



GALT MILE NEWS

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THE OFFICIAL NEWSLETTER OF THE GMCA



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they needed was a ruling confirming that the banks' dilatory foreclosure strategy ran counter to the intent of state law and knowingly damaged thousands of associations and hundreds of thousands of unit owners. After several failed attempts, they got their ruling.

After tolerating a year of delays by the U.S. Bank National Association in a foreclosure case (U.S. Bank National Association as Trustee for the Benefit of Harborview 2005-10 Trust Fund vs. Danny Tadmor, deceased, etc. et al.), a condominium association filed a motion to compel the lender to move forward within a certain time frame or pay assessments (maintenance fees) on the unit. Judge Scott J. Silverman of the Eleventh Judicial Circuit of Florida for Miami-Dade granted the Association's motion, ordering the bank to diligently proceed within thirty (30) days or start paying the \$939.56 monthly maintenance fee.

On December 2, 2009, the Third District Court of Appeal for Miami-Dade rejected the idea that equity and fairness are adequate reasons for requiring lenders to pay association fees while a foreclosure case is still pending against the unit owner. In a monument to dogma, the appellate Court made the cynical observation that "in its quest to do equity, a court cannot trammel the legal rights of the parties." In a parting shot that confirmed their sympathies with the banking industry, the court characterized the damages suffered during the association's year-long fiscal victimization as unworthy of "extraordinary relief."

TALLAHASSEE CONFRONTS BANKING JUGGERNAUT

WITH FORECLOSURE RELIEF

By Eric Berkowitz

During 2009, the agenda of nearly every association board meeting along the Galt Mile was footnoted with the current and future impact of foreclosures on association finances. This year, Tallahassee will host another round of attempts to somehow confront banks with paying their fair share of maintenance costs for units in various stages of foreclosure lock-down. Months before the legislative blender was scheduled to begin churning out work product (Tuesday, March 2nd), lawmakers had already filed a battalion of bills that cajole - threaten - incentivize banks to desist exploiting a functional loophole in the state law that regulates their financial obligations.

When last year's legislative efforts to clarify the banks' statutory obligations were ghosted by the State's most powerful lobby, cash-strapped associations turned to the courts for relief. All

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The problem isn't complicated. The banks are still holding the trump card they've used since 2007 to squelch any legislation that threatens their bottom line. After all, they only received \$700 billion in taxpayer dollars as compensation for precipitating a worldwide recession. If history repeats itself, at some point, the banks will whisper the magic words to the legislative leadership "Any increased costs must be recaptured in new mortgages," after which a banking industry spokesperson will casually announce, "The House (or Senate) realized that the bills will hurt associations. They opted to kill the legislation in order to protect struggling homeowners." The bills will quietly disappear as hundreds of thousands of association members reach for the Mylanta... again.

Responding to constituent pressure to "DO SOMETHING," lawmakers have pulled the tires from last year's failed bills and are bravely pushing this year's retreads uphill. If they can find a strategy that somehow rewards cooperating banks, their juggernaut Tallahassee lobby might lift the industry's foot from the legislature's neck long enough for one of these bills to squeak through. During the past year, the banking industry was forced to confront some of the unintended consequences of their procrastination policy. Since the 2009 legislative session, the industry has seemingly acknowledged that stonewalling associations verging on insolvency leads to more foreclosures, further bloating property portfolios already awash in red ink. They've also noticed that when units are frozen in foreclosure stasis, their non-paying occupants often reduce them to pig sties - creating an additional expense when the bank ultimately tries to move the unit.

Among the most significant motivations for lenders to tolerate a negotiated legislative compromise is the proliferation of "strategic defaults." When the housing collapse left 10.7 million families owing more than their homes were worth, homeowners became economically disposed to walk away from their mortgage debt - despite government campaigns exhorting the moral inequities and social stigmas of default. Having spent 32 years playing option tегwar (the endless game without any rules) for Goldman Sachs, former Treasury Secretary Henry M. Paulson Jr. cynically declared "Any homeowner who can afford his mortgage payment but chooses to walk away from an underwater property is simply a speculator - and one who is not honoring his obligation." After watching banks spend truckloads of the \$700 billion in TARP debt purchase tax dollars on campaign contributions, improved executive compensation and mezzanine financing for new derivative products, few homeowners felt morally compelled to spend 30 years remunerating the same banks whose lending policies devalued their properties by half. These new revelations plus a few close shaves in the courthouse may open the banks to softening their previously immutable foreclosure policy.

Additional evidence of a "change of heart" is exemplified by a recent proposal from the 400-member-strong Florida Bankers Association for legislation enabling non-judicial foreclosures, a roughly 3-months to one year process performed without judicial participation. With nearly 400,000 foreclosures filed in 2009 and the Courts pushing mediation, Tallahassee's 600 pound gorilla banking lobby will try to enact regulations that allow banks to pursue any evicted homeowners for unpaid mortgage debt unless the repossessed premises is left in good condition.

President Alex Sanchez of the Bankers Association first framed the lobby's motivation as public spirited altruism, a desire to help neighbors irritated by poorly maintained or abandoned homes next door; cash strapped condominium associations pursuing dues from properties frozen in foreclosure; cities grappling with urban blight; and courthouse queues extending around the block. After the industry spin, Sanchez admitted "These cases are stuck in legal limbo because banks don't want to push foreclosures. I've seen cases where nothing is done. The lenders don't want these homes back. They know they have to pay assessments once they take them back." Since the law would only apply to foreclosures after July 1st, it wouldn't help dis-

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pense with the 800,000-case backlog.

Not surprisingly, Sanchez neglected to mention that the Act, as currently drafted, will allow the banks to terminate (and later restart) the non-judicial foreclosure process at any point, without penalty, enabling the lender to effectively fill the shoes of the Judge with respect to the critically important timetable. The Florida Supreme Court's newly endorsed mandatory mediation for lenders and homeowners would effectively be replaced by an informal "meeting" with the lender. If the provided pow-wow disappoints the homeowner, the Act imposes a filing fee (up to \$1900) upon foreclosed owners who choose to appeal the non-judicial foreclosure sale and seek judicial review within the court system. Under the very vague terms of most mortgages, the banks can require a homeowner with a spotless payment record to restore the mortgage's original "loan to value" ratio—basically forcing a lump sum payment to offset any decline in property value. Of greatest concern is its elimination of current due process constitutional protections. This puppy needs major surgery.

What do the banks harvest from recruiting legislators to file their "Florida Consumer Protection and Homeowner Credit Rehabilitation Act"? While properties are frozen in court, they generate nothing for the banks. More importantly, each foreclosure can cost lenders about \$30,000 in legal fees. If a low cost alternative were available last year, the industry could have realized up to \$24 billion in black ink. Since Florida is known for supporting homeowner rights and industry arrogance has fueled serious anti-bank sentiments, convincing Senator Michael Bennett, R-Bradenton, to sponsor Senate Bill 2270 and Naples Representative Tom Grady to sponsor House Bill 1523 was a coup for the bank lobby and breathes life into a prospective foreclosure factory wholly controlled by lenders.

As expected, many of the early bills that impact association foreclosures were filed by representatives from areas earmarked by large association constituencies. The lineup of these bills is as follows:

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House Bill 115: Filed by Tampa Statehouse Representative Kevin C. Ambler, this proposal states that if a unit in foreclosure is occupied by a tenant, the association may demand direct receipt of the rent and apply it toward any delinquent assessments, with a right of eviction for non-compliance. HB 115 would also allow the condominium association to suspend certain common element use rights for nonpayment, exempting basic utility services. While delinquent, unit owners could also be disenfranchised. The bill portends similar provisions for Chapters 718 (the Condominium Act) and 720 (the Homeowner Association Act). Like several other bills filed this year, it contains a section entitled "Distressed Condominium Relief Act," which seeks to stabilize the condominium market by affording protection to bulk sale facilitators. A committee substitute was voted favorably in the Civil Justice & Courts Policy Committee on January 26th.

Senate Bill 398: A bill similar to HB 115 in the Senate was filed by Lakeland Senator Paula Dockery. Senate Bill 398 also states that during the pendency of a foreclosure action, if the unit is occupied by a tenant, the association may demand that the tenants pay rent directly to the association, with a right of eviction for non-compliance. It also contains the "Distressed Condominium Relief Act."

Senate Bill 164: Filed by Daytona Beach Senator Evelyn Lynn, SB 164 requires that if a foreclosure is not completed within six months of filing the foreclosure lawsuit, the mortgagee must pay the "statutory cap" (six months of past due assessments or one percent of the original mortgage debt, whichever is less) during the pendency of the lawsuit. This proposal would apply to condominiums only.

House Bill 329: An 8 page bill by Miami Representative Julio Robaina, this proposal would allow the collection of rents directly from tenants occupying delinquent units. For delinquencies that exceed 90 days, the association would be allowed to suspend an owner's or tenant's right to occupy the unit, virtually all common element use rights (except for egress) and all voting rights. This Bill is unusual in that it virtually deletes the statutory cap and requires a foreclosing lender to pay all unpaid assessments. Since there is no way in hell that the banks will quietly accede to the bill's demands, although they are certainly equitable (any other unit owner would have to pay these assessments), it will likely endure multiple substitutions and/or amendments prior to proceeding. Otherwise it's DOA.

Actually, discussing the details of Robaina's bills has historically been a futile endeavor until the last week of the session. Representative Robaina has learned to strategically deploy "strike-all" amendments when his bills come under serious scrutiny. By suddenly replacing the entire bill with virtually unvetted text, he avoids the public antipathy that his attempts to enact hyper-regulations typically engender. On February 2nd and March 1, when the House Civil Justice and Courts Policy Committee considered his House Bill 329, he predictably withdrew the bill. It was twice characterized on the bill's Statehouse website page as "Temporarily Deferred".

House Bill 337/Senate Bill 968: Miami Representative Yolly Roberson and St. Petersburg Senator Charlie Justice - both Democrats - filed identical bills in the House and Senate stating that if owners are delinquent with paying assessments, they can be restricted from running for office, holding office, serving on committees, leasing units, or using the common areas.

House Bill 419/Senate Bill 864: Representatives Julio Robaina and Senator Rudy Garcia have done it again. This tandem spent five years churning out association bills based on anecdotal input from a small group of disgruntled condo owners that admittedly resent self-governance unless they are calling the shots. Not surprisingly, Robaina's bills were monuments to contradiction. Each bill was earmarked by ham-handed attempts to replace the wishes of the association's homeowners with one-size-fits-all regulations formulated in Tallahassee. When condo owners from all parts of Florida read the text of what he intermittently characterized as "The Peoples' Bills," the legislation crashed and burned. This happened repeatedly until former House Speaker Marco Rubio repaid a debt to Robaina, a fellow Representative from Miami, by allowing his 2008 House Bill 995 to serve as the session's omnibus vehicle for association legislation. Even so, Majority Whip Ellyn Bogdanoff had to excise or modify dozens of expensive, poorly drafted and unworkable provisions when the bill's supporters failed to provide justification for depriving homeowners of their right to productively govern themselves. Unfortunately, some of his counterproductive ideology slipped through the cracks. We have Robaina to thank for making every association in the state spend about \$500 to \$2000 annually on a vote to reconfirm their preference to stagger terms for Board Members. A provision in his 2006 bill would have required associations to build special parking for the handicapped that COULD NOT BE USED by disabled persons living in the association and his 2007 bill would have eliminated association rights to negotiate bulk television contracts other than for local broadcast channels, trebling monthly costs.

Parts of his new 175-page bill offer sensible resolutions to serious problems. The rest is filled with unbridled attempts to usurp decision making from homeowners while saddling them with insupportable expenses. As to foreclosures, these Bills duplicate others regarding the right to demand payment of rents directly from tenants. HB 419 also states that an association's claim of lien can include the cost of collection efforts by management companies or licensed managers.

As previously mentioned, due to Robaina's predilection to repeatedly revise his offerings throughout the session, discussing the details of Robaina's bills is non-productive until the session winds down.

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"Parts of his new 175-page bill offer sensible resolutions to serious problems. The rest is filled with unbridled attempts to usurp decision making from homeowners..."

BROWARD VICE MAYOR KEN KEECHL'S MARCH NEWSLETTER



** Since elected Mayor of Broward County, District 4 Commissioner Ken Keechl has made scores of appearances as the County's representative. While fulfilling this responsibility, the duties attendant to his dual scope of work as Mayor and Commissioner haven't suffered. As promised*

when he took office, Keechl has successfully juggled both tasks. However, the Mayor failed to disclose an unfortunate burden cloaked in his status as Broward's head honcho; that of media dart board. On slow days, news outlets are often filled with sterile conjecture about public officials.

The day after his November 17, 2009 assumption of Broward's Mayoral seat, Keechl began laying the groundwork for what he characterized as Broward's most important challenge, next year's budget. Since his election in 2006, Keechl had evolved into the Commission's most outspoken advocate for tax reform and fiscal accountability. In his December newsletter, he exclaimed, "In order to recover from this recession, we must see to fruition our previously approved capital projects." He assumed responsibility for balancing spending cuts with infrastructure maintenance. As such, his March Newsletter addresses construction of the scaled-down County Courthouse as envisioned in the plan finalized by the Courthouse Task Force.

After reviewing the fiscal rationale for this project, Mayor Keechl laments how the media decided to spin its approval by the County Commission. Hoping to resonate with a financially strained, recession-punchy public, the media often applies the simplistic standard that "all spending is evil," ignoring the medium and long-term economic dangers of failing to maintain viable county infrastructure.

Since any expense is a tough sell during a recession, the Mayor offers a prospective drop in the millage rate as evidence of the project's minimal taxpayer impact. Actually, the reduction is unrelated to the Capital expense. The County will soon retire \$36.4 million in debt service payments originally assumed to finance the construction of parks and libraries. Broward property owners should realize a savings of about 25 cents for every \$1000 of their taxable property value. By salting in the \$60 million budgeted for courthouse capital projects plus another \$60 million budgeted for a new jail rendered unnecessary by a drop in the inmate population, the project's \$328 million price tag becomes \$208 million.

*If the county takes advantage of soon expiring federal subsidies by expeditiously issuing \$40 million in Recovery Zone Economic Development Bonds (RZEDBs) with a 45% Federal Interest Subsidy and the balance issued as Build America Bonds (BAB) with a 35% Federal Interest Subsidy, the County saves \$3.4 million (the subsidy decreases over time as the interest portion of the debt service is reduced). When coupled with the \$5 million in annual Courthouse facility fees and rental revenues, the annual nut drops to \$7.537 million or a net 4.11% interest rate. This should cost taxpayers about 5 cents for every \$1000 of their taxable property value. When this 5¢ cost/\$1000 is combined with the 25¢ retired debt service savings/\$1000, the net result is a 20¢ reduction for every \$1000 of taxable property value or a .2 lowering of the millage rate. While taxes aren't projected to increase, they won't drop as much as they would have without the annual courthouse carrying costs. Read on - [editor]**

"Broward's Courthouse Problem Solved WITHOUT Raising Taxes"

by Broward County Commissioner and Vice Mayor Ken Keechl

Last year, in my newsletter *Broward's Courthouse Problem: More Taxes Aren't the Solution*, I wrote about the deplorable state of our downtown courthouse. I argued that, if possible, we should renovate the courthouse. More importantly, I also strenuously argued that we should not ask the voters of Broward County to tax themselves to build it.

In two additional newsletters last year, *Broward County Courthouse Task Force Recommendations, Part 1 and Part 2*, I wrote about the formation of a Broward County Courthouse Task Force and its subsequent recommendations. First, the Task Force found that it would be more expensive to renovate the downtown courthouse than to rebuild it. Second, the Task Force recommended financing the rebuilding of a cheaper 'scaled-down' courthouse with existing revenue. The Task Force specifically and unanimously argued against asking the voters to tax themselves. Once before in November 2006, the Broward County Commission had asked the voters to tax themselves for a new courthouse; they rightly refused to do so.

On February 2, the Broward County Commission voted 6 to 3 to follow the recommendations of the Courthouse Task Force. I was in the majority. It was absolutely the fiscally conservative approach. To my surprise, the media's spin on the vote was to characterize it as a vote to increase taxes. I think the 'spin' was unfortunate. I understand that the press has to sell newspapers, but the truth shouldn't be brushed aside in the process. So, here is the full story.

The original November 2006 courthouse proposal was to build a courthouse at a cost of approximately \$510 million. The Task Force recommended a 'scaled-down' courthouse proposal that would cost approximately \$328 million (and add a much needed parking garage.) We had previously set aside \$120 million in our budget for other less important projects. By using that money, we would need to borrow \$208 million dollars.

By a 6-3 vote, we agreed to use non-voted debt, which would cost the average taxpayer \$8.00 per year. However, what wasn't reported by the media was the fact that by the time we need the money, this \$8.00 increase will be offset by the expiration of other debt totaling about \$37.00 per taxpayer. So, in actuality, your tax bill would decrease by approximately \$29.00 per year. And we will have fulfilled our Constitutional duty as County Commissioners to provide a safe and usable courthouse for our judges, jurors, court personnel and residents.

In closing, for more than 3 years I have told you that I would not raise the tax burden on your families or mine. The current millage rate is 5.3889. When all is said and done, and the additional dollars borrowed for the scaled-down courthouse, the new millage rate would be lower: somewhere between 5.1889 and 5.0789. You elected me to take care of problems that needed solving. And you told me to do it without raising your taxes. My vote accomplished both of your demands.

Broward County Commissioner and Mayor Ken Keechl
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Foreclosures...Continued

The impact of the legislation can only be ascertained after Representative Robaina completes "amending" the bill. However, it is critical to follow the House and Senate bills during the session to insure that the most egregious provisions are adequately modified.

Senate Bill 780: Another bill by Senator Evelyn Lynn, SB 780 would require a financial institution that institutes a foreclosure proceeding or has one pending to "timely pay all fees associated with or owed by that property, including, but not limited to, homeowners' association fees, maintenance fees, and property taxes." The fees would accrue from foreclosure initiation through finalization, and the action would be applied retroactively. The bill is mirrored in the House by Representative Franklin Sands' House Bill 987.

House Bill 959: On February 8th, Boca Raton Statehouse Representative Kelly Skidmore filed HB 959 to make banks assume ownership responsibilities incremental to those currently enacted. For the time prior to issuance of the title at the foreclosure proceeding, lender responsibility for unpaid condominium association assessments would increase from the current six months to twelve months. In addition to the amounts owed for past due assessments, this bill would require lenders who begin foreclosure proceedings against a condominium unit or homeowner association lot to pay to maintain and preserve the property throughout the course of the foreclosure proceedings. If the lender fails to timely preserve and maintain the unit or lot, the association would have the right to charge for those costs. It would additionally require the lender to pay for any special assessment that the association may charge during the foreclosure proceedings for dam-

age to the roof and structural components of the building as well as the mechanical, electrical, and plumbing elements serving the building caused by windstorm, fire, or other casualty. The bill allows a condominium association or homeowners association to prohibit unit owners from using common area facilities if they are delinquent in the payment of association fees by more than 90 days. Incidentally, HB 959 extends the dreaded sprinkler retrofit deadline for high rise associations from 2014 to 2019.

Senate Bill 1196: Introduced by New Port Richey Senator Mike Fasano, SB 1196 is provisionally similar to several of the others already mentioned. It includes the right to collect management company charges as part of the association's lien, permit interception of rents for tenanted delinquent units, and permit suspension of common element use rights and voting rights for defaulted unit owners. It also houses the "Distressed Condominium Relief Act," which enables bulk purchasing as a market stabilization tactic. This proposal is applicable to both condominiums and homeowners' associations. Senate Bill 1222, Jeremy Ring's senate counterpart to Ellyn Bogdanoff's Sprinkler Retrofit Relief Bill (HB 561), was merged into Fasano's SB 1196 on March 3.

Senate Bill 1270: By Broward Senator Jeremy Ring, this bill will allow a condominium association to suspend the common area use rights of owners who are more than 90 days delinquent. Although it doesn't relate to foreclosures, SB 1270 also provides that a condominium with 1.5 hour or higher fire-rated walls that is not a high-rise building (defined as 75 feet above grade or higher) need NOT retrofit the inside of units with fire alarm systems or smoke detection systems. This was one of the provisions that were tossed with the bathwater when the Governor vetoed Senate Bill 714 last year.

Senate Bill 1272: Another of Senator Ring's offerings, this proposal would double the condominium "statutory cap" from six months of past due assessments/one percent of original mortgage debt (whichever is less) to twelve months past due assessments/one percent of original mortgage debt (whichever is less). This bill further provides that, along with the "statutory cap", if a first mortgagee institutes a foreclosure action, the mortgagee is incrementally liable for any special assessments levied against a unit during the pendency of such action for damage to the condominium property.

Many of these bills reflect how foreclosure impacts on the family budget changed homeowner attitudes in 2009. When unit owners first hear about neighbors that couldn't pay their assessments, their initial reaction is to exercise tolerance, empathetically acknowledging that "There, but for the Grace of God..." As they realize that they are actually paying their unfortunate neighbors' obligations, they begin to distinguish between subsidizing those neighbors' living expenses and paying for their recreational appetites. While initially conflicted about their delinquent neighbors' prospective dispossession, many association members that pay their assessments begin to resent subsidizing their use of the game room, the barbecue area, even the swimming pool.

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CRIST PLAYS FAST & LOOSE WITH ASSOCIATION VOTERS

By Eric Berkowitz

Federal House Bill 561 by Representative Ellyn Bogdanoff houses a score of regulations that dramatically assist every Galt Mile association – including the opportunity for high rise associations to fully opt-out of ANY megabucks sprinkler retrofit. The corresponding bill in the Florida Senate was originally Senate Bill 1222, filed by Senator Jeremy Ring. On March 3rd, one day after the legislative session officially commenced, it was merged into Senator Mike Fasano's Senate Bill 1196. Bogdanoff's bill revives much of the corrective legislation embodied in last year's vetoed Senate Bill 714, informally entitled the "Glitch Bill." Like SB 714, HB 561 seeks to reverse a litany of ill conceived regulations enacted over the past few years.

For example, it repeals the requirement that a unit owner purchase individual unit insurance coverage and name the association as an additional insured (you pay the premiums and the association gets the check). It relieves associations of the disposition to "force place" unit owner policies in the absence of an evidentiary certificate of insurance. It clarifies that the unit owner's policy provides excess coverage, thwarting carrier imposition of a double deductible. As recommended by the NFPA, it would exempt one or two story condominiums with external means of egress from installing a manual fire alarm system. Each one of these, as well as a dozen other insurance, life safety and operational "fixes" will help unit owners and associations weather the current economic tsunami. The bill's provisions enjoy near universal endorsement, having unanimously passed the legislature before being aborted by the Governor last year.

Executive Director Donna Berger of the Community Advocacy Network (CAN) has been instrumental in launching many of the pro-association bills filed by lawmakers during the past decade. An activist attorney with a history of dedicated advocacy for association and homeowner rights, she summarized how HB 561 was amended while undergoing scrutiny by the House Civil Justice & Courts Policy Committee, its first Statehouse Committee review. Her report included the following:

"On February 2nd, the bill was amended with language clarifying the sprinkler retrofit provisions and passed the Civil Justice & Courts Policy Committee with only one 'no' vote cast by Representative Fetterman. Fetterman's unfavorable vote expressed his opposition to the language which removes an association's right to purchase or 'force place' HO-6 individual insurance policies. Representative Bogdanoff agreed to include language at the bill's next committee stop [Insurance, Business & Financial Affairs Policy Committee] that would push back the retrofitting of elevators for Phase Two Firefighters Service. [Responding to input from the Civil Justice & Courts Policy Committee,] the amendments to HB 561 provide as follows:

- A condominium that is less than 3 stories in height which has an exterior means of egress corridor (aka catwalk) is exempt from installing a manual fire alarm system under the Life Safety Code [inherited from the vetoed SB 714 glitch bill, this provision embodies an NFPA recommendation – editor].
- Condominium staggered terms can be provided for anywhere in the association's governing documents and not just the Bylaws [an in-



tuitive correction of a baseless inequity in Robaina's 2008 handiwork – editor].

- A director will not be automatically removed from the board if the director's failure to provide a completed education certificate results from the failure of the education provider to timely provide it.
- High-rise condominiums and cooperatives shall be able to vote to opt out of costly sprinkler retrofits entirely (units, common areas and association-owned property). Those associations which do not vote to opt out cannot be required to install sprinklers prior to the end of 2019. For associations that have opted out of sprinklers, 10% of the owners can petition for another meeting to vote to require retrofitting; that vote may only be called once every three years."

The inclusion of cooperatives in the bill addresses concerns expressed by the 4-association Coral Ridge Towers complex, Edgewater Arms and Caribe, six Galt Mile associations organized as cooperatives whose members number among the neighborhood's earliest residents.

Following a 14-day written notice to each unit owner about a meeting called to vote against retrofitting the building with sprinklers, the association can opt-out by the affirmative vote of two-thirds of the voting interests. Any decision voted by the full membership would be binding for three years, after which the unit owners could petition for another vote. To insure that an association's decision to opt-out of the expensive retrofit reflects the members' wishes in perpetuity, petitions by 10% of the voting interests would trigger subsequent votes by the full membership.

It's Time to ACT... or PAY!

After key lawmakers received assurances from the Governor's top staffers that he would support the retrofit relief bill, Governor Crist revealed at a briefing that he might veto the legislation - again. Charlie Crist has cultivated a reputation for flip-flopping when confronted by political controversy. His Senate race handlers are weighing the benefits of recapturing the 2 million voters alienated when he vetoed SB 714 last year against the deep pockets of the Sprinkler Associations – with whom Florida CFO Alex Sink (the State Fire Marshal and gubernatorial aspirant) is curiously aligned.

Continued on page 22



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UPDATED 3/2 CORNER UNIT, MAGNIFICENT OCEAN VIEWS, 19' WRAP AROUND BALCONY.

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ROYAL AMBASSADOR

REMODELED 2/2, SE CORNER, OVERLOOKS POOL, OCEAN AND BEYOND.
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SOUTHPOINT

ALL NEW! RENOVATED 2/2 ON HIGH FLOOR WITH MAGNIFICENT OCEAN VIEWS.
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BEAUTIFUL OCEAN AND POOL VIEWS, SOUTHSIDE, 1800 SQ. FT., LOWEST PRICE WING APARTMENT, JUST LISTED.
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SEA RANCH LAKES NORTH

FURNISHED 3/2 WITH PANORAMIC OCEAN VIEWS. BIG L SHAPED TILED BALCONY.
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BEAUTIFUL 3/2 WITH MARBLE FLOORS THRU-OUT. RENOVATED AND FULLY FURNISHED.
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3 STORY TOWNHOME WITH ELEVATOR, 3/3.5, TWO CAR GARAGE, FIREPLACES & BEACH ACCESS.

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 1/1.5 CONDO ON THE SAND WITH HUGE
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\$768,000



SOUTHPOINT

UPDATED 2/2, 1662 SQ. FT., VIEW OF THE OCEAN, 1 PARKING SPACE & UPDATED BLDG.
\$529,000



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\$390,000



THE COMMODORE

REMODELED SPACIOUS 2/2 WITH SUNNY SE OCEAN VIEWS AND MORE.
\$350,000



L'HERMITAGE

BRIGHT HIGH FLOOR 2/2 + DEN, HUGE BALCONY AND MAGNIFICENT VIEWS.
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OCEAN CLUB CONDO

LARGE 2/2 CONDO ON THE BEACH WITH 1600 SQ. FT. LOW MAINTENANCE
\$379,000



L'AMBIANCE

3/2.5 WITH 2300 SQ. FT., DIRECT SE CORNER UNIT WITH IMPRESSIVE VIEWS.
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By Eric Berkowitz

CORNER CAMERAS SET TO SNAG! **SNOWBIRDS & COUNT CASH**

Those of you who followed discussions about the City's FY 2010 budget possibly remember one of the more esoteric sources of municipal revenue, tricky traffic tickets from vehicular violations caught on covert corner cameras. Intrigued by the prospect of addressing two serious problems on the same dime, city planners carefully scrutinized the issues surrounding what ultimately evolved into the new "Automated Camera Red Light Traffic Enforcement System". In addition to reducing traffic violations and resulting collisions, injuries and fatalities, the system has been annually budgeted to pump \$1.8 million into the City treasury.

In a nutshell, a 24/7 12.4 megapixel digital video camera planted on a traffic light captures two high-resolution images of passing vehicles. The first image shows the vehicle with the front wheels behind the stop bar and the illuminated red light, and the second image shows the vehicle in the intersection with the rear wheels past the stop bar and an illuminated red light. These two images contain all the information required to prosecute a red-light violation, including a clear image of the license plate, extracted from one of the two evidentiary images.

Red-light and speed limit camera enforcement systems have been plagued by legal and constitutional questions. Leery of becoming embroiled in litigious challenges to the system's efficacy, the city delayed consideration of red-light camera enforcement until the constitutional controversy was addressed in the courts. Last year, a precedent was established for citing the owner of a vehicle involved in running a red light, addressing the primary constitutional impediment. On January 5, 2009, the U.S. Court of Appeals for the Seventh Circuit held that issuing citations to vehicle owners (or lessees) without any evidence of who was actually driving the vehicle at the time of the traffic violation is constitutionally appropriate.

The case was brought against a camera enforcement system in Chicago that issues citations to the registered owners of vehicles that run red lights or violate speed limits. The Court rejected the violators' argument that Chicago's red-light camera system infringed on their due process rights since the owners are held responsible for violations they didn't commit. In his ruling, Chief Judge Frank H. Easterbrook wrote "Is it rational to fine the owner rather than the driver? Certainly so. A camera can show reliably which cars and trucks go through red lights but is less likely to show who was driving. That would make it easy for owners to point the finger at friends or children — and essentially impossible for the City to prove otherwise. A system of photographic evidence reduces the

costs of law enforcement and increases the proportion of all traffic offenses that are detected; these benefits can be achieved only if the owner is held responsible."

The court recognized the additional benefit of encouraging owners to exercise caution when handing out their car keys, stating "Owners will take more care when lending their cars and often they can pass the expense on to the real wrongdoer." Easterbrook serendipitously touched on Fort Lauderdale's incremental fiscal motive for installing the system, exclaiming "That the City's system raises revenues does not condemn it. Taxes, whether on liquor or on running red lights, are valid municipal endeavors. Like any other exaction, a fine does more than raise revenue: It also discourages the taxed activity. A system that simultaneously raises money and improves compliance with traffic laws has much to recommend it and cannot be called unconstitutionally whimsical." This shiny new Federal precedent — coupled with the fact that the system is already operational in 26 states as well as the District of Columbia — prompted the city to roll the dice.

Inherently supportive of reassigning officers to more challenging tasks, the Law Enforcement community has enthusiastically endorsed camera enforcement at bumper car intersections and stretches of roadway that intermittently lapse into mid-evening drag strips (not unlike A1A south of Commercial Boulevard). In 2005, the International Association of Chiefs of Police passed a Resolution at their conference in Miami that supports the Red Light Camera System Operational Guidelines adopted earlier that year by the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA).

On May 13, 2009, under the auspices of the City's Procurement Services Department, Captain Michael G. Gregory chaired an RFP (Request for Proposal) Selection Committee comprised of Lieutenant Michael DiMaggio and City Engineer Peter Partington, convening a pre-proposal meeting to review specifications of an Automated Camera Red Light Traffic Enforcement System (RFP 385-10113). Gregory is a 22-year Fort Lauderdale Police Department veteran who heads the Staff Support Division. On May 19th and June 2nd, the City Commission approved the first and second readings of an ordinance amending Code of Ordinances, Chapter 26, Traffic, creating Article VII, titled "Traffic Intersection Safety Act" - Red Light Camera Traffic Enforcement (C-09-14).

Continued on page 17

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Cameras...Continued

On June 25th, the committee created a "short list" of promising vendors after reviewing all the submitted proposals. On June 30th, based on oral presentations, they evaluated three competitors for the contract - ACS State and Local Solutions, ATS American Traffic Solutions and Traffipax, Inc. On Friday, October 6th, they offered the deal to Scottsdale, Arizona based ATS American Traffic Solutions, Inc., the low bidder at \$2,040,000. On Friday, October 23rd, the committee engaged in contract negotiations with the company, which continued on November 24th. Following a 4 - 1 favorable vote by the City Commission on January 20, 2010, the City published its intent to award ATS American Traffic Solutions the contract for their Automated Red Light Camera Traffic Enforcement System. At the February 2nd meeting, the Commission voted 4 - 1 to close a 39-month deal worth \$2,970,000.

The \$1.8 million (in expected annual revenue) that was appropriated to initially fund the program proved inadequate. On February 2nd, the City Commission passed a resolution to amend the FY 2010 city budget, allocating an additional \$1,170,000 to a dedicated camera enforcement operating budget for unanticipated professional, clerical and other services & equipment. To return the city budget to balance, the annual "ticket take" must also increase from \$1.8 million to \$2.97 million. The City also developed a sliding scale termination formula with ATS in case future court precedents destabilize the system's legal foundation or the legislature moves to grab so much revenue that the system becomes fiscally unviable.

The cameras will adorn traffic signals located at ten of the City's most dangerous intersections and violators will be billed for the

\$125 fine. At the January 20th Commission meeting, City auditor John Herbst said that although each location is expected to yield about 22 tickets per day, the city anticipates successfully collecting only 60 percent of the fines. If a vehicle owner disagrees with a violation, the case will be heard by a special magistrate in City Hall.

Since they own the cameras, American Traffic Solutions Inc. will receive \$28 for each citation. The company serves more than 200 municipalities and government agencies with red-light and speed camera enforcement programs and is the largest provider of traffic enforcement programs to America's big cities. They operate programs in New York City and Nassau County, New York; Philadelphia, Pennsylvania; Washington, D.C.; St. Louis and Kansas City, Missouri; San Diego, California; Seattle, Washington; Houston, Fort Worth, Irving and Arlington, Texas; New Orleans and Baton Rouge, Louisiana; Memphis, Tennessee; Tucson, Mesa, Glendale and Scottsdale, Arizona; and now adds Fort Lauderdale, Florida.

While the city is confident that the system will survive constitutional challenges, there is no provision in State law for drivers to be prosecuted for violations based on red-light camera evidence. In 2005, Pembroke Pines City Attorney Sam Goren asked then-Attorney General Charlie Crist for a legal opinion. Crist's opinion was rendered in two parts. In the first part, Crist said local governments had the right to set up cameras, take pictures and let drivers know when they had run red lights.

Continued on page 20

EASILY REMOVE AND PLACE ON YOUR FRIDGE

SUN

MON

TUE

WED

14 LBTS Craft Festival
A1A & Commercial Blvd.
10am-5pm
Info.: 954-472-3755

Daylight Saving Time Starts

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

15

Commissioner Bruce Roberts:
Pre-Agenda Meeting
Cardinal Gibbons High School, Media Room
6 p.m.
Info.: 954-828-5033

16

In The Heights
(Through 3/28)
Broward Center
Tix.: www.browardcenter.org

Fort Lauderdale
City Commission Meeting
City Hall
6 p.m.

17

Saint Patrick's Day

Food Fight!
(Through 3/28)
Broward Center
Tix.: 954-462-0222

21

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

22



23

Tchaikovsky Piano Concerto No 2
Symphony of the Americas
Broward Center
8:15 pm
954-462-0222

24

Chamber of Commerce Business Expo
War Memorial Auditorium
Info.: 954-828-5380

28

Palm Sunday



Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

29

Erev Pesach (Passover)

30

31

4 **Sunday Jazz Brunch**
Riverwalk, Downtown FL
11 a.m. to 2 p.m.
Info.: 954-828-5985

Easter

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

5

GMCA President's
Council Meeting
Plaza South
7:30 to 9 p.m.
(Our gratitude to Plaza South President
Andrew Surdivel for hosting this important
meeting)

Commissioner Bruce Roberts:
Pre-Agenda Meeting
Cardinal Gibbons High School, Media Room
6 p.m.
Info.: 954-828-5033

6

The Color Purple
(Through 4/18)
Broward Center
Info.: 954-462-0222

Fort Lauderdale
City Commission Meeting
City Hall
6 p.m.

7

YMCA National Short Course Swimming &
Diving Championships
(Through 4/10)
Fort Lauderdale Aquatic Complex
6 p.m. - 9 p.m.
Info.: 954-828-4580

11

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

12

13

14

MAR/APRIL

**FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT
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ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

<p>18 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p> <p>G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.</p> <p>Billfish Tournament (Through 3/21) Fort Lauderdale Info.: 954-523-1004</p>	<p>19 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Once Upon A Quilt Show War Memorial Auditorium Info.: 954-987-8827</p>	<p>20 Florida Derby Gulfstream Park Info.: 954-454-7000</p> <p>A Night of Literary Feasts Cocktail Reception & Book Signing Fundraiser for Ft. Lauderdale Libraries Hyatt Regency Pier 66 6 p.m. / Dinner 8 p.m. Admission: \$150/person</p>
<p>25 Movie Night: Pretty in Pink Fairchild Tropical Garden 6 p.m. to 9 p.m. Info.: www.fairchildgarden.org</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>26 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092</p> <p>Home Design & Remodeling Show (Through 3/29) Miami Beach Convention Center Info.: www.homeshow.net</p>	<p>27</p>
<p>1 April Fools Day</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>2 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p>	<p>3</p> <p>Orchid/Bromeliad Show & Sale (Through 3/4) Flamingo Gardens Info.: www.flamingogardens.org</p>
<p>8 2nd on 2nd Thursdays Block Party 200 Block SW 2nd Street 5 to 9 p.m. Info.: 954-468-1541</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>9 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p>	<p>10</p> <p>Great Strides Walk-a-thon Hugh Taylor Birch State Park 8 a.m. - 3 p.m. Info.: 954-739-5006</p>
<p>15 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p> <p>G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant 11 a.m.</p>	<p>16 Wine & Culinary Celebration Museum of Discovery & Science 6 to 11 p.m. Info.: 954-713-0954</p> <p>Pompano Beach Seafood Festival Atlantic Blvd & A1A, 10 a.m. Info.: 954-570-7785</p> <p>Ocean Fest Dive & Adventure Expo (Through 4/18) Ft Lauderdale Beach Info.: www.oceanfest.com</p>	<p>17 Tropical Fish Expo Flamingo Gardens 9:30 a.m. - 4:30 p.m. Info.: 954-473-2955</p> <p>Florida's Newport Guitar Festival (Through 4/18) Hard Rock Live Info.: www.newportguitarfestival.com</p>

UPCOMING EVENTS IN OUR AREA

April 18
Bon Jovi
BankAtlantic Center
Tix.: www.bankatlanticcenter.com

April 19 - September 12
Francie Good & David Horvitz Collection
Museum of Art
Info.: 954-525-5500

April 20
Joaquin Achucarro - Symphony of the Americas
Broward Center, 8:15 p.m.
Info.: 954-462-0222

April 20 - 25
The Kosher Cheerleader
Parker Playhouse
Info.: 954-462-0222

April 23 - May 3
Fleet Week 2010
Port Everglades
Info.: 954-739-7631

April 23 - 25
Air Lauderdale & Beach Fest
Fort Lauderdale Beach
Info.: 954-762-7000

May 15
Ballet Gala - Arts Ballet Theatre
Broward Center
Info.: 954-462-0222



However, in the second part, Crist said that cities couldn't issue red-light tickets without changes to state law. According to Crist, State law required that "an officer enforcing the traffic law personally observe or have personal knowledge of the particular infraction that serves as the basis for issuing the citation." Whether or not reviewing photographic evidence satisfies any definition of "personal knowledge" has provided system opponents with intermittently reliable ammunition.

The state's uniform traffic code provides that drivers must know the rules of the road and that they get ticketed for violating those rules. Because red-light camera systems snap pictures of the license plate, the car's owner is cited, not the driver. Bills filed by Statehouse Representative Ron Reagan and Senator Thad Altman that would have added red light camera enforcement to the uniform traffic code during last year's legislative session died on the calendar before differences between the House and Senate versions could be settled. The House bill retroactively immunized red light camera system manufacturers against lawsuits from disgruntled drivers. The Senate bill did not. While this minor ideological skirmish is eminently resolvable, finding a formula for dividing the loot presents a far greater challenge.

Both Senate Bill 2004 and House Bill 439 funneled a portion of the \$150 fine into the state's general revenue pot. Another chunk of the money would have gone into a Department of Health trust fund for use by Florida trauma centers, public hospitals and Medicaid-eligible nursing homes that serve victims of traumatic brain injuries. While both bills sent 60% of the money to local governments when the cameras were monitoring city or county roads, the Senate version sent nothing to local governments when cameras watched state roads. Since 32 Florida communities currently operate red light camera enforcement systems, attempts to legislate the State's "cut" of this cash cow are inevitable.

Florida municipalities have circumvented this support vacuum in state law by ordaining red light infractions as local code violations - and installing equipment on land not controlled by the state. They also contrived a strategy in which the municipality maintains an arms distance relationship with the event. Generally, the vendor gathers the information and turns it over to local law enforcement to review the evidence, which is included in the two images generated by the camera. A local law enforcement officer can see whether outside factors precipitated the infraction and decide if the citation is warranted. Since an unfavorable court ruling could becloud the program if the violation is successfully challenged by a vehicle's owner, cities generally empower a special magistrate - paid by the city - to hear those challenges.

When the concept was initially considered by City budget planners last May, Mayor Jack Seiler questioned a strange quirk in Fort Lauderdale's supporting traffic ordinance. When officers write tickets duplicative of those issued as camera violations, both fines are fully enforceable - prompting Seiler to ask whether "double jeopardy" protection would thwart prosecution. City Attorney Harry Stewart explained that since the legal precept applies only to criminal violations, the only recourse for drivers doubly indebted for civil infractions is reliance on the magistrate's mercy during an appeal. When law enforcement personnel were polled, they indicated a preference for preserving the ordinance "in its present form," allowing an officer on the scene to decide whether the violation warrants a double punch.

City officials are monitoring current threats to the system's legal underpinnings. In late September, two dozen drivers joined a class

action suit against Pembroke Pines, claiming that red light cameras violate their rights to due process and equal protection. Anticipating the suit, Pembroke Pines opted to share the legal risks with vendor ATS American Traffic Solutions (the same vendor selected by Fort Lauderdale) and added an equipment lien to their contract, along with eliciting a legal war chest of \$100,000. Similar cases are currently underway in Aventura, Orlando and Miami Gardens.

The public safety aspect of this strategy is admittedly a double edged sword. The system radically reduces the number of mid-intersection right angle collisions that ordinarily accompany red light violations. However, when drivers reactively slam on the brakes to avoid passing stop bars in camera-equipped intersections, the number of rear end collisions increase. On balance, authoritative studies by the Federal Highway Administration and the Insurance Institute for Highway Safety that statistically measure the comparative costs of injuries, property damage and fatalities both caused and deterred by camera enforcement conclude a palpable safety benefit.

When a municipality can achieve statistically verifiable significant decreases in violations, accidents, injuries and fatalities without a sizable investment in manpower, the public safety case for these camera enforcement systems becomes adequately enticing to risk the potential legal pitfalls. When the prospect of pumping \$millions into city coffers during a recession is added to the mix, public officials are often unable to resist. These dual benefits are convincing cities and counties across Florida to either put their toe in the water with a test program or take a deep breath and jump into full blown implementation at multiple locations.

Continued on page 21

“The system radically reduces the number of mid-intersection right angle collisions that ordinarily accompany red light violations”

Camera enforcement systems have already been installed or are "in progress" in Florida jurisdictions like Margate, Pembroke Pines, Hollywood, Miami Beach, Aventura, North Miami Beach, Miami Gardens, North Miami, El Portal, Miami Shores, Florida City, Homestead, Hialeah, Apopka, Orlando, Delray Beach, Winter Park, Tallahassee, Clermont, Kissimmee and Fort Lauderdale - to name a few. Down the block, the City of Oakland Park drafted an ordinance in preparation for a planned pilot program. Of the ten most accident-prone intersections they identified, six of the seven worst are along Oakland Park Boulevard and East Commercial Boulevard.

Not surprisingly, the only City Commissioner to vote against designating the ten dangerous intersections for camera enforcement was Charlotte Rodstrom - AKA Commissioner "NO", expressing concern about "bad press" and potential litigation. "As much as I'd like to see this safety feature put in place," lamented Rodstrom, "I'm worried about the liability."

Attention Snowbirds: Generally oblivious to which locations were selected for surveillance, unsuspecting visitors and "snowbirds" statistically comprise the majority of vehicle owners tagged at camera equipped intersections. Since familiarizing oneself with the ten sites designated for initial placement can thwart potential victimization, the list has been posted below. You'll notice that three locations are right up the block on Federal Highway at both Commercial and Oakland Park Boulevards.

P.S. If the City of Oakland Park also proceeds with plans to install the camera enforcement system at intersections deemed by the Broward Sheriff's Office (BSO) as the most dangerous within the Oakland Park jurisdiction, monitored sites will likely include Dixie Highway at Commercial and Oakland Park Boulevards, just a few blocks farther west of the Federal Hwy camera traps. **Within the City of Ft. Lauderdale, cameras will be mounted on red lights at the following intersections:**

- Eastbound East Sunrise Blvd at Northeast 15th Avenue;
- Southbound Northeast 15th Avenue at East Sunrise Blvd;
- Southbound North Federal Highway at East Oakland Park Blvd;
- Westbound Northwest 62nd Street./West Cypress Creek Road at Northwest Ninth Avenue/Powerline Road;
- Eastbound Northwest 62nd Street/West Cypress Creek Road at Northwest 31st Avenue;
- Southbound Northwest 31st Avenue at Northwest 62nd Street/West Cypress Creek Road;
- Eastbound West Sunrise Blvd at Northwest Ninth Avenue;
- Westbound West Sunrise Blvd at Northwest Ninth Avenue;
- Eastbound East Commercial Blvd at North Federal Highway/U.S. 1
- Westbound East Commercial Blvd at North Federal Highway/U.S. 1

For additional information about the red light camera enforcement system, go to the GMCA web site home page (www.galtmile.com) and click on the center column headline "Cameras Catch Cash & Snag Snowbirds." •

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Foreclosures...Continued

While most association documents contractually intimate a "good standing" requirement in exchange for a unit owner's association rights, they do a notoriously poor job of detailing that relationship. Almost half the bills addressing foreclosure fallout are infused with provisions that tie non-payment by unit owners to a loss of their common area use rights, disenfranchisement or worse.

Increasingly faced with subsidizing every defaulted dollar, unit owners are insisting that association boards submerge charitable instincts and enforce collections with professional detachment. In this environment, casual compassion is often construed as favoritism or even discrimination. Since the new legislative delinquency deterrents are voluntary, they should be applied equally and dispassionately to all association members in violation...or none!

For additional information and links to the actual bills, go to the GMCA home page (www.galtmile.com) and click the center column headline "Pre-session Foreclosure Relief Landscape." Links to the Bill's sponsors are provided as well. •

At the March 1st Presidents Council meeting, Donna Berger described how Fire Marshals openly employed by the Sprinkler Associations are relentlessly pressuring the Governor's campaign gurus. She characterized their use of "Towering Inferno" scare tactics as disingenuous since a fire in a unit's interior would be largely unaffected by a single sprinkler head in the unit foyer (as mandated by the statute). The statutory "Minimum Alternative Life Safety System" was never intended to extinguish fires. It was designed to provide a moderately safe egress for buildings with suspect early detection capabilities and poor compartmentation characteristics (deficiencies not found in the concrete-block, code compliant structures along the Galt Mile).

In the DBPR Sprinkler Retrofit Report, the insurance industry addressed the life safety value of the statutory retrofit, exclaiming it unworthy of ANY rate reduction. Berger confirmed that this issue is primarily driven by money. Berger's closing comment resonated with the attending association officials, "Given that some folks may wind up losing their homes due to special assessments needed for sprinkler retrofits, one must ask the Governor whether it's safer living under a bridge or in a concrete block construction building without sprinklers." The stakes for the Sprinkler Associations and the Plumbers & Pipefitters Union are enormous, since each of the 6000 high rise associations impacted by the statute will pump between \$500,000 and \$3 million into the Sprinkler Industry's pocket - a \$multi-billion corporate mini-stimulus package wholly funded by YOU!

Berger further clarified that the Governor's current concern is votes. Governor Crist's Senate bid has recently encountered serious reversals, given the heated competition for the Florida Senate seat by former Statehouse Speaker Marco Rubio and Democrat contender Kendrick Meek. When Crist vetoed SB 714, his record approval numbers mitigated concerns about having sacrificed association voters for dollars. After losing 16 straight county committee polls (including in Pinellas - his home county) and being bypassed by primary rival Rubio in the Quinnipac University and Rasmussen polls in January, Crist needs to reacquire support lost by his cavalier treatment of 2 million association members.

In short, the Governor's political bean counters are tracking feedback from the associations to determine if the damage to his Senatorial aspirations is far-reaching - as stated by Representative Bogdanoff and association advocates - or negligible - as claimed by the Sprinkler Associations. If the Governor's political handlers are convinced that most association members oppose the huge retrofit assessment, he will support Bogdanoff's House Bill 561. If they believe the Sprinkler Association spin that we don't really care, we'd better start saving up for a crushing \$multi-million budget burner.

Public officials in local jurisdictions across the state are moving to support the Retrofit Relief legislation, given how the recessionary pressures on association homeowners are compounded by Florida's unprecedented foreclosure rate - forcing a diminishing pool of unit owners to shoulder the budgetary burden. After meeting with State Fire Marshal Division Director Julius Halas, the City of Naples City Council passed a resolution supporting Bogdanoff's relief bill on February 19th. Closer to home, Fort Lauderdale Vice Mayor Bruce Roberts has stated his intention to introduce a resolution supportive of the relief bill to the City Commission. On March 2nd, Broward Mayor Ken Keechl and Vice Mayor Sue Gunzburger proposed a similar resolution for the Broward County Commission. After pointing out that the entire Florida Legislature has twice endorsed the desperately needed relief, the County Resolution states "The Broward County Board of County Commissioners does hereby declare, and urge Governor Charlie Crist to adhere to the will of the Florida Legislature and the millions of impacted Floridians and allow HB 561 and SB 1222 (as same may be amended or renumbered) to pass safely into law." Broward Mayor (and District 4 County Commissioner) Ken Keechl also plans to enjoin this initiative with the County legislative agenda scheduled for delivery next month in Tallahassee.

While municipal resolutions are important vehicles for framing the fiscal pain imputed to this pork byproduct, it is YOUR INPUT that will ultimately determine its outcome. Representative Bogdanoff spelled out the Bottom Line... we must ALL contact the Governor and ask that he support HB 561. Through the Community Advocacy Network (CAN), the Galt Mile Community Association has allied with thousands of associations from across Florida in a campaign to notify the Governor that the decision to retrofit should be returned to the homeowners that must pay for and live with that decision. Whether you will have to pony up \$8000 to \$18,000 to subsidize a big-time payday for the Sprinkler Associations is in your hands. Please send an email, letter or fax - or make a telephone call to the Governor and request his support for the retrofit relief in HB 561. After all... it's your money!

Governor Charlie Crist
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399
Phone: (850) 488-7146
Fax: (850) 487-0801
Email: Charlie.Crist@MyFlorida.com

- Email addresses of those with whom the Governor will consult:
- Lieutenant Governor Jeffrey Kottkamp - Jeff.Kottkamp@MyFlorida.com
 - Florida CFO and State Fire Marshal Alex Sink - Alex.Sink@MyFloridaCFO.com
 - Division of State Fire Marshal Director Julius Halas - Julius.Halas@MyFloridaCFO.com

To facilitate your input to these key decision makers, go to the Galt Mile Community Association web site (www.galtmile.com) and click the center column headline "How YOU Can Stop the Retrofit Ripoff!" or "The Sprinkler Retrofit Money Pit" on the right sidebar. It will provide you with email links to the above public officials. Simply click the links to pop out the relevant emails. Sending emails will help. Sending them each week throughout the 60-day legislative session should win the day.



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