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APRIL 2010

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PUBLISHER

Second Studio, LLC
954-292-6553
2ndstudios@gmail.com

EDITOR

Eric Peter Berkowitz

ADVERTISING

954-292-6553
galtnews@yahoo.com

PRINTER

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2010 ASSOCIATION OMNIBUS BILL TAKES SHAPE LEGISLATION CURES A BROAD RANGE OF EXPENSIVE INEQUITIES

By Eric Berkowitz

Three weeks into the 2-month 2010 legislative session, bills impacting associations are dancing through committee minefields en route to a single omnibus association bill. Sharing center stage is House Bill 561 (HB 561) by Statehouse Representatives Elyn Bogdanoff and Matt Hudson. HB 561 and bicameral counterpart Senate Bill 1196 (SB 1196) by Senator Mike Fasano are the heirs to ill-fated Senate Bill 714, the 2009 association "glitch" vehicle that offered hope in a session marked by subverted foreclosure bills, unrealized insurance fixes and a sprinkler retrofit "compromise" that was perfidiously nuked by the Governor.

The anger and fear experienced by association boards and managers struggling with survival budgets has spread epidemically throughout common interest communities, directly gripping each unit owner. Being forced to subsidize the same banks that precipitated the recession has served as a wakeup call. The prospective \$multi-million assessment for an unnecessary sprinkler retrofit has added fuel to the fire, moving association homeowners to strap up and fight back.

For years, frustrated associations watched helplessly as trade organizations in the banking, insurance and fire service industries repeatedly reversed every legislative attempt to provide unit owners with desperately needed fiscal relief. Disgusted by the legislature's acquiescence to lobbying interests, associations realized that their survival hinged on adopting a page from their opponents' playbook. Although unable to provide the financial "incentives" offered to key lawmakers by cash-rich trade organizations, they control something equally valuable – votes – by the truckload – enough to cloud the outcome of every major race in Florida.

The 2010 legislative session precedes an election that will decide the career paths for many of Tallahassee's "big dogs". By formulating a unified legislative strategy based on enlightened self-interest, the 2 million Florida association members are leveraging their votes for the legislative relief previously denied them by powerful lobbies. Unit owners in associations across the state are contacting the same lawmakers pressured by lobbyists representing banks, insurance carriers and sprinkler trade organizations and offering them a prosaically uncomplicated arrangement – "my vote for yours".

While providing the opportunity to opt out of any megabucks sprinkler retrofit assessment, SB 1196 and HB 561 also mollify a wide variety of association obstacles, the removal of which will alleviate the strain on association - and household - budgets. Although these bills currently house most of the legislative improvements sought by associations, vetting committees will subject them to refining amendments and language acquired from prospectively merged legislation will strengthen and enforce statutory foreclosure caps. While the following summary excludes the bills' regulations targeting Homeowners Associations (HOAs) since they are largely irrelevant to Galt Mile members, their broad spectrum of provisions impacting condominiums and cooperatives are outlined as follows:

Condominium Provisions

Condominium Fire Alarm Systems

- Amending s. 633.0215, F.S., it provides that a condominium, cooperative, or multifamily residential building less than four stories in height with an exterior means of egress corridor is exempt from installing a manual fire alarm system as required in s. 9.6 of the most recent edition of the Life Safety Code adopted in the Florida Fire Prevention Code. Despite its having been declared unnecessary by the National Fire Protection Association (NFPA), the "highly aggressive" fire service industry lobbied its inclusion into the current law.

Condominium Fire Sprinklers

- Amending s. 718.112, F.S., it provides for a retrofit exemption to condominium associations for a fire sprinkler system or any other form of engineered life safety system retrofitting sprinklers in a high rise building. An association can fully opt out of any retrofit requirement and the attendant assessment by an affirmative vote of two thirds of the voting interests. The bill provides that a previous vote to forego retrofitting may only be reconsidered once every three years at a special meeting called by a petition of 10% of the voting interests.

Continued on page 7

Sprinklers...Continued

- For associations that don't opt out, the local authority having jurisdiction may not require completion of retrofitting of common areas with a sprinkler system or any other form of engineered life safety system before the end of 2019.

Condominium Elevators

- The bill allows associations to opt out of Section 553.509(2), which requires generators for elevators, by an affirmative vote of the majority of the voting interests in the affected condominium. (A report by the Senate Regulated Industries committee staff recommended repeal of the 2006 statute)
- Provides for a delay in the retrofit of a special access key for elevators in condominiums and cooperatives until the elevator is replaced or requires major modification; amends s. 399.02, F.S., relating to updates to the code requiring modifications for Phase II Firefighters' Service on existing elevators.

Condominium Insurance

- Creates 627.714, F.S., requiring all HO-6 policies issued or renewed after July 1, 2010, to include at least \$2,000 in property loss assessment coverage (sets deductible maximum of \$250 per property loss; precludes carriers from charging a second deductible for claims that apply to same direct loss).
- Provides that all references to "hazard" insurance and "casualty" insurance are changed to "property" insurance.
- Clarifies that adequate property insurance shall not be based upon the "full insurable value" of the property, but must be based on the "replacement cost" of the property to be insured, which must be determined at least once every 36 months.
- Removes requirement that a notice of board meeting wherein an insurance deductible is set contain the assessment authority relied upon by the board and the estimate of the potential assessment amount against each unit (but still requires 14 days notice).
- States that unit owner insurance is only for items listed (i.e., the personal property within the unit or limited common elements, and floor, wall, and ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-in cabinets and countertops, and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components, or replacements of any of the foregoing) that are located within the boundaries of the unit and serve only such unit. Such property and any insurance thereupon shall be the responsibility of the unit owner.
- States that a condominium unit owner's policy shall conform to s. 627.714 F.S. (relating to loss assessment coverage)
- Removes language regarding insurance of "improvements" that benefit fewer than all the owners
- Eliminates the requirement that owners provide proof of hazard and liability insurance to the association not more than once a year. Also eliminates the association's right to "force place" insurance if the owner fails to provide an evidentiary certificate of insurance within 30 days of being asked.
- Eliminates requirement that Association must be an additional named insured and loss payee on all HO-6 casualty insurance policies issued to unit owners in the condominium operated by the association (you pay premium, association gets the benefit check).

Continued on page 8

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Timeshare Condominiums

- Amending s. 718.112(2)(d)1., F.S., it exempts timeshare condominiums from the requirement that the terms of all members of the board expire at the annual meeting unless otherwise permitted by the bylaws.

Condominium Rental Amendments

- Amending s. 718.110(13), F.S., it provides that any amendment prohibiting unit owners from renting their units or altering the duration of the rental term or the number of times unit owners are entitled to rent their units during a specified period applies only to unit owners who consent to amendment and unit owners who acquire title to their units after effective date of amendment.

Condominium Official Records

- Clarifies that director liability for failure to maintain or destruction of official records is limited to cases where there is intent to harm the association or one or more of its members.
- Provides that association is not liable for unit owner misuse of information obtained from official records.
- Provides that personnel records (disciplinary, payroll, health and insurance records) are exempt from unit owner access.
- Provides that e-mail addresses, telephone numbers, emergency contact information, and any addresses of a unit owner that are not provided to fulfill the association's notice requirements are exempt from unit owner access.
- Provides that the association's electronic or computer security data, including passwords, and software and operating systems that allow the manipulation of data are exempt from unit owner access.
- The bill permits access to the following personal identifying information: the person's name, lot or unit designation, mailing address, property address, and other contact information relevant for notice requirements.

Condominium Financial Reporting Requirements (prospective changes to financial reporting requirements)

- Financial report will be due 180 days after end of fiscal year (increased from existing 120 days) unless otherwise provided for in the bylaws.
- Associations that operate fewer than 75 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures instead of financial statements (currently applicable to associations of fewer than 50 units).
- Amends the provisions dealing with DBPR's requirement to adopt rules involving financial reporting requirements. The rules shall include, but not be limited to, standards for presenting a summary of association reserves, including, but not limited to, a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on a straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method.

Condominium Common Expenses

- Amending s. 718.115(1)(d)1., F.S., it provides that communication services (as defined in chapter 202), information services, and Internet services obtained pursuant to a bulk contract shall be deemed a common expense. The bill provides associations with the discretion to allocate costs of a bulk contract on a per-unit basis for a "as a percentage of" basis.

Condominium Collections and Foreclosures

- The claim of lien may include cost for collection letters or any other collection effort by management companies or licensed managers as to any delinquency in installment of assessment, but may not exceed \$75.
- Provides that if a unit is occupied by a tenant and that unit owner is delinquent in the payment of any monetary obligation to the association, the association may demand that the tenant pay to the association the future monetary obligations related to the condominium unit. Requires the association to mail written notice to the unit owner of the association's demand that the tenant make payments to the association.
- Provides that the liability of the tenant may not exceed the amount due from the tenant to the tenant's landlord. Provides that the tenant's landlord shall provide the tenant a credit against rents due to the unit owner in the amount of monies paid to the association. Provides that the association may sue for eviction as if the association were a landlord if the tenant fails to pay a required assessment to the association.
- Provides that the association may suspend the use rights for the common elements, common facilities or any other association property if a unit owner is delinquent for more than ninety days in the payment of a monetary obligation due to the association, except that association may not suspend the right to use limited common elements intended to be used only by that unit, common elements that must be used to access the unit, utility services provided to the unit, parking spaces, or elevators. Fines up to \$100 may be levied per violation; up to \$1000 in the aggregate.
- Provides that an association may also suspend the voting rights of a member due to nonpayment of any monetary obligation due to the association which is delinquent in excess of ninety days. The suspension ends upon full payment of all obligations currently due or overdue the association.

By formulating a unified legislative strategy based on enlightened self-interest, the 2 million Florida association members are leveraging their votes for the legislative relief previously denied them by powerful lobbies.

VICE MAYOR BRUCE ROBERTS'S NEWSLETTER

** In his March Newsletter, District 1 Commissioner and Vice Mayor Bruce Roberts shines light on events spanning a variety of venues. The Vice Mayor reviews several high-impact issues that resonate across district and even city lines. Changing hats, Roberts turns his attention homeward. The District 1 City Commissioner addresses local concerns brewing in his own back yard.*

Touching on a source of angst for every city resident, Roberts laments the Florida Legislature's attempt to betray the legacy of every Floridian by entreating Congress to roll out the welcome mat for big oil, whose lobbyists have been banging heads 24/7 in Tallahassee. Their unrelenting campaign to open the beaches to oil drilling rigs has evolved into a bill that cynically asserts on its first page that locating oil wells on the beach will actually benefit the tourist economy (It's really in there!) Roberts applauds the laudable actions taken by City employees to ameliorate conditions for victims of the Haitian disaster.

At the February 18th Galt Mile Advisory Board meeting, Roberts was briefed on the statutory nightmare facing association members living in 6,000 high rise buildings throughout the state. When alerted to a mandate requiring thousands of District 1 homeowners to cough up \$millions for a bogus sprinkler retrofit, he spearheaded a resolution supporting a retrofit relief bill currently winding through the State Capitol. Although the provisions in Statehouse Representative Ellyn Bogdanoff's House Bill 561 had already been overwhelmingly approved by lawmakers in both 2006 and 2009, the resolution is also pointed at the Governor, whose veto pen nuked last year's version of the bill (SB 714). Fort Lauderdale joins Broward County, the City of Naples, Collier County and a growing number of other Florida jurisdictions in condemning this threat by the Sprinkler Associations and the Plumbers and Pipefitters Union to bleed a \$multi-billion mini-stimulus package from homeowners in high rise associations across Florida.

Forced to address a curious consequence of the crippled economy, the Vice Mayor is umpiring a conflict between homeowners trying to pick up a few bucks by renting their homes to short-term vacationers and their embittered neighbors, who seek to preserve their neighborhood's residential integrity. He also blames recent meteorological anomalies for the sudden jump in noise complaints from neighborhoods surrounding Executive Airport.

The Vice Mayor raised another issue at the Advisory Board meeting - the explosive proliferation of local Pain Clinics. A Broward County Grand Jury report describing how South Florida's reputation as the new national Pill Mill drew "customers" all the way from the hills of Kentucky ignited the City Commission's ire, resulting in an ordinance freezing the phenomenon's potential for continued growth. The city must proceed carefully, however. Any controls they ultimately implement mustn't interfere with the needs of the many legitimate patients that struggle with the effects of chronic pain every day of their lives.

*Pain is an appropriate segue to Roberts' parting shot. In preparation for what will admittedly be the City's toughest Budget challenge, the City Commission is polling the Budget Advisory Board for taxpayer input. To insure that departmental cuts are performed with surgical precision, the Board will audit the Police Department, Fire-Rescue, Public Works and Parks and Recreation prior to the September Budget Hearings. Although City residents are expecting serious pain, since City Manager George Gretnas will still be at the helm when the draft Budget is released in July, confidence in the City Manager's fiscal effectiveness and the Mayor's hometown passion will likely engender popular support for next year's fiscal road map. In contrast, absent some remarkable economic reversal, every budgetary bump and bruise in the following year's work product could be laid at the feet of the City Commission. For Roberts' take on these issues, read on... - [editor]**

OIL DRILLING, OXYCONTIN, AND OPTING OUT

Offshore Drilling The issue of offshore drilling has come up in the Florida State Legislature. House Memorial 563 was filed in the House on January 4, 2010. The Florida House Memorial seeks to urge Congress to support the expiration and removal of the moratoria prohibiting exploration and oil production in Florida waters in areas other than those already approved for oil leasing and oil exploration. On March 2, 2010, the City Commission voted unanimously to approve a resolution opposing this action.

Update on Haiti Relief Efforts Through the generosity of the City's employees, we have raised \$10,993.53 towards the relief in Haiti. Thanks to the following Departments for their involvement:

- Parks and Recreation: Raised \$1,000 from Play for Haiti Day event
- Building Department: Raised \$1,100 by hosting a breakfast and Valentine's Day Raffle
- Office of Management and Budget: Raised \$452 from a Bake Sale
- Information Technology: Raised \$1,700 by hosting two on-line auctions
- Public Works: Raised \$4,000
- City Attorney's Office: Raised \$2,600
- Fire Department: Will be hosting a Poker Tournament on 3/27/10

-Human Resources: Hosted a Baby Shower and collected over 527 items including diapers, medicines and mosquito netting
-Drop-off Points (Fire Stations and City Hall): Collected 70 cases of water, 6 cases of flashlights and over 200 canned goods.

HB 561 Extend Life-Safety Code Retrofit Relief to Community Associations As most of you know, a bill was being considered to make it mandatory for installing or retrofitting a condominium with a fire safety sprinkler system in common areas. The need had not been demonstrated and the cost would have been prohibitive. Some cities banded together to adopt a resolution supporting legislative efforts to extend life-safety code retrofit relief to community associations. Due to Pio Ieraci's (Galt Ocean Mile Association) dedication to this effort, I brokered a resolution supporting HB 561, which was unanimously passed by the City Commission on March 2, 2010. This will allow a community's membership the right of self-determination with regard to the need for certain retrofit requirements. Hopefully, with everyone's efforts, this bill will be passed.

Concerns in District 1

Short-Term Rentals There are several areas within District 1 where it appears private homes in residential areas are being used as daily and/or weekly vacation rentals. A resolution was passed in 2009 (#09-304) creating a Short Term Residential Use Committee to make recommendations to the City Commission concerning use of residentially zoned property in light of protecting neighborhood tranquility and peaceful enjoyment of residential property. I am working with City staff to make sure these concerns are addressed. Continued on page 11



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Bruce Roberts



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Cooperative Provisions

Cooperative Associations—Fire Alarm Systems

- Provides that a condominium, cooperative, or multifamily residential building less than four stories in height with an exterior means of egress corridor is exempt from installing a manual fire alarm system as required in s. 9.6 of the most recent edition of the Life Safety Code adopted in the Florida Fire Prevention Code. (Despite its having been declared unnecessary by the NFPA, the “highly aggressive” fire service industry lobbied its inclusion into the current law.)

Cooperative Associations—Fire Sprinklers

- It amends s. 719.1055(5), F.S., to provide for a retrofit exemption to cooperative associations for a fire sprinkler system or any other form of engineered life safety system retrofitting sprinklers in a high rise building by the affirmative vote of two thirds of the voting interests. The bill provides that a previous vote to forego retrofitting may only be reconsidered once every three years at a special meeting called by a petition of 10% of the voting interests.
- For associations that don't opt out, the local authority having jurisdiction may not require completion of retrofitting of common areas with a sprinkler system or any other form of engineered life safety system before the end of 2019.

Cooperative Associations—Elevators

- The bill allows associations to opt out of Section 553.509(2), which requires generators for elevators, by an affirmative vote of the majority of the voting interests in the affected condominium. (A report by the Senate Regulated Industries committee recommended repeal of statute)
- Provides for a delay in the retrofit of a special access key for elevators in condominiums and cooperatives until the elevator is replaced or requires major modification; amends s. 399.02, F.S., relating to updates to the code requiring modifications for Phase II Firefighters' Service on existing elevators.

Cooperative Associations—Filling Vacancies on Board

- Provides for filling of vacancies for remainder of the term by the affirmative vote of the majority of the remaining directors, even if they constitute less than a quorum or there is only one remaining director. Unless otherwise provided in Bylaws, a board member appointed or elected to fill a vacancy would serve the unexpired term of the seat being filled. In the alternative, the Board may hold an election to fill the vacancy.

Cooperative Associations--Collections/Foreclosures

- The claim of lien may include cost for collection letters or any other collection effort by management companies or licensed managers as to any delinquency in installment of assessment, but may not exceed \$75. Any payment received by the cooperative association must be applied to the costs for collection services for which the association has contracted before the payment is applied to the delinquent assessment.
- Provides that a lien may not be filed by the association until 30 days after a notice of intent to file the lien was sent certified mail, return receipt requested and by first class mail to the last address in the records of the association.
- Provides that if a unit is occupied by a tenant and that unit owner is delinquent in the payment of any monetary obligation to the association, the association may demand that the tenant pay to the association the future monetary obligations related to the condominium unit. Requires the association to mail written notice to the unit owner of the association's demand that the tenant make payments to the association.

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Sprinklers...Continued

Condominium Termination

- Amends 718.117(2) (a) 1., F.S., dealing with termination because of economic waste or impossibility. Provides that condominium may be terminated because of economic waste when the total estimated cost of construction or repairs necessary to construct the intended improvements or restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of the units in the condominium after completion of the construction or repairs.
- Amends 718.117(19) to provide that the termination of a condominium does not bar the “filing of a declaration of condominium or an amended and restated declaration of condominium” affecting any portion of the same property (a more specific description of a post termination reformation).

Turnover of Condominiums from Developer

- Amends F.S. 718.301(1) (f) to provide that turnover shall occur when a receiver is appointed by the circuit court and is not discharged within 30 days of appointment, unless the court determines within 30 days after appointment that transfer of control would be detrimental to association or its members.

Condominium Bulk Buyers

- Creates the new “Distressed Condominium Relief Act” (also known as bulk-buyer law). It is intended to stimulate the condominium market by encouraging purchasers to buy units in bulk, thereby thinning the currently bloated inventory. In a nutshell, it defines the extent to which successors to the developer, including the construction lender after a foreclosure and other bulk buyers and bulk assignees of condominium units, may be responsible for implied warranties.

- Provides that the liability of the tenant may not exceed the amount due from the tenant to the tenant's landlord. Provides that the tenant's landlord shall provide the tenant a credit against rents due to the unit owner in the amount of monies paid to the association. Provides that the association may sue for eviction as if the association were a landlord if the tenant fails to pay a required assessment to the association.

Corporations Not-for-Profit (Condominiums, Cooperatives, and HOAs)

- Amends the corporations not-for-profit statute to provide that certain sections of the statute involving voting by members, removal of directors, and access to records, do not apply to associations regulated by Chapters 718, 719, and 720.

Expanded and enhanced by vetting committees, the bills are accruing support from both lawmakers and homeowners. Senate Bill 1222 by Senator Jeremy Ring was merged into Senator Mike Fasano's Senate Bill 1196 and passed the Senate Regulated Industries Committee by an 8-0 vote on March 3rd. On March 17th, the Military Affairs and Domestic Security Committee approved the bill by a 7-0 vote. By mid-April, it also will have been reviewed by the Senate's Banking and Insurance Committee, Community Affairs Committee and Judiciary Committee.

In the Statehouse, Bogdanoff and Hudson are comparably nursing House Bill 561 through committee reviews. On February 2nd, the House Civil Justice & Courts Policy Committee approved a Committee substitute by an 11-2 vote. On March 2nd, the Insurance, Business & Financial Affairs Policy Committee passed the bill by an 11-1 vote. On March 11th, the bill moved to its last committee stop, the Criminal & Civil Justice Policy Council. On March 15th, Delray Representative Maria Lorts Sachs merged her House Bill 1317, which duplicated many of the provisions found in Bogdanoff's bill, into HB 561.

To insure the passage of these bills, engaged homeowners have preceded each committee review with a blizzard of emails, phone calls, letters and faxes to the committee members, detailing the bill's critical importance and supplicating support for the legislation. Despite unrelenting pressure to sink the bills by the Plumbers and Pipefitters Union and Sprinkler Association lobbyists bedecked in pre-retirement dress blues, lawmakers seem predisposed to mirror last year's broad approval of the legislation's objectives. While pleased with the bills' progress, homeowners have few illusions about the obstacles that lie ahead. After all, this isn't their first time at the dance. •

--EXA Noise Issues We have also had many concerns regarding the high noise level from planes that fly in and out of the Executive Airport. I am working with Clara Bennett, EXA Manager, to address these concerns. The pilots need to adhere to the rules and regulations, and are reminded to do so at pilot workshops that are held periodically. EXA also operates a 24-hour noise abatement hotline (954-828-6666) available to area residents to report unusually loud or low aircraft. We urge you to call the hotline number because the input helps airport staff use the noise monitoring system to quickly identify problems and follow up with pilots. More aircraft have been flying directly over neighborhoods east of the Airport due to the weather patterns and cold fronts that the area has been experiencing recently. These westerly winds require that aircraft approach to land from the east and takeoff to the west. Usually, aircraft land from the west and takeoff to the east. During normal operations, more than half for the easterly takeoffs are routed over I-95, which reduces the number of flights over that area. Additionally, the Airport did experience

a slight increase of 3% in total operations for the month of January, possibly due to Haitian Relief efforts and the Super Bowl. However, over all, the aircraft traffic is down 42% from 2000. Northeast neighborhoods should experience fewer over-flights once weather patterns go back to normal.

Pain Clinics This problem continues to spread and disrupt the integrity of our community. It is astonishing to note that several years ago there were only four such clinics in South Florida. Now there are almost 180! The state legislature enacted a law that requires all facilities dispensing narcotics to register with the state by January 2010. It is unknown at this time if everyone has complied. Further, the same legislation requires that all prescription transactions be registered in a state database within fifteen days. As of this date, this portion of the legislation has not been fully funded for operation. In addition, fifteen days is too long and does not prevent abuse. As a result, Mayor Jack Seiler and I prompted this Commission to enact an ordinance establishing a moratorium prohibiting the licensing of new pain clinics for 180 days. We will use this time to organize an action plan to combat any illegal activity associated with these businesses. We will also examine a resolu-

tion supporting new and more stringent pending state legislation.

Budget There will be a public workshop for citizen input on May 11, 2010 at 7:00pm. It will give the community a chance to voice their concerns and priorities on the City's budget. The Commission has also been working with the Budget Advisory Board to obtain input regarding the taxpayers' perspective in the development of the annual operating budget. They will be conducting Department audits and updating the Commission of their findings. Scheduled thus far: Police Presentation 3/31/10, with review in April (TBA); Fire-Rescue Presentation 4/21/10, with review of information 4/29/10; Public Works Presentation 5/19/10 with review of information 5/27/10; Parks and Recreation Presentation 6/16/10 with review of information 6/30/10. The City Manager will present his proposed budget in July. This will be followed by two public hearings on the budget in September. With the current economic conditions, it is no secret that this year will be most difficult. We are estimating a \$30 - \$40 million shortfall. I am confident that this Commission will meet the challenge, while maintaining vital primary services. •

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Eric Berkowitz, Pio Ieraci, Governor Crist, Donna Berger:
Governor refutes bogus "intent to veto" report.



A Busy Week with

George and Charlie

By Eric Berkowitz

On Thursday, March 4th, Galt Mile Community Association President Pio Ieraci received a late afternoon telephone call from Washington DC. He was intrigued when the caller identified himself as a staffer for United States Senator George LeMieux. The Senator's aide told Ieraci that his boss was planning on traveling to Fort Lauderdale early next week, and the trip would afford him an opportunity to discuss health care with constituents. Ieraci felt the precursor of a migraine when the staffer asked if he would help set up a Town Hall meeting for Senator LeMieux on Monday, in less than four days.

If he agreed, Ieraci would have to book the hall and could only give potential attendees 3 days notice (only one business day - Friday). Two issues preoccupied Ieraci. Other than offering local residents a chance to "Meet Your Senator", how could the neighborhood association agenda benefit from this unusual opportunity? Secondly, Ieraci was hesitant to accept any responsibility for the success of an event announced on Friday for Monday. To make things worse, the staffer asked Ieraci to await LeMieux's confirmation before finalizing any plans.

The Governor's former Chief of Staff, LeMieux was appointed by Crist to the Senate seat vacated by Mel Martinez. A close political ally and confidante, LeMieux encouraged Crist to run for the office he temporarily occupies. LeMieux was still in Tallahassee last summer when Senators and Congresspersons solicited constituents for healthcare feedback. Despite having aligned with Tallahassee Republicans in declaring his opposition to President Obama's initiative to reduce healthcare costs and increase access, Florida lawmakers were expecting LeMieux to somehow return to Florida with \$1.2 billion in Federal Medicaid money and plug the State's budget gap.

Ieraci called the Beach Community Center; a forum previously deployed by the neighborhood association for similar events, and checked the auditorium's availability. When Community Center Manager Susan Riestra said the date was temporarily clear, Ieraci grabbed it. He made some quick calls to GMCA Directors, pondering a response to LeMieux.

The discussion centered on Lemieux's close relationship with Crist.

The neighborhood association was deeply involved with a campaign to enlist the Governor's support for sprinkler retrofit relief. Legislators in Tallahassee had unanimously approved bills in 2006 and 2009 that offered financially besieged homeowners relief from a \$multi-billion payout to the fire sprinkler industry as mandated by a highly questionable 2002 statute. Despite its overwhelming support by lawmakers and homeowners, the Governor vetoed Senate Bill 714 after last year's legislative session. If LeMieux could be prevailed upon to ask that the Governor NOT VETO Ellyn Bogdanoff's 2010 relief bill (HB 561), Ieraci believed that the significant effort required to actualize the meeting could be justified. When he received the green light from LeMieux later Thursday night, a campaign to notify neighborhood residents was launched. Hundreds of emails were sent to surrounding communities, public officials and member associations. Notices were called to local newspapers and posted on the GMCA web site. Flyers were created, printed and hand delivered to GMCA member associations. The meeting notices were posted as retrofit relief supporters from other parts of Florida cobbled together last minute plans to attend the event.

By the Monday afternoon start time, roughly 150 attendees arrived at the Community Center from Naples, the Space Coast and Tampa as well as Pompano, Central Beach and the Galt Mile. Questions for the Senator were collected at a registration desk.

Without notice, the Senator's staffers excised scores of questions about the sprinkler retrofit, leaving about a dozen health care inquiries. Angry about the staffers' surreptitious censure, Pio secured permission for one Naples resident to deliver a request to LeMieux.

Retrofit relief proponent Ewing Sutherland, who sits on the Community Advocacy Network (CAN) Advisory Board with Ieraci and led a contingent of Collier County anti-retrofit association members to the meeting,

Continued on page 17

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A Busy Week...Continued

asked LeMieux to deter the Governor from vetoing Bogdanoff's relief bill. Comprised of 1,800 member communities from across the State, CAN is a pro-association organization that lobbies Tallahassee lawmakers to enact legislation on behalf of common interest communities.

Fort Lauderdale Mayor Jack Seiler stepped up and surprised LeMieux by announcing that the City Commission had passed a resolution supporting the bill and sent it to Governor Crist. He informed the Senator that dozens of other jurisdictions, including Broward County, were preparing similar resolutions for Governor Crist. LeMieux couldn't help but notice that the resulting ovation outlasted his own. Aware that his staffers' actions may have alienated a community he was hoping to win over, LeMieux met with Ieraci to effect some political fence-mending. The Senator promised to convey concerns about the impending sprinkler retrofit to the Governor. Since most of the anti-retrofit audience was unaware of LeMieux's post meeting caucus with Ieraci, they were understandably disappointed with the event's outcome upon departing the Center.

Two days later, Ieraci received a call from the Governor's office. Governor Crist was in town to fulfill his obligation as Grand Marshal of the March 13th St. Patrick's Day Parade. Crist invited Ieraci and a small contingent to meet Thursday morning at the Riverside Hotel and discuss their concerns about the sprinkler retrofit dilemma over breakfast.

The GMCA president contacted Community Advocacy Network Executive Director Donna Berger and GMCA Vice President Eric Berkowitz, two allies whose intimate familiarity with the history and issues surrounding the sprinkler retrofit would prove invaluable for the next morning's meeting with the Governor. Although unsure about the exact events that precipitated the Governor's invitation, all the participants adjusted their schedules to accommodate this unique opportunity.

The next morning, they met Governor Crist in the Hotel's Indigo Restaurant at 9:30 AM. After exchanging pleasantries and reminiscing about the Galt Mile community's unbridled exhilaration when the Governor terminated the threatened Calypso Liquefied Natural Gas plant, Ieraci described the financial impact that this inequitable retrofit requirement will have on associations and unit owners struggling to survive. As the discussion progressed, it became clear that the Governor was largely unfamiliar with the disabling consequences threatened by the retrofit. He also seemed surprised when told about some of the conflicted relationships between the Fire Marshals and the Sprinkler Associations. In fact, it appeared as if his knowledge about the mandate and its ramifications was limited to anecdotal spin from the pro-retrofit Fire Sprinkler associations and several retired Fire Marshals they hired as lobbyists along with current employees of the Fire Marshals union they employ in management positions.

Executive Director Chuck Akers of the Florida Fire Marshals and Inspectors Association (FFMIA) is also the Executive Director of the American Fire Sprinkler Association (AFSA), an industry trade organization incorporated to market sprinkler systems. FFMIA lifetime member Buddy Dewar is the Vice President of Regional Operations for the National Fire Sprinkler Association (NFSA) and a lobbyist for the Florida Fire Sprinkler Association (FFSA). Boding to "amend our campaign donations list," Dewar lobbied the governor to veto last year's retrofit relief while working with Dave Ramba, a lobbyist for \$18 billion conglomerate and fire sprinkler manufacturer Tyco Products.

The Governor admitted to sympathizing with the plight of common interest community homeowners, acknowledging the burden placed on unit owners by foot dragging foreclosing banks, newly implemented constrictive lending policies that inhibit recovery and delinquent speculators who force their neighbors to assume their obligations.

Continued on page 20

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<p>11</p> <p>The Color Purple (Through 4/18) Broward Center Info.: 954-462-0222</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>12</p>	<p>13</p> <p>Menopause, The Musical (Through 4/18) Parker Playhouse Info.: 954-462-0222</p>	<p>14</p>
<p>18</p> <p>Bon Jovi BankAtlantic Center Tix.: www.bankatlanticcenter.com</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>19</p> <p>Francie Good & David Horvitz Collection (Through 9/12/10) Museum of Art Info.: 954-525-5500</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>20</p> <p>The Koshier Cheerleader (Through 4/25) Parker Playhouse Info.: 954-462-0222</p> <p>Joaquin Achucarro - Symphony of the Americas Broward Center 8:15 p.m. Info.: 954-462-0222</p>	<p>21</p>
<p>25</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>26</p>	<p>27</p>	<p>28</p>
<p>2</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p> <p>Gipsy Kings Hard Rock Live Tix.: 800-745-3000</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>3</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>4</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>5</p>
<p>9</p> <p>Mother's Day Brunch at Fairchild Tropical Garden 10:30 to 2:30 p.m. Reservations: 305-256-8399</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>11</p>	<p>12</p> <p>Pompano Beach Fishing Rodeo (Through 5/15) 14th St & the Intracoastal, Pompano Info.: 954-942-4513</p>

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<p>15 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. Clueless on Las Olas Las Olas Blvd, 7 p.m. Info.: 954-288-7201 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 Pompano Beach Seafood Festival Atlantic Blvd & A1A, 10 a.m. Info.: 954-570-7785 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 New Times Beer Fest Esplanade Park, 7 p.m. to 11 p.m. Info.: 954-233-1587 Florida's Newport Guitar Festival (Through 4/18) Hard Rock Live Info.: www.newportguitarfestival.com</p>
<p>22 John Fogerty Hard Rock Live Tix.: 954-797-5555 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>23 Las Olas Wine & Food Festival (Through 4/24) Las Olas Blvd. 7 p.m. to 9:30 p.m. Info.: 954-524-4657</p>	<p>24 Fleet Week 2010 (Through 5/3) Port Everglades Info.: 954-733-7631 Air Lauderdale & Beach Fest (Through 5/25) Ft Lauderdale Beach 10 a.m. to 5 p.m. Info.: 954-762-7000</p>
<p>29 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>30 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Riverdance (Through 5/2) Broward Center Info.: 954-462-0222</p>	<p>1 Family Fun Day Fort Lauderdale Aquatic Complex 9 a.m. to 2 p.m. Info.: 954-828-4580</p>
<p>6 USA Diving International Grand Prix (Through 5/9) Fort Lauderdale Aquatic Complex 8 a.m. to 7 p.m. Info.: 954-467-8179 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>7 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p>	<p>8 African Violet Display & Sale Flamingo Gardens 9:30 to 4:30 p.m. Info.: 954-473-2955</p>
<p>13 2nd on 2nd Thursdays Block Party 200 Block SW 2nd Street 5 to 9 p.m. Info.: 954-468-1541 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>14 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Artists in Bloom Exhibition & Sale (Through 5/16) Fairchild Tropical Garden 9:30 to 4:30 p.m. Info.: www.fairchildgarden.org</p>	<p>15 Las Olas Wine & Food Festival Las Olas Boulevard 7 p.m. to 10 p.m. Info.: 954-524-4657 Ballet Gala - Arts Ballet Theatre Broward Center Info.: 954-462-0222</p>

UPCOMING EVENTS IN OUR AREA

May 20

Tax-Free Investing; It's Not What You Make, It's What You Keep (Edward Jones)

Galt Mile Reading Room, 2 p.m.
Info.: 954-493-8651

May 29 - 30

Downtown Delray Beach Craft Festival
201 West Atlantic Avenue, Delray, 10 a.m. to 5 p.m.
Info.: 954-472-3755

June 1 - July 31

Moonlight, Seaturtles, & You
Museum of Discovery & Science, 9 p.m. to 1 a.m.
Info.: 954-713-0930

June 4

Burger Battle
The Lawn on Las Olas, Riverside Hotel, 5:30 to 8 p.m.
Info.: 954-468-1201

June 4 - 6

Ft. Lauderdale Fall Home Design & Remodeling Show
Broward County Convention Center
Info.: 888-353-3976

June 5

Carole King/James Taylor: Troubadour Reunion
BankAtlantic Center
Tix.: www.bankatlanticcenter.com

June 12 - 13

Dig The Beach Volleyball Series
South Beach Park, 7 a.m. to 8 p.m.
Info.: 561-241-3801

July 4

July 4th Family Celebration and Fireworks Show
Fort Lauderdale Beach, 9 to 9:30 p.m.
Info.: 954-396-3622



He said that his office was flooded with thousands of emails and letters attesting to the terrible strain on homeowners and characterizing this additional obligation as unnecessary and unconscionable.

Ieraci, Berkowitz and Berger concentrated on explaining the environment in which unit owners were currently struggling to survive, impressing on the Governor the large percentage of retirees living on fixed incomes that were often paying maintenance charges and property taxes at the expense of medications and/or physical therapy. No longer able to survive on Social Security, pension or 401k plan income, elderly residents are rapidly depleting reverse mortgage accounts to buy food and pay FP&L bills. Berger repeated a query she shared with CAN members a few weeks earlier, asking the Governor "Is it preferable to live in a concrete block building without sprinklers or live under a bridge?"

Ieraci explained that since associations were keenly aware of the large number of members that were fighting monthly battles to make ends meet, they were postponing all but the least expensive assessments, hoping to avoid a disastrous fiscal chain reaction that could easily drop them into bankruptcy. He estimated that "10 to 15% of our unit owners would be forced out by a sprinkler retrofit, and that's only because Galt Mile associations are in relatively good shape compared to most associations around the state." Ieraci continued "The remaining owners would then be assessed the resulting shortfall, pushing out another 10%." Berkowitz described a dilemma that currently confronts every association board "If 30% to 40% of the units become non-contributory, who is supposed to pay these huge assessments? Since banks won't finance associations plagued by sizable numbers of foreclosures or otherwise non-contributing units, these threatened payouts will force many associations into dissolution."

Berger raised the "Towering Inferno" scare tactics used by the sprinkler associations to intimidate lawmakers. Ieraci told the Governor, "In 50 years, the Galt Mile has had several fires of note. One was on the roof of a building, another was started by a defective electrical bus and two were caused by lunatics trying to cook illegal drugs. They were all extinguished within minutes." Berkowitz added "Placing sprinkler heads in unit foyers and common areas of high rise concrete block buildings was never intended for extinguishing fires. It was only conceived to provide a moderately safe egress in buildings with inadequate detection capabilities and insufficient compartmentation characteristics. These conditions don't exist in the code-compliant concrete block structures facing expensive partial sprinkler retrofits – such as those along the Galt Mile." Quoting Representative Bogdanoff, Ieraci informed the Governor "In the past 30 years, not one fire-related injury in Florida would have been prevented by compliance with this statute."

Further addressing the theoretical life safety value of the statutory "Minimum Alternative Life Safety System," Berkowitz reminded the Governor about the results of the Sprinkler Retrofit Report mandated when he vetoed the retrofit relief in last year's Senate Bill 714. Governor Crist asked the Department of Business and Professional Regulation (DBPR) to investigate any insurance benefits that would accrue to associations for complying with the sprinkler statute. Sprinkler associations had repeatedly pointed to insurance premium reductions as the only reliable measure of a safety benefit. After assessing the statute's life safety benefit, the insurance industry (ISO) declared the mandated partial sprinkler retrofit unworthy of any premium reduction – clearly contradicting claims to the contrary repeatedly made by Sprinkler Association spokespersons. "Former Deputy Insurance Commissioner Lisa Miller also confirmed that buildings retrofitted with the statutory 'Minimum Alternative Life Safety System' would receive the same rating as buildings without any sprinklers," said Berkowitz. In addition to the absence of a rated life safety benefit, the threat of false alarms and system malfunctions would increase the association's vulnerability to significant water damage, driving up insurance costs.

Finally, the discussion turned to the statute's legal basis. Every state in the country roots its fire prevention regulations in the National Fire Protection Association's (NFPA) Life Safety Code. The Florida Fire Preven-

tion Code is also based on this universally respected set of guidelines. Not surprisingly, sprinkler association lobbyists based their marketing campaign for the statute on the fact that 49 other states can't be wrong. Of course, they are correct. Berger, an activist attorney with impeccable credentials as an expert in association law, asked the Governor if he was aware that when every other state incorporated the life safety code provisions into State law, they exempted existing structures from retrofit compliance. The Governor did a double take and asked "Is that true?" Berger responded "Florida is the only State in the union that didn't grandfather compliance for existing high rise buildings when the statute was implemented." She went on to describe how retrofit lobbyists showered lawmakers with documentation exclaiming the importance of following the lead of our sister states, although omitting this minor detail. Why? Evidently, the Florida Fire Sprinkler industry wasn't satisfied by the prospect of installing thousands of systems in new buildings. They refused to leave \$billions in retrofit business on the table.

Berger then spoke to what she framed as the heart of this issue, self-governance. While lawmakers are responsible for insuring a safe and secure public domain, the constitution and Florida law transfers that responsibility to homeowners within the confines of their homes. Florida law also recognizes home rule for unit owners in common interest communities. Homeowners who will have to live with and pay for these decisions are better equipped to make them than lobbyists looking for a production bonus or poorly informed and often conflicted lawmakers. By confirming that homeowners should be allowed to decide for themselves what measures are necessary to insure safety within their own homes, Berger concluded "the retrofit relief bills will absolve public officials of any consequences that result from those decisions."

The Governor exclaimed that he was considering the retrofit relief legislation favorably. He also said that his office would continue to monitor the correspondences of concerned homeowners. As the meeting ended, Donna Berger asked the Governor if he would explain an unusual event that occurred the previous week. It was reported that he had mentioned at a news briefing in Tallahassee that he might veto the legislation again. Curious about his reason for commenting on legislation before it was acted upon by the legislature, Berger asked Crist about the incident. Crist explained that at some point during a general press briefing, he simply stated that lives were more important than money. A reporter took the liberty of interpreting his remark as a threat to veto the bill. He assured us that the report was baseless.

After thanking the Governor for his time and attention, he returned the compliment and promised to make the right decision. While heading for the exit, Governor Crist asked if we could arrange another town hall style meeting at the Beach Community Center, similar to the one wherein he announced the demise of Calypso. Ieraci told the Governor that we would be delighted to provide an appropriate forum wherein he could "make the right decision."

While the meeting's outcome exceeded our expectations, the governor made clear his intention to continue monitoring unit owner temperament. To offset the unrelenting pressure applied by the sprinkler associations, it is imperative that the governor continue to receive emails, faxes, and letters from association unit owners—that's us. Contact info.: Governor Charlie Crist, 400 S. Monroe St., Tallahassee, FL 32399; Phone: 850-488-7146; Fax: 850-487-0801; Email: Charlie.Crist@myflorida.com•

“Florida is the only State in the union that didn't grandfather compliance for existing high rise buildings when the statute was implemented”



REPRESENTATIVE ELLYN BOGDANOFF'S LEGISLATIVE UPDATE

Salesman was originally organized in 2005 and publicly exploded four years later. Into the reputation grinder (and/or worse) went former Deerfield Beach Mayor Al Capellini, Broward Commissioner Stacy Ritter (and hubby Russ Klenet), Florida Medical Association PAC fundraiser Dr. Alan D. Mendelsohn and Master of the Universe attorney Scott Rothstein. FBI regional chief John Gillies, with 500 agents between Key West and Fort Pierce, warned that there is more to come, stating "We have a number of investigations ongoing, and like all of our cases, we'll go where the evidence takes us."

Suddenly, the perception of an ethics task force empanelled in response to the second Broward voter outcry changed overnight, transforming from page 16 entertainment to the Broward Commission's final opportunity to impact the rules governing their behavior. In their frenetic drive to sell papers and internet hits, the local media ultimately provided the impetus for Broward public officials to support an ethics code. When meticulously detailed articles describing fraud, bribery, payoffs and ponzi schemes were duplicated in arrest warrants, pre-trial arraignments and prosecutorial case logs, they moved to page one.

On February 19th, the 27-page Broward ethics code was finalized. An inspector general with the power to seek fines of up to \$5,000 and refer cases to state and federal prosecutors would enforce the new rules. The I.G.'s office would have subpoena power, take testimony under oath from witnesses and investigate any reasonable suspicion of misconduct. The inspector general would serve a four-year term once appointed by a five-member panel of legal and law enforcement officials. To stem conflicted assignments of lucrative county contracts, instead of Commissioners serving on committees that evaluate bids and select contractors for county projects, professional staff committees will make recommendations for approval by the commission.

A few days later, on February 23rd, a controversy surfaced over protecting the new rules from any self-serving softening by the County Commission. Commissioner Suzanne Gunzburger moved to draw up a ballot issue enabling the electorate to place the ethics rules in the county charter, immunizing them to Commission manipulation. While some commissioners expressed an interest in expanding the rules to cover county employees, the school district, constitutional officers and other local governments, others are against answering to any ethics regulations, much less a charter based code that could only be altered by Broward voters.

Maneuvering to protect fiscal turf cradling some of the more egregious high profile ethical violations of late, Commissioner John Rodstrom disparaged the Ethics Commission for seeking to prevent conflicts of interest when handing out lucrative county contracts, contending that their premise was baseless and should be revisited. He also accused task force members of exceeding their mandate, exclaiming "I actually found that offensive or found that they didn't really understand their charge as a board, that they were way outside the boundaries of what they were charged to do and so I think we need to sit down and have a real frank discussion at some point." To defuse the highly charged disparate opinions, Mayor Ken Keechl - an ethics code supporter - promised to convene a workshop to review the concerns raised by commissioners.

In Tallahassee, the Broward Legislative Delegation agreed that Fort Lauderdale Republican Elyn Bogdanoff and Coral Springs Democrat Ari Porth would file the legislative basis for asking Broward voters to decide whether an inspector general should look into complaints of waste, mismanagement and abuse by public officials. If violations were discovered, the inspector general would refer the case to the state attorney's office. House Bill 1425, which provides for the Inspector General's functions, authority, & powers - as recommended by the Broward Ethics Commission and approved by the Broward Board of County Commissioners - was filed on February 26th and 1st read on the session's opening day, March 2nd. When the bill was referred to the Military & Local Affairs Policy Committee and the Economic Development & Community Affairs Policy Council for review on March 10th, Democrat Representative James Waldman from Coconut Creek went berserk, accusing Bogdanoff of using the bill for political gain.

Waldman initially insisted on assigning the job to the County Auditor or state attorney Michael Satz, an eerie suggestion since Michael Satz sat idly by while the County imploded. Waldman admonished that by using assets already in place, his recommendation would save money. Since Satz attributed his not having participated in the recent ethics investigations to funding deficiencies, Waldman admitted that his alternative would require additional funding to the State Attorney's office, raising questions about any expected savings.

As to the County Auditor, a few days later Waldman announced "[Voters] want to fight corruption, they are not looking for another auditor." When probed, Waldman revealed that his primary concern was with Bogdanoff's party affiliation. Ranting on top of his voice, he called her bill "garbage" and charged that she was pushing her "political ambitions" as a candidate for Jeff Atwater's Senate seat. He characterized several "typos" in the bill as evidence of a "Republican tactic of pushing things through."

Bogdanoff responded by characterizing Waldman as "adversarial" and "high maintenance." Suggesting a rationale for Waldman's enigmatic behavior, she subsequently told reporters "While the public doesn't view corruption as a partisan issue, sadly, Representative Jim Waldman turned last week's meeting into a circus by launching baseless partisan attacks. He attempted to derail the anti-corruption proposal and appeared to be complaining at the behest of two lobbyists working directly for two Broward County commissioners sitting in the room."

* For decades, Broward politics has been awash in ethics violations. A Broward Commissioner voted protection for a company found guilty of the largest fraud in Florida history - and her husband's employer, another Commissioner washed money, a School Board member took bribes from vendors, another voted to award \$2 billion in contracts to her husband's client, 3 others actually declared illegal gifts. The State Attorney's office claimed that they were unable to address these overt breaches due to chronic underfunding. Disgusted, the Broward electorate first voted in 2002 to create a code of ethics. As the years passed, the Broward Board of County Commissioners virtually ignored the electoral mandate, eliciting a second county-wide vote for ethics reform. Enter - the FBI.

The perfunctory stench reached all the way to Washington D.C. Since Broward wasn't willing or able to clean up its own act, the Fed's decided to ignite some enlightened self-interest to prompt enforcement. A few high profile take-downs got the ball rolling. Former School Board member Beverly Gallagher was targeted for two ostensible reasons. Her offenses lacked subtlety, leaving a county-wide trail of basketball size breadcrumbs eminently discernible to a sightless flatworm - but not State Attorney Michael Satz. Secondly, the Fed's surmised that she was a prime candidate for being "turned" or agreeing to set up friends, peers or anyone else suspected of wrongdoing. In exchange for federal sentencing help, Gallagher participated in a series of sting operations that fattened the Federal case portfolio and won favorable press clippings. The icing on the cake was the public disembowelment of former Broward Commissioner Josephus Eggleston, who got two and a half years for money laundering.

This cleanup shouldn't have surprised anyone. Federal investigators spent the 1990s chopping heads in Miami, honing its reputation as one of the country's most corrupt cities. Leapfrogging Broward County, they set up shop in Palm Beach, where Palm Beach County Commissioners Tony Masilotti, Warren Newell and Mary McCarty were sent to the slammer on public corruption charges. The sting that netted Gallagher, Eggleston and Miramar City Commissioner Fitzroy

Continued on page 22

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Bogdanoff...Continued

*Likening the meeting to "a partisan food fight", a Sun Sentinel editorial confirmed that the conflict targeted Bogdanoff's Republican credentials. It opined "Particularly uncalled for was state Rep. James 'Jim' Waldman, D-Coconut Creek, whose accusations that Bogdanoff is using the bill for political gain was out of touch." Senior Editorial Writer Douglas C. Lyons said "It was regrettable that last week's Broward legislative delegation session on Bogdanoff's bill to create an inspector general took on a partisan tone." Lyons hoped that Waldman's anti-Republican rhetoric wouldn't undermine the wishes of Broward voters, who waited patiently for eight years to achieve reform. As such, he asks Bogdanoff to rise above this controversy for the benefit of all County residents. In the following message to constituents, she includes a general description of the incident in her legislative update. Read on... - [editor]**

Broward Ethics Bill

Dear Neighbors:

There are many things that I can write about this month. As I write this, we are in our second week of Session and the State of Florida is facing a 3.2 billion dollar shortfall. I am the Chair of the Finance and Tax Council and since we will not raise taxes or fees to fill the budget hole, I am charged with funding the right projects to promote jobs throughout the state. Only through economic development will our state recover financially. However, I feel compelled to address what weighs heavy on the minds of many residents in Broward County - the recent headlines on public corruption.

It is a challenge being an elected official today. With the difficult job we face at home and in Tallahassee in such challenging economic times, losing the public's trust makes that job much more difficult. Throughout my years working in the political process, I have regarded virtually all elected officials as hard working, dedicated public servants. It is distressing to me to pick up a newspaper and see news about a public official or their family doing something questionable.

The perception of misconduct undermines public confidence and pre-

vents government from operating efficiently and effectively. It only took a few high profile cases to shake the faith that the public has in our system.

The Broward Delegation was approached by members of the Broward County Ethics Commission to create a local Office of Inspector General to combat public corruption. The office will be similar to what Miami-Dade implemented and what the Commission in Palm Beach is implementing this year. I agreed to sponsor the legislation as I recognized how important it was to challenge the status quo.

Although we have Auditors in most entities, the Auditor works for each governing entity with little or no independence. The Inspector General is an independent officer that will investigate and deter misconduct by governmental officials and employees, vendors, and government-funded entities. The organization's independence will ensure that no interference or influence adversely affects the objectivity of the office. I believe this extra set of eyes will promote transparency and honesty in government, and go a long way to rebuilding the public's trust in our political system.

Is there a cost? You bet; but, without a doubt, the cost to society when our elected officials betray our trust is much greater. Working this legislation has been no easy task. There are some legislators in our delegation and elected leaders at home who do not support this concept. I believe we are responding to the voters. They want ethics reform and in the end, want to be assured that there is a watchdog. It is the least we can do considering the latest events in our community.

This is something that our local political leaders have put off far too long and we must do everything possible to restore the public's trust and confidence.

Until next time,

Ellyn Bogdanoff, District 91
Florida House of Representatives

FYI: To keep abreast of Representative Ellyn Bogdanoff's progress in Tallahassee, email her at ellyn@ellynbogdanoff.com or Ellyn.Bogdanoff@myfloridahouse.gov OR call (954) 762-3757 to reach her locally (1421 South Andrews Avenue, Fort Lauderdale, FL 33316) or call her in Tallahassee at (850) 488-0635. You can otherwise read Ellyn's constituent updates on the Galt Mile Community Association web site (www.galtmile.com). - [editor]*



Former Broward Commissioner Josephus Eggelleton after sentencing.



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