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## SHIFTING BATTLEFIELDS

Eric Berkowitz

The struggle for control of development in Broward County has grown into a full blown war between the Cities within the County and the Broward County Commission. The battlefield is on the move. It was originally in Government Center, the seat of Broward County government, located at 115 South Andrews Avenue in downtown Fort Lauderdale. This is where the Broward County Commission decided to launch a two-year sneak attack on the Land Use authority historically exercised by municipal governments throughout the County. Quietly, the County aligned a significant coalition of anti-development forces to achieve its ultimate objective of complete and singular control over growth in Broward. This eclectic alliance of environmental groups, "controlled development" interests and County Commissioners contrived a blatant power grab designed to put the County Commission in the toll gate for any developer entertaining aspirations of building anything in the County. Whosoever decides land use also controls development and concomitantly, the size and composition of the tax rolls for the area...any area. In addition, developer dollars can make election campaigns a much more pleasant experience.



A developing downtown Fort Lauderdale

Continued on page 4

## TALLAHASSEE DECLARES WAR ON CONDOS

Eric Berkowitz



Tallahassee

Tallahassee has found a new and effective way to abridge your rights and take your money. What's different about this effort is that they will be expecting you to thank them for doing so. Toward the end of 2003, several legislators with time on their hands embarked on a fishing expedition. In response to a collection of horrific anecdotes detailing the difficulties that certain condo owners had while contending with their respective Boards, the Select Committee on Condominium Association Governance was formed. The Committee scheduled a series of Public Hearings throughout the state for the purpose of determining the extent of the perceived injustice. It was assumed that the Committee would conduct balanced hearings, collecting testimony from all sides of the issue. They would hear from those who claimed victimization. They would hear, in turn, from those accused of perpetrating the injustice. They would hear, from experts, if and where the system broke down. They could then fulfill their mandate, to make recommendations that would implement the solutions that the experts developed. This never happened.

Continued on page 6

Tallahassee...Continued

Litigation costs in a condominium go right to the bottom line of every condo owner's maintenance expense! The Division of Florida Land Sales, Condominiums and Mobile Homes is already vested with these identical responsibilities, to educate, regulate and enforce. Funding another governmental body to perform the same function is a ludicrous waste of OUR MONEY. The problem with both the Division and an Ombudsman attempting to truly resolve condominium disputes is the fact that most of these disputes cannot be resolved without reading and analyzing the individual community's governing documents and then rendering an opinion. Neither an Ombudsman nor the Division has the staff or the funds to render this service. In effect, the legislators that reconceived this office have infected it with the same deficiency that terminated its predecessor. This effort has the distinct aroma of a pork barrel special interest employment agency for "Friends of Legislators".

The House of Representatives Staff Analysis points out multiple violations of the Florida Constitution attendant to the creation of this strange hybrid. This Ombudsman, an attorney appointed and expensed by the Joint Legislative Auditing Committee, is to be physically housed in an executive branch agency and is to perform executive functions, overturning the separation of powers Constitutional prohibition against one branch from exercising the powers of another. The Florida Constitution provides that no payment may be made from the state treasury except upon appropriation made by law. This bill provides that a legislative committee may allow the Office of the Condominium Ombudsman to spend state funds, without the requirement of an appropriation by law. The House Staff Analysis also ques-

tions Section 11 of this bill, which provides that the ombudsman is to jointly promulgate rules with the Division of Florida Land Sales, Condominiums, and Mobile Homes. A testament to the casual creation of this entity, they indicate that, "It is unclear how an office associated with the Legislature can or would promulgate administrative rules. It is unclear how an independent officer (the ombudsman), whose duties may include confrontation of the division, can or will be able to jointly promulgate rules with Department of Business and Professional Regulation" - a conflict of interests. The analysis further asserts that "This section is in conflict with the Administrative Procedures Act, chapter 120, F.S., and with the constitutional separation of powers required by article II, section 3, Florida Constitution".

The Advisory Council, another resurrected failure, will be a barren yet expensive source of "suggestions" made to the legislature about condominiums (we saw how well that worked!). The continued confiscation of an Association's right to equally make policy for all of its members is unacceptable. Establishing two classes of owner, each with differing rights is unconstitutional as it abrogates the right to equal protection under the law. The Question and Answer sheet is probably the only positive result of this legislative fiasco.

Contact information (telephone, address, and email) of the legislators in the review committees for these bills is listed on the Galt Mile Community Association web site ([www.galtmile.com](http://www.galtmile.com)). To access them, click on the article "Tallahassee Declares War on Condos" and scroll down. If you harbor any concerns, do not hesitate to contact your representatives. After all... they work for you!•

# The Galt Mile News

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



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# YellowDog PRESS

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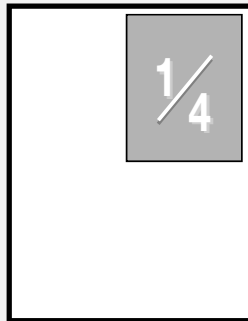
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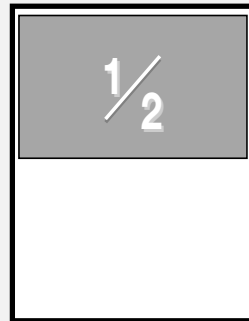
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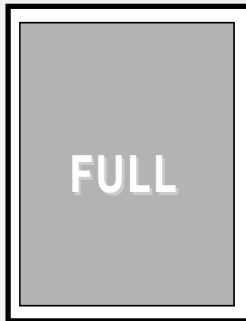
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Tallahassee...Continued

injury, according to the House of Representatives Staff Analysis of the Committee's "recommendations", the \$5.995 million that the legislation costs will be paid by YOU. The implication inherent in this legislation is not so much that condo owners are like children, thoughtlessly hurting one another for no reason, but rather that they are akin to vicious sociopathic morons, requiring an "Ombudsman" to prevent them from committing crimes against humanity.

The bills must be stopped. At the very least, they require substantial surgery. No reasonable resident would argue against the implementation of rational improvements to the laws we live by...but these ain't them! The irony attendant to these bills is incalculable. One of the stated purposes of the legislation is to diminish the legal conflicts that Associations suffer. The way that every provision in the bills is worded invites non-stop litigation. The devastation resulting from this casually drawn half-baked legislation will not sustain excusing its supporters because their good intentions fell prey to "unintended consequences". The consequences, which we will all no doubt suffer, are quite intentional!

#### Update on "Condo Killer" Bills

In response to thousands of objections by Florida condominium owners aghast at the deprivation of their rights inherent in the "Condo Killer" bills, House Bill 1223 CS and Senate Bill 2498 were amended during the committee review process. Term limits, mandatory criminal background checks, governing by majority consensus for daily operations, raising the percentage to waive reserves, majority training for board members,

changes to the competitive bidding process and changing the lien collection process were excised from the original legislation. After meeting with representatives from the buildings in the Galt Mile neighborhood and being inundated with residents' complaints about the Bills, GMCA President Robert Rozema sent a strong letter to the participating politicians registering the community's objections. Additionally, hundreds of residents sent emails objecting to the bills' onerous provisions from the Galt Mile Community Association web site, contributing to the legislators' "change of heart". However, the \$6 Million "ombudsman's office", the grandfathering in of exemptions to decisions made by an Association, the Legislative Advisory Council that does Executive functions, and a Question and Answer Sheet that must be provided to new owners remain as sources of concern.

The Ombudsman, a concept that was tried and failed in the early Nineties, is an expensive overreaction to conflicts between disgruntled owners and their Associations not being settled to the individual's satisfaction. It is tantamount to using a nuclear weapon to kill a mosquito. Reincarnation of this feudal-style authority presupposes that middle class condo owners are appropriate recipients of social welfare and, as such, are entitled to have taxpayers subsidize their legal expenses incurred while suing their neighbors. While placing disaffected property owners on the public dole is irresponsible under any circumstances, juxtaposing this proposal with the State's current inability to adequately fund education, health care and law enforcement passes from the ridiculous to the sublime.

Continued on page 18

Battlefields...Continued

The next day, March 30th, Smith amended a bill pertaining to local government sponsored by Representative Gustavo Barreiro (R-Miami Beach), House Bill 143, adding the appropriate language. HB 143 had already passed the House Subcommittee on Local Affairs, the House Local Government & Veterans' Affairs Committee and the House Judiciary Committee when Smith modified it to include Amendment 626939 prior to being passed by the House. Woof!

Broward County was playing several cards simultaneously. Rodstrom and Parrish lobbed a grenade at the cities just prior to Geller's move. Imitating a tactic used in Miami Beach, they threatened a public referendum to subvert the impending legislation. By arranging a \$2 million special election in which voters would decide whether or not they want veto power over any project that increases a neighborhood's population beyond existing land-use restrictions, the County hoped to once again move the battlefield. County Commissioner Rodstrom, in an effort to justify this "mutually assured destruction", said "We have the power of the voters, and they have a much different perspective on development than the cities do. We need to harness that power." By eliciting a "victory" in this manner, the County could challenge Tallahassee to "defy the will of the people", an intimidating prospect. If successful, neither the County nor the Cities could exercise dominion over development. The decision as to where the 900,000 new Broward County residents expected by the year 2030 can live would be made through a herky-jerky series of elections, the outcome dependent upon the success or failure of various developers' marketing campaigns. Repudiating the County's "scorched earth" tactic, Sunrise Mayor Steve Feren (currently president of the Broward League of Cities) exclaimed, "We've been trying to work something out for the past year, while they are willing to spend hundreds of thousands of dollars to fight the bill and even more money to have a special election if that doesn't work. It's akin to a bunch of 6-year-olds standing on a school playground saying, 'It's my ball and we'll play by my rules or I'll take the ball and go home'."

A more reasonable response available to the County is to concentrate their 22 Tallahassee lobbyists' persuasive efforts on Governor Jeb Bush. The legislation requires the Governor's signature to become law. Broward County lobbyist Mack Stipanovich, a Republican stalwart, is pleading with the Governor to quash the Bills. He's exhorted that the proper format for the cities to wrest control from the County is through amendment to the Broward County Charter. City officials point out the catch-22 nature of Stipanovich's recommendation. Prior to surviving a County-wide vote, the issue must first be placed on the ballot in one of three ways, all of which are problematic. It requires placement by 1) the adversarial and uncooperative County Commission, 2) the Charter Review Committee which is appointed by the County Commission or 3) a petition including the signatures of 10% of the Broward County electorate, about 100,000 signatures. Fat chance!

Continued on page 8

## PRESIDENT'S CORNER

Robert Rozema, GMCA President

### Ambulances

(A.K.A. Fire Rescue Vehicles)

March 29th, 2004 - Sometime ago I was talking with Fort Lauderdale's Fire Chief, Otis Latin, concerning rescue calls. He told me that the average call takes approximately one hour from the time they are dispatched to a call, stabilizing the patient, bringing that person to the hospital, cleaning up the rescue vehicle, and then returning to their base.

Why is this a concern of ours? With the budget constraints in the City there was talk about taking the rescue vehicles stationed at 2871 East Sunrise Boulevard (by the Intracoastal) out of service.

We are very opposed to this for the following reasons:

- Sometimes calls for rescue vehicles come within minutes of each other. This will mean that the nearest backup rescue vehicle would have to come from Commercial Boulevard, west of Federal Highway, one of the busiest intersections in Fort Lauderdale, or from A1A, south of Bahia Mar and we all know how hard it is to get through traffic by the public beach, especially on weekends.
- We have voiced our concerns with the City Commissioner Christine Teel, and she has advised us that the Rescue while on Sunrise Boulevard has not been taken out of service since last November.

To assure that this Rescue Vehicle (Number 13) will be kept in service, letters or e-mails from our residents to our City Commissioners would be appreciated.

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## TICKETS OR TAXES?

Eric Berkowitz



Hard times tend to sharpen the senses and stiffen the resolve to make difficult decisions. The City's budget crunch has encouraged City officials to increase fees and enforce unpopular regulations from which they would normally distance themselves. Few things generate more complaints from residents, merchants and visitors than the unexpected tough-

ening of parking rates and regulations. A controversial income source, nourished by the public's need to park their cars, is one of Fort Lauderdale's underutilized cash cows. On Las Olas Boulevard, Fort Lauderdale's popular municipal show-case, visitors who used to enjoy free street parking after 9 PM are now slaves to the meter until 3 AM, after which vehicles parked in local lots will be subject to the tow truck. The increased parking meter rates throughout the city, unchanged since 1981, range from the former 25 cents to \$1.50 per hour. The new rates are comparable to those experienced by neighboring municipalities like Miami, West Palm Beach, Hollywood and Pompano. The \$7.5 million it accrues to the City's coffers is a substantial piece of Fort Lauderdale's budget puzzle.

Another unexplored fiscal resource that has recently attracted the attention of our municipal representatives is the variable yet reliable income borne of parking and traffic violations. Commissioners are looking past the "political incorrectness" inherent in raising the penalties for parking and traffic tickets above limits considered conscionable as a deterrent, concentrating instead on the number of city jobs that can be saved by the additional funds. Parking fines have jumped from \$19 to \$25 for an expired meter and from \$24 to \$30 for illegal parking. The \$3.3 million expected from parking scofflaws exceeds by 50% the \$2.2 million required to meet Acting City Manager Alan Silva's minimum budgetary objectives for traffic citations.

Fort Lauderdale's parking enforcement team, unlike many city departments plagued by budget-driven personnel cutbacks, has been fully staffed this year. The 23 parking meter specialists that populate the unit were moved into Police Chief Bruce Roberts' dominion. Under the Police Department, team efficiency has improved, with citation output increasing by 21.5%. Roberts' minions were responsible for adding \$3.08 million to the City's bottom line last year, the result of 144,150 citations issued.

Serious opposition to this "rates and fines" crackdown has been mounted by business owners and the tourism industry. Merchants characterize the effort as a "wet blanket thrown on the City's economy in exchange for pennies" and point out that while most cities assign a low priority to parking meters, Fort Lauderdale maintains "23 specialists that do nothing but forage for expired meters." Travel industry spokespersons

Continued on page 9



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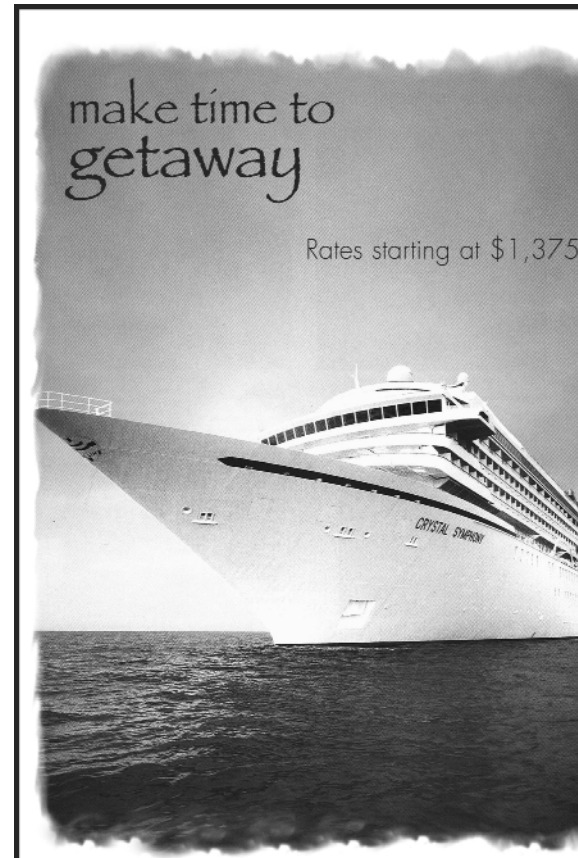
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9 Mother's Day	10	11	12	13	14 Through 5/16 Ocean Festival 2004 Ft. Lauderdale Beach Info.: 954-462-3400	15
16	17 Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center 7:30 p.m. Info.: 954-828-5033	18 Fort Lauderdale City Commission Meeting City Hall 6 p.m.	19	20 Galt Mile Community Association Meeting Nick's Italian Restaurant 11 a.m.	21	22
23	24	25	26	27	28	29
30	31 Memorial Day Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center 7 p.m. Info.: 954-828-5033	1 Fort Lauderdale City Commission Meeting City Hall 6 p.m.	2	3	4	5
6 SunTrust Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	7 GMCA President's Council Meeting Regency Tower 7:30 - 9 p.m.	8	9	10	11	12 Reef Sweep Beach Cleanup Ft. Lauderdale Beaches Info.: 954-467-1366

## A LOOK AHEAD

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Tickets...Continued

have complained that the policy is alienating visitors and undermines Fort Lauderdale's main source of income, tourism. The arguments have been afforded some credibility by the City Commission. To prevent automobile accidents or DUIs resulting from the mandate to evacuate vehicles from lots at 3 a.m. by potentially inebriated celebrants, the Commission allowed a six month reprieve to study the issue. City Commissioner Dean Trantalis responded to the policy by exhorting fellow commissioners to "not be so Gestapo-ish in our approach to parking enforcement, we're trying to make this a fun city."

The city is working to soften the impact by offering a debit card that can be slid into the meter as payment. While this should be available in two to three months, it will probably be two to three years before the meters can accept credit cards. The Parking Services Division has introduced a new in-car parking meter known as "SmartPark". A small pocket calculator-size electronic device, it uses a smartcard that's loaded with a prepaid amount of parking hours. According to the City, "The smartcard is inserted into the SmartPark, which is then placed inside the vehicle and displays the parking time purchased. An initial one-time refundable deposit for the SmartPark unit is \$55 and customers must purchase the smartcard for \$10. Customers can preload the SmartCard in increments of \$25, \$50, \$75 and \$100."

While meting out violations has been honed to a science, collecting the money has always been a disturbingly inexact art. The heart of the City's collection system has historically been prayer. Irrepressibly, City official's would "hope" that the fines were paid. If that didn't work, the next step would be to "sulk". Under the sobering effects of the "budget gun", Fort Lauderdale has decided to trade in "hoping and sulking" for something more effective, particularly with regard to visitors' violations. Superficially, this refers to those who, while vacationing here, indebted themselves to the city by not attending to where, or how long, they parked their rentals. Upon closer inspection, it clearly includes the myriad snowbirds and snowflakes driving vehicles registered in their "other" home town. In either case, the City has decided to capitalize on the software it purchased in 2000 designed to track delinquent citations.

Last year, after researching the potential benefit, Fort Lauderdale commenced an experiment centered on rescuing revenues lost due to the inaccessibility of scofflaws, primarily out-of-state. If it costs \$30. to track and invoice a \$19 debt, the "hope & sulk" system starts to sound reasonable. Instead, they opted to engage Enforcement Technologies Inc., or Etec, of

Continued on page 15

# WELLFIT FORUM

Hello Wellfit Forum:

I am going on a trip to the islands in July and would like to lose some weight. What is the best (and quickest) way to reach my goal. Thank you, Cathy R.; Ft. Lauderdale

Hello Cathy,

We know that one pound of fat is 3500 calories. Unfortunately most of the "diets" out today make big promises when in reality weight loss is a process. The fact is any method that claims to help you lose more than 1-2 pounds of fat per week is probably not a healthy diet. In most cases you are losing water weight. Don't be fooled into thinking this is a valid type of weight loss. Lack of water has negative effects on daily performance and the overall health of every cell in your body. To lose 10 pounds of fat in 10 days would mean a deficit of 35,000 calories over a 10-day period. You can see that it is not possible to do.

Our best advise to lose weight for the long term (you don't want to be a yo-yo dieter) is two things. First you need to eat healthy, this does not mean you have to deprive yourself, this means that you need to have your diet analyzed and recommendations made. Next, you need to exercise. This does not mean you have to spend hours in the gym everyday. Do something you enjoy. Mix a fun Salsa class once a week with 2 personal training sessions. Go for long brisk walks in between and enjoy the fresh air. Play a game of tennis on Sunday and do Pilates on Wednesdays and Fridays. Just make a plan, with a realistic goal and work with professionals. If you have been working with a trainer and are not seeing results, maybe you need a different program. Just remember, as we always say, you need your cardio, strength, flexibility and balance training. If you do things you enjoy, you will want to make it a part of your life. That is the key to being successful.

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



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Battlefields...Continued

In an unusual twist of events, on April 7th the Fort Lauderdale City Commission passed new development rules for the beach. The County has continuously contended that the key issue motivating their campaign to control development is imposition of strict limits on construction taking place between the Intracoastal Waterway and the Ocean, the Barrier Island. Despite threats by an attorney representing a developer with a project at stake, the new regulation that reduces the height and density allowed in the beach area by 20 percent zipped through the Commission. By approving these zoning rules, the City undercut the County's rationale for maneuvering to usurp land use controls from the cities.

A confusing component of these developments is Broward's unshakable refusal to compromise. They have been invited to share the land use controls that they were on the verge of losing. Senator Geller expressed his aspiration that the County would come to the table when he filed his bill. They didn't. He then presumed that they would negotiate when it passed. They won't. Even if Broward can convince the Governor to delay any action and freeze the legislation's progress until after a special election in which the voters perform as envisioned by the County, critical decisions about development would pass from the County and the Cities to the county electorate. The questionable benefit of placing decisions about the growth of Fort Lauderdale and Hollywood into the hands of county residents that don't live there is daunting. Concomitantly, it's difficult to comprehend the value of asking the residents of Galt Ocean Mile or Coral Springs if they approve of a shopping mall planned for Davie or a library in Plantation.

This policy of extreme brinkmanship seems to hold little benefit for the County. Given the hailstorm of statutory baggage that the Governor has to sift through during the legislative session, he certainly didn't need this unsavory mess plunked on his doorstep. As it stands, he now confronts his "worst case scenario", having to walk a political tightrope between "home rule" and "controlled development". The only way that Governor Bush can close his eyes and send this dilemma to the cornfield is to drag Broward County to the table, kicking and screaming if necessary. Don't be surprised if the Governor harbors a grudge against us as a result of all this. After all, we elected them!

Broward County Commission Headquarters is located at Governmental Center, 115 South Andrews Avenue (Room 421), Fort Lauderdale, FL 33301 - Telephone: 954-357-7000. Additional information about this conflict is available on the Galt Mile Community Association web site ([www.galtmile.com](http://www.galtmile.com)).

### Update: Another Shift? Broward Contemplates Shooting off Foot!

In the political "Chutes and Ladders" contest with which the Cities and the County have occupied their time, two new twists have altered the picture. One expected and one

Continued on page 17

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Tallahassee...Continued

a single unit owner and, in turn, would require a majority of the voting interests to pass on it. To hire a security guard, call a plumber or replace a broken window, the Association would have to send out a mailing to every owner to "vote" on it beforehand. Until they received 51% of all the owners voting their approval, you'll do without the guard, the window and you'll live with the leak! No committee or Board can make any decision to accomplish ANYTHING without a vote by ALL THE OWNERS! The ramifications are staggering. Every maintenance task performed by the maintenance staff might have to be voted upon. Nothing could get done...period. Every Condo would have to hire a full time communications staff to send out 10 to 12 ballots each day to EVERY CONDO OWNER! Every issue that wasn't responded to positively by at least 51% of all the owners would languish. Every resident will be called on to complete and return 10 to 12 ballots every day to maintain their building. Every resident, whether they want to or not, will have to assume the responsibilities of an unelected Board member, contacted by every other resident to discuss every decision that the building requires on a daily basis.

The bills uniformly suffer from not having been thought through. For instance, to address what the House Staff Analysis characterizes as "Owners are being impacted fiscally and through hardships (?) by board member decisions", the Committee's statutory response was to demand "any action of the board ... that imposes a financial hardship on any or all of the unit owners must be ratified by a majority of the voting interests at a duly convened meeting of the association to be held within 60 days of such action or such action shall be void." The dangerously simplistic wording is rife with opportunity for abuse by anyone with an axe to grind. Any owner can claim that any and every decision represents a "financial hardship" (every building has a few people that vehemently oppose paying anything for any reason!)...thereby instigating a vote by the entire membership for every single decision. No Board can be expected to fulfill its fiduciary obligation to maintain the premises when any spiteful resident can demand a "vote" prior to fixing a leak or relieving a tripping hazard.

A contradiction buried in the legislation stems from the insistence of a two-thirds vote to waive reserves in place of the simple majority that is currently required. While its supporters are willing to stop any improvements and disrupt condominium operations until a majority vote of all the owners is sustained if the improvements cost ten dollars, and a unit owner claims an undefined "financial hardship", raising the bar from a majority to a two-thirds endorsement to waive the reserves practically guarantees an enormous "financial hardship" to all unit owners. Sounds incredible? Wait, there's more.

The bill mandates the formation of an entity called an "Ombudsman" to lower tensions within an Association. Any malicious condo owner can call on this Ombudsman to marshal the resources of the State in opposition to the will of the rest of the Association members. If a vast majority of the members legally vote to accomplish an objective, a single dissident can call on the "Ombudsman" to have it overturned. This is an attorney who, win or lose, gets paid. The "Ombudsman" would have the right, if called upon by a single owner, to perform unannounced searches AND SEIZURES of all the Condominium's records, effectively shutting down all condo operations for weeks. The only other venue wherein this "right" has been afforded is to the F.B.I....with regard to

terrorist organizations...for National Security. It is at best naive to assume that the availability of this state-sponsored prosecutor to every dissident Condo owner will lower the tensions and litigation within an Association. As described ... scorched earth.

Other grossly unfair provisions of the bills, like the one that precludes anyone from serving on the Board that spends one day less than three months in residence during the year (making most snowbirds and all new members ineligible), really wouldn't matter in the long run. Since the Board would essentially be impotent, no sane person would volunteer to serve. Board members would receive complaints without having the wherewithal to respond to them. Convincing qualified people to volunteer service on a Board is difficult under the best conditions. Under these circumstances, where their sole responsibility would be to apologize to complaining neighbors for not being able to help them, it will be virtually impossible. It also renders inconsequential the provision that no two relatives (meaning parent, child, spouse, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, great-uncle, great-aunt, great-nephew, great-niece, first cousin, or second cousin, by blood, marriage or adoption, and includes half and step relatives) could serve on the same Board. While it is reasonable to avoid allowing four members of one family from one unit dominate a Board, why disenfranchise the half brother of a second cousin twice removed who lives in a separate unit and pays separate maintenance and assessments? The innate silliness of the concept, aside from its being unconstitutional, is offset by the probability that no one would volunteer to serve on a puppet-like prostrate Board anyway.

The bills are also packed with provisions that contradict one another. It demands that Board members attend classes to familiarize themselves with their responsibilities, ostensibly to create more effective Board members. It then imposes a two year term limit. This will insure that the Board is always manned by inexperienced personnel - guaranteeing less effective Board members. When the United States Congress voted down the "term limits" legislation, they characterized the concept as "the dumping down of the Congress"; ridiculing the notion that control of the country should be left to the most inexperienced Congresspersons available! The Florida legislators who designed this provision voted themselves an EIGHT YEAR TERM LIMIT...a clear case of "do as I say, not as I do!"

Obviously, if these bills pass, the value of a condominium would be reduced to its furnishings. Who would deliberately move into a building wherein no one could be held responsible for its operation? In this regard, this legislation bears a striking resemblance to a tactic known as blockbusting. To acquire a certain parcel of Real Estate, an unscrupulous developer would intimidate the existing residents into abandoning their homes. The hearings that were originally held by the Select Committee on Condominium Governance, while being dominated by the members of the "Cyber-Citizens for Justice" in Miami and Broward (they somehow were the only ones with prior knowledge of the meetings!), only had 4 complainants in Orlando, 15 in Fort Myers and 10 in Tallahassee. It is unfathomable that State Legislators would consider placing the interests of these few above those of the millions of residents that will suffer from this legislation. To add insult to

Continued on page 16

Tallahassee...Continued

The hearings were limited to anecdotes, dark stories about leaks, pets, parking spaces and liens. That's it. Listening to these un rebutted parables constituted the extent of the investigation. Because the meetings were poorly publicized, the attendees were primarily a small, but loud, group of disgruntled condo owners who seemed to know one another. Whenever those who weren't predisposed to hanging a Condo Board member attempted to speak, they were roundly shouted down. Surprisingly, the Committee seemed to encourage the revolutionary zeal that transformed the hearing into a revival of sorts. Instead of focusing on the specifics of each incident, each speaker basically "bore witness" to the excruciating pain they had to endure as a result of some Board member's insensitivity to their "cat". Each indictment was followed by rousing vocal support afforded by other "testifiers". This hearing, reminiscent of those held in town squares prior to lynchings, was quickly repeated in other sites around the state.

As suspected when the committee was formed, the rationale for these "fact-finding" hearings was to underwrite a preconceived set of recommendations designed to curry favor with disgruntled condo owners at the expense (in time, effort and MONEY) of everyone else. This was recently confirmed when they released bills in the House and Senate containing requirements that drive up the expense of living in a condominium, transfer the governance of condominiums from the residents to Tallahassee and disenfranchise all residents that live in a condominium less than three months during the year! The group of "loud testifiers" that dominated the "hearings" and is seemingly pulling the strings of the Committee is a political organization known as the "Cyber-Citizens for Justice". This organization of slightly more than 100 official members is trying, through this rubber-stamp committee, to dismantle the Condominium System in the State of Florida. Decisions regarding maintenance, security, improvements, housekeeping, rules and regulations will pass from the condo owners to the State. The condo you thought you owned will be subject to a "landlord" ... Tallahassee. These bills, camouflaged by their sponsors' claims to be "empowering to condo owners", were quietly cruising through the legislature below the radar. Once passed, all building improvements would grind to a halt and if you couldn't get your faucet to stop dripping, you'd need to contact your Senator! How can this be? It's simple. If legislation is unopposed, it becomes law. If it elicits an angry response from the electorate, it doesn't!

The bills, SB 2498 in the Senate and HB 1223 in the House, contain 42 pages of poorly drafted and constitutionally deficient regulations, several of which completely confiscate any control that condo owners can exert over their homes. It's what is essentially considered "scorched earth" legislation. Because this angry group of condo owners doesn't have as much control over their respective condos as they would like, neither will anyone else! One of the most egregious provisions in the legislation would allow any condo owner to prevent the condominium from performing any improvement, making any repair, addressing any security problem...simply by asserting that it has a financial impact! Hard to believe? It's in there. Anything that costs money (which includes everything, of course) can be objected to by



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Tickets...Continued

Irvine, California, on a trial basis to recover the outstanding fines "on consignment". Darlene Pfeiffer, the parking services division's financial administrator, explained how Etec operates. Etec uses the information collected during the issuance of a violation and recorded on the new software to run a nationwide motor vehicle search and locate the scofflaw's home address. When successful, they follow up with fairly standard collection procedures. Their success has been stunning. In a memo to commissioners, Parking Manager Doug Gottshall wrote, "Of the \$351,000 in citations sent to Etec to date, approximately \$308,800 has been collected, for a success rate of roughly 88 percent." Etec nets 30% of the funds collected for its efforts. The results were so encouraging that on March 2nd the City Commission unanimously voted to authorize payment of the \$92,640 fee to Etec, thereby extending the trial.

The benefits from effective implementation of these systems hold special fascination for our elected officials. The budget crisis has presented them with a dangerous responsibility. Every day, our representatives have to explain to the public (in all its forms) that we have to either pay more or receive less. They are required to do so while artfully dancing around the use of politically suicidal terms such as "service cuts", "taxes", "fees" and "layoffs". If a method of pumping \$10 million+ into the Fort Lauderdale economy can be offered without using any of these "nasties", it's considered a blessing. Of course, the complaints by merchants, visitors and those of us that "get caught" are a factor...but not nearly impactive enough to offset the benefit. Tickets or taxes...what would you do?

To get additional impacts borne of the Fort Lauderdale Budget Crisis, go to the Galt Mile Community Association web site ([www.galtmile.com](http://www.galtmile.com)) and click on the "Issues" section on the menu. Scroll down to Budget Bust. •

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Battlefields...Continued

Although the Broward County Charter underwrites the Commission's authority to control development, the Commissioners in turn empowered the cities with self-determination by writing into the County Commission's Redevelopment Initiative that, "Broward County acknowledges that municipalities will continue to lead in initiating, planning and managing redevelopment including approving development plans, site plans, zoning petitions, providing local infrastructure, etc." OOPS! This understanding has long and deep roots. The Cities, when confronted with Broward's true agenda, got mad...real mad. Painting Broward's intentions as hypocritical, the Cities pointed to the "Blacktopping of West Broward" as an example of Broward County's land stewardship. The municipalities coalesced to fend off the common threat. County officials broadcast mixed signals regarding their disposition to an "agreement" with the cities. While Broward Mayor Ilene Lieberman agreed to talk to city officials, Broward County Commissioners John Rodstrom and Lori Parrish remained intransigent...adopting a hard line. After several months of sending out diplomatic feelers to the County in hopes of arriving at a compromise, the cities finally realized that Broward had no desire to find common ground...opting instead for uncontested control. "The door was shut in our face and the line was drawn in the sand," commented Mayor Joy Cooper of Hallandale Beach. In response to this stonewalling by the County, the cities decided to move the battlefield north.

State Senator Steven Geller of Hallendale Beach, an attorney whose practice represents substantial development interests, offered the cities a weapon of mass distraction...legislation. The battlefield is now in Tallahassee. The Florida Capitol is currently awash with City and County lobbyists, like so many flakes of dandruff on Governor Jeb Bush's shoulders. Senator Geller enlisted Senator Michael Bennett (R-Bradenton) to sponsor Senate Bill 2956, which cleanly eviscerates Broward's control over municipal land use and relocates it to the cities. The Senate Comprehensive Planning Committee, a review stop for the legislation that Senator Geller happens to Chair, approved the bill on March 29th by a 5 YEAS vs. 1 NAY vote. Committee member Senator Skip Campbell (D-Coral Springs) impugned County motives while addressing the Committee during the Bill's consideration, stating that "County commissioners have figured out there is not a lot to do as a county commissioner without development".

Broward County lobbyist David Ericks responded to the threat from the Senate, warning that "This fight is far from over". County Commissioners, pledging to fund as many lobbyists as deemed necessary to foil the legislation, sardonically stated that they would win this battle in the Statehouse where there was no companion bill for Bennett's SB 2956. Ironically, State Representative Chris Smith (D-Fort Lauderdale) picked up the gauntlet for the cities, asserting that "Cities should control their own destiny, not some massive, monstrous county government."

Continued on page 5



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Battlefields...Continued

surprise. Governor Bush, placed in an awkward situation by legislation passed to empower the cities, said that he would veto any disembowelment of Broward's Land Use controls. Broward County decided that a "special election" to head off the effects of the legislation was too expensive. Instead, they are considering a referendum that would ask voters whether they want direct control over Broward County development. Slow-growth advocates and environmentalists have teamed up with Commissioners John Rodstrom and Lori Parrish, the primary backers of the referendum, to try to take advantage of the impasse with the cities and Jeb Bush's big foot in the door. Commissioner Rodstrom (a Citibank employee who was working on a Bond offering for Miami Airport at the same time he was voting on the efficacy of expanding the rival Fort Lauderdale/Hollywood Airport) surprisingly exclaimed, "This is a quality of life issue whose time has come." Huh?

At an April 8th County Commission meeting, Commissioner Ben Graber unexpectedly disclaimed the need for a referendum, "The point of government is to have checks and balances, and the current system works. The sudden move by the cities to upset that balance deserves a response, but this is not the right response." The voice of sanity. He was joined by Mayor Ilene Lieberman and Commissioners Kristin Jacobs (Vice Mayor) and Diana Wasserman-Rubin in questioning the "benefit" of politicizing developmental controls.

Relegating the decision-making "power to the people" is only an asset if those that are receiving the power are the same people affected by the decisions. This referendum would confiscate control from an area's indigenous population and transfer it equally to every resident in Broward County. The residents of west Broward, aside from its effect on travel time expended to get to the beach, have little at stake when deciding Fort Lauderdale's future...and vice versa. Should the slow growth proponents gain unquestioned control over development in all of Broward, the desultory effect on the tax base would skyrocket everyone's tax bill. Growth, an unmentionable of late, expands the tax base of the community wherein it flourishes. As cost of living expenses increase, with no offsetting outside income from additional development, every Broward resident's tax bill will comparably increase...every year! This is not good. Unfortunately, this will probably not concern Broward residents as they "veto" their way through the development elections provided for in the referendum ... until they get their first whopping increase. It will then be too late.

The initial impetus for the County to sponsor a referendum was the impending legislation that would have cut them out of the "growth" loop. Now that the Governor has assured the County of its role in controlling development, the reasonable Commissioners sitting on the County Board are intelligently distancing themselves from this "scorched earth" referendum. It appears as if there might be a ray of hope for the residents of the county; to actualize this self-destructive referendum, six of the nine County Commissioners have to authorize it. Four of them have a problem with tossing control of development to the shifting sympathies of the Broward electorate. You do the math.

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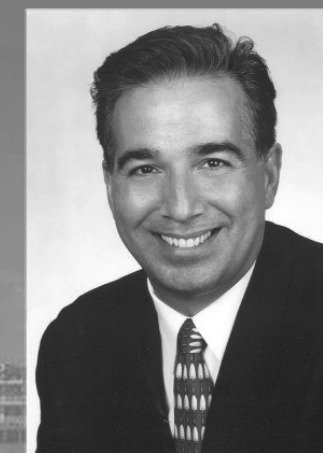
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**#1 Real Estate Office on Galt Ocean Mile!**

*Serving the Galt Ocean Mile residents with more than 20 years of professional service.*  
**Over 40 Agents to Serve All Your Real Estate Needs!**

## Best Deepwater Properties!

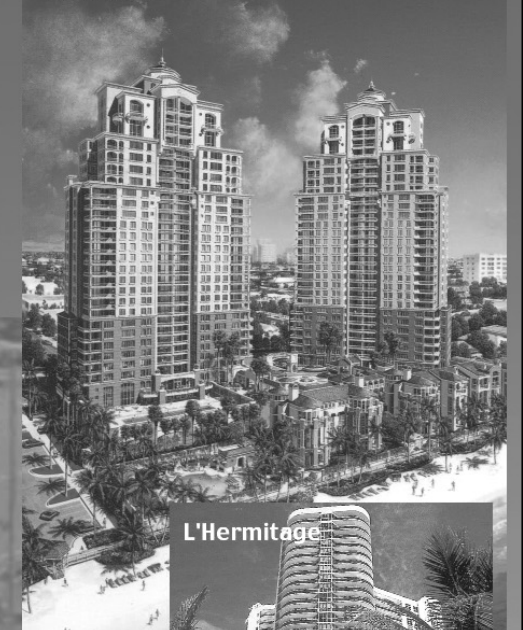
- Las Olas - Spacious 3/3, Pool, Renovated offered at \$899,000
- Landings Deepwater Intracoastal 3/3 Villa offered at \$1,575,000
- Great Selection of new Condos in Miami, Fort Lauderdale & Palm Beach
- One Bedroom Oceanfront starting at \$166,000
- Two Bedroom Ocean Views starting at \$300,000



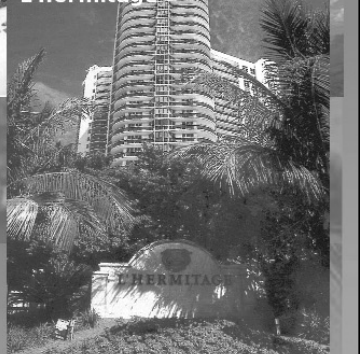
CARL S. MARZOLA  
President, CRS, CIPS

- Brand New Oceanfront Condos starting at \$800,000
- Have 3 to 12 unit, great cash flow, owner will assist with finance
- Great selection of Beach Area Motels & Hotels - from 40 units to 100 units. New Intracoastal hotel/condo prices starting from \$200,000
- Townhomes available starting from \$300,000 and up
- Rentals Available (Annual/Seasonal)
- Restaurant Opportunities Available
- Fantastic deals at L'ambiance:
  - Corner unit, 3 bedrooms/2 baths, 14th floor... **LOWEST PRICE \$537,000**
  - SE corner, marble floors, 3 bedrooms/2 baths, 11th floor... \$825,000
  - SE corner decorator ready, direct ocean views, 17th floor, 2 parking spaces... \$819,000

The Palms



L'Hermitage



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**Toll Free in U.S. & Canada:**  
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