: education1@moatl.org Register by 7/17</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>21</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>22</p> <p>Movies Under the Stars "Willy Wonka and the Chocolate Factory" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>26</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>27</p>	<p>28</p>	<p>29</p> <p>American Idols Live 2009 BankAtlantic Center Info.: 954-835-7466</p> <p>Movies Under the Stars "The Wizard of Oz" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>2</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p>3</p>	<p>4</p>	<p>5</p>
<p>9</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>10</p> <p>Aerosmith with ZZ Top BankAtlantic Center Tix.: 954-835-7469</p>	<p>11</p> <p>Become a volunteer for the 2009 FIFF Cinema Paradiso 6 p.m.</p>	<p>12</p>



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18

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23

24

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25

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30

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1

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The IMAX Experience
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6

7

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8

Bon Festival
Morikami Museum
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Info.: 561-495-0233 x226

13



14

Jazz on the Square
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Commercial Blvd. & A1A
7 p.m.

15

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VICE MAYOR KEN KEECHL'S CORNER



In his newsletter, Broward Commissioner Ken Keechl confronts an issue often neglected by many of his peers... Ethics. Given the relative ease with which many elected officials break faith with commitments, "Government Ethics" is

widely considered little more than a cynical oxymoron hovering between "Commercial Art" and "Military intelligence". To Commissioner Keechl, however, Ethics is serious business. It is also meaningful to the 57% of Broward voters who last November supported the creation of a "Broward County Ethics Commission" to formulate a Code of Ethics against which actions of Broward Commissioners can be measured.

Keechl also reminds us that he characterizes himself as a Moderate Democrat. He further explains something that anyone who has worked with the commissioner already knows - that his conscience, not his political affiliations, anchors his moral compass. Since he uncompromisingly makes decisions based on what is best for the County and its residents, he has been remarkably successful at achieving consensus among an extremely diverse political constituency.

Currently, Broward County Commissioners are governed primarily by state law which requires that commissioners abstain from voting on issues from which they, their families or their businesses could profit. They also must file annual financial disclosure statements and reject gifts offered in exchange for their votes or to promulgate nepotism. Skeptics point to the conflict inherent in the Broward Commission selecting 9 of the 11 appointees.

University of Miami Law Professor Anthony V. Alfieri disparaged the Commission's lack of a continuing enforcement mechanism. Director of the Law School's Center for Ethics & Public Service, Alfieri noted that no resources were allocated to investigate violations. The Broward Commission has repeatedly suffered humiliating ethics breaches. In 2005, Josephus Eggleton was fined \$2500 for voting to award a trash-hauling contract to a company he had lobbied for in Miramar in 2001. Commissioner Diana Wasserman-Rubin was fined \$15,000 last year for voting to approve grant applications for Southwest Ranches that were written by her husband. And the hits just keep on coming!

Since the Broward Commission's 9 Democrats are charged with choosing the majority of the Ethics Commission, Commissioner Keechl sought ideological balance by reaching across party lines and appointing Bob Wolfe, the Republican Media & Government Relations Director for the Broward County Property Appraiser's office. Bob has personally helped thousands of Galt Mile residents contend with exemption dilemmas, valuation disagreements and petitions of every stripe. The well-known and widely respected Wolfe wheels from one venue to another, attending neighborhood advisory board meetings and conducting outreach clinics that help homeowners wade through mounds of exemption and portability paperwork. As is his habit, Keechl closes with a request for your input.

"Ethics Reform Should Be a Non-Partisan Issue"

By Broward County Commissioner and Vice Mayor, Ken Keechl

Everywhere you go, you hear it: another elected official has been accused of unethical behavior. It's really a shame. As Henry Kissinger once said, "90% of the politicians give the other 10% a bad reputation." He may have been exaggerating, but not by much.

Fortunately, the people have had enough. In November 2008, the residents of Broward County voted overwhelmingly to establish a "Broward County Ethics Commission" whose "sole purpose shall be to establish a Code of Ethics for the Broward County Commission." I supported the establishment of an Ethics Commission then, and I support it now.

The Broward County Ethics Commission will be made up of 11 members: each of the nine County Commissioners will appoint one member from his or her district, and the remaining two members will be appointed by the Broward League of Cities. The Ethics Commission will propose a Code of Ethics to the entire Broward County Commission by March 2010. If the Commission fails to adopt it within 6 months, the proposed Code of Ethics will be presented to the voters for acceptance or rejection on the November 2010 ballot.

I am often asked to characterize my political philosophy. I respond by labeling myself as a moderate Democrat—one who is simultaneously environmentally sensitive, business friendly, and fiscally conservative. But, more importantly, I have always said that, as your County Commissioner, I represent everyone in District Four—Democrat, Republican, Independent or otherwise.

My voting record and my numerous appointments to various County Boards over the last two years demonstrate my philosophy, including my recent appointment to the Broward County Ethics Commission. After much reflection, I selected Robert Wolfe, a well known, active, and widely respected Republican, as my appointee. I did so because I believe that Bob will bring a different (and important) perspective to the Ethics Commission. Bob and I have discussed (and will continue to discuss) how together we can strengthen Broward's ethical standards.

In the meantime, I welcome your input. I will speak before the Broward County Ethics Commission in June. If you have any ideas about ethics reform in Broward, I would like to hear them. Feel free to email me at KKeechl@Broward.org.

My best to you and your families.
Broward County Commissioner and Vice Mayor Ken Keechl
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FPL...Continued

It's not as if FP&L stockholders are writhing in pain. Ratings icon Standard & Poor's names FP&L a "Strong Buy" and notes that the "regulatory environment in Florida has been historically constructive." In their May 6, 2009 10-Q SEC filing, FPL Co. (FPL Group's electric subsidiary) reported a first-quarter profit of \$127 million, up from \$108 million in 2008. In a subsequent media release, FP&L hedged the huge increase in profits, stating "FPL's improved results were driven by a 10 percent reduction in operations and maintenance expenses compared to last year's first quarter."

Characterizing these as "budget cuts", the company has admittedly padded shareholder returns by cutting back on maintenance and culling employees. It also explains how the company engineered its current 10.8% rate of return. Without the maintenance and labor cutbacks, stockholders would have to settle for a return closer to the 10.5% national average for energy investments. While a competitive advantage of .3% is pleasant, for a measly additional \$1.25 billion, they can corner Shangri-La and offer investors 12.5% returns. Also, why waste money on a maintenance staff when the Federal Government helps pick up the tab for emergency repairs? If Federal reimbursement is slow on the uptake, safely tucked away in FP&L's back pocket is their State of Florida "pass-through" for storm-related surcharges. When you're a monopoly, life is good.

Unless you harbor an enigmatic empathy for FP&L's investors, you might consider weighing in against the rate hike. You can reach PSC Consumer Assistance at 1-800-342-3552 or send an email to: contact@psc.state.fl.us. If you missed the 9 cus-

tomers hearings throughout the affected service area during the week of June 19th, Attorney General McCollum recommends registering your opposition to the rate hike online by using a form available on the PSC web site (<http://www.psc.state.fl.us/about/contact/form.aspx>).

You can also access the form from the Galt Mile Community Association web site (www.galtmile.com). On the home page, click on the headline detail entitled "FP&L Plans to Plug Public," scroll down to the bottom of the article and follow the simple instructions. It's easy, it will take about 30 seconds and it will save you a ton of money. **Here's the bottom line:** Registering your opposition to the base rate hike will provide the Attorney General and the Florida Council with the ammunition they need to send it to the cornfield. To make a difference, respond before formal proceedings on the rate increase begin on August 24th in Tallahassee. •



Protesting FP&L Maintenance Workers Laid Off to Tweak Profits



IBEW Protests FP&L Layoffs to Increase Profits

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GALT MILE SUN TROLLEY ADAPTS TO SURVIVE

By Eric Berkowitz

On April 16, 2009, Sun Trolley Executive Director Les Hollingsworth updated the Galt Mile Community Association Advisory Board about an ongoing struggle to salvage the Galt Mile Sun Trolley route. Most of the Sun Trolley's routes have already fallen victim to budget-based funding shortages. Passenger utilization targets formulated to justify continued DFLTMA (Downtown Fort Lauderdale Transportation Management Association) funding for these neighborhood bus routes consistently fell short despite the implementation of an aggressive marketing campaign to boost ridership. Hollingsworth and Marketing Coordinator Rabia Qureshi cultivated alternative revenue streams from advertizing, soliciting corporate sponsors and renting the Sun Trolley's 14 flashy vehicles for birthdays, weddings and other private events. They also molded service functionality to better address user needs. Not unlike hailing a taxi, prospective riders could flag down the Sun Trolley while strolling along the route.

Although the Galt Mile route suffered the same disappointing ridership statistics that closed the Tri-Rail Weekend Connector, the Weekend North-South Downtown Circulator, the Broward East-West Express, the Lauderdale Manors route and other Sun Trolley legacy connections, Commissioner Bruce Roberts worked with Hollingsworth to find a formula supportive of a reprieve. Shortly after inheriting the District 1 reins from former Commissioner Christine Teel, Roberts revived Teel's contention that folding the Sun Trolley's Galt Mile route would create an unacceptable hardship for local residents. The Barrier Island's isolated geography severely impairs access to the Broward transportation alternatives available to county residents impacted by the other route closures.

Other Broward County Transit routes could admittedly fill the resulting public transportation

void to destinations like the Coral Ridge Shopping Center and certain North Beach locations. However, the Sun Trolley uniquely connects the otherwise isolated Coral Ridge Towers complex to important local venues such as the Galt Mile Reading Room. It also provides the entire population of Galt Ocean Drive with access to the Beach Community Center. More importantly, when the Galt Mile route was extended to Holy Cross Hospital in 2007, the Sun Trolley ridership was swelled by patients largely dependent on the easily accessible (and currently free) transportation for their continued health care. Loss of the Sun Trolley could create an insurmountable obstacle to the medical therapies that sustain many of these mostly elderly residents.

The Sun Trolley Galt Mile route has been dodging termination for months. On October 10, 2008, Hollingsworth sent a "Service Termination" notice to "Galt Mile Patrons". The notice said, "Due to budget constraints and ridership requirements the Galt Ocean route will discontinue Friday, October 17, 2008. Alternative service is provided by Broward County Transit, Bus # 72, Bus # 10 and Bus # 62. These services are offered seven (7) days a week. Bus # 72 operates every 15 - 20 minutes, Bus # 10 operates every 20 - 30 minutes, and Bus # 62 operates every 40 minutes. To find other Broward County Bus schedules please visit www.broward.org/bct by using Google Trip-Planner or call 954-357-8400 for more information."

The resulting flood of irate opposition prompted the city to request reconsideration by the Transportation Management Association. On October 28, 2008, Hollingsworth sent an announcement to an angry District 1 constituency, "The City Commission of the City of Fort Lauderdale, at its meeting of Tuesday, October 21, 2008, requested that the Transportation Management Association (TMA)

Continued on page 7



\$8 GRAND FROM UNCLE SAM

By Eric Berkowitz

Last year, the "Housing and Economic Recovery Act of 2008" provided for a first-time homebuyer tax credit of \$7,500. Since the terms required repayment, the tax credit was essentially an interest-free 15-year loan. In February of 2009, congress passed President Obama's \$787 billion stimulus package, increasing the tax credit to \$8,000 and building in an incentive for making the first 36 mortgage payments. If beneficiaries of the \$8,000 tax credit hang on to their new homes for at least three years, it need not be repaid.

Also known as the "American Recovery and Reinvestment Bill of 2009", about 35% of the stimulus package is earmarked for tax cuts and 65% is dedicated to government spending, the Laurel and Hardy of economic recovery. Half of the new spending will target infrastructure like roads, highways and renewable energy. The other half will be disbursed to states for economic stabilization and stemming unemployment. While fueling local employment will help insure that working homeowners are equipped to meet their mortgage obligations, the Federal Government hopes to simultaneously massage the housing market by stimulating new homeownership.

As often occurs with lawmakers' work product, the term "first-time homebuyer" is a misnomer. In fact, the legislation embraces anyone who hasn't owned a primary residence for at least 3 years before purchasing a qualifying home. For married couples, if either husband or wife maintained an ownership interest in a primary residence during the 3 years prior to the new purchase, they are ineligible for the tax credit. Qualifying is also conditional on purchasing the home after April 8, 2008, and before December 1, 2009.

Ownership of a primary residence in the United States is the eligibility threshold. Recent ownership of a vacation home, rental home, or any residence outside the United States will not trigger disqualification. The tax credit could benefit anyone currently relocating their primary residence to the Galt Mile neighborhood from Canada or anywhere outside the United States. Although homeowners officially residing in Boston, New York, Chicago and other parts of the country are ineligible, their tax-paying non-homeowner children may qualify! Homeowners victimized by Wilma or Katrina are eligible if they haven't used their property as a primary residence for three years prior to the new home purchase.

The credit is calculated by taking 10 percent of the home's value - up to a maximum of \$8,000. It is reduced or eliminated for higher-income taxpayers. To receive the full \$8,000, a single applicant's yearly modified adjusted gross income (MAGI) cannot exceed \$75,000 while married couples can earn up to \$150,000 annually. The phase-out range for a married couple filing a joint return is \$150,000 to \$170,000 and \$75,000 to \$95,000 for single taxpayers. If two or more taxpayers who are not married purchase a principal residence and otherwise satisfy the requirements, IRS Notice 2009-12 provides that they can divide the credit in proportion to their purchase price contributions, according to their ownership interest or in any manner deemed "reasonable" since they are both technically eligible for the entire credit.



Since a tax credit (such as the one described in the original 2008 legislation) is ordinarily applied against one's tax liability, a taxpayer owing less than \$8,000 wouldn't realize the full amount. To avoid the politically unpopular perception that the resource is regressive, the 2009 bill regenerated the benefit as a "refundable tax credit." In other words, while there are maximum income limits for qualifying first-time homebuyers, there are no minimum income criteria. After applying the credit to any taxes owed, any remainder is sent by check as a refund from the IRS. If you made an eligible purchase in 2008, you must claim the first-time homebuyer credit on your 2008 tax return. For eligible purchases in 2009, the credit can be claimed on the 2008 or 2009 income tax return. To claim the tax credit, you must file form IRS 5405 "First-Time Homebuyer Credit" along with your amended 2008 return (assuming you've already filed for 2008) or your 2009 return.

Exceeding the income phase-out range (\$95,000 or \$170,000 for joint filing married couples) or owning a primary residence in the U.S. within 3 years of purchase aren't the only eligibility obstacles. You are also precluded from participating if you are a nonresident alien, if you sell the home before the end of the year or if you purchased the home from a close relative (spouse, parent, grandparent, child or grandchild - although homes purchased from step relatives are acceptable). Those of you who were about \$8,000 shy of owning your home can now cut the deal. If your home in Winnetka, Scarsdale, or Franklin Lakes befools your eligibility, buy it in your kids' name! •

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Trolley...Continued

continue operating the Galt Ocean Mile Sun Trolley service on weekdays to the Coral Ridge Shopping Center and to the Holy Cross Hospital." Clarifying that the stay of execution was temporary, Hollingsworth explained, "The Galt Ocean Mile Sun Trolley route is under review. The TMA will provide 30 days notice of any termination or change to the current service."

At their April 7th Conference Agenda meeting, the City Commission considered a survival strategy for the Galt Mile route. Instead of operating Monday through Friday from 8:30 am to 4:30 pm (except on city holidays), the scaled back plan would support route operations for 3 days a week – Mondays, Wednesdays and Fridays (except city holidays), from 9:30 am to 4:30 pm. The key destinations are: the Galt Ocean Mile Reading Center, the Beach Community Center, The Coral Ridge Mall, Holy Cross Hospital, the Mai Kai Restaurant, and the Pelican Grand Beach Resort. The frequency of service is every 60 minutes and the last hospital pickup is at 3:45 pm. The service change was scheduled to start on Monday, May 11th. Hollingsworth applauded the rescue package, sending out an April 15th letter to Galt Ocean Mile patrons announcing the new schedule. As such, along with the Downtown Courthouse Loop, the Las Olas Beaches/Convention Center Connection and the Northwest Circulator, Galt Mile residents will continue to benefit from a local neighborhood bus service. We owe a debt of gratitude to Hollingsworth and Roberts. Since the Sun Trolley no longer offers the kind of future that a man of Hollingsworth aspires to, it's temporarily being managed by Downtown Development Authority Executive Director, Chris Wren. •



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FPL PLANS TO PLUG PUBLIC

By Eric Berkowitz



Go ahead, open that email from Florida Power & Light. Are your eyes playing tricks or is FP&L really lowering rates? Unfortunately, FP&L is playing tricks. The email is part of a multi-million public relations campaign to brazenly whitewash an impending rate hike that is so obtuse, it would bewilder P.T. Barnum. In 2005, when FP&L requested a rate increase of \$4 to \$5 per customer, public outcry prompted vociferous opposition by consumer advocates. Then-Attorney General Charlie Crist brokered an agreement that froze FP&L's rates for four years. Since the company's existing rate term expires at the end of 2009, FP&L notified the Florida Public Service Commission (PSC) in November 2008 of its intention to

Following the March 18, 2009 filing, they blasted out press releases and emails promising their 4.5 million customers that "the typical 1,000 kilowatt-hour residential customer bill would decrease by an estimated \$4.92 monthly, or 4.5 percent, from \$109.55 to \$104.63 on January 1, 2010." The estimated decrease reflected anticipated reductions in the cost of fuel based on February 9, 2009 fuel price projections for 2010.

FP&L neglected to mention that their proposal to the state included an annual base rate increase of \$1.04 billion in 2010, rising to \$1.2874 billion in 2011. The base rate portion of the bill accounts for approximately 42 percent of the total monthly bill paid by customers. FP&L spokesman Mayco Villafaña said the base rate is currently \$39.31. If the request is granted, the base rate next year will be \$51.71. For customers whose monthly consumption is 1,000 kilowatt hours, the monthly increase will amount to \$12.40 in 2010, or 31 percent of their current base rate. Monthly energy use by the vast majority of FP&L customers is significantly greater than 1,000 kilowatt hours.

Attempting to convey the company's "altruistic" motives, FP&L President and CEO Armando J. Olivera explained "Our bills are among the lowest in the state and well below the national average, and we're working hard to keep them that way by making smart investments to benefit our customers. These investments help to reduce the impact of volatile fuel prices, which in turn helps to keep customers' total bills lower over the longer term as well."

Over the past two decades, FP&L has raised rates by 31% to offset fuel price increases. Given the expected decline in fuel costs, the projected reduction in fuel prices could lower monthly bills by \$17.83. By couching the monthly \$12.40 base rate increase in the expected gross \$17.83 fuel price reduction, the utility hopes to mask the largest rate request in history by focusing the public's attention on the remaining \$4.92 net monthly fuel cost savings. Buried in the 41 boxes of documents that comprised its PSC filing, the company said it was seeking a 12.5 percent return on shareholders' investment.

Florida's Public Counsel, J.R. Kelly, a consumer advocate for state utility customers, shredded FP&L's marketing spin, "FP&L is trying to take credit for the price break but they don't want to take the blame when prices are up." He also refuted Olivera's contention that the utility was competitively disadvantaged, stating, "FP&L's proposed 12.5 percent rate of return is much higher than the national average - 10.5 percent or less." FP&L is currently earning 10.8 percent, which Kelly thinks is already too high. Kelly expanded, "I don't know what to say. This is just out-of-sight returns...when we're just in a horrible economic situation. Certainly with respect to the \$1 billion, it's by far the largest request for a rate increase that this state has ever seen."

Addressing the fact that their announced rate reduction is contingent on a comparable decrease in fuel prices, FP&L spokesman Mayco Villafaña explained, "Should fuel prices increase, that's all the more reason for FP&L to continue making investments that help to reduce the impact of volatile fuel prices on customers' bills." Reinforcing Olivera's rationale for hiking prices, Villafaña said the proposal will help the utility strengthen the grid and improve reliability.

Perhaps unintentionally, Villafaña finally shed light on the reason for the otherwise inexplicable magnitude of the rate request, explaining "Our request also reflects additional compensation that investors require for the risks associated with operating in an area highly prone to hurricanes."

Continued on page 9

Maintaining a strong financial position will ensure we can acquire the capital we need at reasonable costs, which is good for customers." The task faced by Florida regulators is to distinguish what the utility needs for infrastructure improvements from the percentage of the rate increase that will ultimately line the pockets of investors.

This wasn't lost on Florida Attorney General Bill McCollum and Florida's Public Counsel, J.R. Kelly, who issued a consumer advisory on hearings held by the Public Service Commission (PSC) on the proposed \$1.3 billion rate increase. The first of the hearings, wherein residents were empowered to air their concerns about the proposed increase, were scheduled to take place in Sarasota and Fort Myers on Friday, June 19th. Additional hearings were convened during the following week throughout the FP&L service area. Locally, a hearing was held at the Broward County Main Library Auditorium (100 S. Andrews Avenue, Fort Lauderdale, FL) on Thursday, June 25th at 9:00 a.m.

In the June 12th media release, McCollum stated "This proposed rate increase is excessive, especially when homeowners are already struggling to make ends meet. While the economy is affecting power companies, the difference should not be made up entirely at the expense of Floridians' wallets." Attorney General McCollum's office has intervened before the PSC in the rate increase hearings. Gubernatorial candidate McCollum undoubtedly noticed that, after squelching FP&L's 2005 request for a rate hike, former AG Charlie Crist became Governor. Along with members of Florida Counsel Kelly's Office and Attorney General McCollum's Office, representatives from the Florida Retail Federation, Florida Industrial Power Users Group and AARP also attended the hearings to elicit the concerns of Floridians and voice their opposition to the increase proposed by the energy monopoly.

"These are difficult economic times for ordinary citizens, businesses and state and local governments all over Florida," said Kelly, who represents customers in utility cases before the PSC. "We all should be tightening our belts rather than trying to raise prices and increase profits." Describing how his office expects to separate the wheat from the chaff, Kelly summarized "We intend to vigorously review everything they're asking for and to make sure that it's prudent, it's reasonable. Anything that's not, we intend to argue against it on behalf of the ratepayers."

Florida Retail Federation President Rick McAllister agreed, exclaiming "We continue to be extremely concerned about an industry that thinks it's perfectly natural to have a 12 percent return on investment when no one else in the world right now is getting that." McAllister said "Given the economic crunch, this seems a good time to publicly dissect utilities' rates. In the state of Florida, they're monopolies. They're protected to the nth degree, and I'm not sure they need to be getting these kinds of returns." Identifying the PSC as consumers' last line of defense, McAllister continued "Utility monopolies have a special obligation to Florida's citizens. Without competition to keep prices in line, the PSC is the protector of the people and businesses they serve. The rate increase requested by Florida Power and Light appears irrational and a disservice to the people of Florida. We encourage business leaders to attend the public hearings and voice their outrage."

AARP Florida State Director Lori Parham called on area residents to turn out and testify at one of four public hearings scheduled for Broward and Miami-Dade Counties on June 25th and 26th. "It is very important that as many people as possible come in person to these hearings to testify. This may be the public's last chance to have its say on this outrageous plan."

Speaking to the FP&L strategy of packaging the rate increase with the fuel price reduction to mute public reaction, AARP spokesperson Leslie Spencer said it wasn't fair to link fuel charges with base rates because fuel charges can change overnight. "A rate increase is a rate increase, and \$12 a month is substantial," said Spencer. In an FP&L news release posted on their web site, the company lists 24 "Cautionary Statements And Risk Factors That May Affect Future Results," enumerating the myriad obstacles that could make the fuel price reduction disappear like a ninja. Along with regulatory and market changes, accidents, bad weather, the inability of management to integrate an acquisition in a timely manner, terrorist threats, construction delays and competitive pressure, the reduction could be voided by financial losses incurred from management's use of "derivative instruments, such as swaps, options, futures and forwards, some of which are traded in the over the counter markets or on exchanges." Since they've already laid the groundwork for a corporate magic trick, now might be a good time to review your options.

At several of the rate hearings, senior assistant Attorney General Cecilia Bradley warned against enduring a "double smack", a secondary consequence often overlooked by the general public. Describing how certain adverse ramifications will "trickle down" through the economy, Bradley said "Businesses have to compete with other businesses. When the electricity goes up, they will have to raise the cost of goods and services." Describing the extent to which the ensuing economic chain reaction could proliferate, Bradley continued, "Even other utilities such as water utilities may go up. They use electricity."

Public counsel J.R. Kelly cringes whenever an FP&L spokesperson bemoans the utility's suffering through 24 years without a base rate increase. Admitting that FP&L last raised its base rate in 1985, Kelly explains that the PSC had since extracted many of the expenses that were once included in the base rate and relocated them into "pass through recovery clauses," thereby immunizing the utility to market variables without forcing taxpayers to directly underwrite shareholder profits. One such expense, fuel costs, has accounted for 31% of the increases that FP&L burdened us with over the past decade. Other factors imbued with "pass-through" status are franchise fees, revenue taxes and storm-related surcharges. Since the PSC treats FP&L like an adoring grandchild, they've consistently conceded any incremental resources requested by the utility, only not in the form of an increase to the base rate.

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FP&L Spokesperson, Mayko Villafano



AARP Florida State Director, Lori Parham

SB714 VETOED

CRIST CRUSHES SPRINKLER RETROFIT EXTENSION

By Eric Berkowitz

On January 16, 2009, Statehouse Representative Ellyn Bogdanoff filed House Bill 419. Its sister bill, Senate Bill 714 filed by Senator Dennis Jones, was ultimately substituted for HB 419 as the 2009 legislative session wound down. Popularly known as the association "glitch" bill, SB 714 sought to reverse some of the counterproductive and/or expensive regulations that were piggy-backed onto House Bill 601 during the final frantic week of the 2008 session, enacted as Chapter 2008-240 once signed by the Governor. Filed to correct a host of poorly drafted, contradictory or unworkable regulations, its provisions addressed a wide range of association issues including insurance, board elections, fire sprinklers, fire alarm systems, Timeshare Condominiums and back-up generators for elevators.

On June 1, 2009, Governor Crist sent millions of Florida association members diving for the Roloids by vetoing SB 714. The legislation would have relieved condominium unit owners from being forced to purchase individual property insurance and likewise relieved Associations from the burden of eliciting proof that the insurance was purchased. It would also have eliminated the right of associations to "force place" such coverage if the unit owner failed to produce an insurance certificate. Due to the veto, an association can still unilaterally purchase condominium insurance for any unit and assess the cost to the unit owner - without consent. Unit owner coverage will continue to be mandatory and still requires at least \$2,000 of "special assessment" coverage - although such a product does not exist! SB 714 would have redrafted the language to "loss assessment" insurance and clarified that it is excess coverage, curing a defect that allows insurance companies to require a second deductible for property damaged during an event. Benefit checks issued by your carrier for damage to your unit can be sent to your association since the association must still be named an additional insured and loss payee on your insurance policy.

Unit Owners are still required to insure "improvements and additions" that benefit fewer than all the owners. Since current law fails to define "improvements and additions," this may or may not include balconies, fixed balcony appurtenances, vehicle enclosures such as carports, storage spaces and other building elements whose designations hover between "limited common areas" and "private property".

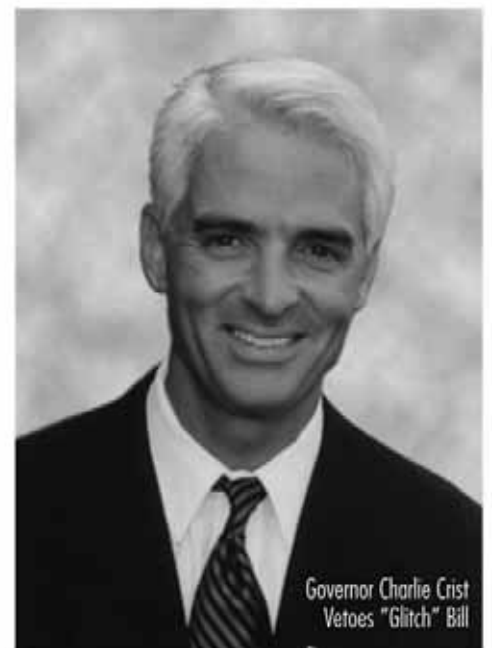
SB 714 would have exempted some single and two-story buildings with an "exterior means of egress corridor" from having to install an expensive manual fire alarm system, despite being deemed unnecessary by the National Fire Protection Association (Subdivision 31.3.4.1.1, NFPA 101, Life Safety Code).

Along with remediating these and other unintelligible and/or expensive "glitches" carried in current statute, the vetoed legislation also contained a long anticipated extension of a \$multi-million fire sprinkler retrofit, postponing an onerous assessment from 2014 to 2025.

Seven years ago, the Florida Legislature passed a clandestine bill requiring every Florida Association housed in a structure 75 feet above grade to install a Full Sprinkler System or establish an acceptable "Engineered Life Safety System". Scrutiny of the new law revealed it to be a \$multi-billion payday for certain vested interests instead of effective fire protection. Drafted by the American Fire Sprinkler Association and the Florida Fire Sprinkler Association with input from the Plumbers and Pipefitters Union, glaringly absent from this "midnight legislation" were any studies or research clarifying its impact on condo and co-op owners.

When initially filed in 2002, certain representatives from the Florida Fire Marshals and Inspectors Association (FFMIA) called on legislators to pass this bill as a testament to their concern for the safety of our heroic firefighters. Instead of presenting authoritative documentation demonstrating that a variety of different fire safety solutions should be tailored to a structure's material composition, size, entry and egress, construction features and existing fire safety elements, the impressively uniformed lobbyists convinced lawmakers that sprinkler retrofits were a fire safety panacea for every condominium.

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Governor Charlie Crist
Vetoes "Glitch" Bill

Not surprisingly, many of the uniformed retrofit proponents were receiving two paychecks. Executive Director Chuck Akers of the Florida Fire Marshals and Inspectors Association is also the Executive Director of the American Fire Sprinkler Association, an industry trade group responsible for boosting sprinkler sales. Other key Fire Marshals Association officials are also employed by the National Fire Sprinkler Association, another sprinkler trade organization behind the original legislation. FFMIA Past President and lifetime member Steven Randall is also the South Central Regional Manager of the National Fire Sprinkler Association (AKA Florida Fire Sprinkler Association). FFMIA lifetime member Buddy Dewar also serves as the National Fire Sprinkler Association's Director of Regional Operations.

Following a State-wide outcry against the suspect expenditure, the legislation was subsequently modified to allow condo owners to "Opt Out" of retrofitting their units "by the affirmative vote of two-thirds of all voting interests". The opt-out provision, passed over the virulent objections of lobbyists for the Plumbers and Pipefitters Union and the Fire Sprinkler Associations, allowed Associations and their Fire Safety Engineers to tailor a "Minimum Alternative Life Safety System" instead of the budget busting full sprinkler retrofit. As a concession to the lobbying interests, the corrective legislation required Fire Safety Engineers to add sprinkler retrofits in every unit foyer and common area when designing a comprehensive Fire Protection plan for an association.

The serial hurricanes of 2004 and 2005 changed the world for Florida condominium owners, forcing associations across the state to wrestle with a litany of critical expenses. In a competition of life safety projects, the "Towering Inferno" scenarios used by lobbyists to market the sprinkler retrofits in Tallahassee were measured against the prospect of being sucked out of a 14th floor window. In addition to addressing two critically important life safety issues, condo owners had to upgrade 30 year-old elevators, 30 year-old parking decks, 30 year-old HVAC risers, 30 year-old roofs and face down a host of other important maintenance challenges. Having witnessed the ruinous devastation wrought by the hurricanes, local fire marshals across the state were at the forefront of promoting hurricane mitigation to save lives.

Forced to pay \$millions for code compliant upgrades required by windstorm insurance carriers, additional \$millions for deductibles, uninsured losses and suddenly trebled insurance premiums, many Associations had to scramble to secure a combination of short and long-term financing to preclude a mass exodus of fixed-income residents unable to pay the unanticipated assessments. Reserves that were rededicated for emergency use in special legislative sessions are long gone. While some associations have already spent fortunes retrofitting every exterior exposure with impact rated windows and doors and/or code-compliant shuttering systems, most are still actively engaged in their installation or the planning stages for this objective.

In view of the crushing fiscal hardship suffered by Associations from the hurricanes, the legislature passed a bill to help besieged condominium owners survive the untenable financial squeeze. In 2006, House Bill 391 by Representative Carl Domino extended the deadline to retrofit high rise unit foyers and common areas with sprinklers from the current 2014 to 2025. The extra decade would afford unit owners an opportunity to amortize their association's bloated debt service before paying another sizable assessment. After successfully surviving comprehensive committee reviews in both legislative bodies, HB 391 was passed out of the House by a vote of 113 Yeas vs. 0 Nays and was passed out of the Senate by a vote of 40 Yeas vs. 0 Nays. Retrofit lobbyists failed to convince lawmakers that investing scarce association resources in limited sprinklers would yield a more productive safety benefit than a comparable investment in hurricane protection. Despite its unanimous support and passage, Governor Bush surprised condo owners by vetoing the bill, pointing out the absence of any official study examining how retrofit costs will impact condominium owners.

When the housing market collapsed last year, the recessionary impact on associations was catastrophic. Assessment expenses that were previously fiscally precipitous suddenly slipped beyond the reach of financially strapped homeowners. In some associations, maintenance assessments were increased by 50% to pay down short term bridge loans required to return the property to habitability. When droves of homeowners abandoned their suddenly unaffordable properties to foreclosure, banks deliberately delayed taking title to dodge assessment obligations. The resulting association budget shortfalls were assessed to every unit owner. Projects not mandated in an association's documents or not deemed operationally critical were postponed until 2011, 2012, 2013, etc. To help keep significant numbers of mostly elderly residents in their homes, urgently needed hurricane mitiga

Continued on page 12

“ Those of us that received a \$20 premium discount for installing impact windows are still laughing ”

tion and other "life safety projects" were either suspended or enabled by additional (3rd or 4th) layers of multi-year bank financing. To justify a surprise fee increase for Florida mortgages purchased or securitized on or after April 1, 2009, Fannie Mae Director James Lockhart declared that a review of their mortgage loans revealed record-high default and foreclosure rates among Florida condo owners. This unprecedented series of economic reversals is forcing Florida condo owners to measure the necessity for addressing even critical needs against a prospective foreclosure followed by bankruptcy proceedings.

When Crist vetoed SB 714, Association Attorney Gary A. Poliakoff of Becker & Poliakoff blasted the veto advice apparently accepted by the governor. In a letter to Crist, he asked, "With all due respect, exactly who did your advisors assume will be forced to pay the special assessments to retrofit a condominium where 40 percent to 50 percent of the units are in default in payment of their assessments, or in mortgage foreclosure?" How many unit owners in your building will be forced to move if burdened with another \$8,000 to \$20,000 assessment?

The cost of retrofitting a high rise condominium building with a "Minimum Alternative Life Safety System" is astronomical. Recent bids for 200 to 400 member associations range from \$1.4 million to \$4.76 million. Basic retrofit costs run from \$40/m² (\$3.75/ft²) to \$65/m² (\$6/ft²) for common areas, hallways, stairwells and the foyer in every unit. The National Fire Sprinkler Association acknowledges costs as high as \$108/m² (\$10/ft²). President Steve Muncy of the Dallas-based American Fire Sprinkler Association pegged the cost of high rise retrofits between \$54/m² (\$5/ft²) and \$162/m² (\$15/ft²). Local fire safety engineers point out that the dropped ceilings, drywall plenums and creative construction elements required to hide the steel, copper or CPVC will proportionately increase installation costs. Conversely, the cost will drop in buildings with some of the required system elements already in place, such as a fully sprinklered

garage or pre-existing dedicated standpipes on each floor. Of course, anticipated assessments must be increased by the percentage of foreclosures afflicting the association. Associations in which every unit has two completely different egresses to ground level are exempt. Sorry, two outlets to the same hallway doesn't qualify.

The "Alternative Minimum Life Safety System" as mandated by statute was never intended for extinguishing fires. Its stated objective is to provide a moderately safe egress. It is only one of many layers of fire protection in an engineered fire safety plan. Since effective early detection and containment will save far more lives than the sprinklers placed in unit foyers and certain common areas (as required for an Alternative Minimum Life Safety Plan), they are arguably more important components to any integrated fire safety system.

The bill was written before several generations of new technology seriously dated many of the mandate's precepts. Many of our buildings are ideally adapted to Compartmentation - fire resistance rated (1, 2 or 3 hours) assemblies, with smoke treatments, that contain the fire to the room of origin until Fire-Rescue arrives. If these "compartments" are sealed against fire/smoke spread with fire/smoke dampers (which restrict air movement in ducts), firestopping penetrations, fire doors and other safety features, they become a far more effective protection protocol - without risking building-wide water damage.

It also predates various emerging sensor technologies (e.g., computer vision system, distributed fiber optic temperature sensor, and intelligent multiple sensor), signal processing and monitoring technology (e.g., real-time control via Internet) and integrated fire detection systems. By centralizing signal processing on the detector's circuit board, giving each detector its own central processing unit (CPU) and software storage, it can pass information to a central panel when polled or upon sensing a fire. Smart detection and alarm systems based on neural network technology can be inte

Continued on page 13

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A mechanical ratchet device that turns every window, balcony or catwalk into a viable escape egress was demonstrated and endorsed several times since 2006 at the Broward County Fire Academy. While the safety features inherent in these improvements are light years ahead of "sprinkler retrofits in unit foyers," they portend no \$billion payday for the legislation's commercial supporters.

Prior to the veto, Representative Elyn Bogdanoff reminded Governor Crist that in 30 years, not one injury resulted from an association's failure to perform a sprinkler retrofit. Senators Ted Deutch and Jeremy Ring, Statehouse Representatives Kelly Skidmore and Mark Pafford, along with other officials from Miami, Broward County and Parkland called upon Governor Crist to form a Task Force to repeal his veto of Senate Bill 714. Skidmore said, "As a result of Governor Crist's veto and the Legislature's failure to address the foreclosure crisis, thousands of Floridians who live in community associations will face increased association fees, also known as assessments, to comply with Florida law and make up for delinquent assessments unpaid by owners of foreclosed units. A perfect storm is brewing and it's not out in the Atlantic. It's right here in our community. Condo owners and their associations are

about to collapse under the weight of a financial burden with no help in sight."

Since the bill enjoyed nearly unanimous legislative support, the 2/3 favorable vote required in both chambers for a veto override is a no-brainer – if afforded the opportunity. The Seminole Tribe may ring that bell. A veto override must be undertaken at the legislative session immediately following the veto. Ordinarily, that would occur at the next regular session and the bill's provisions would probably be refiled in new legislation. However, legislators dissatisfied with Governor Crist's 2007 Tribal gambling deal upped the Seminoles' minimum payment from \$100 million to \$150 million and threatened the Tribe with a competitive disadvantage. The parties have until August 31st to find common ground under the legislature's new terms. If they fail, the issue will go to Washington where the Department of the Interior has already expressed support for the Seminoles' position. However, if they arrive at an agreement, the legislature would meet in special session to ratify the deal. In preparation for a second bite at the apple, associations across the State will carefully monitor the state-tribal negotiations as September approaches. If such an opportunity to override the Governor's veto emerges, pressure to reincarnate SB 714 will flood the State Capitol.

It is unlikely that a Task Force will revive the legislation. Upon vetoing the bill, senatorial candidate Crist emulated his predecessor, exclaiming, "I am directing the Department of Business and Professional Regulation to initiate a comprehensive review of actual retrofit costs and the impacts that retrofitting may have on insurance premiums." Those of us that received a \$20 premium discount for installing impact windows are still laughing. Since the actual retrofit expenses vary radically according to each association's respective building elements and existing safety features, asking the DBPR to check the attendant costs will give little insight into prospective assessment charges. The good news is that when this issue returns next year, it will not face a Governor en route to Washington. •

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- Oral Cancer Screening

Cannot be used in combination or any other offer limited time offer

The patient and any other person responsible for payment has a right to refuse to pay, cancel payment or be reimbursed for payment for any service, examination or treatment which is performed as a result of and within 72 hours of responding to the ad for the service, examination or treatment.

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AUGUST/JULY

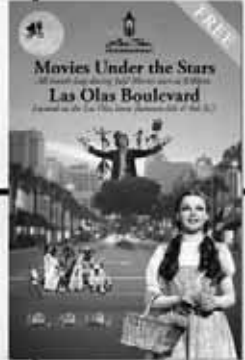
SUN

MON

TUE

WED

<p>12</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>13</p> <p>Aerosmith with ZZ Top BankAtlantic Center Tix.: www.bankatlanticcenter.com</p>	<p>14</p>	<p>15</p> <p>Movies Under the Stars "Hotel for Dogs" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>19</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>20</p> <p>Creative Summer Art Academy & Musical Theatre Museum of Art 9:30 a.m. to 3:30 p.m., M-F Info.: education1@moatl.org Register by 7/17</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>21</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>22</p> <p>Movies Under the Stars "Willy Wonka and the Chocolate Factory" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>26</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>27</p>	<p>28</p>	<p>29</p> <p>American Idols Live 2009 BankAtlantic Center Info.: 954-835-7466</p> <p>Movies Under the Stars "The Wizard of Oz" Las Olas lawn (Between 6th & 8th St.) 8 p.m. Info.: www.lasolasboulevard.com/movienig</p>
<p>2</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p>3</p>	<p>4</p>	<p>5</p>
<p>9</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>10</p> <p>Aerosmith with ZZ Top BankAtlantic Center Tix.: 954-835-7469</p>	<p>11</p> <p>Become a volunteer for the 2009 FIFF Cinema Paradiso 6 p.m.</p>	<p>12</p>



Sales at Galleria Mall...

Through July 19th: Customers who spend \$125 or more (pre-tax) will earn a \$25 gift card for use on a future purchase.
Through July 21st: L'Occitane Coupon Booklets are available
Through July 27th: 25% - 75% off Swarovski

ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

16

Fort Lauderdale Invitational
(Through 7/19)
Fort Lauderdale Aquatic Complex
Info.: 954-828-4580

17

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

18

Starlight Musicals
Joey Gilmore Band (Blues)
Holiday Park, 7 to 10 p.m.
Info.: 954-828-5363

23

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

24

Starlight Musicals
Jimmy Stowe & the Stowaways (Tropical)
Holiday Park, 7 to 10 p.m.
Info.: 954-828-5363

25

Buckler's Christmas in July
Craft Fair
War Memorial
Info.: 954-860-0092

30

Grease, Broadway
(Through 8/2)
Broward Center
Tix.: 954-462-0222

31

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

1

OPENING
Harry Potter and the Half Blood Prince
The IMAX Experience
Museum of Discovery & Science

6

7

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

8

Bon Festival
Morikami Museum
5 to 9 p.m.
Info.: 561-495-0233 x226

13



14

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

15

US Hot Rod Monster Jam Summer Heat
(Through 8/15)
BankAtlantic Center
Tix.: 954-835-7469

Dora the Explorer Live
(Through 8/9)
Broward Center
Tix.: 954-462-0222

UPCOMING EVENTS IN OUR AREA

August 14
Sushi and Stroll Sunset Walk
Morikami Museum & Japanese Gardens
5:30 to 8:30 p.m.
Info.: 561-495-0233

August 29
Jamie Foxx
BankAtlantic Center
9:30 a.m. to 4:30 p.m.
Tix.: 954-523-3309

September 17 - 20
Disney on Ice
BankAtlantic Center
Tix.: 954-835-7000

September 19 - 20
Aroid Show and Sale
Fairchild Tropical Gardens
9:30 a.m. to 4:30 p.m.
\$5 OFF COUPON: www.fairchildgarden.org

September 24
FIFF Poster Unveiling Party
Courtyard Marriot - Fort Lauderdale Beach
6 to 8 p.m.
Info.: www.fiff.com





VICE MAYOR KEN KEECHL'S CORNER



In his newsletter, Broward Commissioner Ken Keechl confronts an issue often neglected by many of his peers... Ethics. Given the relative ease with which many elected officials break faith with commitments, "Government Ethics" is

widely considered little more than a cynical oxymoron hovering between "Commercial Art" and "Military Intelligence". To Commissioner Keechl, however, Ethics is serious business. It is also meaningful to the 57% of Broward voters who last November supported the creation of a "Broward County Ethics Commission" to formulate a Code of Ethics against which actions of Broward Commissioners can be measured.

Keechl also reminds us that he characterizes himself as a Moderate Democrat. He further explains something that anyone who has worked with the commissioner already knows - that his conscience, not his political affiliations, anchors his moral compass. Since he uncompromisingly makes decisions based on what is best for the County and its residents, he has been remarkably successful at achieving consensus among an extremely diverse political constituency.

Currently, Broward County Commissioners are governed primarily by state law which requires that commissioners abstain from voting on issues from which they, their families or their businesses could profit. They also must file annual financial disclosure statements and reject gifts offered in exchange for their votes or to promulgate nepotism. Skeptics point to the conflict inherent in the Broward Commission selecting 9 of the 11 appointees.

University of Miami Law Professor Anthony V. Alfieri disparaged the Commission's lack of a continuing enforcement mechanism. Director of the Law School's Center for Ethics & Public Service, Alfieri noted that no resources were allocated to investigate violations. The Broward Commission has repeatedly suffered humiliating ethics breaches. In 2005, Josephus Eggleton was fined \$2500 for voting to award a trash-hauling contract to a company he had lobbied for in Miramar in 2001. Commissioner Diana Wasserman-Rubin was fined \$15,000 last year for voting to approve grant applications for Southwest Ranches that were written by her husband. And the hits just keep on coming!

Since the Broward Commission's 9 Democrats are charged with choosing the majority of the Ethics Commission, Commissioner Keechl sought ideological balance by reaching across party lines and appointing Bob Wolfe, the Republican Media & Government Relations Director for the Broward County Property Appraiser's office. Bob has personally helped thousands of Galt Mile residents contend with exemption dilemmas, valuation disagreements and petitions of every stripe. The well-known and widely respected Wolfe wheels from one venue to another, attending neighborhood advisory board meetings and conducting outreach clinics that help homeowners wade through mounds of exemption and portability paperwork. As is his habit, Keechl closes with a request for your input.

"Ethics Reform Should Be a Non-Partisan Issue"

By Broward County Commissioner and Vice Mayor, Ken Keechl

Everywhere you go, you hear it: another elected official has been accused of unethical behavior. It's really a shame. As Henry Kissinger once said, "90% of the politicians give the other 10% a bad reputation." He may have been exaggerating, but not by much.

Fortunately, the people have had enough. In November 2008, the residents of Broward County voted overwhelmingly to establish a "Broward County Ethics Commission" whose "sole purpose shall be to establish a Code of Ethics for the Broward County Commission." I supported the establishment of an Ethics Commission then, and I support it now.

The Broward County Ethics Commission will be made up of 11 members: each of the nine County Commissioners will appoint one member from his or her district, and the remaining two members will be appointed by the Broward League of Cities. The Ethics Commission will propose a Code of Ethics to the entire Broward County Commission by March 2010. If the Commission fails to adopt it within 6 months, the proposed Code of Ethics will be presented to the voters for acceptance or rejection on the November 2010 ballot.

I am often asked to characterize my political philosophy. I respond by labeling myself as a moderate Democrat—one who is simultaneously environmentally sensitive, business friendly, and fiscally conservative. But, more importantly, I have always said that, as your County Commissioner, I represent everyone in District Four—Democrat, Republican, Independent or otherwise.

My voting record and my numerous appointments to various County Boards over the last two years demonstrate my philosophy, including my recent appointment to the Broward County Ethics Commission. After much reflection, I selected Robert Wolfe, a well known, active, and widely respected Republican, as my appointee. I did so because I believe that Bob will bring a different (and important) perspective to the Ethics Commission. Bob and I have discussed (and will continue to discuss) how together we can strengthen Broward's ethical standards.

In the meantime, I welcome your input. I will speak before the Broward County Ethics Commission in June. If you have any ideas about ethics reform in Broward, I would like to hear them. Feel free to email me at KKeechl@Broward.org.

My best to you and your families.
Broward County Commissioner and Vice Mayor Ken Keechl
www.broward.org/kkeechl 954-357-7004

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FPL...Continued

It's not as if FP&L stockholders are writhing in pain. Ratings icon Standard & Poor's names FP&L a "Strong Buy" and notes that the "regulatory environment in Florida has been historically constructive." In their May 6, 2009 10-Q SEC filing, FPL Co. (FPL Group's electric subsidiary) reported a first-quarter profit of \$127 million, up from \$108 million in 2008. In a subsequent media release, FP&L hedged the huge increase in profits, stating "FPL's improved results were driven by a 10 percent reduction in operations and maintenance expenses compared to last year's first quarter."

Characterizing these as "budget cuts", the company has admittedly padded shareholder returns by cutting back on maintenance and culling employees. It also explains how the company engineered its current 10.8% rate of return. Without the maintenance and labor cutbacks, stockholders would have to settle for a return closer to the 10.5% national average for energy investments. While a competitive advantage of .3% is pleasant, for a measly additional \$1.25 billion, they can corner Shangri-La and offer investors 12.5% returns. Also, why waste money on a maintenance staff when the Federal Government helps pick up the tab for emergency repairs? If Federal reimbursement is slow on the uptake, safely tucked away in FP&L's back pocket is their State of Florida "pass-through" for storm-related surcharges. When you're a monopoly, life is good.

Unless you harbor an enigmatic empathy for FP&L's investors, you might consider weighing in against the rate hike. You can reach PSC Consumer Assistance at 1-800-342-3552 or send an email to: contact@psc.state.fl.us. If you missed the 9 cus-

tomers hearings throughout the affected service area during the week of June 19th, Attorney General McCollum recommends registering your opposition to the rate hike online by using a form available on the PSC web site (<http://www.psc.state.fl.us/about/contact/form.aspx>).

You can also access the form from the Galt Mile Community Association web site (www.galtmile.com). On the home page, click on the headline detail entitled "FP&L Plans to Plug Public," scroll down to the bottom of the article and follow the simple instructions. It's easy, it will take about 30 seconds and it will save you a ton of money. **Here's the bottom line:** Registering your opposition to the base rate hike will provide the Attorney General and the Florida Council with the ammunition they need to send it to the cornfield. To make a difference, respond before formal proceedings on the rate increase begin on August 24th in Tallahassee. •



Protesting FP&L Maintenance Workers Laid Off to Tweak Profits



IBEW Protests FP&L Layoffs to Increase Profits



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July 2009

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