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Fixed annual interest rate for bonds purchased July 15, 2006 through July 31, 2006. Fixed annual interest rate for the life of the bond is determined at the beginning of the Sales Period in which the bond is purchased. Interest is payable by check mailed May 1 and November 1. Matures 2, 5, 7 or 10 years from issue date.  
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This is not an offering, which can be made only by prospectus. Read it carefully before investing to fully evaluate the risks associated with investing in State of Israel Bonds. This is a representative sampling of the securities offered.



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# GALT MILE SECURITY CROSSROADS

By Eric Berkowitz

The Galt Mile Community Association represents a progressive international neighborhood whose residents' political, religious and social orientations are as varied as the colors in the rainbow. Albeit a smorgasbord of cultural diversity, the community is one of the most close-knit in the state. Families and friends are interspersed throughout the area, living either down the block or down the hall from one another. The relationship between neighbors spills over to their associations. In fact, a significant percentage of our demography has had occasion to building-hop, moving transparently from one association to another when downsizing, upgrading or consolidating. In that respect, the Galt Mile is reminiscent of a small town.

This intuitive interdependence has served to coalesce community objective. Riviera residents are affected by many of the same problems experienced in Plaza South or the Galt Ocean Club. Those living in Regency Tower or Ocean Summit shop in the same stores frequented by Playa del Sol, the Galleon, Edgewater Arms and L'Hermitage (I and II). Coral Ridge Towers North, Caribe and Southpoint residents call the

same plumbers, electricians and doctors used by their neighbors in Ocean Club, Fountainhead, and Royal Ambassador. When the Oakland Park Boulevard Bridge goes out, the entire community looses a collective groan. This extended family has been able to achieve goals not conceivable in comparable communities. Despite our differences, which underwrite much of our strength, we have consistently been able to address our common problems with one voice.

electd, in addition to finding a new-found voice within their association, also discover that they have another, larger forum. They inherit a responsibility to their neighborhood as well as their building. This also expands their ability to effect change. When they reach out to City, County and State officials, they receive a telephone call in return instead of a form letter. They can navigate bureaucratic obstacles that would ordinarily thwart resolution. They can rely on their neighbors' support when confronted by issues outside their purview.

Every Galt Mile association undergoes cycles, changes in leadership that invariably herald a "new day" for building residents. Those recently

Continued on page 5

**INJURED?**

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- NURSING HOME NEGLECT

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Alert...Continued

1. A policyholder who has received an offer of coverage from an admitted carrier;
2. A commercial lines policyholder, including condo associations, with an aggregate building limit of \$25 million or greater;
3. A policyholder who has obtained replacement coverage with another insurance company;
4. A policyholder whose coverage was cancelled by a Poe Insurer for non-payment of premium or underwriting reasons, or at the policyholder's request; or
5. Coverage written on a form that Citizens does not write (i.e. flood and personal umbrella).

Thus, if your community was insured by one of the Poe Insurers and your aggregate value exceeds \$25 million, you will not be eligible for Citizens' Transition Coverage on July 1, 2006. YOU SHOULD CONTACT YOUR AGENT IMMEDIATELY TO SEE IF YOU QUALIFY FOR CITIZENS REGULAR COVERAGE UNDER CITIZENS' REGULAR FORMS AND PREMIUMS. You may also contact the Citizens' Tampa Service Center at 1-800-365-8541 for questions related to eligibility for Transition Coverage. If you do not qualify for Transition Coverage and you do not take action to secure alternate coverage, you may be uninsured as of July 1, 2006, right in the middle of hurricane season, and the application process can be time consuming as Citizens is processing several hundred a week.

FOR MORE INFORMATION ABOUT THE POE INSURERS AND CITIZENS TRANSITION COVERAGE, PLEASE VISIT THE FLORIDA DEPT. OF FINANCIAL SERVICES (FDFS) WEBSITE AT WWW.FLDFS.COM OR CALL THEIR CONSUMER HOTLINE AT 1-800-342-2762.

For those of you that do qualify for Citizens Transition Coverage, please be aware that upon expiration of the Transition Coverage, you must apply for Citizens Regular Coverage on new forms and at higher rates. You will not be able to move on to regular coverage until the expiration of the transition coverage period.

Under your Poe Coverage, the Florida Insurance Guaranty Association (FIGA) will handle losses occurring on or before 12:01 a.m. on July 1, 2006. The claims process will continue with the adjusting being performed by representatives by FIGA. However, claims for losses incurred after the transition to Citizens on July 1, 2006, will be processed and paid by Citizens. The contact information for FIGA is: Florida Insurance Guaranty Association, P.O. Box 10366, Jacksonville, FL 32247-0366. You can reach them by phone at 1-800-746-1045 or 1-866-928-4310. The hours of operation for FIGA are 8:00 am-8:00 pm Monday-Friday. You can also get more information on their website at [www.figafacts.com](http://www.figafacts.com). CALL continues to make finding real solutions to these insurance issues our #1 priority for 2006 and beyond. Towards that end, we have meetings set up with key legislators over the summer months to discuss a national catastrophe fund and other proposals being debated well in advance of the 2007 Legislative Session. Please check the Hurricane/Insurance category on the CALL site regularly at [www.callbp.com](http://www.callbp.com) as all pertinent information received will immediately be placed online for your use.

Again, if your community was insured by one of the Poe Insurers and your aggregate value exceeds \$25 million, you will not be eligible for Citizens' Transition Coverage on July 1st and you must immediately contact your insurance agent to discuss alternate coverage arrangements.



## 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

# AUG/SEPT 2006

SUN	MON	TUE	WED	THU	FRI	SAT
<b>9</b> Int'l Mango Fest Fairchild Tropical Garden 9:30 a.m. to 4:30 p.m.  Urban Outdoor Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 3 p.m.	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b> Marlins V HOU Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>14</b> Marlins V HOU Dolphins Stadium 7:35 p.m. Tix.: ticketmaster.com  BOA Starlight Musicals THE FABULONS - 60s - 70s Holiday Park 7 to 10 p.m.	<b>15</b> Viva La Playa A1A & Las Olas 10 a.m. to 7 p.m. Info.: 954-527-0627  Mickey's Magic Show Broward Center (Through 7/16) Info.: 954-462-0222
<b>16</b> Marlins V HOU Dolphins Stadium 1:05 p.m. Tix.: ticketmaster.com	<b>17</b> Marlins V WSH Dolphins Stadium 7:05 p.m.  Vice Mayor Teel Pre-Agenda Meeting Beach Community Center 6 p.m. Info.: 954-828-5033	<b>18</b> Ft. Lauderdale City Commission Meeting City Hall 6 p.m.  Marlins V WSH Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>19</b> Marlins V WSH Dolphins Stadium 1:05 p.m. Tix.: ticketmaster.com	<b>20</b> Marlins V PITT Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>21</b> Marlins V PITT Dolphins Stadium 7:35 p.m. Tix.: ticketmaster.com  BOA Starlight Musicals VALERIE TYSON BANKS Holiday Park 7 to 10 p.m.	<b>22</b> Marlins V WSH Dolphins Stadium 6:05 p.m. Tix.: ticketmaster.com
<b>23</b> Marlins V WSH Dolphins Stadium 1:05 p.m.  FIESTA! Fort Lauderdale Riverwalk 11 a.m. to 6 p.m. Info.: 954-527-0627	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>29</b>
<b>30</b> Butterfly Day Fairchild Tropical Garden 9:30 to 4:30 p.m. Info.: 301-667-1651	<b>31</b>	<b>1</b> Marlins V NYM Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>2</b> Marlins V NYM Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>3</b> Marlins V NYM Dolphins Stadium 7:05 p.m. Tix.: ticketmaster.com	<b>4</b> Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092  Marlins V LAD Dolphins Stadium 7:35 p.m. Tix.: ticketmaster.com	<b>5</b> Marlins V LAD Dolphins Stadium 6:05 p.m. Tix.: ticketmaster.com
<b>6</b> Marlins V LAD Dolphins Stadium 1:05 p.m. Tix.: ticketmaster.com  Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b> Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>12</b>

## A look ahead

- August 14 First Day of public School
- September 2 - 3 Art Festival Las Olas Blvd.
- September 14 - 17 Rent Broward Center



Security...Continued

Every Galt Mile resident is a beneficiary of their elected representatives' participation in this larger jurisdiction. No individual association could have influenced the State to renourish our beaches. Our collective voice was heard at the critical hearing in the Hollywood Beach Convention Center wherein the near-death Broward Beach Renourishment Project was revived. No individual association could have engineered the Galt Mile Improvement Project, admittedly the most successful Neighborhood Improvement Project in Fort Lauderdale history. Our unified stance helped set the tone in the legislature for creation of the "opt-out" amendment, saving each association in excess of a \$million during the past few years. It was no coincidence that our interrupted power and water were restored after only 3 days following Hurricane Wilma. This extra ordinarily fruitful cooperation has insured that the interest of our small patch of earth are heard in City Hall, County Headquarters and Tallahassee.

The Galt Mile community currently has an opportunity to resolve another longstanding dilemma – neighborhood security. Several years ago, the Lauderdale Beach Homeowners Association met to conjure a response to their growing crime problem. While they were seldom victimized by horrific "Part 1" crimes, they were targeted by burglars, thieves and muggers, often misidentified as "homeless" drifters. A high-end neighborhood, they were ground zero for a spectrum of "quality of life" crimes. These quality of life crimes have a diminished priority when considered by law enforcement. Any rational person or agency would consider murder, rape and arson more worthy of resource commitment than thievery. Understandably, the City of Fort Lauderdale Police Department was hamstrung when asked by the community for assistance. Instead of wallowing in acrimonious recriminations or leveling pointless threats at city officials for neglecting "breaking and entering" in favor of homicide, they decided to take matters into their own hands.

Intuitively, they balked at hiring private security, wary of service cost and quality. The success of companies that ordinarily deliver those services is spotty at best. After investigating alternatives, they realized that a customized security package tailored to their needs should be their objective. They are bordered on the east by the ocean and the beach. While a few access roads penetrate the neighborhood, the adjacent properties provide easy escape routes for quick footed crooks. Between the unrestricted beach and the irregularly fenced properties, the community was a Disney World for "quality of life" criminals.

Civic leaders put their heads together and decided to get the right tools for the job. They opted against the retirees and amateur guards usually hired for this purpose. Even if they recruited Olympic sprinters, it would cost a fortune in personnel to patrol the open lawns and beach effectively. Instead of packing the neighborhood with an army of questionably qualified out-of-shape retirees and kids on summer break, they decided to hire active police officers. They realized that a real cop in an ATV could cover the beach more effectively than 4 rent-a-cops on foot. A second cop in a jeep could cover every access road and, if necessary, give chase. Within seconds, they could back each other up or converge on locations warranting attention. Hiring off-duty Fort Lauderdale police officers had an added value. Whenever an officer has cause to assert authority, he/she is automatically categorized as "on duty". If and when a suspect is cornered, they don't have to contact FLPD to make an arrest. They are automatically empowered to detain and arrest alleged perpetrators.

Continued on page 6

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Alert...Continued

On June 22nd, the Citizens Property Insurance Corporation convened a meeting of its Board of Directors at the Peabody Hotel in Orlando to address some of the challenges faced by the State's "insurer of last resort" since unprecedented events have recast its primary mission to serve as an emergency safety net. Donna Berger, an activist Condominium Attorney with the firm of Becker & Poliakoff, P.A., monitored this critical Board meeting in the hopes of learning just how they intended to implement their mandate for constructive disengagement while still being flooded with homeowners abandoned by the commercial insurance market – by design or bankruptcy. In essence, Citizens was created to serve as a cork for use in plugging gaps in the State's insurance market. With the recent emigration of insurance companies assuming characteristics reminiscent of refugees escaping a war zone, that cork has become the main component comprising Florida's insurance net. When the "Poe" family of companies recently announced their insolvency, the cork grew substantially larger.

As Executive Directive of CALL (Community Association Leadership Lobby), Berger closely watches issues impacting Association homeowners. Earlier this year, she confirmed that CALL considered the insurance crisis facing homeowners to be its top priority. Since some of the decisions made by the Citizens board could cripple an unwary association if unheeded, she sent emergency emails to member associations alerting them to the effects of the meeting's outcome. The content of her alert is as follows. – [editor]

**Important Information about Transition from Poe Insurers to Citizens!**

By Donna D. Berger, Esc.

Citizens Property Insurance Corporation was created by the Florida Legislature to serve as the State's insurer of last resort for homeowners who cannot find coverage in the private market. As you know, that role has now grown immeasurably beyond its first beginnings as more and more private insurers pull out of the Florida market. At today's Board meeting, Citizens announced that, by the end of July 2006, it will have approximately 1.2 million policyholders and will be the largest insurer in the State.

Part of that growth will come from policies transferred by Southern Family Insurance Company, Atlantic Preferred Insurance Company and Florida Preferred Property Insurance of Poe Financial Group (the "Poe Insurers") which have been placed into liquidation by court order. COVERAGE WITH THE POE INSURERS WILL END BY 12:01 AM ON JULY 1, 2006. Citizens will now be providing insurance coverage to Eligible Policyholders of the Poe Insurers who cannot obtain private coverage. This "Citizens Transition Coverage" will automatically pick up coverage for an Eligible Policyholder beginning July 1, 2006, and ending on the date that coverage would have ended under the Poe policy. An Eligible Policyholder is not required to file an application and does not need to pay any premium already paid to the Poe Insurers; Citizens Transition Coverage will use the same forms and premiums as the Poe Insurers for these Eligible Policyholders.

The real question then becomes, who is an Eligible Policyholder that will be seamlessly folded into Citizens coverage? The answer is all Poe policyholders are eligible for Citizens Transition Coverage EXCEPT the following:

Continued on page 18

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Insurance...Continued

Many Associations that expeditiously filed the appropriate insurance claims last November, submitted the proper Proof of Loss forms, underwent multiple inspections and claims adjustments are being summarily ignored by their insurers. Agents, Brokers and Adjusters have had to manufacture a stream of razor-thin excuses when asked to explain a company's lack of response. When the Association Attorney officially notices the company, they respond with a request for some obscure document or additional unrelated discovery. It is apparent that these unjustifiable dilatory practices are outside the ordinary claims process. In addition to the many Galt Mile Associations dependent on insurance proceeds to complete critical repairs, these institutionalized delays have adversely impacted frustrated policyholders all over the State. Herein resides the quandary. Given the tendency of some Associations to submit claims documentation with inadequate authoritative input, it is almost impossible to determine whether processing delays stem from a submission insufficiency or some darker company strategy. To address this problem, The Florida Department of Financial Services (DFS) operates a condominium mediation program which provides a forum to discuss outstanding claims directly with a representative of the Association's insurance carrier. As described by Florida CFO Tom

Gallagher last December, "During the 2005 session, state lawmakers passed legislation to expand our department's mediation program to condominium associations. Set up in 2004, the mediation program has helped more than 11,000 homeowners reach a satisfactory settlement on their hurricane claims. In partnership, the Department of Business and Professional Regulation is assisting DFS to urge condominium associations to participate in the mediation program and help facilitate prompt and fair settlement of outstanding claims." On March 13, 2006, Florida Office of Insurance Regulation Commissioner Kevin M. McCarty issued an informational memorandum explaining the terms of Rule 69JERO6-01, "Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms" - as required by 627.7015(4) in the Florida Statutes. As per 627.7015(3), F.S., the insurance company picks up the tab for the program's administrative costs and the mediator's fee.

To participate in the program, an Association should complete a Commercial Residential Mediation Request Form (Form No. DFS-11-1669, Revised 3/06) and return it to the Department of Financial Services. Forms are available by calling the Department at 1(800) 227-8676 (1-800-22-STORM), by faxing the Department at (850) 488-6372, or by logging onto the Department's website at <http://www.fldfs.com> <<http://www.fldfs.com/>> and clicking on the "Condo Mediation" icon. Then click on the "Commercial Residential Mediation Request" link.

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Security...Continued

Although most associations have avidly supported actualizing these security patrols, some representatives reported encountering confusion when proposing the project to their boards. When this occurred, Presidents Council Chairman Pio Ieraci offered to visit with those residents expressing concern about participating. Most of the obstacles stemmed from misconstruing some aspect of the plan. Several board members from one association pointed out that they already have security guards that patrol their premises. Ieraci explained, "Every association has internal security. Their jurisdiction ends at the property border. They aren't expected to pursue a stolen vehicle or a guy that grabbed a pocketbook and is running down the block. Suspicious characters have only to reach the sidewalk to find sanctuary. Besides, everyone leaves the building - and its security - at some point. While this plan will bolster every building's internal security, its main benefit is to the entire neighborhood." Ieraci continued, "The main benefit of a police presence is its deterrent value. By the time some crook sets up on the beach or the sidewalk to commit an offense, it is too late. At best, all any association is equipped to do is react with a call to the police after the fact. The security patrol is pro-active, preventing the circumstances that lead to a crime. The difference between facing an association security guard and a uniformed FLPD officer is immeasurable. When undesirable transients become aware of the Galt Mile police, they will move on to less dangerous areas. The experience at Lauderdale Beach has taught us that." Ieraci also addressed the cost benefit. "To fully protect the external premises, full-time association guards would have to be stationed by the sidewalk and the beach. That would require four shifts for each of those two locations to achieve 24/7 protection or eight full-time positions. For a tiny fraction of the cost of even one position, the building will be protected by armed, uniformed, mobile police officers equipped a communications system to coordinate their activities from an in-place headquarters. Additionally, responsible Galt Mile associations - such as ours in the Galt Ocean Club - ordinarily instruct their security personnel to avoid dangerous situations, directing that they call the police instead."

If an association agrees to participate and later finds that the program doesn't adequately address their needs, they can withdraw. Pio remarked, "Since we all have the same expectations for the security patrol, if it fails to live up to those expectations, we will ALL withdraw!" When asked what happens when a perpetrator is caught by a member of the security patrol, Ieraci said, "That's the advantage of hiring off-duty Fort Lauderdale police officers. Municipal ordinance dictates that when off duty police officers encounter a crime, they are automatically considered 'on duty' and can consummate an arrest. They also have full access to departmental resources, like back-up and special equipment when demanded by the situation." Associations will no longer have to call the police, wait for their arrival and describe the incident to the responding officer. As a rule, a suspicious character checking car door handles or transients harassing returning residents are long gone by the time this occurs. In contrast, once a patrol officer is involved, potential perpetrators are automatically and instantaneously ensnared in the criminal justice system.

Continued on page 10

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Active Ft. Lauderdale Police Officers equipped with ATV for Beach Patrol and Police Jeep on the street.

Security...Continued

As always occurs in a democratic forum, there were also some dogmatic contributions. One indignant association resident suggested that we force the city to provide this service. While his scheme to organize a

mass refusal to pay taxes until they "surrender" and agree to finance the project didn't resonate with any of his neighbors, he left convinced of the tactic's viability. Another resident denied the existence of crime in the neighborhood because he "hadn't seen it!" One resident described his association board as having recently become more isolationist, adopting a position that every association should fend for itself. As association boards are reconstituted, they occasionally lose their "institutional memory", sometimes burdening them with re-experiencing hard lessons previously learned and forgotten. Given the current list of challenges facing common interest dwelling participants from hurricanes, insurance companies and the tendency of politicians to toy with their rights, "going it alone" is a sure fire prescription for expensive mistakes.

Two Galt Mile associations, L'Hermitage I and II, have been part of the Lauderdale Beach Homeowners Association Security patrol for several years. They form the current northern border of their security zone. Dr. Alex Leeds, highly regarded L'Hermitage President and a Galt Merchants Association lynchpin, has testified to the success of the program. L'Hermitage is located off Oakland Park Boulevard, a public access to the Galt Mile beach. Prior to the project's inception, L'Hermitage residents seldom took advantage of their beach after dark. Participating in the Lauderdale Beach program cured their concerns. Every L'Hermitage resident takes comfort in knowing that despite what transpires in the rest of the city, a police officer is a few ticks away at all times. As a result,

L'Hermitage currently enjoys a level of security miles ahead of its neighboring Galt Mile Associations.

Another issue is related to the geographical layout of the beach and the location of the various associations. If an association on the northern end of the anticipated security zone doesn't participate, the patrol would simply turn south before reaching their property. If Plaza South opts out, Galt Towers would represent the northern end of the security zone. If however, associations in the middle area refuse to participate, they would receive the benefits without paying for them, an inequitable situation.

Currently, one "centrally located" association has reported their board's confusion over some unidentified project component. Another has asked GMCA officials to directly address purported resident concerns. One of the project's most attractive aspects is its predisposition to flexibility. Unlike most neighborhood improvement projects, this one comes with a built-in back door. Ambivalent associations can opt for a one year trial period instead of killing the project for the whole neighborhood. Hopefully, after familiarizing themselves with the project's details, enough of their trepidations will be allayed to give it this one-year trial. Following the trial, if the residents living in those associations feel that the increased security is not worth \$20 per year, they can withdraw. Conversely, following a successful trial year, we will bring the program before the city commission for review. If the program performs as expected, the need to solicit ongoing support will be obviated. The city could conceivably agree to pick up the tab.

As always, the final decision as to whether we agree to take advantage of this unique opportunity will be made by the residents of the Galt Mile. Additional factors impacting this decision skew both ways. The timing couldn't be worse. Every association is frenetically addressing hurricane damage, an insurance threat and its attendant storm mitigation costs. On the plus side, we finally have a successfully tested answer to a problem that has long plagued the community. Even the negligible cost of \$20 per homeowner, upon demonstrating a successful outcome one year after implementation, might be picked up by the City. If, however, the program isn't afforded a chance by any one of the association boards in the central beach area and is therefore stillborn, we may still snag a consolation prize of sorts. For years, Galt Mile residents have hypothesized about why L'Hermitage seemed immune to the area's street crimes, postulating that they appropriated substantial resources to beef up their security. Their secret is now out. They aren't spending more than other Galt Mile associations, they are spending less. They are simply spending their security dollar more wisely than the rest of us.

Take a moment and discuss this opportunity with your friends and neighbors. Residents holding that our tax dollars should fund any neighborhood security who have heretofore failed to explain exactly how to bring that about now have a road map to success. Those concerned about committing multi-year resources to a new venture have a built-in escape hatch. The cost of \$1.66 per month shouldn't present any Galt Mile homeowner with a financial hardship. As to our pioneer-spirited neighbors extolling the virtues of "going it alone", they will likely need to learn anew the advantages of mutually beneficial alliances – especially with neighbors. Nevertheless, within a few months we will enjoy world class security or spend another year greeting a new group of "bench" residents, endure additional car thefts, vandalism, breaking and entering, smash and grabs and the other "quality of life" crimes that the police have warned would continue. A veteran advisory board member, considering the irony of possibly missing this opportunity because a single association declined to give it a one-year trial, quipped, "At least we will have screwed up democratically!" Such is life. •

## INSURANCE PAYMENT DELAYS PLAGUE POLICY HOLDERS?

One of the benefits enjoyed by the house is the right to set the rules. If the house rules are hopelessly skewed, customers usually pick up their marbles and roll out. When there's only one game in town, that's not an option. Since government regulations are designed to preclude monopolies from publicly flourishing, their victims are usually limited to the politically impotent. However, when competition is eliminated by economic developments as opposed to industry intrigue, a company can freely operate in the ensuing market vacuum, often with the blessing of the regulatory agencies normally charged with punishing monopolistic practices.

Following Hurricane Andrew, enlightened self-interest served to unite Florida's insurance industry. The \$20 billion in sustained damages threatened to undermine a competitive insurance market in the State of Florida. While ostensibly created to ground the shaken industry on firmer footing and oppose annual political attempts to lower rates, the newly unified Florida insurance industry discovered an unexpected dimension to their alliance. In addition to protecting participating carriers from legislative threats to their bottom lines, they explored potential pro-active postures. However, the industry's big gun – the threat to leave the State – was an extremely risky gambit. If some players left while others stayed, those remaining would reap a huge competitive benefit at the expense of their departing brethren. This double-edged sword gave solace to Tallahassee bureaucrats charged with industry negotiations. When the 2004 serial storms justified a reconsideration of industry strategy and State insurance policy, the pieces fell into place. Who would blame them for bailing out of a sinking ship?

With the onset of the insurance crisis, an Australian insurance company that scooped up a healthy slice of the South Florida homeowners market – QBE – was presented with a unique opportunity. Following Hurricane Wilma, the handful of carriers still remaining in the State prepared to join their already departed peers. The industry had successfully implemented its strategy of temporarily abandoning the State to elicit a more favorable regulatory environment. Although they didn't skip town, QBE will also reap the regulatory benefits of their industry's strategy. By definition, their status as the area's sole remaining rated carrier enables them to operate free of concern about losing business to competitors. As surmised by a frustrated co-op board member at a GMCA Presidents Council meeting, it immunized them against any "good will" penalty that ordinarily deters questionable business practices. While processing delays are a credible consequence for carriers attempting to claw their way through a flood of claims for which they were understandably unprepared, the State Insurance unit has alternatively alerted policyholders to dilatory behavior derived of substantially less acceptable motives. By holding undisputed insurance proceeds hostage to concessions on unrelated claims, carriers can pressure desperate policyholders into accepting unfavorable settlements.

Continued on page 12

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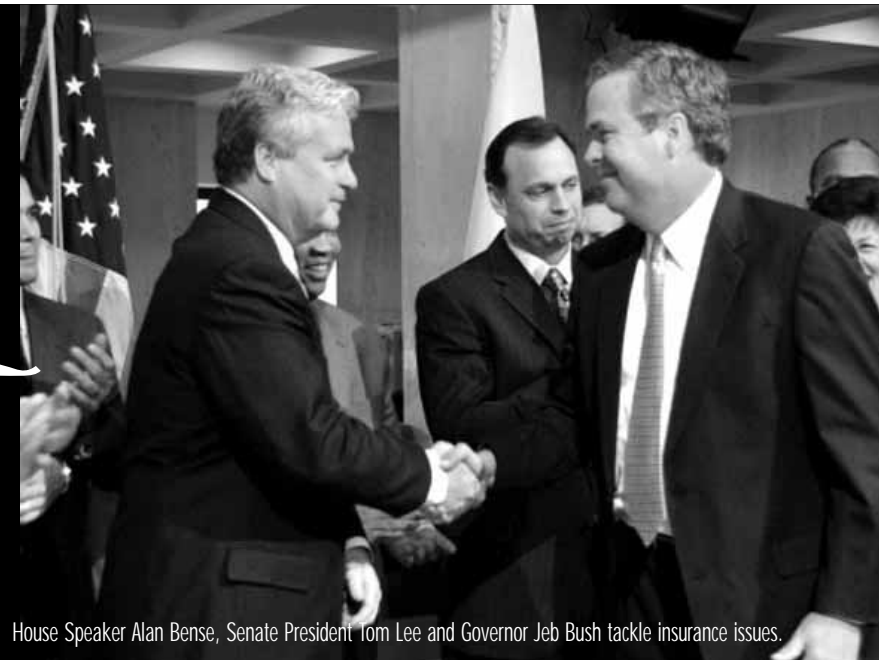
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# CRITICAL ASSOCIATION INSURANCE ALERT

Preface by Eric Berkowitz  
Article by Donna D. Berger, Esq. Executive Director, CALL



House Speaker Alan Bense, Senate President Tom Lee and Governor Jeb Bush tackle insurance issues.

## Preface

Following Hurricane Andrew in 1992, the survival instinct of the State's insurance carriers kicked into high gear. The \$20 billion wake-up call transformed their trade organizations from marketing resources into a pentagon-style war room. Instead of producing catchy media sound bites depicting their concern for our children's health or the soundness of our homes, they reorganized to do battle with the State's Department of Insurance Regulation. For thirteen years, they honed their skills while engaging in a cat and mouse game with the Legislature and insurance bureaucrats, lobbying hard to offset the blizzard of regulations created to keep rates affordable. With the State threatening additional restrictions and the industry threatening to pack up and leave, a cold war mentality surrounded the actuaries from both sides charged with finding a compromise.

When the recently intensified hurricane seasons again threatened their fiscal stability, insurance carriers coalesced to formulate an industrial strategy. This time, however, they wouldn't repeat the passive defensive posture they adopted 1992. Instead, they would engineer a pro-active policy. Shortly after the Governor called a special session of the Legislature to address hurricane matters in December of 2004, the industry went to the bunkers and turned on the lights in the war room. When State Insurance Czar Tom Gallagher pressed hard to limit deductibles during a multi-event season, the carriers made it clear that they wouldn't tolerate any more red ink. They decided to drop the "big one".

Incredulous State officials watched as the carriers abandoned the Florida market. Attempts to stem the exodus were fruitless. By early August of 2005, Safeco and Nationwide joined seven other carriers in leaving the State. 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. The industry's "scorched earth" policy wouldn't be "compromised" by accepting anything less than unconditional surrender. Why negotiate with State insurance offi-

cial to be "rated carriers" when they could write their own ticket from the other side of the Florida border? With the exception of a few foreign carriers (such as the Australian company QBE), the industry has left the State's homeowners hanging out to dry.

Their plan's effectiveness was confirmed by the recent passage of Senate Bill 1980. The bill recognized that Citizens was never meant to and is incapable of replacing the commercial insurance industry. Faced with the choice of becoming a self-insured State or capitulating to industry demands, Tallahassee raised the white flag. Spun as the "first step in a painful strategy to attract commercial carriers back to Florida," the legislation lays the statutory groundwork for disemboweling rate regulations and curtailing access to the State's safety net. As new eligibility restrictions wear each segment of the State's decimated insurance market from Citizens, they will either go to non-rated carriers or explore some variation of self-insurance. When enough of the market has acclimated to sky-high rates, the carriers will be invited to return as rated carriers for a negligible rate concession. The operational theory being that upon their return, competition will hopefully serve to constrain, or perhaps lower, rates.

One aspect of the bill that received universal support was the infusion of \$715 million into Citizens to help offset the expected 20% assessment property owners would have to pony up to address Citizens' losses. Before passage of the measure, every Florida homeowner would have been assessed about \$200 for every \$1000 in premium due. After having partially funded the shortfall, the remainder will be absorbed by a 2.5% assessment this year (about \$25 for every \$1000 of premium due) and a 1% assessment in each of the next ten years. This will only address the 2005 shortfall. Additional future losses will be tacked on incrementally.

Continued on page 14



## Insurance... Continued

Once the Department receives your completed Commercial Residential Mediation Request Form, your insurance company will be notified, and will have 21 days to settle your claim before your request for mediation is further processed. If the carrier fails to do so, the department will select an accredited mediator and schedule a conference. For Associations hoping to promote movement on a claim, success will depend upon the adequacy of their preparation. Minimally, the Association should be prepared to produce:

1. A document by which the Association's governing board designates an authorized representative that includes the name of the condominium or cooperative, the name of the association, the date of the meeting at which the designation was made, the name of the designated individual(s), and the authority granted to said individual(s).
2. A copy of the relevant insurance policy and all correspondence(s) with the company (and/or agents/adjusters) regarding the claim;
3. A detailed report prepared by a professional in the field regarding the losses sustained as a result of the storm. The use of a design professional (engineer or architect) is generally best, but under some circumstances a report prepared by a licensed general contractor will suffice. The report must distinguish between those portions of the building maintained and insured by the Association and those portions for which the individual unit owners are assigned responsibility.
4. A complete analysis of the policy with particular attention to any exclusions; and
5. A complete report, with all supporting documentation, of any expenses incurred for mitigation, any emergency rehabilitation/repairs and other losses under the policy.

The documentation should be an authoritative compilation of professional reports and opinions. Its presentation should also be professional, guided primarily by the Association attorney. Despite the mediation's supposed confidentiality, any documentation presented or information revealed at the conference is fair game for any surreptitious agenda. The carrier is entitled to use any volunteered information, documentation, or other meeting work product to its advantage, possibly resulting in support for the claim's denial. To avoid inadvertently contributing to additional processing delays or a denial of benefits, Association counsel should be assigned responsibility for composing the presentation and selecting the materials supportive of the Association's claim.

The carrier's representative is also bound by certain requirements. At the conference, the representative must produce:

1. A Copy of the policy and the entire claims file – the insurer's rep must be conversant with the facts and circumstances of the claim as well as the policy's provisions.
2. Confirmation of authority to settle the full amount of the claim at the conclusion of the conference.
3. If any inspection and/or adjustment of the property are required prior to dispute being resolved, such inspection and adjustment shall occur before the mediation conference.
4. A failure by the insurer to authorize its representative to settle the full amount of the claim at the conclusion of the conference or to inspect and adjust the property as necessary before the mediation conference shall constitute a failure to appear at the mediation conference.

If mediation fails to produce results, the Association should explore the advisability of legal action with its attorney. If the attorney concurs that the insurance company failed to settle the claim in good faith once its obligation became reasonably clear, they may be liable for additional damages. Inasmuch, raising the stakes may serve to gain the attention of questionably motivated carriers. Even if the mediation effort is unsuccessful, undergoing the process will bolster the Association's contention that despite being afforded ample opportunity to fairly settle the claim, the carrier has negligently failed to fulfill its obligations under the policy.

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Security...Continued

They gave it a try. In 1999, they suffered 45 reported crimes. After instituting their novel security gambit, it plunged to two during the following year. Two armed, uniformed off-duty police officers, an ATV and a Police Jeep available 24/7 provided the one-two punch needed to mollify their problem. By using trained and qualified active police officers they created the kind of crime deterrent that only a real police presence can offer. An unexpected added value discovered by Lauderdale Beach Homeowners Association was the unmatched response times their officers chalked up when called by any homeowner. After being summoned to a location, the officers would arrive within 1 to 2 minutes - a service unmatched anywhere in the city. As pioneers are sometimes kissed by angels, the cost of this novel resolution was only a small fraction of their competitive alternatives.

For years, the Galt Mile Community Association has been researching an answer to our neighborhood's crime problem. Each year, we rehash previously considered possibilities and review fresh opportunities borne of new technology. At an Advisory Board meeting on February 21st, Major Mary Negrey of the Fort Lauderdale Police Department reported that her District One unit (covering the Galt Mile) was primarily beset by "Quality of Life" crimes. She repeated that police resources are prioritized according to the need exhibited by each neighborhood. As mentioned, police are allocated to neighborhoods victimized by high crime rates and/or significant crimes. Given that the City wasn't about to take officers from high crime areas to monitor the Galt Mile beach and sidewalks, she explained the departments strategy. They hand out pamphlets in shopping areas, community centers and similar venues alerting residents to avoid leaving valuables in plain sight of their unattended vehicles. "Be careful not to leave your keys in the car or your cell phone on the car seat!" Aside from official exhortations to be mindful of our surroundings, it appears we are on our own.

The Galt Mile community is plagued by the same smash and grabs, vandalism, break-ins and car thefts that frustrated the Lauderdale Beach Homeowners Association. Our entreaties to municipal authorities will continue to be rightfully downplayed as low priority. We share the same vulnerabilities, the open beach and a maze of adjacent properties that present "undesirables" with countless opportunities to elude apprehension. We also shared the same concern they were confronted by six years ago - a frustrating quest to plug our security gap.

We believe that we've found the answer. Instead of reinventing the wheel, we are considering taking a playbook page from our neighbors to the south. As such, the Galt Mile Community Association has negotiated an arrangement to provide our residents with state-of-the-art neighborhood security. Since its inception 5 years ago, the Lauderdale Beach project has been expanded to include a headquarters on the beach - better coordinating its highly mobile force. The patrol currently continues north through L'Hermitage, whereupon it returns south. The plan is to extend the patrol to include all of the Galt Mile associations along the beach within Fort Lauderdale city limits. The officer-manned ATV would simply continue north through Plaza South or Galt Towers, turn and head south. The Police Jeep would patrol Galt Ocean Drive. The ostensible difference between what we are considering and what the Lauderdale Beach Homeowners Association had to confront five

years ago is the attendant risk and the start-up expense.

Since we will be taking advantage of an ongoing operation, our risk is non-existent and there is no start-up expense. Upon analyzing the operational costs, and given the huge number of participating homeowners residing in the Galt Mile buildings, the "per unit" expense is \$20/year. For the \$20/homeowner, the Galt Mile would have its own private fully equipped police force. Whether called by an association or a unit owner, an armed, uniformed police officer would appear at your door within two minutes. When Associations notice unsavory characters prowling their parking deck, instead of asking a guard to leave his post and chase them off - usually to the next building - the scofflaws would be intercepted by our patrolman about a minute later. They would be questioned, and if appropriate, arrested for trespassing. They will not return. Despite the internal security posted in every Galt Mile building, any sane resident strolling on the beach past 10 PM does so with a lump in his/her throat. Ground floor residents of every beachfront building will confirm that suspicious people jump sea-wall fences to or from the beach on a regular basis. Upon inception of the program, an armed beach patrol officer in an ATV would instead ask if you are having a pleasant evening as he drives by.

When polled about this opportunity, an overwhelming majority of associations supported instituting the program. Since we represent incremental business, the "per home" cost is negligible. A few years back, our Fire-Rescue assessment was raised by \$120 annually per homeowner between fees and taxes for virtually no additional benefit. For \$20, Galt Mile residents will see their crime rate evaporate, eliminate the ill-intentioned transients that haunt the beach and sidewalks and feel the security of knowing that a Fort Lauderdale Police officer is a minute or two away. It will also serve as a deterrent to many of the temporary occupants of the benches lining the block. While ostensibly "homeless persons" and other transient "visitors" are legally entitled to sit on the benches in front of our buildings, they often drift onto association premises and intimidate elderly residents in passing. The patrol has had great success in convincing many of the more bombastic street denizens to rotate to less well policed areas.

While investigating the benefits of instituting these security patrols, the Galt Mile Community Association solicited input from municipal officials. Fort Lauderdale Assistant Chief of Police and head of operations Stephen Robitaille expressed support for our local policing solution, stating that he was in favor of any program that put more cops on the street, especially trained officers. After acknowledging that few municipal police departments have enough resources to deliver a dedicated police presence, Police Chief Bruce Roberts also extolled the benefits of community policing. At the March 16th Advisory Board meeting, Ft. Lauderdale City Manager George Gretsas added that the plan might be eligible for municipal support. Gretsas explained that if we implement the plan and were able to demonstrate a successful outcome, we could apply for municipal resources to underwrite its fiscal future.



Ft. Lauderdale Chief of Police Bruce Roberts

Continued on page 9

# JUST SOLD

Information provided by Eastside Properties, 954-565-7644

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

- |   |  |
|---|--|
| <b>L'Hermitage #2406</b><br>(2/2)<br>\$900,000 - closed 6/11/06         | <b>Edgewater Arms #11B</b><br>(1/1)<br>\$297,500 - closed 5/31/06  |
| <b>Commodore #604</b><br>(1/1.5)<br>\$339,900 - closed 5/8/06           | <b>The Continental #903</b><br>(2/2)<br>\$350,000 - closed 6/15/06 |
| <b>Coral Ridge Towers S #311</b><br>(1/1)<br>\$132,500 - closed 5/23/06 | <b>Fountainhead #11A</b><br>(3/3)<br>\$650,000 - closed 5/15/06    |
| <b>Ocean Riviera #1103</b><br>(1/1.5)<br>\$290,000 - closed 5/1/06      | <b>Plaza East #PHG</b><br>(2/2)<br>\$615,000 - closed 5/19/06      |
| <b>Coral Ridge Towers E #921</b><br>(2/2)<br>\$225,000 - closed 5/8/06  | <b>Galt Ocean Club #206</b><br>(2/2)<br>\$465,000 - closed 5/25/06 |
| <b>Ocean Manor #326</b><br>(0/1)<br>\$260,000 - closed 5/31/06          | <b>Galleon #511</b><br>(2/2)<br>\$425,000 - closed 5/23/06         |



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## FROM THE OFFICE OF REPRESENTATIVE ELLYN BOGDANOFF

After the 2006 legislative session, District 91 Statehouse Representative Ellyn Setnor Bogdanoff sent a post session message to constituents participating in her "Legislative Update" email program. Her summary of the session's accomplishments kicks off by describing the session environment as being flush with resources (tax cash). The House and Senate delivered a shot in the arm to education by passing the A++ bill. They booted the opportunity to pass a portability bill, condemning millions of residents wishing to downsize or otherwise move to new digs to remain trapped in their homes. She promised that the legislature will revisit the issue next year. The legislature took preliminary steps to address the State-wide insurance crisis. They made some adjustments to Citizens in the nature of a short-term fix, allocating an additional \$250 million to help homeowners upgrade their hurricane protection. Representative Bogdanoff warns that the 2006 legislation will do nothing to stop rising insurance costs. That will require establishing a regulatory environment conducive to attracting insurance carriers back to the state. In that regard, we've a long way to go. Read on: - [editor]

We left Tallahassee on May 5th and the legislature is no longer in session. Now is the time to reflect on what we accomplished, and I must say we had a very productive year. We passed great legal and education reforms. We addressed affordable housing and took a bold step with respect to encouraging alternative energy sources. We also provided millions for medical research and managed to save some of our most precious environmentally sensitive lands.

The budget was flush and we were in a position to give money back to the citizens, while still saving millions for a rainy day – and in a state where hurricanes are becoming regular visitors again, that is a good idea!. Florida now has over \$6 billion in reserves, which should make all of us feel very secure. We substantially increased the education budget and Broward alone received an additional 123 million in state dollars.

Continued on page 17

Bogdanoff.. Continued

We are seeing tremendous learning gains because of our educational reforms and I just recently joined the Governor as he signed the A++ bill. This important piece of legislation will bring relevance and rigor to our middle and high schools. High School students will be able to focus on subjects of interest and take courses that have a meaningful impact on their futures, especially for those students who choose not to go to college. Differentiated pay will attract teachers in critical subject areas and in large part because of Broward's parents efforts, the bill created a uniform start date for the school year.

Admittedly, there were some disappointments this session. Because of the complexity of the issue, the legislature was unable to build a consensus on how to deal with the property tax crisis. Although this problem is not felt everywhere in Florida, it is particularly pronounced in our region. The good news...we commissioned a study that will provide the legislature with preliminary results by September of 2007. Since the solution will likely require a constitutional amendment, we will not have the opportunity to comprehensively address this issue until 2008.

However, the most immediate and effective solution is right here at home. The appraised values of our homes, as well as the tax rate are set by our County Commission. Perhaps all of us should let them know what our property tax structure is doing to our quality of life. The members of the House of Representatives are committed to taking part in the solution, but this must be a team effort between state and local governments.

Next, we must continue our insurance reforms. Although there were many great components to the Citizens legislation (SB 1980), this is a multi-year fix. We provided 250 million for homeowner loans so citizens can make their homes more hurricane proof. Additionally, we infused millions into the Citizens' deficit caused by our previous storms so that we could reduce the burden on the policy holders. This is just the beginning. It is inevitable that insurance will be more expensive now that we have had active and destructive hurricane seasons these past 2 years, and additionally a prediction of active hurricane seasons for years to come; but that does not mean that we cannot do more to make insurance available and more affordable.

There are many of us committed to solving this issue and there are a variety of proposals on the table. It is critical that we bring back the free market and we create the regulatory environment that encourages insurance companies to do business in Florida.

We are on summer break, but for those who are reelected in November, we will start preparing for the 2007 Session in late November. As always, I enjoy your feedback and hope you will email me with your comments and ideas at [ellynb@bellsouth.net](mailto:ellynb@bellsouth.net).

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

*Serving the Galt Ocean Mile residents with more than 20 years of professional service.*

### Over 40 Agents to Serve All Of Your Real Estate Needs!

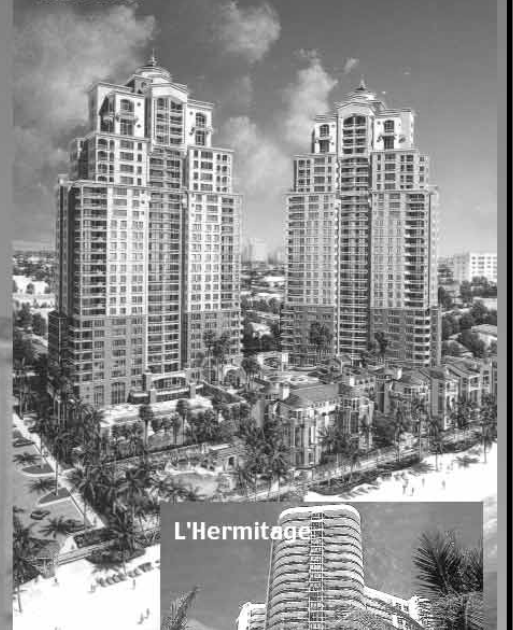
*We Have Some of the "Best Deals" in Town!*



**CARL S. MARZOLA**  
President, CRS, CIPS

- Great Selection of Preconstruction Condos in Miami, Fort Lauderdale & Palm Beach
- One Bedroom Oceanfront starting in the low \$300,000
- Two Bedroom Ocean Views starting from \$430,000
- Brand New Oceanfront Condos starting at \$800,000
- New Intracoastal hotel/condo prices starting in the mid \$200,000's
- Townhomes available starting from \$350,000 & up
- Rentals Available (Annual/Seasonal)
- Restaurant Opportunities Available

The Palms



L'Hermitage



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Galt Ocean Mile • Fort Lauderdale