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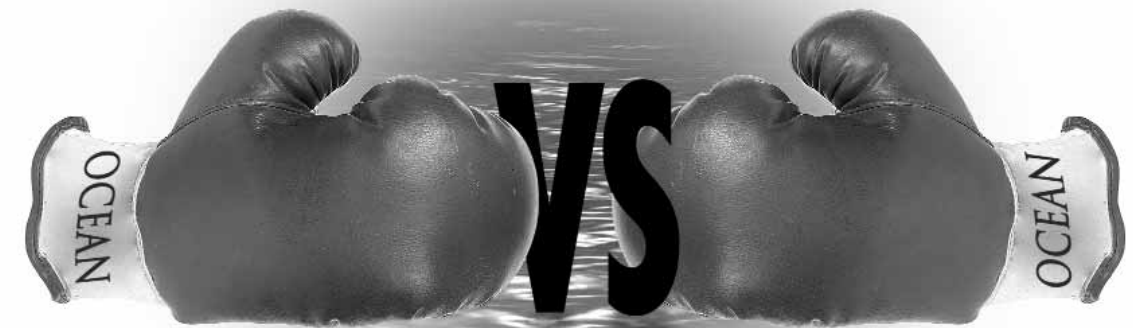
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SIBLING RIVALRY

OCEAN CLUB BUMPS HEADS WITH OCEAN MANOR

by Eric Berkowitz



Sibling Rivalry? Not exactly. A controversy has been brewing between the Ocean Manor and some of their neighboring Associations along the Galt Mile. Evidently, the reasons for the altercation had been festering for some time. On Thursday, August 4th, the issue passed to the Ft. Lauderdale Special Magistrate. Case number CE05050466 against the Ocean Manor Condominium Association will probably result in their having been found in violation of 17-10(1) or as described in the semi-comprehensible case label, "outdoor music at resort disturbs the neighborhood vicinity, thereof, exceeding the permitted noise level for that district."

While the Galt Mile's thousands of residents enjoy having a supermarket, dry cleaners, banks, restaurants, etc. across the street, they prefer the privacy and quiescence afforded by the neighborhood's residential configuration. In the spirit of communal collegiality, we tolerate our neighbor's construction noise because we know that they will tolerate ours. The inconvenience will end when the construction is complete. The traffic and noise from standard commercial

distractions are conveniently relegated to the other side of the street. Even the hotels along the block blend into the residential lifestyle enjoyed on the Galt Mile... until recently.

One of the Galt Mile's member Associations, the Ocean Manor, is a condominium hotel. The 190 condominium units have long coexisted with the hotel and its assortment of ancillary appendages such as the "Beach Café" and the "Tiki Beach Bar" that offer food, drinks and music on the beach. A restaurant that undergoes regular reincarnation (currently the Fisherman's Net) and the Club KYMA night club are also part of the hotel's offerings. A beauty salon, cabana rentals, scuba & snorkeling trips, fishing charters, yacht charters, limousine service and on-site rentals of wave runners and kayaks round out an assortment of franchises with which the hotel maintains a symbiotic relationship. Johnny Carson used to occupy one of the hotel's penthouses during his reign as NBC's most valuable asset.

Several years ago, an ongoing dispute between the condominium and the hotel led to an investigation that uncovered an "unauthorized" commingling of "resources". The hotel quickly and repeatedly

Continued on page 5

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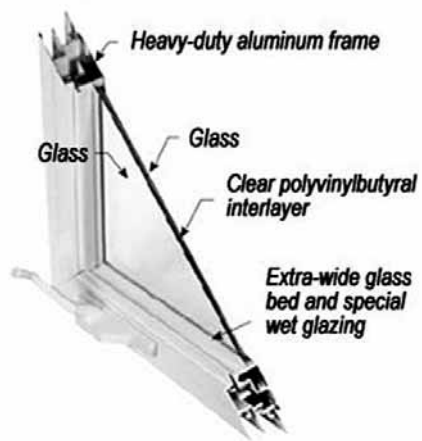
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Hurricane Windows..Continued

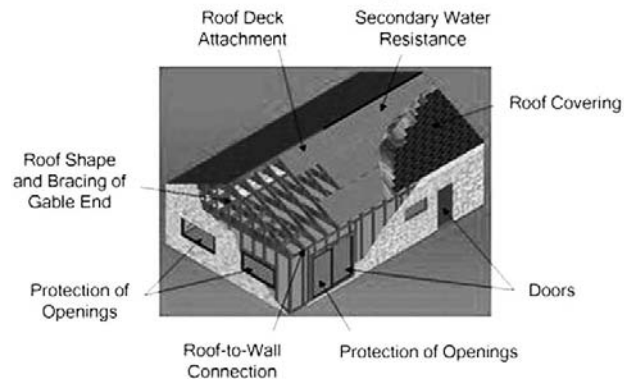


Every legitimate window installer will freely admit that when the State enforces full compliance, prices will skyrocket. Stragglers who've procrastinated in protecting their homes will become a "captive audience" overnight. They could easily face prices that are double current costs. Ask your Administration if they've investigated

a window upgrade project to afford you a group rate! Details of several window upgrade projects organized by Associations along the Galt will soon be made available

Homeowners who postpone facing the inherent realities are playing double lotto. If a hurricane hits the block and their units aren't properly protected, their possessions will be reduced to soup. Secondly, when the State mandates full compliance, they will likely spend twice what everyone else spent. Most gamblers expect substantial gains for the risks they take. Those gains are noticeably absent in this crap shoot. The notorious father of modern day odds making, Nick the Greek, admonished to a reporter for the L.A. Times, "If the payoff is puny or the odds are terrible, don't take the bet." Sounds about right! •

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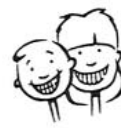
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The Galt Mile News

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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THIS MONTH AT-A-GLANCE

SEPT/OCT 2005



SUN	MON	TUE	WED	THU	FRI	SAT
11	12	13	14	15 Galt Mile Community Association Meeting Nick's Italian Restaurant 11 a.m.	16 Marlins v PHI Dolphins Stadium 7:35 p.m. Tix: florida.marlins.mlb.com	17 Broward County Coastal Cleanup 2005 14 beach locations 9 a.m. to noon Info.: 954-519-1480
18 Market Pro Computer Show & Sale War Memorial 9:30 a.m. to 4 p.m. Info.: 954-828-5380	19 Vice Mayor Teel Pre-Agenda Meeting Beach Community Center 7 p.m. Info.: 954-828-5033	20 Ft Lauderdale City Commission Meeting City Hall 6 p.m.	21 Disney On Ice presents: 100 Years of Magic Office Depot Center Through 9/25 Tix: ticketmaster.com	22 Autumn begins	23	24
25	26 Marlins v WSH Dolphins Stadium 7:05 p.m. Through 9/28 Tix: florida.marlins.mlb.com	27	28 Phantom of the Opera Broward Center Through 10/29 Info.: 954-462-0222	29	30 Marlins v ATL Dolphins Stadium 7:35 p.m. Tix: florida.marlins.mlb.com	1 Marlins v ATL Dolphins Stadium 6:05 p.m. Tix: florida.marlins.mlb.com Luciano Pavarotti Office Depot Center 8 p.m. Tix: ticketmaster.com
2 Marlins v ATL Dolphins Stadium 1:05 p.m. Tix: florida.marlins.mlb.com Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	3 Erev Rosh Hashana Vice Mayor Teel Pre-Agenda Meeting Beach Community Center 7 p.m. Info.: 954-828-5033	4 Ft Lauderdale City Commission Meeting City Hall 6 p.m.	5	6	7	8
9	10 Columbus Day	11	12 Erev Yom Kippur	13	14	15

A l o o k a h e a d

- October 21 Neil Diamond Office Depot Center, 8 p.m., Tix.: ticketmaster.com
- October 24 Nine Inch Nails Office Depot Center, 8 p.m., Tix.: ticketmaster.com
- October 27 - 31 46th Fort Lauderdale International Boat Show,® Info.: 954-524-2733
- November 3 - 6 "The Original" Riverwalk Blues Festival Downtown on the Riverwalk, Info.: 954-523-1776

Sibling Rivalry...Continued

changed ownership. The Condominium Association also underwent a reconfiguration of its leadership. The internal conflict spilled over to the Ocean Manor's neighbors. In 2003, newly elected Ocean Manor Condominium Association President Leonard Koppelman attended a meeting of the Galt Mile Community Association's Presidents Council. He complained about the construction taking place in neighboring Ocean Club Condominium, claiming that contractors were inhibiting access to the Ocean Manor. Ocean Club President Rose Guttman, professing ignorance of the problem, stated her willingness to settle the issue. Presidents Council Chair Pio Ieraci offered to serve as a mediator. President Koppelman agreed to contact them after the meeting. He never did. In time, Ocean Manor became increasingly distant and isolated, seemingly embroiled in some internal struggle for control. A series of subsequent owners hoping to revive the declining hotel failed to keep in contact with their neighbors. Darlene K. Shaffer, the Condominium Association's manager and usual representatives to the Galt Mile Association disappeared shortly after the financial indiscretions were uncovered.

The Ocean Manor Condominium Association used to be an active participant in the Galt Mile Community Association and the Hotel preserved functional communication with neighbors Ocean Club and Galleon. In 2005, however, an enigmatic reversal of this policy ultimately led the parties to the Special Magistrate's Court. Apparently, Ocean Manor booked outdoor events in the afternoons and evenings that intermittently utilized live entertainment. A persistently loud steel drum band sent Ocean Club residents running to their telephones. They called the Ocean Manor, the police and President Rose Guttman to complain. She called the Ocean Manor to request that they lower the noise levels. Surprisingly, Ocean Manor representative Pete Rasnake chose to ignore his irate neighbor's request to lower the volume. Ms. Guttman, in turn, called the police for relief. Ocean Manor would temporarily lower the music and after some time, increase it to prior levels. This became the blueprint for future relations between the Ocean Manor and their neighbors. Complaints also poured in from Galleon and Ocean Summit. As with Ocean Club, they were also ignored.


When she realized that Ocean Manor had no intention of addressing this unrelenting disturbance, President Guttman lodged a noise complaint with the City's Community Inspections Bureau. The city code requires that ambient noise levels not exceed 60 decibels in this area. After performing a noise evaluation test measuring the decibel levels emitted by the hotel's "entertainment" on July 23rd, code compliance officer Bob Guilford determined the hotel to be in violation. The hotel continued to ignore the suplications of their neighbors. Rose Guttman, besieged by dozens of angry Ocean Club constituents, decided to go to court. After consulting with the Galt Mile's District 1 Police Captain Gregory Salters, she confirmed that in excess of 30 complaints had been lodged (without effect) against the hotel. A July 7th hearing by the city's Special Magistrate was postponed at the request of the hotel. In the interim, the hotel continued the unabated noise from scheduled entertainment - accruing additional complaints while swelling the ranks of potential witnesses to the growing number of code violations.

Continued on page 7

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Sibling Rivalry...Continued

an impending disturbance. Far more important would be the hotel's willingness to effectively respond if and when alerted to a problem.

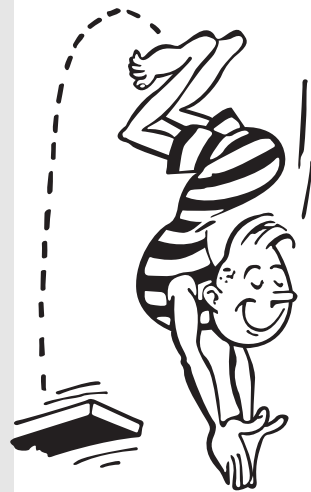
The arbitrary disdain with which Ocean Manor responded to their neighbors' legitimate complaints has threatened to cost them the right to offer live music. The Special Magistrate has functionally placed the hotel's wherewithal to package music for an event in the hands of the Ocean Club. Actually, Mr. Talerico is fortunate. Anyone familiar with Rose Guttman will confirm that while she is no pushover, she is a great proponent of "live and let live." Second only to the commitment she shoulders as President of the Ocean Club is an unwavering support for neighboring Galt Associations and local Galt merchants. The Ocean Manor is both. After the hearing, Ms. Guttman said, "If they demonstrate a reasonable effort to coexist peacefully with their neighbors, I'll gladly return the favor."

Mr. Talerico doesn't only own and operate the hotel. By purchasing a substantial block of units and forming productive alliances within the Association, he effectively controls the condo-hotel. This affords him a unique opportunity to reinvigorate relations with his neighbors. After all, the 14 thousand residents that inhabit neighboring buildings along the block all have visiting friends, relatives and business associates that often require accommodations. Nurturing a reputation as a cooperative, contributing neighbor would exponentially stimulate business as compared to a few evenings of playing offensively loud music. Who knows, this might be - as Humphrey Bogart said to Claude Rains in Casablanca - "the beginning of a beautiful friendship."

Window Project...Continued

Some owners spontaneously installed the new windows. Many others asked Board members for advice about protecting their units. To help get the best price and guarantee the adequacy of the installations, President Nicholson-Brown suggested that the Association organize a group installation. We investigated local installers and narrowed the field to the most reputable contractors. Vico, Buckley Windows and Glass America were invited to bid on the job. Over thirty installations were available to the winning bidder. The discount realized by the group installation was huge. Owners would save about 30% of the ordinary costs. Engineering, shop drawings, permit costs, taxes, minor ancillary repairs, labor and materials were covered in the bid price. After investigating the products available for legal installation and determining that the best windows were made by IWC (Innovative Window Concepts, L.L.C.) and Traco, we limited the winning bidder to installing only these products. Each owner would receive an individual contract with the installer and make an appointment for installation at the owner's convenience. Vico was selected to install the windows.

By December of 2004, our owners witnessed the mass installation. After learning about the tremendous savings and quality guarantees enjoyed by their neighbors, dozens of additional residents asked if they could get the same deal as the initial group. Since the prices of these products are under severe demand-driven upward pressure, we had to form another group and solicit new bids. We alerted owners to a February 28th deadline and proceeded to create another list of interested participants. The information was placed on the Association's web site, newsletter and posted in the



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mail room. By February 28th, we collected another 38 installations. After receiving bids from the same three top installers, we selected Buckley Windows to install impact rated windows for the second group. Due to the enormous state-wide demand, IWC and Traco experienced manufacturing delays that lasted for several months. We decided to wait for the top quality windows rather than settle for the available inferior products. The second group's installations were completed by July.

After seeing dozens more installations occur without event, stragglers wandered into the building office pleading to be included in the group. We explained that the price guarantee had expired on February 28th. We took the names of the procrastinators during March and April. After accumulating two dozen names, we announced the formation of a third and final group. After a third bidding process, Glass America was chosen to perform almost 40 additional installations. These installations are currently underway and should be completed soon.

This process was an unmitigated success. The Association avoided another assessment. Every installation was accomplished voluntarily. Every participating owner has an excellent warranty with the best manufacturers and the most reputable installers. Owners were minimally inconvenienced. More importantly, they saved a ton of money while protecting their homes. While this wasn't officially an Association project, members of the Board and the Construction Committee nursed the project along, answering questions and allaying concerns when exhibited by residents.

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Sibling Rivalry...Continued

The hearing was reconvened on Thursday, August 4th, before Special Magistrate Floyd V. Hull. The room was filled with residents from the Ocean Club and the Galleon. Surprisingly, they were joined by residents from Playa del Mar, Ocean Summit and Regency Tower in support of their neighbors. The number of official complaints lodged with the police department swelled to 38 by hearing day. Prosecutor Robert Scott Walker of the City Attorney's office succinctly presented the facts to Judge Hull. Code compliance officer Bob Guilford related his findings to the court. The Judge asked if the parties could find some way to accommodate one another. Aware of the sizable contingent of irate condo owners in court, Magistrate Hull asked if some individual could speak on their behalf. After introducing herself as the President of the Ocean Club Condominium, Rose Guttman stated that "since 1972, the Ocean Club never had a problem with the hotel next door until now." She said that she would "like to find a way to settle the problem amicably." Ocean Manor owner Frank Talerico retorted that he had been severely inconvenienced by the construction at the Ocean Club. Mr. Talerico also asserted that Ocean Manor only has music during daylight hours. Fifty to sixty attending condo owners responded with a collective groan. Mr. Talerico's attorney, David Tolces, interrupted his client to stipulate that the music at the Ocean Manor exceeded the limits as described in the city code.

District 1 Commissioner Christine Teel attended the hearing in support of the condo owners. Noticing the Vice Mayor, the Magistrate asked if the City Commission was considering any legislation that might exert some bearing on this case. Vice Mayor Teel likened the conflict to the airport noise controversy, stating that "it was clearly a quality of life issue." She asserted that there was a "palpable difference between the noise from a legal construction project that occurs between the hours of 9 and 5 and music being played so loud at night that it disturbs people in the next building trying to sleep." A voice rang from the back of the room, "I live in the Galleon and it annoys me too!" The Galleon is two buildings north of the disturbance - separated from the Ocean Manor by a Ramada Inn.

The Magistrate repeated that while he would prefer to see the parties arrive at an accommodation, in its absence he would have to enforce the law. He would, however, postpone a final ruling until August 18th to afford the parties an opportunity to commiserate. He asked Code Compliance Officer Guilford his opinion about whether the hotel could adequately curb the noise to meet code. Mr. Guilford opined that it was highly unlikely. He explained that the source test measures the cumulative decibels in an area. Given the already high decibel count owing to natural ambient noise from the ocean, the wind and other factors, even minimal incremental noise levels would push test results "past the legal limit for the area." The Magistrate said that he would bar the hotel from hosting any music until the August 18th hearing. Ocean Manor Attorney David Tolces pleaded to give the hotel an opportunity to show that they could adequately curb the noise. Referring to the attending condo owners, the Magistrate pointed out that there were a lot of people adversely affected by the hotel's violations. Tolces asked the Magistrate if the hotel had to "satisfy all of the complainants or simply meet the code?" Noticeably perturbed, the Magistrate reminded Mr. Tolces that his client had already failed to meet the code.

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Mr. Talerico then asked the Judge to give him a chance to engage a sound engineer in hopes of finding a way to comply with the code. He requested permission to hold a scheduled event to demonstrate to Mr. Guilford that he could meet the code and avoid disturbing his neighbors. Mr. Tolces stated that music was integral to the hotel's business. Magistrate Hull retorted, "I want to be clear. I expect you to enter into good faith bargaining with your neighbor." Turning to Ms. Guttman, he asked if she could envision a possible resolution of this dilemma. She repeated her expressed wish "to settle the problem amicably." Addressing Mr. Talerico, Hull asked if he would enter into a good faith bargaining with Ms. Guttman. He stated that he would.

As explained by compliance officer Guilford, the existing decibel level without any music borders on the area's 60 decibel legal limit. Anything louder than an acoustic guitar would likely exceed legal noise levels. It seems improbable that the hotel will be able to offer music in compliance with the City code... unless... In the absence of complaints from their neighbors, authorities wouldn't be aware of the noise levels. Ms. Guttman explained, "Had the hotel not ignored our pleas to moderate the noise, they wouldn't be in the position that they now find themselves. After thirty years of good communication and mutual respect, they suddenly demonstrate contempt for their next door neighbors. Hopefully, they will take the Magistrate's advice and try to show us the same respect that they expect." Notifying Ms. Guttman of their intentions prior to a planned event with music would be an excellent start. Ocean Club residents would be more tolerant if they knew the limits of

Continued on page 14



Regency Tower

REGENCY TOWER

WINDOW PROJECT

Eric Berkowitz



Impact Test

While last year's serial hurricanes delivered a roundhouse right to some of the coastal communities of Palm Beach, they imparted a sharp rap to the neighborhood knuckles of the Galt Ocean Mile. Like our sister Associations along the block, The Regency Tower was forced to confront the meteorological "wake-up call". In the absence of a well-practiced emergency hurricane plan, stunned residents were forced to rely on long neglected survival instincts for direction. For many of us, that meant standing guard over our homes like Heimdall guarding the Rainbow Bridge to fabled Asgard. Had the storm turned one degree south while pummeling the Bahamas and scheduled a landfall at the Galt Ocean Mile, these heroic guardians would have helplessly watched doors and windows being peeled from their homes while contemplating their own mortality.

Residents and Board members shared a skeptical view of the recommendations made by State, City and local government officials to evacuate the Barrier Island. Many Board members stayed in the building throughout the season, braving the weather. As such, there was always someone in the building capable of shutting down critical systems like the elevators and the water tower. The water pump is situated in the garage. If storm surge flooded the garage level, the water system would become contaminated by the salty brine. Therefore, someone has to shut the water system down prior to infiltration. Similarly, someone in the building must know when and how to bring the elevators to the top floor and shut them down. Power outages turn elevator cars into suspended prison cells. If no one left in the building knows exactly how (and is authorized) to accomplish these tasks, they must be done prior to the building being "officially" evacuated.

Those Board volunteers and Committee members that opted to remain behind had front row seats to the damage done by the storms. Many windows and several balcony doors were damaged. Along with the expected damage to the older non-compliant windows, many hurricane shutter panels were also dislodged, some blown down to the parking or patio decks. We saw graphic proof of our hurricane shutters' ineffectiveness (that were never really tested by a severe storm). Regency Tower resi-

dents Joe Anastasi and Eric Berkowitz formed ad hoc "teams" to watch for damage and when found, effect temporary repairs. These temporary repairs saved unit owners \$thousands in damages. After the events, we reviewed what we learned in order to make effective preparations for the next hurricane season. We were extremely lucky in 2004 - the storms missed us. Had the weather made landfall closer to the Galt area, the damage - and the danger - would have increased exponentially. Residents and Board members decided to create a strategy to protect the building.

We asked neighboring Associations what they planned to do about protecting their buildings. Most were investigating their legal options or planning an assessment to underwrite adequate protection. Board President Dott Nicholson-Brown immediately started to compose a viable emergency hurricane plan. Our attorney reviewed our Condo Docs to provide for emergency contingencies ordinarily overlooked in most Associations' Documents. The provisions should expedite communications, repairs and emergency financial capabilities necessary for recovery from storm damage. The Board started to replace non-compliant ground level windows in the common areas with impact rated products. By far, the greatest challenge would be the windows in the individual units. There are 203 units in Regency Tower. Few had adequate protection. Fortunately, the many owners that stayed in the building during the events and witnessed the teams responding to emergencies could testify to the inadequacy of the existing protection. It became clear that every access to the structure needed protection from what experts characterize as a "meteorological seed change."

Continued on page 14

Hurricane Windows...Continued

The Hurricane Insurance Package (Senate Bill 1486, House Bill 1939, House Bill 9A) passed on May 6th by the legislature included a provision that was designed to pave the way for mandating upgrades. It states, "By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane." As an additional precursor to the upcoming statute, the State launched the Florida Wind Insurance Wind Incentives Web Site to allow "Florida homeowners and builders to search for wind insurance incentives that are available for building features that reduce damage during high wind events like hurricanes. Building features that reduce wind damage include improved roof shingles, strong roof decks, hurricane clips/straps, impact resistant glazing or shutter protection for windows, roof shape and other construction techniques." In Tallahassee, lawmakers are no longer asking if legislation should mandate that grandfathered structures comply with current safety codes, but when they should be made to do so. The passage of a statutory mandate is simply a matter of time. For the first time since Andrew, local authorities have expressed support for such measures. Apprehensive municipal and county governments from the Keys to Jacksonville were convinced by the 2004 onslaught that structures within their jurisdictions need be resistant to a replay of the recent devastation. As such, local code compliance officers and fire marshals are giving hurricane protection a historically high priority after witnessing the 2004 catastrophes.

While State officials are seeking politically correct ways of breaking the bad news to homeowners, responsible Associations are intently researching acceptable ways of protecting themselves. At the very least, they've created functional emergency hurricane plans while encouraging resident-members to adequately protect their homes. Buildings are replacing their 30-year old lobby-floor windows and doors with the impact rated products. Recognizing that any infiltration could develop into a flashpoint for more extensive damage to the structure, many Associations have passed new rules enforcing the installation of adequate hurricane protection in every unit. Condo Board members are facing the same hard choices as their counterparts in Tallahassee... only with a lot more to lose!

In every building on Galt Ocean Drive and the Coral Ridge Towers complex, many residents spent the past thirty-odd years mistakenly believing that they were safe behind virtually untested "hurricane" shutters. Since new scientifically stringent testing regimens revealed that their confidence was misplaced, they are rightfully frightened by their newly discovered exposure. Many Galt Mile Associations are attempting to remove most of the intimidating obstacles to achieving 100% compliance and fully protecting the building. Boards are organizing programs to educate homeowners about the dangers of marginalizing their vulnerability or delaying the protection of their homes. Owners also need to understand what will happen when the State removes their grandfathered right to non-compliance. Impact rated window prices have increased steadily over the past few years.

Continued on page 18

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Representative Ellyn Bogdanoff

by Ellyn Bogdanoff

Galt Summer Update

*The Galt Mile neighborhood is located in Florida Statehouse District 91. The District wends its way up the Broward coast from Hollywood to East Boca. Upon winning a close race for the open Statehouse seat two years ago, Representative Ellyn Setnor Bogdanoff hit the ground running. A quality that has distinguished Ellyn from predecessors and most of her current colleagues is an abiding passion to communicate with her constituents. She wields an extensive email list with which she keeps constituents abreast of issues that affect their rights, homes and families – a pipeline to Tallahassee. Constituents who populate her list receive relevant updates throughout the year. Read on to get Ellyn's take on the upcoming session. – *Editor*

Although the House is not in session during the summer, we are continually busy wrapping up details from last session, working through both old and new issues, and corresponding with various organiza-

tions, as well with you, our constituents. We are anticipating a possible special session in the fall, which is even more reason to stay on task. We deal with many challenging issues, as evidenced by this last session, but the work is very rewarding. Thank you again for this incredible opportunity to serve as your Representative in the Florida House. I would like to briefly highlight several important issues that I believe will interest you.

On an issue of personal importance to me, we passed legislation known as the Road to Independence. As its name suggests, this legislation aids foster care children in becoming self-sufficient. Whereas the state of Florida already requires that real life training and services be provided to foster care children as they near the age of adulthood, this legislation ensures compliance with the law by giving individual judges personal oversight over each foster care child who files such a request, effective until the child's 19th birthday.

On another note, we took measures to protect Florida residents with regard to the insurance industry and issues relating to hurricane relief.



Rep. Ellyn Bogdanoff

Continued on page 15

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Hurricane Windows...Continued

On the other hand, every Galt resident has contributed heavily to the rehabilitation of his/her building. New roof, modernized elevators, new parking deck, waterproofing the building and garage, new fire safety and security systems and dozens of other projects designed to bring our homes into the 21st century have financially battered hapless residents. Often, the extent of the renovations was exacerbated by years of neglect. Residents consistently voting to postpone needed construction ultimately had to make repairs that were substantially more expensive because of the delays. The storms of 2004 placed another expense on their already-overburdened tables – windows that will protect their homes.

There are a host of obstacles to upgrading the windows. Impact rated windows aren't inexpensive. Even small one bedroom units cost thousands of dollars to retrofit. Also, deciding who should install the new windows is a daunting task, fraught with pitfalls. After the hurricane season, the demand for "hurricane" windows grew to such Olympic proportions that it attracted an unsavory assortment of journeymen installers into the business. These "fly-by-night" contractors typically underbid legitimate contractors, slapped in some questionable product and headed for the hills. Nightmare scenarios attributable primarily to residents' attempts to "get a great deal" have clouded the industry's reputation and prompted Tallahassee to issue multiple fraud warnings. Selecting the actual product is also a difficult task. Lay condo owners are poorly equipped to investigate the data sheets and specs of the various products offered by the market's manufacturers. Here too, unscrupulous salespersons have misrepresented their products to dump inventories of windows that no longer meet code. After paying the "bargain price" and enduring an installation, the bewildered homeowner is informed by the City inspector that their new windows aren't legal and need to be replaced.

While there is a gauntlet of obstacles, there is an equally impressive compendium of rationales to upgrade. Appropriately rated windows can save your home from abject disaster. This simple truth motivated hundreds of Galt residents to install the new windows. Impact rated windows represent one of the few construction upgrades that go straight to your investment's bottom line. Most changes made by owners to their units are worth little or nothing to prospective buyers. However, upgrades to plumbing, HVAC and electrical lines and functionality upgrades for windows and doors are fully recoverable. They represent expenses that, if neglected, the new owner would have to address. As such, contracts generally include provisions for these variables. House hunters all flush toilets, turn room lights and sink faucets on and off, raise and lower the windows and try every door. Buyers on the coast also ask, "what about hurricanes?"

Homeowners face another reason to install the protective windows... they may have to. The Florida legislature is exploring language to accommodate the insurance industry's concerns about future exposure. Specifically, they intend to dismantle the grandfathered protection of non-compliant construction. While politicians are skittish about forcing constituents to spend money on compliance with the post-Andrew safety codes, they are more concerned by the prospect of the Florida insurance carriers saying "adios." Safeco and Nationwide have joined five other insurance companies that have already decided to stop writing new homeowner policies in the State of Florida since last year's epic drain on resources. Nationwide, Florida's 4th largest carrier, withdrew from the "new policies" market despite receiving a green light from the State to hike rates by 21% on homes and 25% on mobile homes. Representatives of beachfront communities are also cognizant of the danger that inadequate protection represents to their constituents.

Continued on page 9

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Hurricane Windows...Continued

The Committee's full mandate charged it with "studying aspects of the residential insurance market in light of the potential \$20 billion in losses from the 2004 storms which has provided a serious challenge to maintaining a viable private sector market and to keeping premium increases to a bare minimum." In addition to the multiple deductibles, the Committee made recommendations "on the appropriate level of the retention rate and evaluation of options for ensuring proper funding of the Florida Hurricane Catastrophe Fund." They also explored "options to reduce the size of Citizens Property Insurance Corporation, our state insurer of last resort, while providing coverage at a fair price to homeowners who have no other option for coverage." The Committee's final report touched on every designated issue, leaving room for negotiations to proceed. Existing legislation containing "sacred cows" would be re-examined in an attempt to arrive at an acceptable compromise.

Galt Mile condo and coop dwellers were primarily impacted by two issues undertaken by the Committee. Negotiations between the State and the industry resulted in a law designed to present Associations with a choice. Essentially, 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. Association members are also facing the likely loss of the grandfathered protection that excluded their compliance with adequate building safety codes. In fulfilling their obligation to "keep premium increases to a bare minimum", Legislators and industry analysts carefully reviewed the main sources of avoidable liability. Not surprisingly, an enormous piece of the "damages" pie stemmed from inadequate adherence to the State's safety and building codes. Roofs, windows and doors legally installed before the creation of the "Andrew-stimulated" 1992 building code upgrade were unceremoniously decimated by the serial hurricanes of 2004.

This presents homeowners with an enigma. While thousands of windows, doors and other construction elements along the coast were legally installed before 1992, they are vulnerable to being easily destroyed by a severe weather event. Hurricane shutters that wouldn't stop a pencil from penetrating but make the room they "protect" comfortably dark proliferated for decades as "hurricane protection" along the Galt Mile. The dozens of older awning style windows blown out last year alerted their owners to their alarming vulnerability. Before the storms, hundreds of Galt Mile residents independently decided to retrofit the new "large or small missile" impact windows to protect their homes. Unlike the useless shutters we've come to depend on, these products successfully withstood the impacts of various size missiles shot at them as part of a rigorous testing program. In a reasonable reaction, hundreds more acted after the storms. In addition to creating emergency plans to contend with future weather events, Associations were driven to investigate the danger that the non-compliant windows present to the structure as well as the individual units. They learned that any non-compliant window or door is a "weak spot". Any window blown out will not only serve to devastate the unit, it endangers the adjoining units and, ultimately, the entire structure. When a window or door is blown out by gale or hurricane force winds, the subsequent evacuation creates rapid pressure changes capable of crippling interior doors and quickly spreading to the halls and the other units. Many structures along the coast showed graphic evidence of what could happen to similarly unprotected Galt high-rises. Several adjoining units extending from two to three stories were extracted from the side of a high-rise condominium in Lake Worth because a few antique windows folded like toilet tissue.

Continued on page 8

Bogdanoff...Continued

Senate Bill 1486 requires insurers to renew and acknowledge a claim within 14 days and a claim investigation to begin within 10 days after the insurer receives Proof of Loss statements from the policyholder. It also helps homeowners retrofit their homes to reduce hurricane loss by requiring the Department of Community Affairs to establish a low-interest loan program. This could be of particular benefit to the thousands of Galt Mile residents protecting their homes by installing code-compliant impact rated windows. Lastly, this bill attempts to stabilize wind insurance costs by requiring insurers to report loss and exposure data to the Office of Insurance Regulation. This information will then be used to develop and update the Public Hurricane Loss Model.

Another important bill, SB 572, also protects residents by providing for special consumer protection during times of emergency and establishing certain punishments for illegal suppliers.

Before leaving Tallahassee, we additionally held off any statewide and Broward tax increases and passed a special tax relief package, providing another sales tax holiday and additional tax relief week for hurricane supplies (HB 6001). Hopefully, this encouraged folks to prepare for what has turned out to be a very active season.

I am pleased with what we accomplished in the 2005 Session, but realize there is so much more to do.

As always, I will be providing weekly email updates during session, as well as periodic updates from home. If you are not getting my emails and would like to be on the list, please send me a note at ellynb@bellsouth.net.

If you have any comments or questions, or if our office can be of service to you, please contact us at (954) 762-3757.

Ellyn Bogdanoff

*Politicians stereotypically extend empty invitations to contact them as part of a self-serving re-election ritual. That is NOT the case for Ellyn Bogdanoff. She genuinely covets your input. If you request that she add you to her email list, you will receive regular updates (also available on the Galt Mile Community Association web site) between sessions and blow by blow accounts of the legislative upheaval that Tallahassee undergoes during the session. In fact, during the frantic conclusion of the legislative session, she is continuously online - available to answer questions or keep you up to speed on any issue. Try it - you'll like it. - *Editor*

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“Through a Glass, Darkly” Impact Rated Hurricane Windows

by Eric Berkowitz



In 2004, the world of meteorology reoriented South Florida's construction boom. The hurricanes that peppered Florida wrought havoc throughout the state. From Punta Gorda to Lake Worth - Frances, Bonnie, Charley, Ivan and Jeanne sent insurance companies into an apoplectic dither. They were facing \$20 billion in damages. Not since Hurricane Andrew in 1992 had such a heavy financial burden been placed on the carriers. However, Andrew taught the insurance companies a valuable lesson; they decided to reorganize the industry. Circling the wagons, big insurance outfits such as Allstate and State Farm formed smaller independent companies to offer their products. Imperceptibly, Allstate Floridian and State Farm Florida took over the reins from their parent companies, as well as the potential liabilities. The new companies were legally detached from their deep-pocketed parents. If they came under ruinous financial stress, they could disappear as quickly as they were formed - without leaving Allstate or State Farm on the hook. 2004 tested how this “arms-length” liability would effect negotiations with the State.

Tom Gallagher, Florida's Chief Financial Officer (Insurance Chief, Finance Czar, State Fire Marshal and gubernatorial hopeful) took exception to the double deductibles demanded by insurance companies before paying claims in areas hit by two (or more) hurricanes—

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characterizing them as “fundamentally unfair”. Insurance companies pulled out their big gun - they threatened to abandon the State of Florida. They would leave their empty shell “dummies” in place to weather the storm. Allstate and State Farm could watch the fireworks from safely behind the Georgia state line - a vantage point from which they could watch the State of Florida fruitlessly pummel empty shells Allstate Floridian and State Farm Florida.

The prospect of an all out war with the insurance industry prompted the Governor to call a special session of the State Legislature. On December 13, 2004 the Florida House and Senate reconvened to deal with these sticky issues. The game was afoot! Lawmakers opened with a prohibition against multiple deductibles. The carriers came back with an enormous rate increase - along with the supporting documentation required to justify the gargantuan hike. The battle wouldn't be a lightning-fast surgical strike, but rather a long extended siege. Keenly aware of this, Senate President Tom Lee and House Speaker Alan Bense created the Joint Select Committee on Hurricane Insurance, whose mandate included, “Further study of the issue of multiple deductibles; including analysis of the effect on premiums, particularly for condominium associations.”

Continued on page 6

Window Project...Continued

There were two major reasons for the project's success. The first was education. Making prodigious use of the associations web-site, newsletter (mailed to every owner) and bulletin boards, we notified every owner about the very real dangers of doing nothing. We explained the legislative threat to remove the grandfathered protection of non-compliant windows. We outlined the expected price increases (which have since occurred several times). As the installations proceeded, many advantages of the new windows became self-evident. They obviated the need for constant upkeep as required by the older awning-style windows. Residents would often utter a prayer upon opening one of the older windows, hoping that it could again be closed when desired. As an added benefit, residents having installed the new energy-efficient windows were realizing savings of up to \$120/month on their FP&L statements because their air conditioners and refrigerators required half the previously used energy. The second major reason for the success of the operation was the selection of vendors. By limiting the acceptable manufacturers and installers to the best in the business, installations were flawless and the final results were impeccable. In fact, after reviewing some of the completed installations, City Inspector Richard Thompson remarked, “It's a real pleasure to see so many inspections pass without difficulty.”

Almost 80% of The Regency Tower's windows are currently protected (or will be within the month). Ironically, owners who originally complained about the prospect of installing the new windows are now campaigning to require their universal installation. They offer a convincing argument, the truth of which was confirmed by our engineer. When non-compliant windows are blown out by severe winds, the almost instantaneous evacuation that ensues puts incredible pressure on the unit's interior doors as well as the other windows. They will also be dislodged. That would spread the affected area to the hallway and the doors of adjoining units which, in turn, would come under terrific pressure. Should they buckle, the units' contents would be exposed and destroyed. The damage could easily spread through the whole floor. Similarly, the damage could proliferate to adjoining floors and ultimately threaten the integrity of the entire structure. The engineer added that the spread of damage to other floors would depend primarily on the integrity of the structure's containment (hallway fire doors, elevator doors, fire wells, etc.). The owner of the unit whose non-compliant window becomes a flash-point for extended destruction could bear the ultimate responsibility for the resulting damage. While liability is general mitigated for damage resulting from an “act of G_d”, the owner would have to show that there was no reason to believe that the legal, yet non-compliant, windows afforded ineffective protection. Good luck!

A related issue had to be addressed. While most of the hurricane shutters in the building are non-compliant and useless, several owners installed new shutters over the past few years. After a comprehensive review of our building by an engineer prior to a recent waterproofing project, we learned that the single greatest source of infiltration was from the screws that held the tracks for hurricane shutters. Holes drilled into the side of the building expand as the concrete erodes. Eventually, penetrations through the outside wall allow water to collect in the subfloor. The engineer explained that offsetting this deterioration would require the owners to recaulk the holes and drill new ones every year. Unsurprisingly, this was never done. Instead, when the holes grew too large to secure the screws, owners would simply drill new holes next to the old ones. Hurricane shutters are bad news - especially for snowbirds and snowflakes. If they aren't in the unit when the storm approaches, they must rely on someone else to set them in place. Since the Barrier Island is closed to the

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public during hurricanes, that person must be someone who is already nearby and has enough time to run to the unit and return home - all during the confusion of a threatening weather event.

The Board wanted to accomplish this project with the cooperation of the residents while hoping to avoid another assessment. By arranging these installations as part of a “grass roots” project, residents convinced one another to participate. The minority of owners who as yet haven't participated are being encouraged to do so by their neighbors. We expect several additional installations to result from this. Simultaneously, the Board informed residents that, after this year, building personnel would no longer be available to install hurricane shutters before a storm. Residents who insist on keeping these shutters will be responsible for installing them and taking them down before and after each event. We've also assured residents that during future events there would be no “teams” available to repair problems stemming from damage to non-compliant windows. Currently, the majority of our residents clearly support a mandate to protect every unit. Before the Board considers passing such a regulation, we made a final plea to stragglers. This is it:

“Future storms won't care about anyone's beliefs, opinions or circumstances. Your windows will either protect your home or they won't. You know what installing the windows will cost. They are among the few purchasable assets that unquestionably enhance the value of your investment. Please ask yourself whether or not you can afford the devastation threatened by inadequate hurricane protection. Residents who persist in procrastinating risk facing mandated installations at astronomical prices. Please don't postpone consideration of this decision until circumstances deprive you of a choice! Thank you for your kind attention.”

Associations interested in arranging similar group installations are welcome to the data we've compiled during the course of our project. Please contact Eric Berkowitz at Regency Tower at regencytower1@netzero.net for additional information. •



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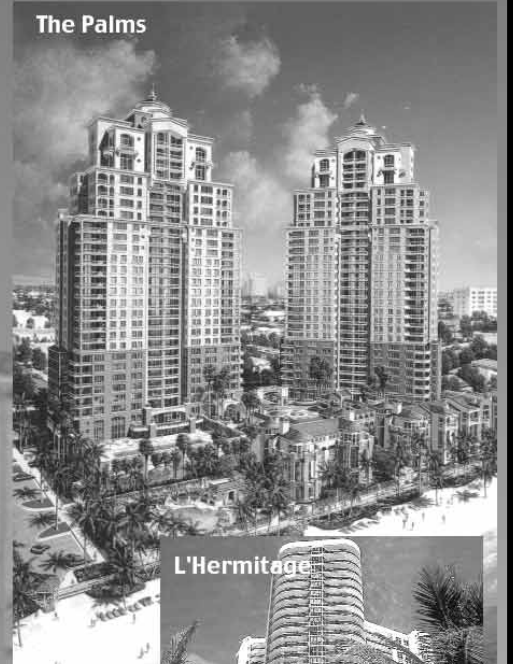
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