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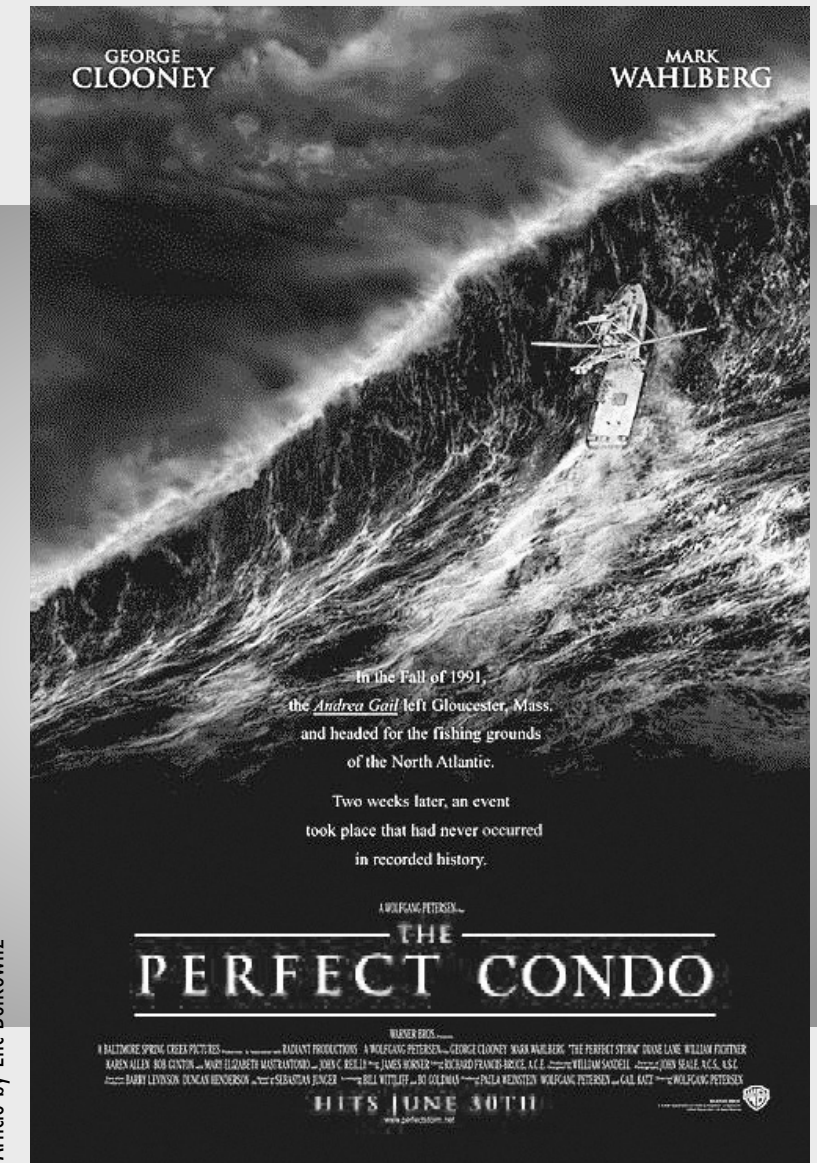
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 - Southpoint



Article by Eric Berkowitz

"The Perfect Storm" is a movie pitting man against the elements. The title is an allegory for the assortment of meteorological events that coalesced to create a powerful and unique backdrop for a schmaltz-on-toast mythic struggle. More people came to see the Herculean weather dynamic than to watch Mark Wahlberg or George Clooney jerk tears. In South Florida, a similar unique confluence of factors has conspired to formulate "The Perfect Condo Market". The Fort Lauderdale budget circus couldn't crimp the high-flying market. Not even the four-hurricane season that prompted the jittery State to spend millions putting the bloom back on the tourism rose (and spurred the Governor to call a special session in Tallahassee) could slow it down.

In the late 1980s and early 1990s, South Florida was awash in multifamily units that overoptimistic developers churned out like Pez. Assembly line homebuilders were giving plaid stamps and Dolphin tickets to potential purchasers. Alan Greenspan's Fed KO'd the high flying equities market with five ill-advised rate hikes. With the collapse of the Dot.Com driven stock market, orphaned investment dollars took up residence in the overbuilt and underpriced South Florida Real Estate environment. Properties were quickly absorbed by stock-shy former day traders at K-Mart prices. Broward County realtors soon realized that inventories were depleted. Savvy developers grabbed and earmarked the few remaining waterfront lots for high priced, high rise pre-construction sell-outs. Overnight, single family homes acquired a premium not seen for two decades.

THE PERFECT CONDO MARKET

In the late 1980s and early 1990s, South Florida was awash in multifamily units that overoptimistic

Continued on page 5

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PUBLISHER
YELLOWDOG
 P R E S S : L L C

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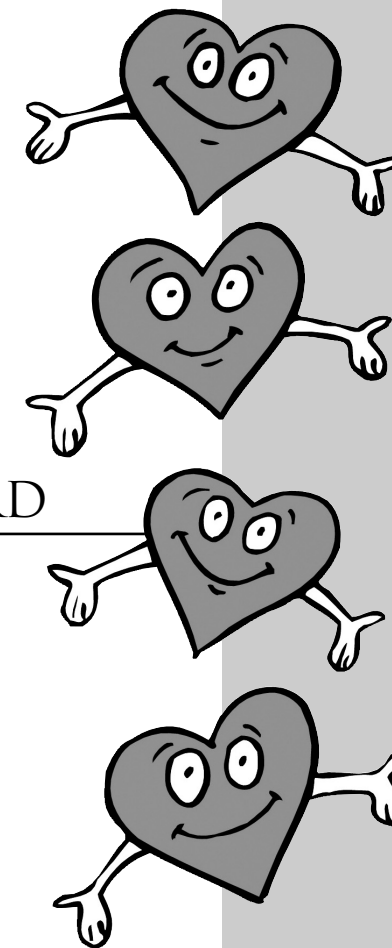
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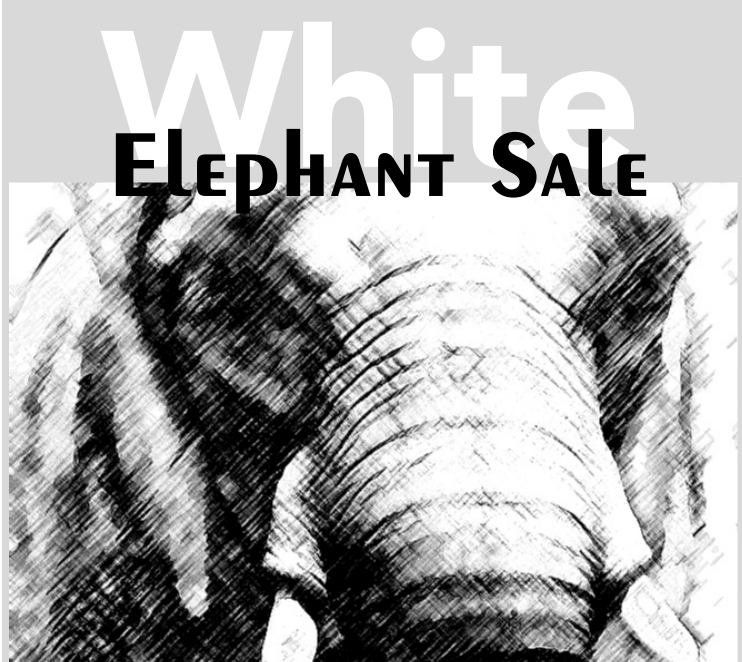
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Perfect Condo...Continued

Miami's longstanding status as a center of world trade has diffused throughout the region. South Florida not only continued to attract emigration from the north, but its growing reputation as an international hub precipitated a world-wide population influx. The decline of the dollar has widened the welcome mat to international investment and fulfilled the dreams of world-wide second home buyers. The 200,000 euros that couldn't dent the market several years ago, now places European travelers into luxury beachfront condos.

After recovering from 9/11, South Florida's historical tourism and import-export business was joined by other industrial resettlement attracted by the region's enticing economic environment. The exploding Florida Information Technology industry (Computer Hardware and Software), Biomedical Research and Development (i.e. Scripps in Palm Beach County), Motion Picture production, Telecommunications, Surgical and Medical Instruments, etc. intensified the demand on housing and helped expand the seller's market from the coastal region through West Broward. The growing population required a commensurate expansion of public services. Accompanying the increase in Broward's new business residents, public sector personnel working in Fire, Police and Parks Departments, teachers, nurses, etc. placed additional pressure on housing.

On the Barrier Island, "affordable housing" became a cynical oxymoron. The exuberant market shot home prices out of reach for all but the healthiest household budgets. The average home buyer, unable to compete for housing in the County's single family home market, turned to multiunit housing (townhouses, condominiums, coops, etc.). Those left behind by escalating housing price points turned to the rental market. Since a large segment of rentals are condominiums, this neglected to relieve the pressure on dwindling housing stocks. Since land availability for luxury coastal and downtown multifamily high-rise construction had thinned, developers targeted South Florida's western suburbs. Mixed use developments and apartment house conversions in Kendall, Sunrise, Plantation and West Boca that were zoned as "affordable" housing experienced "appreciation creep" within days of permit approval.

A substantial portion of the Barrier Island's "second home" retirees encountered an unanticipated consequence of their overnight windfall. Those unprotected by the "Save Our Homes" amendment found that the increased taxes on their newly appreciated properties had outstripped their fixed incomes. This precipitated a multi-year selloff that lowered the age demographic of the County's beach communities. However, this contribution to available stocks was offset by many sellers then opting for less expensive replacement housing, resulting in no net inventory increase - simply turnover.

Another large segment of the existing population is the empty nested baby boomers. After launching their progeny into society at large, the average nuclear remnant of 1 or 2 parents occupied a residence that previously housed 4, 5 or more family members. Aside from stirring activity for realtors, their obvious inclination to downsize had little net effect on the overall market. While putting single family homes back into play, the relocating parents made the natural transition to multi-unit housing. To avoid

Continued on page 9

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13 Oliver! (Through 2/20) Broward Center Info.: 954-462-0222	14 Valentine's Day Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center Info.: 954-828-5033	15 White Elephant Sale 3233 N.E. 34th St. (See article on page 24)	16	17 Galt Mile Community Association Meeting Nick's Italian Restaurant 11 a.m.	18	19
20	21 President's Day	22 Peking Acrobats Broward Center Info.: 954-462-0222	23 8 Track: The Sounds of the 70s (Through 2/27) Broward Center Info.: 954-462-0222	24	25 Master's Challenge Swim Meet Ft Lauderdale Aquatic Complex 8 a.m. - 2 p.m.	26 Master's Challenge Swim Meet Ft Lauderdale Aquatic Complex 8 a.m. - 2 p.m.
27 Master's Challenge Swim Meet Ft Lauderdale Aquatic Complex 8 a.m. - 2 p.m.	28 Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center Info.: 954-828-5033	1 Fort Lauderdale City Commission Meeting City Hall 6 p.m.	2	3	4	5 Las Olas Art Fest Part II Las Olas Blvd. 954-472-3755
6 Las Olas Art Fest Part II Las Olas Boulevard 954-472-3755	7 Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	8	9	10 Las Olas Wine & Food Fest Las Olas Blvd. 954-524-4657	11	12
13	14 Commissioner Christine Teel: Pre-Agenda Meeting Beach Community Center Info.: 954-828-5033	15 Fort Lauderdale City Commission Meeting City Hall 6 p.m.	16	17  St. Patrick's Day	18 Elton John Office Depot Center Tix.: ticketmaster.com	19 Riverwalk Run/Walk 5 Mile Run DDA Park 7 a.m.

A l o o k a h e a d

April 21 Clueless on Las Olas

May 8 Sarah McLachlan Office Depot Center, Tix.: ticketmaster.com



Article by Eric Berkowitz

Flu Fix For Fort Lauderdale

This Flu season was cloaked in mystery. In the spirit of dispensing regular warnings for a variety of incipient dangers, Washington alerted the nation over the summer to an impending pernicious Flu season. Across the country, the annual November through March influenza gauntlet kills more than 36,000 and hospitalizes thousands more (114,000 last year). The Beltway declared that they would be ready - they would stockpile "enough vaccine to sink a ship." Each year it has to be custom prepared to combat the strains of Flu that are expected to do the most damage. Influenza vaccine is touchy stuff. Influenza viruses are initially grown in embryonated hens' eggs. Thus, both vaccines might contain limited amounts of residual egg protein. breakfast is served!

Because a huge amount of vaccine is required for world-wide distribution and the formula varies every year, the manufacturing process is shared by pharmaceutical companies around the globe. In October, the nation lost about half of its expected supply of 100 million doses when British officials shut down a Chiron Corp. plant and suspended their license for three months due to possible contamination. Bad timing.

Fortunately, the season so far has been fairly mild with the exception of New York and Vermont. As of Flu season week 52 (ending on January 1st), Florida rated a "green" alert, the Center for Disease Control (CDC) designation signifying sporadic outbreak. Dispensation of vaccines was planned for what were considered to be "high risk" groups. These include healthy children aged 6 to 35 months, adults aged 65 and older, children up to age 18 on long-term aspirin therapy, residents and employees of long-term-care facilities, pregnant women in their second or third trimester, care givers of infants under the age of 6 months, individuals with chronic health conditions such as heart or lung disease, asthma, diabetes, weakened immunity or cancer and household members of high-risk individuals.

Continued on page 18

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Perfect Condo...Continued

a significant tax consequence, profits from the sale of their home were often reinvested into another property - the ideal candidate being a smaller, less demanding, condominium unit. Of course, South Florida continued to receive the lion's share of downsizing empty nested baby boomers from across the country, further squeezing the condo market.

From January 2003 to June 2004, prices of South Florida condos climbed by as much as 24 percent while single-family houses, which typically cost more, only increased by 18 percent. Marketing researchers expect the gap between multi and single family homes to further widen when the year-end statistics are released. In fact, condominium appreciation is expected to substantially outpace the rest of the housing market. On the Barrier Island, the discrepancy is more pronounced as many condo unit prices have more than doubled over the past few years. Three bedroom luxury units in 35 year-old Galt Mile buildings like Regency Tower, the Commodore Condominium and Galt Towers that went for \$180,000 in 1996 and jumped to \$300,000 in 2000 were selling for over \$600,000 by the end of 2004.

Analysts have identified the current hot market as "having legs". David Lereah, chief economist for the National Association of Realtors (NAR), explained, "We've seen an incredible pace of existing condo and co-op sales over the last six months, but we're also seeing some exceptional price appreciation." Anomaly markets driven by one or two factors are predictably limited and, as such, often spontaneously decline. While markets are cyclical, those that enjoy a broad base and substantial economic underpinnings proliferate until the impelling factors deteriorate. The combination of first-time buyers, single professionals, young families, employees of newly relocated businesses, retirees, casual investors and hardcore speculators, downsizing baby boomers and animated domestic and international second-home markets comprise a broad sustainable client base.

Continued on page 13

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Flu...Continued

On December 28, 2004, Florida Department of Health (DOH) Secretary John O. Agwunobi, M.D., M.B.A., M.P.H., announced that 60,000 doses of adult flu vaccine purchased from California had been received with additional shipments to the state anticipated on an ongoing basis. Stepping up to the challenge, Aventis Inc. whipped up additional flu shots to help offset the tainted British vaccines and boost the nation's supply to 58 million doses. In January, Florida started receiving 200,000 vaccines for distribution to the 67 County Health Departments throughout the State, 40,000 earmarked for Broward and Palm Beach Counties. This wealth of new medication will allow people ages 50 through 65 to also be eligible for the vaccinations. Deputy administrator Jeffrey Keiser of the Broward County Health Department remarked, "I think the demand is still there. A lot of people held off getting a shot. I don't see this vaccine just sitting here."

To soften the adverse effects of the vaccine shortage, Medicare announced that it will pay for prescription drugs to treat those among its 40 million beneficiaries who catch the flu. With the exception of the 20% co-pay (ranging from \$4 to \$20), Medicare will pay for about 14 days' worth of one of four flu-fighting drugs: amantadine, rimantadine, oseltamivir (Tamiflu) and zanamivir (Relenza). Dr. William Rogers, a Medicare medical officer, explained, "We needed to do something to ameliorate the damage from the failure of this vaccine manufacturer." This uncharacteristic benefit starts immediately and will extend through May 31, 2005. Despite the flu season being more than half over, the disease continues to represent a life-threatening danger.

Any Medicare beneficiary 50 or older that postponed becoming vaccinated can now sidestep a most unpleasant experience at no cost. The Broward County Health Department start date for administering flu shots to high-risk individuals was Tuesday, January 11th, at Festival Marketplace, 2900 W. Sample Road, Pompano Beach. Another round was scheduled for January 26th at the Pembroke Lakes Mall, located at 11401 Pines Blvd. in Pembroke Pines. Additional flu clinics are planned throughout the rest of the season. To avoid long clinic wait times, appointment slips will be distributed at the beginning of the day. Medicare beneficiaries should bring proof of Medicare Part B coverage. Maxim will also provide free immunization to anyone covered by the following: Blue Cross Blue Shield of Florida, Avmed, Wellcare, Care Plus, Health First Health Plans, Quality Health Plan, United Healthcare, Aetna, and Preferred Care Partners. Proof of Insurance is required. All others not covered by the above plans may purchase their vaccinations through Maxim Health Systems for a cost of \$20.

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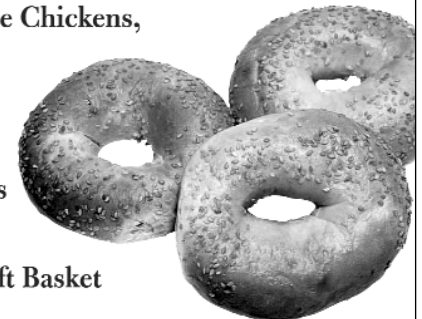
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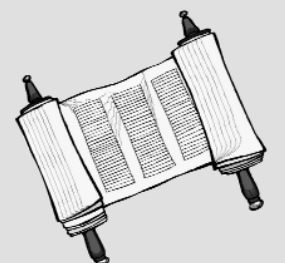
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Perfect Condo...Continued

Low interest rates, growing consumer confidence (102.3 as of December 2004) and a demand that outstrips supply form the basis of the market's economic foundation. Dr. Lereah explained that some of the backup in housing demand is being met, "We're setting our fourth consecutive record year for existing-home sales, and even with strong fundamentals such as household growth, low interest rates and an improving economy, we simply can't set records every year. Given the sharp rise over last year's record, a lot of buyers have found the home they've been looking for and we can expect a bit of a breather in 2005, which will remain a historically strong year." Lereah predicts the 30-year fixed-rate mortgage should rise slowly but average only 6.4 percent in 2005. The re-emerging equities market, while initially presumed to be a competitive threat to real estate appreciation, has had little impact on climbing prices.

Analysts concur that the real threat to the market's economic basis is runaway energy (oil) costs and the Federal Government's \$400 billion deficit (CBO projection). According to NAR's Dr. Lereah, massive international capital inflow derived of the weak dollar has kept interest rates low, temporarily offsetting upward rate pressure from exploding Federal deficits. While international investment and oil prices are volatile factors over which we exert limited influence, our self-inflicted record deficits are the greatest threat to a market-friendly, low interest rate environment.

While the market appears sustainable and well grounded, rampant speculation has overstimulated prices. New developments at every price point are being closely monitored by motivated investors. As pre-construction sales opportunities arise, these short-term speculators grab a block of units for quick resale, often to another speculator. Every turnover adds an additional price premium. Jack Winston, a senior consultant at Goodkin Consulting in Miami (and an adjunct professor at the University of Miami's Schools of Architecture and Law), said "such investors make up about 70 percent of the new condo buyers in Miami. In Broward and Palm Beach counties, they make up between 20 percent and 40 percent of buyers." Lewis M. Goodkin (Goodkin Consulting's founder) expounded, "Traditionally, the development industry's biggest challenge is avoiding an oversupply. The huge surge in speculative buying/selling in the past three years has distorted real demand in the market, setting the wheels in motion for a rude awakening." Goodkin characterized the danger as "a condominium bubble" that would behave "like a giant margin call."

Condominium Associations usually protect themselves from speculators by infusing their Condo Docs with restrictions requiring the purchaser to hold the unit for a year or two before the Association will agree to the transfer of title. However, in the pre-opening phase until such time that the new owners represent a majority of the residents, the governing "Board" is controlled by the developer. During this interim period, units can be summarily resold at the developer's discretion. This pre-opening "Flip-Mart" serves to soften the developer's substantial financial exposure. To protect themselves from the tidal wave of speculative investment, banks and other mortgage lenders are requiring down payments of 20% or more.

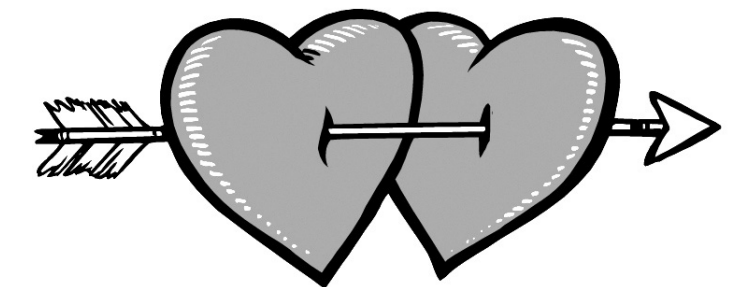
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Deductible...Continued

or less, and most of the rest (40.7 percent) have 2 percent deductible policies. Less than 1 percent of condominium unit owners have a percentage deductible greater than 2 percent (see table below). While 54.7% of the Condo owners are exposed to "multiple deductible jeopardy" of \$1000 to \$2000 (2 to 4 deductibles @ \$500 each), the 40.7% that carry 2% deductibles on average properties of \$103,916 have exposures of \$4156.64 to \$8313.28. The real pain is felt by the 0.3% of Condo policy holders that carry 15% or more on properties averaging \$438,058. Their double through quadruple deductible exposure is from \$131,417 to \$262,835 and higher! While the \$3000 maximum reimbursement should "make whole" more than half the Condo policy holders victimized by the deductible inequity, the rest could be significantly assisted by these bills. Of course, the \$3000 reimbursement will only marginally buffer the one half of one percent of policy holders that have "special" deductible requirements of 15% or higher.

On January 6, 2005, CFO Gallagher announced that the "Multiple Deductible Reimbursement Program" assistance be paid first to Floridians who paid two or more full deductibles, followed by those who paid part of a second or third deductible. Gallagher explained, "The program to provide these storm victims financial relief is now up and running and applications to eligible individuals will soon arrive in thousands of mailboxes across the state. I encourage those who are eligible to submit their applications as soon as possible so that we can get them the financial assistance they need to start rebuilding. Policyholders will receive an application from their insurance company by mail along with information needed to complete the application." He advised that

if the application packet does not arrive by January 27, 2005, then the policyholder should call the Department of Financial Services at 1-800-22 STORM for guidance.

For additional information about the Special Session in Tallahassee, go to the weather section and/or the new Tallahassee Politics section under (Issues) in Galt Mile Community Association web site (www.galtmile.com) and read "The Impending Insurance Hurricane" and "Double Deductible Dumped". Available are links to the State of Florida House and Senate web sites that contain the legislative details of the new law. To read the actual text of the enrolled bill, simply click on the appropriate link.

Current Hurricane Deductibles for Condominium Unit Owner Policies

Deductible Amount	Number of Condo Units	Percent of Condo Units	Average Insured Value
\$1 to \$500	381,339	54.7%	\$74,763
\$501 to \$1,500	24,190	3.5%	\$103,349
\$1,501 to \$2,500	1,801	0.3%	\$147,761
2%	283,776	40.7%	\$103,916
5%	3,285	0.5%	\$306,922
15% or greater	2,306	0.3%	\$438,058
Other deductibles	1,025	0.2%	
Total	697,722	100%	

In response to the legislation mandating a single annual deductible, insurers threaten significant premium rate hikes. This lead to negotiations with the state to present associations with a choice. Essential, an association will be able to opt for either a higher premium with a single annual deductible or multiple deductibles with a lower premium expense. •

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Deductible...Continued

- Maximum reimbursement of \$10,000 per policy, or \$20,000 per policy if damaged by three or more hurricanes.
- Maximum reimbursement for a condominium association policy in amount up to \$3,000 per unit.
- \$100 Deductible applied to the reimbursement.
- Applications for reimbursement must be filed with the department by March 1, 2005, including such information as the department requires to verify the claim, including documentation from the insurer.
- Department of Financial Services may investigate and adjust reimbursement claims, and may contract for this service.
- Applications for reimbursement are subject to insurance fraud penalties.
- Insurers must mail notice of the reimbursement procedures to policyholders who had more than one hurricane deductible applied.
- Total amount paid to all policyholders is limited to the amount appropriated. Department of Financial Services must first pay policyholders who received claims payments for two or more hurricanes for which each payment was reduced by the full amount of the deductible. All other eligible policyholders would be paid on a pro rata basis if funding is inadequate to pay everyone in full.
- Up to \$150 million is transferred from the Florida Hurricane Catastrophe Fund (FHCF) to the department's Insurance Regulatory Trust Fund and appropriated for reimbursement. In order to maintain actuarially indicated premiums, the State Board of Administration must increase future premiums to insurers for FHCF coverage over 5-year period.

The bill also requires residential property insurers to apply future hurricane deductibles on an annual basis to all hurricanes that occur during the calendar year. The annual deductible applies to losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group. However, insurers may apply the "other perils" deductible, or the remaining amount of the hurricane deductible, whichever is greater, to subsequent hurricane losses. Insurers may require policyholders to report claims below their deductible and to maintain records or receipts in order to apply the loss to a subsequent hurricane. If a policyholder has a hurricane loss and then changes the hurricane deductible, the highest deductible applies. These requirements apply to policies issued or renewed on or after May 1, 2005.

For condominium unit owner policies (which generally cover only the contents, wall and floor coverings, and appliances), most policies (54.7 percent) have a deductible of \$500

Continued on page 14

JUST SOLD

Information provided by Eastside Properties

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

Coral Ridge Towers N #1410 (2/2) \$250,000 - closed 1/10/05	Playa Del Sol #607 (2/2) \$480,000 - closed 1/4/05
Galleon #401 (3/2) \$550,000 - closed 1/10/05	Coral Ridge Towers E #316 (2/2) \$212,500 - closed 12/21/04
Fountainhead #1C (2/2) \$390,000 - closed 12/20/04	Galleon #1507 (2/2) \$405,000 - closed 1/5/05
Plaza South #3E (2/2) \$355,000 - closed 12/23/04	Coral Ridge (2/2) \$186,000 - closed 1/10/05
Commodore #207 (3/2.5) \$605,000 - closed 12/23/04	Playa Del Mar #1115 (2/2) \$450,000 - closed 1/11/05
Riviera #1401 (2/2) \$475,000 - closed 12/21/04	Ocean Club #1011 (2/2) \$554,000 - closed 12/20/04




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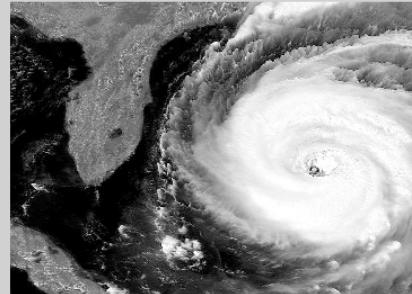
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Deductible...Continued

The 2004 hurricane season has been particularly destructive for Florida, with Hurricanes Charley, Frances, Ivan, and Jeanne causing extensive damage throughout the state. According to the Office of Insurance Regulation (OIR), as of December 2, 2004, insurance companies have reported over 1.5 million property insurance claims for all four hurricanes and \$10.5 billion in total claims payments. The companies estimate that the total expected gross property loss will reach \$20.8 billion.

Insurance companies and the State spent the last four months jockeying for position in an anticipated clash over the fiscal impacts of the catastrophic season. Florida Chief Financial Officer Tom Gallagher publicly disparaged Florida insurance policy for permitting insurance carriers to charge several deductibles for damages incurred by serial weather events. In turn, Allstate Insurance stopped writing new homeowners' policies in 17 Florida counties brutalized by the weather. In counties that were not hit as hard, it is only writing renters' and homeowners' policies without wind coverage. The special session is the State's first volley in what appears to be maneuvering on both sides to protect themselves from overreaction by the other.

As such, the legislation will fulfill a commitment that Mr. Gallagher made during the hurricane season to abolish the multiple deductible, characterizing it as "fundamentally unfair". This proactive legislation serves as a useful plank from which Mr. Gallagher can launch a prospective 2006 gubernatorial campaign. The field will likely include, among others, fellow cabinet member and Florida Attorney General Charlie Crist.



Residential hurricane deductibles are typically 2 percent of policy limits and may generally be as high as 5 percent of policy limits, or even higher for certain policies. However, \$500 hurricane deductibles are still prevalent for homes and mobile homes valued under \$100,000. The deductible applies to each hurricane, which can result in significant out-of-pocket expense to many policyholders. In many cases of multiple hurricane claims, according to a survey of insurers by OIR, the insurer waived application of multiple deductibles. But, using the survey results and attempting to account for missing information, the legislative committee staff estimated that about 36,000 policies had multiple deductibles applied and that the cost to policyholders of second and subsequent deductibles may total about \$70 million. While this estimate apparently includes only policies for which insurers paid two or more claims and deducted the full amount of the deductible, it does not include "no payment" claims below the deductible or claims not reported to the insurer.

The bills require the Department of Financial Services to reimburse residential and commercial policyholders for the financial loss due to the insurer applying multiple hurricane deductibles under the following specified conditions and limitations:

- A policyholder must have incurred damage in excess of the full amount of one deductible (which may be met by adding two or more claims below the deductible).

Continued on page 12

Perfect Condo...Continued

The downside to this glowing real estate environment is that it's rooted in a non-renewable limited resource...land. Broward's population of 1.6 million is expected to grow to 2.5 million by 2030. In an August 2003 report entitled "Accommodating Population Growth in Broward County, 2000 to 2030", the Broward County Office of Urban Planning and Redevelopment asserts, "Existing vacant land is insufficient to sustain the anticipated population growth. All vacant residential land in Broward County will be absorbed before 2030: Build out conditions will be reached by 2015 for single family and by 2010 for multi-family units."

The fact that land is a zero sum game presents two significant problems. As previously stated, the exploding population requires a proportional increase in accessible public services. Due to the shortage of available land, accommodating this need after the fact is not an option. Provisions for traffic control and route planning, hospitals and medical services, police and fire services, green space and commercial access must be made before the land is "spoken for". There isn't any additional space that could serve as a safety net once build out conditions are attained. This leaves five years (for multi-unit housing) to ten years (for single family homes) to incorporate a public services framework into the "master plan" before it is too late.

The second problem stems from the frenetic pace of this market. To financially optimize the real estate heat, developers are churning out construction in a hurry. There are 30 municipalities within Broward County, each exhibiting different land use, population, and development characteristics. Trying to achieve services equilibrium for Broward's rapidly morphing municipalities has Planning and Zoning Boards in a dither. Instead of filling out a "master plan" in an organized manner, planners must compromise "on the fly", deftly dancing around codes while hoping to hit a moving target. To avoid legal entanglements with the developer and the ire of project neighbors, planning boards squash and stretch municipal code guidelines while racing to plunk the property into next year's tax roll.

Some analysts predict a slowdown of appreciation in about two years when a glut of new units hits the market and investors have to unload them. While waterfront luxury housing will likely hold its value, huge developments currently under construction in West Broward and Palm Beach Counties should soften without the hyperactive investment that currently inflates appreciation. Lewis Goodkin depicts a "best case scenario" when this happens in 2006 as "all the speculators will close on their units - then put them back on the market to compete with new construction at that time." Those forced into the rental market anxiously await this correction to realize their slice of "The American Dream"... to own a home! •

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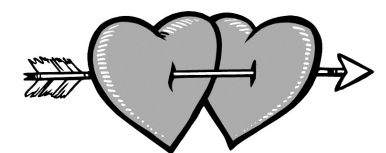
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Flu...Continued

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GALT MILE RESIDENTS-Flu shots are available at the Galt Ocean Village Medical Center located at 3298 N.E. 33rd Street-across the street from the Beach Community Center. Call (954) 568-6789 for information. •

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State to Dump Double Deductible

Article by Eric Berkowitz

The December 13th special session of the Florida Legislature called by Governor Bush to tackle the "double deductible" inequity framed by the 4-hurricane season has borne fruit. Senate Bill S10-A, sponsored by Senators Garcia and Lynn and House Bill H 0009-A by Representatives Ross, Barreiro, Baxley, Farkas, Harrell, Mayfield and Murzin provides for the Florida Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes.

Although the original bills were limited to individual homeowners, intense pressure applied by the Condominium Association Legislative Lobby (CALL) opened the door to Condominium inclusion. The amount of reimbursement to condominium associations will vary depending on each association's hurricane deductible under their policy and the amount each association paid for hurricane deductibles. While the maximum reimbursement to condominium associations is limited to \$3,000 per condominium unit, the State is earmarking \$75 million to fund the plan.



Filed on December 10th and introduced on December 13th, Senate Bill S10-A was referred to the Senate Banking and Insurance and General Government Appropriations Committees for review. It sailed through

Banking and Insurance by a vote of 10 YEAS vs. 0 NAYS on December 14th. The next day it passed General Government Appropriations by a vote of 4 YEAS vs. 0 NAYS. It was placed on the Special Order Calendar for consideration on December 16th and then "laid on the table" after its sister House Bill H9-A was substituted for it. The House Bill H9-A was also filed on December 10th and introduced on December 13th. The bill was referred to the House Insurance Committee, Fiscal Council and Commerce Council. It immediately passed the House Insurance Committee by a 16 YEAS vs. 1 NAY vote. On the 14th, it passed the Fiscal Council by a vote of 20 YEAS vs. 1 NAY. Later that day, it zipped through the Commerce Council by a 10 YEAS vs. 0 NAYS unanimous vote. It was added to the third reading calendar the next day. On December 16th, the bill passed a vote in the House by 115 YEAS vs. 2 NAYS (3 not voting) and the Senate by 38 YEAS vs. 1 NAY (1 Not Voting) and ordered enrolled. It was signed by the officers on December 21st before being presented to and signed by the Governor.

Continued on page 10

Defibrillators ...Continued

Defibrillators. Every defibrillator is approved by the FDA and is designed for easy use by any untrained first responder. Every concerned Galt Mile resident should support their Board's acquiring and maintaining this inexpensive device that may one day save their life or that of a loved one. No more dawdling... there's too much at stake!

BTW - As a result of a decision rendered by the U.S. Food and Drug Administration on October 20, 2004, AEDs will soon be available to anyone "over the counter". The Philips HeartStart Home Defibrillator can now be purchased without a prescription. The FDA is currently considering similar applications from other manufacturers. It appears that all FDA-approved Automated External Defibrillators designed for use by lay "first responders" will also be available without a prescription in the near future.



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Defibrillators ...Continued

The L.A. Fitness Health Club at 3825 N. Federal Highway is being sued by the family of Alessio Tringali. The 49 year-old Mr. Tringali suffered a fatal collapse on April 3, 2003 while exercising at the Oakland Park fitness facility. The wrongful death lawsuit filed by the victim's family alleges that supplying a defibrillator may have saved his life. The family of another 51-year-old man who had a fatal heart attack at the Coral Springs L.A. Fitness gym filed a similar lawsuit in July. The legal liability shoe appears to have switched feet. The law is starting to consider the availability of defibrillators to be as important as fire extinguishers in private, as well as public, venues. As with fire safety systems, preparation is the key to liability. In framing the industry-wide liability issue, family attorney Russell Adler stated, "We hope as a result of this litigation and other litigation that is ongoing in the United States that health clubs will take basic measures to save the lives of members who have heart attacks in their clubs." These legal developments aren't lost on Association attorneys. The question confronting condo residents and their Boards is no longer, "What will happen to us if we purchase and install a defibrillator?" It is now, "What will happen if we don't?"

Following President Clinton's signing the "Cardiac Arrest Survival Act of 2000" into federal law, state legislatures across the nation passed some variation of a "Good Samaritan" law designed to encourage public placement and use of defibrillators. These laws originally envisioned deployment by a trained user. The state versions of this immunity from civil liability have been expanding almost annually. As legislators educated themselves about AEDs,

they reconfigured their legislation to protect any first responder to an SCA emergency.

Chapter 768.1325 of the Florida Statutes, also entitled the "Cardiac Arrest Survival Act", is a work in progress. Originally designed to protect trained personnel, the protection was later extended to any person maintaining, testing or acquiring an Automated External Defibrillator. Subsequently, anyone operating the device in good faith and any medical professional providing oversight and/or training for its use was also included. During the 2004 legislative session in Tallahassee, laws mitigating civil liability for Condominium Associations, Cooperatives and Homeowner Associations were enacted.

Targeting protection for Associations, House Bill 0411 and Senator Walter G. (Skip) Campbell's Senate Bill 1184 amended the Statute with, "Notwithstanding any other provision of law to the contrary, and except as provided in subsection (4), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency, without objection of the victim of the perceived medical emergency, is immune from civil liability for any harm resulting from the use or attempted use of such device. In addition, any person who acquired the device, including, but not limited to, a community association organized under chapter 617, chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, is immune from such liability..." Chapter 718 is also known as "The Condominium Act". Chapter 719 governs the creation and operation of Cooperatives. Chapter 720 is devoted to Homeowner Associations. Governor Bush signed the bills into law on June 23, 2004.

In addition to immunizing Condominiums from civil liability for AED deployment, the new amendment also protects Associations from whimsical insurance vagaries. It states, "An insurer may not require a community association to purchase medical malpractice liability coverage as a condition of issuing any other coverage carried by the association, and an insurer may not exclude damages resulting from the use of an automated defibrillator device from coverage under a general liability policy issued to an association." Condominium trepidations about civil liability or perceived insurance exposure were mitigated in one fell swoop. There are no longer any "good reasons" to delay acquiring a defibrillator.

Galt Mile Associations are overcoming their prior queasiness about installing AEDs. More than half of the 26 Galt Mile Community Association members have equipped their premises with defibrillators. The new legislation has paved the way for the rest to likewise protect their resident-members as well as their individual Associations. The Galt Mile has reinvented itself in the past few years; almost every building has expended substantial resources to upgrade construction, fire safety and security systems. Most residents have friends and relatives in other buildings as well. An unnecessary SCA tragedy will resound throughout the entire community. We can only hope that the unprotected condos win their dangerous race with the clock.

The Galt Mile Community Association strongly endorses the installation of a defibrillator in every one of its member Associations. While deciding to emplace an AED is a no-brainer, selecting one is a challenge. Inasmuch, we maintain a substantial segment on our web site with extensive information about Automated External

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A Race with the
Clock



Senator Walter G. Campbell

Article by Eric Berkowitz

Sudden Cardiac Arrest (SCA) is a condition that kills more people than house fires, AIDS, firearms, prostate and breast cancer, and automobile accidents... combined! In the United States, it attacks about 700 victims every day. Without treatment, the 250,000 unfortunates that SCA strikes annually face a survival rate of less than 5%. There is only one treatment - defibrillation. If defibrillation is administered, survival rates skyrocket to 50%. Defibrillators are inexpensive, portable and so "user friendly" that untrained 10 year-olds have successfully used them to rescue SCA victims. Of the 30 to 40 Florida residents that succumb to SCA every day, 2 or 3 live in Fort Lauderdale.

Several years ago, a debate commenced over the efficacy of defibrillators. Proliferating in public venues, Automated External Defibrillators (AEDs) sprouted up in airports, bus and train terminals, government buildings, ballparks, stadiums, theaters, shopping malls and public parks. The plummeting cost of defibrillators has made them accessible to almost any household budget. Their similarity to fire extinguishers as an effective yet inexpensive life-saver swiftly popularized the devices. Sudden Cardiac Arrest kills far more people than fires ever did. Every responsible household has a fire extinguisher. Why not a defibrillator?

Why not? Defibrillators made people nervous. In deference to technophobes who still stare at their VCR continually blinking 12:00... 12:00... 12:00... defibrillators appear to be a daunting piece of hi-tech wizardry. They have all the intimidating earmarks of equipment that seemingly requires years of training before proficiency is achievable - colored buttons and lights. (This phobic perception is unwarranted in view of the device's voice capability that actually "talks" a user through an incident.) In addition, there were legal issues. People labored under the assumption that if the person next to you collapsed and you deemed to help, after a few visits to the local courthouse, he would be moving into what used to be your house. Condominium Boards wriggled uncomfortably when reviewing the pros and cons of installing a defibrillator. For years, the specter of a lawsuit delayed the acceptance of defibrillators by litigation-leery Associations.

Continued on page 6

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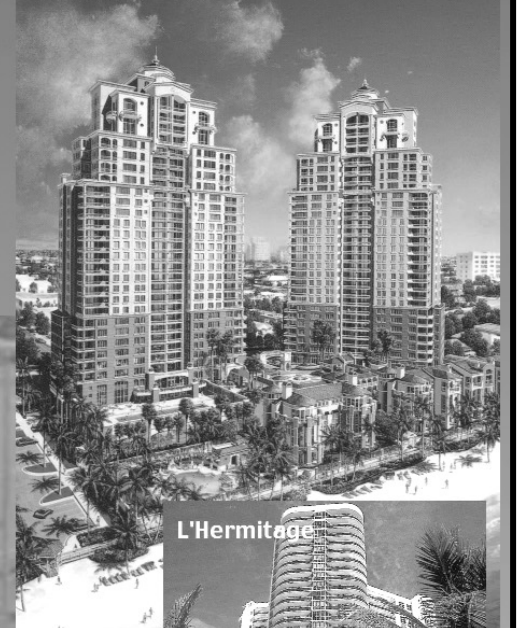
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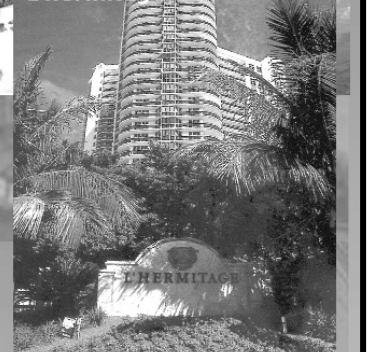
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