



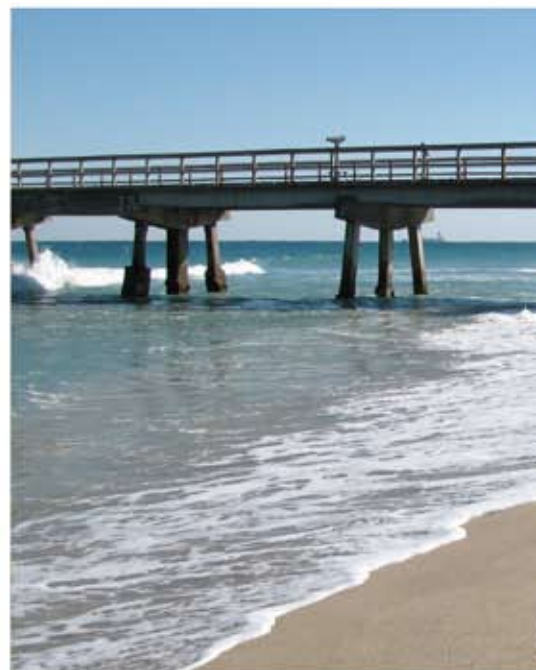
# GALT MILE NEWS

NOVEMBER 2009

THE OFFICIAL NEWSLETTER OF THE GMCA



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# THE GALT MILE NEWS

## PUBLISHER

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

## EDITOR

Eric Peter Berkowitz

## ADVERTISING

954-292-6553  
galtnews@yahoo.com

## PRINTER

The UPS Store™  
954-568-1990

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Buckley Towers in Miami-Dade



Lead attorney, Daniel S. Rosenbaum, reviews court victory surrounded by KGR partners Leigh Katzman & Alan Garfinkel at press conference

## Revived Claims Can Fill Condo Coffers

By Eric Berkowitz

For some Galt Mile Community Association members, this information may represent an opportunity to bring closure to a painful, abusive and unrequited process endured several years ago on the heels of Florida's devastating serial hurricanes. For others, it might offer a last pull at their property insurance slot machine. Notwithstanding the motive, it could seriously enhance the association's bank account.

Following the serial hurricanes of 2004 and 2005, many Galt Mile associations entered into a long slow waltz with their property insurance carriers. Dozens of damage claims were submitted since the summer of 2004, when the State was suddenly subjected to insurance industry convulsions that trebled windstorm rates overnight. Over the next few years, associations detailed their claims progress at monthly GMCA Presidents Council meetings, a strategy implemented to share tactics useful for expediting benefits.

Some fortunate associations never sustained enough damage to reach their deductible limit while those that barely exceeded their deductibles filed relatively modest claims. Others were heavily victimized by the storms, with damage in the \$millions. In 2004 and 2005, the insurance industry issued an ultimatum to Tallahassee, threatening to leave the State unless approved for virtually unlimited rate increases. When state regulators balked, almost every admitted windstorm carrier hit the road, abandoning the Florida property and casualty market.

By the end of 2005, Australian carrier QBE was the only admitted alternative to Citizens Property Insurance Cooperation, Florida's taxpayer-supported carrier of last resort. When QBE constricted their eligibility requirements, their only Galt Mile client qualified to renew was Regency Tower, having installed impact rated windows and doors throughout. Insurance carriers pay most legitimate claims expeditiously to maintain good will – ordinarily a competitive necessity. As the only game in town,

QBE had nothing to lose by continuously delaying claims via incessant requests for irrelevant documentation, purposely valuing damage loss below the hurricane deductible or denying legitimate claims for eligibility exemptions not listed in the policy.

Firmly ensconced in the catbird seat, QBE began requiring evidentiary documentation far in excess of that ordinarily submitted. They also summarily rejected marginally defective claims, such as those with minor "typos". When the rebuffed claims were meticulously prepared anew by professionals and resubmitted, QBE rejected them out of hand, arbitrarily shifting eligibility standards. On March 13, 2006, the Florida Department of Financial Services (DFS) organized a condominium mediation program which provided a forum to discuss outstanding claims directly with a representative of the Association's insurance carrier. A mediator detailed exactly what the client had to provide in order to receive their benefit. Although associations fully complied with the mediator's requisites, QBE continued to disallow claims with impunity.

Ultimately, frustrated associations settled for a fraction of their damage costs. Others unconditionally capitulated upon learning that carriers had been dodging payment without consequence for years. A few doggedly persistent associations such as Coral Ridge Towers East, Southpoint and Galt Ocean Club, which played claims ping-pong with the company from 2004 to 2007 with little progress, finally negotiated settlements.

Last week, Managing Partner Donna Berger of Katzman Garfinkel Rosenbaum (KGR), who also serves as the Executive Director of the Community Advocacy Network (CAN), wrote an article offering forsaken associations a second (or third) bite at the apple. According to Berger, even damages sustained in 2004 are still recoverable. Last February, KGR partner Daniel Rosenbaum won a \$20 million verdict against QBE for Buckley Towers, a 40-year old Miami-Dade condominium facing county

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condemnation for structural deficiencies caused by Hurricane Wilma. In September 2007, the Chalfonte Condo Apartment Association of Boca Raton was similarly awarded \$8.1 million. Located a few blocks south of the Galt Mile, Vantage View also won a \$1.5 million jury verdict for hurricane-related damages. *The article is as follows:*

## ASSOCIATION FINANCIAL PROBLEMS: PURSUING UNRESOLVED CASUALTY CLAIMS MAY BE THE SOLUTION

By: Donna D. Berger, Esq.

If your community is struggling today to meet its financial obligations in light of a growing number of delinquencies, it might be time to revisit the issue of any storm damage that may have impacted you several years ago. Many associations do not readily see the connection between storm damage that hurt them several years ago and their current economic woes but that connection may be closer than you think.

The following hurricanes battered the State of Florida:

1. Charlie - August 13, 2004;
2. Frances - September 4, 2004;
3. Ivan - September 16, 2004;
4. Jeanne - September 26, 2004;
5. Katrina - August 24, 2005; and
6. Wilma - October 25, 2005

Many boards submitted claims for storm damage and were told that their claims did not reach their deductible level. Others received some money from their carriers but not nearly enough to pay for repairs and were forced to specially assess their members for those costs that weren't covered. Incredibly, a few associations never even made claims because they either felt they did not meet the deductible or they feared having their coverage canceled or their rates raised. Quite simply, a board of directors cannot accurately assess the amount of damage that a community may have suffered without a thorough inspection by properly trained experts.

For far too many communities, the storms that ravaged Florida in 2004 and 2005 created a hole from which they never dug out. The special assessments that their members were forced to pay for damage that should have been covered by their insurance carriers made them less able to bear the current real estate market conditions.

However, all is not lost for those communities who understand the insurance process and take the time to pursue their rights. Typically you have five (5) years to make a claim with your insurance company after a casualty loss so even the oldest storm claim listed above is **STILL RIPE** unless your claim was cut short by a FIGA deadline, an appraisal award or a release agreement you signed which specifically used the word "release".

In order to understand whether or not your association walked away from insurance proceeds that were rightfully owed to you, it is important to understand how most insurance companies operate. It does not benefit the insurance company's bottom line to make you whole for any claim you may submit so they are hoping you will accept less money than you deserve or they are hoping that

you will simply forget that you still have rights to assert a substantial claim for money that you may be owed. It is even better for them if you do not submit a claim at all. The way insurers achieve these goals is to perpetuate the following myths:

1. If you file a claim you will be dropped. This is false. It is illegal under Florida law for insurance companies to drop policyholders for filing claims. Specifically, Section 627.4133(3) provides: "Claims on property insurance policies that are a result of an act of God may not be used as a cause for cancellation or nonrenewal, unless the insurer can demonstrate, by claims frequency or otherwise, that the insured has failed to take action reasonably necessary as requested by the insurer to prevent recurrence of damage to the insured property." The reality is that if you do not file a claim and the neighboring property owner files a dozen, you both have the same chance of being dropped if your insurance company decides to reduce its exposure in the State. The neighboring property owner, however, at least had the benefit of filing a claim;
2. If you file a claim your insurance rates will go up. Again, this is the same issue as #1. Insurance companies must submit rate increases to the State for approval. Whether or not you make a claim will not impact the carrier's business decision to move forward with a proposed rate increase;
3. Your damage did not come close to exceeding your deductible. This is a common tactic to ensure that policyholders simply give up and pay for insured damage out of their own pockets. Damage visible to the naked eye does not tell the whole story of damage which your personal and real property may have suffered. Trained experts can properly advise you on the full extent of the damage inflicted including structural damage, mold, loss of power, relocation expenses, cleanup and dumpster costs, etc. If your community endured a special assessment to pay for storm damage you may have been on the receiving end of the deductible excuse; and
4. If you already received a check from your insurance company it is too late to revisit your claim. Unless you signed a release, receiving funds alone does not prevent you from pursuing your carrier for the full extent of damage you suffered.

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Coffer...Continued

Unfortunately, a volunteer board of directors is a particularly easy target for the scare tactics outlined above. Many boards simply do not know their rights with regard to casualty claims or are bullied into accepting less than the community, which is ultimately the individual members, deserves.

The statutory deadlines for most of these storm events are nearing. Boards, particularly new ones who were not seated at the time any damage was incurred, would be well advised to have their property inspected as soon as possible in order to provide themselves with the reassurance that they were paid in full by their carrier or to arm themselves with the ammunition needed to recover any amounts still owed.

If you were lucky enough not to suffer any storm damage over the last four tumultuous storm seasons, please keep in mind that every board member bears a fiduciary duty to the membership and that duty includes the proper handling of insurance claims.

Donna D. Berger, Esq. is the Managing Partner of the Ft. Lauderdale Office of Katzman Garfinkel Rosenbaum (KGR) a firm that devotes its practice to the representation of community associations and casualty law. Ms. Berger can be reached at 954-315-0372 or via email at [dberger@kgrlawfirm.com](mailto:dberger@kgrlawfirm.com).

***\*While Donna Berger is highly respected by Galt Mile Community Association members – having participated in many local and statewide actions favorable to condominiums and cooperatives – pursuing a dated insurance claim can be performed by many competent association attorneys. The next time you contact your attorney about the resident that breeds and sells plague rats, ask about reviving any rejected claims. Given the recent court victories against carriers for capricious claims management, the resulting new precedents have substantially improved the legal landscape. When Rosenbaum found the key to QBE’s courthouse roller skates, he unlocked a door that any victimized association can now open. If the Finance Committee expresses concern about legal expenditures, arranging commission-based compensation will fiscally insulate the association and motivate the association attorney. Good luck! – [editor]\*•***



KGR Managing Attorney and CAN Executive Director  
Donna D. Berger, Esq.



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# VICE MAYOR BRUCE ROBERT'S post budget **NEWSLETTER**

*\* In his autumn 2009 Newsletter, Fort Lauderdale's District 1 Commissioner and Vice Mayor Bruce G. Roberts looks at some of the City's residual post-budget fiscal issues. Keenly aware that we have stumbled into a historically unprecedented economic environment, Roberts has assumed responsibility for keeping his constituents abreast of their investment in Fort Lauderdale.*

*He repeats last month's review of the policy tenets sent by the new City Commission to City Manager George Gretsas for incorporation into the FY 2009/2010 municipal budget. The five guidelines were intended to insulate the City from the type of dissention and controversy epidemically afflicting jurisdictions across the country. The State of Rhode Island faced shutting down for a half month to make ends meet. Closer to home, Broward County's budget war resulted in credibility scars that could take years to heal.*

*Absent some unforeseen economic catharsis, almost every jurisdiction nationwide anticipates facing greater difficulties in FY 2011. Since the City's FY 2010 budget has been approved, the Vice Mayor is looking ahead to next year's challenge. As candidates for their respective City Commission seats, both Jack Seiler and Bruce Roberts exclaimed a need to implement zero-based budgeting. Since that policy dispenses with fiscal assumptions made by past administrations, it will necessitate reviewing every existing program, plan and policy fueled by tax dollars. The benefits are self-evident. Unjustified expenses and obsolete policies will no longer be grandfathered into spending plans - unless approved anew by the current administration. Mayor Seiler told GMCA Advisory Board members "Zero-based budgeting is the most thorough methodology available for cleaning up regressive and/or non-productive appropriations, especially those designed to intentionally avoid scrutiny," an unfortunate consequence of programs vested with automatic renewals.*

*Assiduously deliberate and painfully slow if performed responsibly, a zero-based budgeting process literally burns time. Since it entails justifying the need for every expense, it cannot be delayed until next year's budget season. In his report, Roberts reviews three other financial objectives that require immediate attention. While the City needs to equitably balance fees and examine the comparative fiscal efficiency of too many or too few department heads, if unsustainable pension and health care costs are not expeditiously reformed, the city could face bankruptcy in short order.*

*The third issue tackled by the Vice Mayor came to light after August 1st, when the city applied the recently approved increased utilization rates to water and wastewater (sewer) bills. Since the City posted on their web site that "The rate changes will result in an increase of less than \$10 per month for 72 percent of single family residential customers," association members (fiscally impacted like the unfortunate 28%) naturally extrapolated that their share of the burden would be somewhat larger. Receipt of the August bills revealed several unanticipated consequences of the rate hike. Upon learning about these problems at the September 24th GMCA Advisory Board Meeting and while assisting with the successful neighborhood effort to rescue the Galt Mile Reading Center from the Broward budget axe, the Vice Mayor agreed to further investigate.*

*The rate ordinance disproportionately punishes residents living in vertical communities - with a vengeance. A unit owner whose monthly use exceeds 1000 gallons will pay more than twice the amount billed to single family homeowners for the same water utilization. Although increases to both fixed and commodity charges for water and wastewater were expected and applied across the board, the new formula used to assess block rates (1000 gallons per month multiplied by the number of units) is designed to financially bloodlet common interest communities.*

*Although engineered with a broad spectrum of creative revenue bear traps, the new rate ordinance holds a special paradox for snowbirds - the service availability charge. Customers who discontinue active service will incur a monthly charge for the availability of water and/or wastewater service to their property. Since the City incurs fixed costs to maintain a degree of service readiness for a property, they are charging residents for the opportunity to buy water as an offset to this outlay. To escape this charge, snowbirds can no longer simply stop using water when departing to another residence; they must remove any bathtubs, showers, toilets, sinks, faucets, spigots and water meters from their property.*

*If one aggressively hyperventilates, moments before passing out, the rationale for this expense as applied to single family homes may conceivably become vaguely discernible. However, since the water and wastewater service to our high rise buildings is always active, charging out-of-residence snowbirds an "opportunity fee" to offset a non-existent "readiness expense" for their individual units is a bad joke.*

*Lastly, as associations tried applying the new fees and rates to the utilization figures featured on their bills, the totals failed to confirm the amount they were being charged by the City. When L'Hermitage 1 Manager Pat Quintero called the Water Department responsible for the billing charges and asked how they arrived at their totals, they admitted ignorance about the enigmatic billing formula and promised to scare up someone that could explain the charges.*

*Ordinarily, one might be forgiven for assuming that these suspiciously rapacious water and sewer rates were implemented to indirectly assist with offsetting the budget shortfall. In explaining that the City's Water and Sewer Fund is an enterprise fund, the Vice Mayor refutes that contention. Since revenues paid into an enterprise fund can only be used for fund expenses, they are unavailable for general budgeting purposes. For Roberts' summary of these continuing fiscal dilemmas, read on... - [editor]\**

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Vice Mayor  
Bruce Roberts



# GOV GETS SPRINKLER PSEUDO-STUDY

By Eric Berkowitz

The 2009 legislative session unveiled a bill containing a plethora of insurance provisions filed to undo unworkable laws enacted in earlier sessions. Those laws, such as a requirement for condo owners to purchase nonexistent insurance products (special assessment coverage???) or the one that vests associations with the dubious right to force place individual condo insurance (HO6) policies are unfortunately still on the books.

It didn't matter that Senate Bill 714 - AKA the "Association Glitch Bill" - was resoundingly applauded in both the Statehouse and Senate. Neither did the blizzard of support for the bill demonstrated by hundreds of thousands of association members from across the state. In the end, all that mattered were the potential threats it posed to Charlie Crist's Senatorial campaign stats.

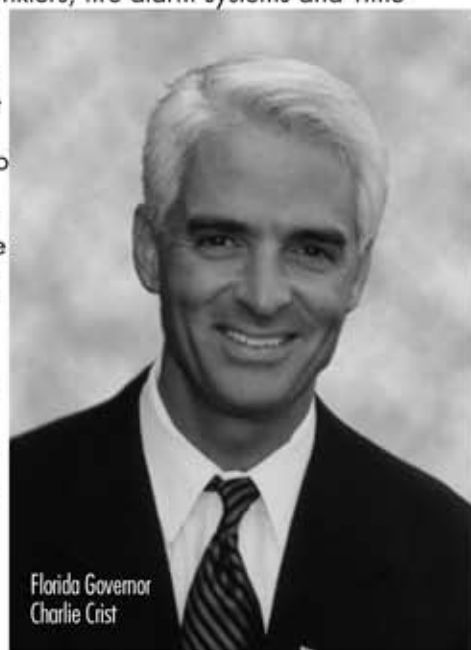
The bill contained a provision that postponed a \$multi-million sprinkler retrofit for condo associations until 2025. A law passed in 2002 mandated that associations be fully retrofitted with a building-wide sprinkler system. Due to a state-wide outcry, lawmakers enacted an "opt-out" provision, allowing associations to instead install a scaled down "Minimum Alternative Life Safety System" that limited the sprinkler installations to association common areas and the entrance foyer of each unit.

In 2006, House Bill 391 by Representative Carl Domino extended the deadline to retrofit high rise projects with sprinklers from the currently mandated 2014 to 2025. The extra decade would afford unit owners an opportunity to recover from the 2004 and 2005 hurricane repair assessments, mega-deductibles and huge windstorm insurance increases that often required long and/or short term financing. Unit owners in these leveraged associations sought to first amortize their bloated debt service before paying another sizable assessment.

After successfully surviving comprehensive committee reviews in both legislative bodies, HB 391 was passed out of the House

by a vote of 113 Yeas vs. 0 Nays and was passed out of the Senate by a vote of 40 Yeas vs. 0 Nays. Retrofit lobbyists failed to convince lawmakers that investing scarce association resources in limited sprinklers would yield a more productive safety benefit than a comparable investment in hurricane protection. Despite its unanimous support and passage, lame duck Governor Jeb Bush angered condo owners by vetoing the bill, blaming the absence of any official study examining how retrofit costs will impact condominium owners.

Several years passed before Statehouse Representative Ellyn Bogdanoff filed House Bill 419, a bill addressing a wide range of association issues including back-up generators for elevators, board elections, fire sprinklers, fire alarm systems and Time-share Condominiums. It sought to correct inequitable insurance provisions, such as the right of an association to force every unit owner to purchase HO-6 insurance (condominium unit insurance) and name the association as a beneficiary. The bill contained the long anticipated postponement of the multi \$million fire sprinkler retrofit - similar to the bill vetoed in 2006. Like the earlier legislation, it delayed an onerous mandated condominium assessment from 2014 to 2025.



Florida Governor  
Charlie Crist

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Sprinkler...Continued

Seeking a comparable vehicle in the Senate, Bogdanoff asked Senator Dennis L. Jones to add her bill's language to his Senate Bill 714, allowing it to be successfully vetted in both houses. Her HB 419 was ultimately folded into Jones's SB 714 and whizzed through the Florida House and Senate virtually unchallenged. Legislative pundits in Tallahassee predicted that Crist would sign the critically important bill.

Discounting authoritative surveys and studies substantiating that thousands of associations crippled by foreclosures were fighting for solvency, Crist opted to play the odds. The Governor's advisors surmised that by the time the retrofits decimated condo budgets in 2013 and 2014, he would be long gone from Tallahassee, hopefully ensconced in Washington D.C. Of greater immediacy was a prospective campaign endorsement by the Fire Marshals and Inspectors union. He also wasn't averse to tapping the bottom line generosity of the deep-pocketed Fire Sprinkler Associations.

Although he lobbied Governor Crist as Executive Director of the Florida Fire Marshals and Inspectors Association (FFMIA), Chuck Akers is also the Executive Director of the American Fire Sprinkler Association, an industry trade group responsible for boosting sprinkler sales. Key Fire Marshals Association officials are also employed by the National Fire Sprinkler Association, another sprinkler trade organization behind the original legislation. FFMIA Past President and lifetime member Steven Randall was also the South Central Regional Manager of the National Fire Sprinkler Association (AKA Florida Fire Sprinkler Association) until he retired on July 16, 2009. As for FFMIA lifetime member Buddy Dewar, in addition to pulling a salary as the National Fire Sprinkler Association's Director of Regional Operations, he's employed as the Florida Fire Sprinkler Association's Lobbyist and Legislative Liaison. In a marginally literate final legislative company report, he wrote "The key House

sponsor Ellyn Bogdanoff, Ft. Lauderdale, could care less about the safety of her constituents," whom he maliciously characterized as "rich condo owners in Galt Ocean Mile who wish not to spend one penny on fire safety." Despite Dewar's antipathy for the Galt Mile and vilification of our statehouse representative, the 24,000-member Florida Professional Firefighter's Association repudiated his pejorative conjecture, endorsing Bogdanoff's candidacy for Jeff Atwater's open District 25 senate seat on October 20.

A student of history, Crist took a page from former Governor Jeb Bush's playbook. He vetoed the bill and ordered the Department of Business and Professional Regulations (DBPR) to study a retrofit's cost impact on condos and coops. Hoping that the study would help justify his controversial veto, the Governor's veto message also directed the DBPR's Division of Florida Condominiums, Timeshares, and Mobile Homes (Division) to research any insurance cost reductions that he presumed were associated with these installations.

On September 28, 2009, DBPR Secretary Chuck Drago notified Governor Crist that his Department wrapped up their study. DBPR invited input from Florida's fire service industry, condominium community advocacy organizations, the Office of the State Fire Marshal, the Office of Insurance Regulation, Citizens Property Insurance Company, fire sprinkler installers and representatives of insurance companies. Two participating association advocacy groups were the Community Advocacy Network (CAN) and the Community Association Leadership Lobby (CALL). The Community Advocacy Network (CAN) represents 2500 associations and is headed by Donna Berger, an association attorney with Katzman Garfinkel Rosenbaum. Berger also originally initiated the

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**“ISO will recommend that partially retrofitted Associations receive no discount and fully sprinklered buildings see a small break on their minor multi-peril costs.”**

Sprinkler...Continued

Community Association Leadership Lobby while employed by Becker Poliakoff - which represents approximately 4,500 condominium associations. When she left for Katzman Garfinkel Rosenbaum and started CAN, Yeline Goin and David G. Muller succeeded Berger as CALL's Co-Directors. Also testifying on behalf of cash-strapped condos and co-ops was Harry Charles, President Emeritus of the Space Coast Communities Association, an umbrella organization with 269 member associations on central Florida's east coast.

Based upon a DBPR database review of condominium construction dates, the Division learned that of the 5600 projects affected by the mandated retrofit, only a handful had already complied. The database demonstrated the costs attendant to the two prospective installation options - a full sprinkler retrofit and the partial retrofit (AKA the "Minimum Alternative Life Safety System") - varied widely, ranging from \$503 per unit to \$8633 per unit. While impacted by a structure's layout, material construction, existing standpipe locations, and other structural factors, costs depended primarily on whether the water lines were simply dropped from the ceiling as exemplified by low-income public housing, or effectively hidden to meet the association's aesthetic objectives. It is highly unlikely that Galt Mile associations will tolerate the exposed pipes that earmark the more modest estimates.

CALL Co-Director Yeline Goin wasn't surprised by the sparse association participation, stating "Many associations are taking a wait and see approach, hoping the Legislature will provide relief by extending the date or removing the requirement altogether." The primary reason for this resistance is the cost. CAN Executive Director Donna Berger agreed that retrofit costs are the limiting factor, noting "Many associations have held off retrofitting because they simply do not have the funds to do so," citing foreclosures as having constricted the fiscal capabilities of many associations.

In a letter he wrote to the Governor blasting the advice Crist received prompting a veto of SB 714, Condo Attorney Gary Poliakoff asked, "With all due respect, exactly who did your advisors assume will be forced to pay the special assessments to retrofit a condominium where 40 percent to 50 percent of the units are in default in payment of their assessments, or in mortgage foreclosure?"

Pursuing Crist's strategy of dampening public rancor over the prohibitive cost, DBPR hoped Citizens Insurance and the Office of Insurance Regulation would demonstrate that retrofitted buildings would realize an offsetting savings in insurance premiums. Citizens reported that "A 5% sprinkler credit is applied if a building is fully sprinklered and the ISO (Insurance Services Office), a leading provider of information about property and liability risk, confirms the building has an approved sprinkler system." A condominium with sprinklers in the common areas only (one of the two legal options) may or may not realize any benefit, depending in part on whether they are rated specifically or as a class by ISO. Since specific rates are based on the individual risk characteristics of a building (construction, layout, materials, occupancy, protection, exposure, etc.), prospective reductions are arbitrary at best - depending primarily on the innate altruism of the insurance actuary. If rated as component to a construction class, they would be summarily rejected.

However, when insurance carriers granted reductions for Florida associations fully retrofitted with fire sprinklers, the price impact on their overall policies was insignificant because the discounts applied only to the modest "all other perils" portion of their property and casualty policies, not the expensive windstorm portion. After confirming that the 5% premium discount described by Citizens is negligible since it applies only to the "all other perils" portion of an insurance policy, former Deputy Insurance Commissioner Lisa Miller added "An ISO considers a building that is partially sprinklered the same as a building without sprinklers, from a rating perspective." As a result, ISO will recommend that partially retrofitted Associations receive no discount and fully sprinklered buildings see a small break on their minor multi-peril costs. Additionally, since heeding the advice of an ISO is voluntary, subject to the proprietary policies of individual insurance companies, carriers perceiving a captive clientele will be predisposed to blowing off any reduction.

Having failed to provide the cost offsets sought by the Governor, the Division segued to three conclusions and recommendations that supposedly facilitate compliance, starting with an alternative explanation for the perfunctory posture of associations confronted by the retrofit deadline. In the report's Executive Summary, the DBPR frames how association budgeting practices affect any decision to retrofit by explaining, "Inherently focused on the challenges of the present, a mandate five (5) years from now for many associations likely appears to be in the distant future.

Continued on page 13

Sprinkler...Continued

To cure this obstacle, the Division enigmatically recommends, "Over the next five (5) years the Division via inserts in the billing statements, educational presentations, and electronic communication, will significantly increase awareness of the impending sprinkler retrofit mandate." Having admitted that despite awareness of the mandate, association boards are unavoidably preoccupied with financial survival, how does sending an insert in the annual billing statement and email reminders that the deadline is approaching resolve an association's financial constraints? Perhaps when a board announces that the building's water is being shut off to save up for a sprinkler head in every unit foyer, they can simultaneously distribute copies of those inserts and emails to their members. Strike one.

Secondly, the Division concludes "that installation costs vary depending on multiple factors including the initial condition of the association's standpipe, the type of installation performed (common areas only or common areas and units), and any aesthetic considerations the association may want to incorporate into the existing décor."

Admonishing that "Multiple variables impact the costs of installing a fire sprinkler system and understanding that the statute provides an alternative to a fire sprinkler system in the form of an 'other engineered lifesafety system'," the Division

recommends that "best management practices for condominium associations retrofitting with a fire sprinkler system should be established as associations consider their options." Basically, if you can't cough up the money to bury the pipes, acclimate to the prospect of living in a tenement. Strike two.

While the first two recommendations rise to the level of tepid drivel, the third effort offers the illusion of merit. Spotting the insurance industry's refusal to confer any rate benefit for installing the less expensive partial sprinkler system, the DBPR suggests that "The Legislature may wish to address the uncertainty of a premium discount when associations opt to install sprinklers in the common areas only." Every scrap of testimony supports that premium discounts for partial installations are hardly "uncertain", they are nonexistent.

The DBPR acknowledges that "if a fire sprinkler system has been installed in accordance with nationally accepted fire sprinkler design standards adopted by the Office of Insurance Regulation and if the fire sprinkler system is maintained within nationally accepted standards, Chapter 627.0654, Florida Statutes, mandates a premium discount." Since the "Minimum Alternative Life Safety System" provided for in Chapter 718.112(2)(l) of the Florida Statutes doesn't rise to the standard described in Chapter 627.0654, the DBPR suggests "the Legislature may want to harmonize the two chapters," hopefully providing a mod-

icum of relief for associations installing fire sprinklers only in the common areas.

Two adamant obstacles burden the DBPR's proposition. Unless the rate reduction targeted by their recommendation can be applied to the overall insurance premium and not just the anorectic multi-peril portion of the association's policy, it will never serve as anything more than a shallow public relations gesture. Secondly, since the State is still desperately trying to lure admitted carriers back to Florida's largely abandoned property & casualty market (despite a 28% rate increase, State Farm is dropping 800,000 property policies and hitting the road), prospects for such costly legislation surviving industry opposition are reasonably comparable to those of a snowball in hell.

On January 16, 2007, Governor Charlie Crist's new Administration prompted Senate President Ken Pruitt and Statehouse Speaker Marco Rubio to convene a special legislative session on property insurance. Despite the Governor's pre-Election Day campaign promises of premium relief for homeowners and significant progress toward re-establishing a competitive insurance environment, the lawmakers were unilaterally stonewalled by the well-organized insurance industry.

Continued on page 17



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# NOVEMBER/DEC

SUN	MON	TUE	WED
<p><b>15</b> 13.1 Marathon START: Port Everglades Info.: <a href="http://www.131fortlauderdale.com">www.131fortlauderdale.com</a></p> <p>Sunset Blue Block Party NE 33rd Street Galt Ocean Village Shoppes 6 p.m. to 10 p.m. Info.: <a href="http://www.galtmile.com">www.galtmile.com</a></p>	<p><b>16</b> Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p> <p>Frank Lloyd Wright (Through 2/7/2010) Fort Lauderdale History Center Info.: 954-463-4431</p>	<p><b>17</b> American Chronicles: Norman Rockwell (Through 2/7/2010) Museum of Art Info.: <a href="http://www.moafllnsu.org">www.moafllnsu.org</a></p> 	<p><b>18</b> Leonid Meteor Shower</p>
<p><b>22</b> Hollywood Beach Clambake Hollywood Beach &amp; Broadwalk 5 to 11 p.m. Info.: 954-926-3377</p> <p>Sunset Blue Block Party NE 33rd Street Galt Ocean Village Shoppes 6 p.m. to 10 p.m. Info.: <a href="http://www.galtmile.com">www.galtmile.com</a></p>	<p><b>23</b></p>	<p><b>24</b></p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p><b>25</b></p> 
<p><b>29</b> Sunset Blue Block Party NE 33rd Street Galt Ocean Village Shoppes 6 p.m. to 10 p.m. Info.: <a href="http://www.galtmile.com">www.galtmile.com</a></p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p><b>30</b></p>	<p><b>1</b></p> <p>Christmas on Las Olas 2009 Las Olas Blvd. 5 to 11 p.m. Info.: <a href="http://www.lasolasboulevard.com">www.lasolasboulevard.com</a></p>	<p><b>2</b></p>
<p><b>6</b> Family Fun Days Fairchild Tropical Garden Noon to 4 p.m. <a href="http://www.fairchildgarden.org">www.fairchildgarden.org</a></p> <p>Holiday Music Fairchild Tropical Garden, 6 to 10 p.m. <a href="http://www.fairchildgarden.org">www.fairchildgarden.org</a></p> <p><b>Sunday Jazz Brunch</b> Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p><b>7</b> GMCA President's Council Meeting TBA 7:30 to 9 p.m.</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p><b>8</b></p>	<p><b>9</b></p> <p>Classics on Las Olas Las Olas Blvd. 6 to 9 p.m. Info.: 954-377-5477</p>
<p><b>13</b> Sunset Blue Block Party NE 33rd Street Galt Ocean Village Shoppes 6 p.m. to 10 p.m. Info.: <a href="http://www.galtmile.com">www.galtmile.com</a></p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p><b>14</b></p>	<p><b>15</b></p>	<p><b>16</b></p>

**FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT  
[WWW.GALTMILE.COM](http://WWW.GALTMILE.COM)**

# ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

19

Light Up Lauderdale  
Riverwalk  
12 a.m. to 11:59 p.m.  
Info.: 954-468-1541

20

Jazz on the Square  
The Village Grille  
Commercial Blvd. & A1A  
7 p.m.  
Info.: 954-776-5092

21

G.M.C.A. Advisory Board Meeting  
Nick's Italian Restaurant  
11 a.m.

Fall Home Design And Remodeling Show  
(Through 11/22)  
Broward Convention Center  
Info.: 305-667-9299

34th Annual Miami Harvest Festival  
(Through 11/22)  
Miami - Dade Fair Expo  
Info.: 386-860-0092

26

Thanksgiving

27

Jazz on the Square  
The Village Grille  
Commercial Blvd. & A1A  
7 p.m.  
Info.: 954-776-5092

28

Ft Lauderdale Gun & Knife Show  
(Through 11/28)  
War Memorial Auditorium  
Info.: 954-828-5380



Polar Paradise Weekend  
(Through 11/29)  
KIDS PLAY IN REAL SNOW!!!  
Info.: www.mods.org

Dwntwn Delray T-Day Weekend Art Fest  
(Through 11/29)  
Pineapple Grove, Delray  
10 a.m. to 5 p.m.  
Info.: 954-472-3755

4

City Link Beer Fest  
Huizenga Plaza  
6 to 11 p.m.  
954-547-5303

5

Miami Modernism Show & Sale  
(Through 12/6)  
Miami Hyatt Regency  
Info.: 954-563-6747

Hollywood Beach Candy Cane Parade  
Hollywood Beach Boardwalk  
7 p.m. - 10 p.m.  
Info.: 954-921-3404

10

2nd on 2nd Thursdays Block Party  
200 Block SW 2nd Street  
5 to 9 p.m.  
Info.: 954-468-1541

11

Jazz on the Square  
The Village Grille  
Commercial Blvd. & A1A  
7 p.m.

Erev Chanukah

The Nutcracker-Miami City Ballet  
(Through 12/13)  
Broward Center  
Info.: www.browardcenter.org

12

Buckler's 8th Annual Craft Fair  
South Florida Fairgrounds, WPB  
386-860-0092

Winterfest Boat Parade  
STARTS: Dwntn Ft Lauderdale on the New  
River  
Info.: 954-7670686

17

18

Jazz on the Square  
The Village Grille  
Commercial Blvd. & A1A  
7 p.m.

My Mother is Italian, My Father's Jewish and  
I'm Home for the Holidays  
(Through 12/20)  
Broward Center  
Info.: www.browardcenter.org

19

## UPCOMING EVENTS IN OUR AREA

December 23 - January 17  
Phantom of the Opera  
Broward Center for the Performing Arts  
Tix.: www.browardcenter.org

December 26  
Kosher Comedy Tour - Laughing From Right To Left  
Broward Center for the Performing Arts  
Tix.: www.browardcenter.org

December 30  
11th Annual OceanDance 2009  
Hollywood Beach  
Info.: 954-921-3274

December 31  
New Year's Eve Downtown Countdown  
SW 2nd St. (between SW 2 Ave & SW 4 Ave)  
Info.: 954-828-5363

January 2 - 3  
22nd Annual Las Olas Art Fair - Part I  
Las Olas Blvd., 10 a.m. to 5 p.m.  
Info.: 954-472-3755

January 8 - 10  
Fort Lauderdale Beach Collector Car Auction  
War Memorial Auditorium  
Info.: 561-533-7945

January 9 - 10  
23rd Annual Boca Fest  
The Shops at Boca Center, 10 a.m. to 5 p.m.  
Info.: 954-472-3755

January 9  
Scottish Festival & Highland Games  
Fort Lauderdale Stadium Festival Grounds, 8 a.m. to 8 p.m.  
Info.: 954-577-9010



# BROWARD VICE MAYOR KEN KEECHL'S CORNER

*Vice Mayor Ken Keechl's October 2009  
Budget and Library Letter to Constituents*

*\* Broward County District 4 Commissioner and Vice Mayor Ken Keechl has been delivering on his promises with reli-*

*gious regularity since elected 3 years ago. Since then, he has informally assumed a role as the Commission's unofficial fiscal ombudsman, fighting relentlessly for tax cuts, spending control and financial accountability. Keechl's inclusion marked a reversal of the County Commission's previously unrestrained spending policies. His constituent letter summarizes the Commission's effort to relieve the tax burden on County residents.*

*A budget measure to close the seven leased county libraries – including the heavily patronized Galt Mile Branch – was recommended by several of his peers (whose districts “coincidentally” lack any leased libraries). Last Spring, at the request of the Galt Mile Community Association and the Friends of the Galt Ocean Mile Reading Center, the Vice Mayor devised a strategy to keep the local library's doors open. Thousands of local residents signed petitions to save their library, dozens of associations and civic organizations passed resolutions supportive of the neighborhood reading center and hundreds of letters, faxes and emails flooded the Commission chamber, insisting on the Library's continued survival.*

*At the final County Budget meeting on September 22, 2009, a sizable Galt Mile contingent filled the meeting room. Following a statement by GMCA President Pio Ieraci summarizing community opposition to the planned closure, Broward Mayor Stacy Ritter confirmed that the Galt Ocean Mile Reading Center would survive the budget meeting, relieving the popular local asset at least until next year's budget exigencies.*

*Although the successful campaign was choreographed by our Commissioner and implemented by “Friends” and GMCA, it succeeded because the entire neighborhood addressed this challenge with one – very loud – voice. We owe a debt of gratitude to Commissioner Keechl for his part in saving the Galt Mile Reading Center (which is also our official polling site). Galt Mile residents and others who've sent the hundreds of emails since the budget meeting were also gratified that the 125,000 resident visits anticipated through next year will brighten and enrich the lives of thousands of their friends and neighbors.  
... READ ON! - [editor]\**

## **BROWARD COMMISSION APPROVES 2010 BUDGET GALT OCEAN MILE LIBRARY STAYS OPEN —NO PROPERTY TAX INCREASES**

Broward County Commissioners successfully approved the 2010 fiscal year budget without raising property taxes and the Galt Ocean Mile Branch Library will remain open.

The five-year lease agreement on the Galt library remains in place and residents can continue to utilize the library that they fought so hard to keep open.

“I promised that I would not vote to raise taxes and I said that I would do whatever was necessary to keep the Galt Ocean library open. Fortunately, the majority of Commissioners agreed and we were able to keep the millage rate the same—and keep the Galt library up and running. The voice of the people was heard loud and clear.” said Vice-Mayor Ken Keechl.

Cutting \$108-million dollars from the property tax supported general fund meant that some services had to be cut. Broward County libraries will be closed on Sundays and parks will be closed on Wednesdays.

The \$3.3 billion budget decreased by \$314 million compared to the 2009 budget. This means that the average homeowner will see a minimum reduction of \$214 on the county portion of their property tax bill. The countywide millage rate in Broward County remains at 4.8889.

Vice Mayor Ken Keechl  
District 4  
Broward Board of County Commissioners•

**“We owe a debt of gratitude to  
Commissioner Keechl for his part in saving  
the Galt Mile Reading Center”**



If not for Jeff Atwater's eleventh hour reshuffling of Citizens' policy mission from safety net to full-service carrier and the temporary postponement of two scheduled statewide Citizens assessments, the Governor would have come away empty handed. In exchange for these face-saving concessions, the State had to loosen the CAT fund's purse strings, adding \$12 billion to the existing \$16 billion in below market reinsurance for carriers (wholly underwritten by taxpayers) with the caveat that the savings be passed to ratepayers. The session produced an 8% premium discount on the heels of a 300% increase.

At Senatorial insurance hearings a few months later, when executives in Allstate's Florida "dummy" corporations (Allstate Floridian Insurance Co., Allstate Floridian Indemnity Co., etc.) were subpoenaed to explain the evidentiary documentation for a requested 41.9% rate increase, they openly admitted to drawing on relationships with insurance trade associations, insurance rating organizations, affiliated reinsurers and risk modeling companies to "reverse engineer" support for hiking rates. Since more than 33% of Florida's rated carriers had requested similarly outrageous increases despite experiencing lower costs, the hearings had dramatically outed bald-faced non-compliance with the year-old Statute. After receiving a slap on the wrist, some carriers accepted more modest rate increases although most skipped town, abandoning the Florida property insurance market. It is highly unlikely that this same insurance lobby will suddenly succumb to legislative pressure and pass out discounts. You do the math. Strike three.

In summary, two of the three recommendations restate and then ignore the problem. Having established that associations can ill afford to pass \$billions to the fire sprinkler industry, DBPR will pointlessly send out emails to remind association boards that the deadline is 2014 and more emails to remind them that they can choose between a full or partial retrofit. The third recommendation is an unfunded excursion to Fantasy Island. Notwithstanding, the report provides ample political distraction for the Governor to spin this as a serious treatment of the issues at campaign events.

If a special legislative session is convened to ratify a controversial tribal gaming agreement, an SB 714 veto reversal is possible. Don't hold your breath. It appears that we will have to endure another legislative gauntlet before realizing relief from this big time payday for plumbing contractors and sprinkler distributors. At least the next Governor will not be able to rationalize another veto by claiming the absence of a condo cost impact study. Welcome to Florida!

Check the GMCA web site ([www.galtmile.com](http://www.galtmile.com)) for additional information about the issue, including links to the various bills, filed to mollify cost impact, the study's actual Executive Summary, and links to reports and letters relevant to the outcome. In the center column on the home page, click the headline entitled "Recipe for Retrofit Ripoff," and scroll down to "Related Links." •

**“If not for Jeff Atwater’s eleventh hour reshuffling of Citizens’ policy mission from safety net to full-service carrier and the temporary postponement of two scheduled statewide Citizens assessments, the Governor would have come away empty handed.”**

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Roberts...Continued

### FROM THE DESK OF VICE MAYOR BRUCE G. ROBERTS

The Budget Hearings for the 2009/2010 fiscal year are now over and the proposed budget has been approved! For all of you who wish to view it, you can log on to the City's web page (<http://ci.ftlaud.fl.us/>). As previously mentioned, the new budget meets the five consensus priorities established by your Commission:

1. No property tax increase: The operating millage rate remains at 4.1193.
2. No increase in the fire assessment fee.
3. Maintenance of adequate reserve funds: Our reserve funds will be at a level of 18.2% of the General Fund. This exceeds the national standard of 5 - 15% and our own ordinance requirement of 7%.
4. No reductions in vital City services: public safety will not be compromised.
5. No layoffs: However, 76 formerly budgeted vacant positions were eliminated and 60 additional vacant positions will be further scrutinized during the new fiscal year.

The newly adopted budget had to deal with a \$30 million dollar shortfall compared to the previous budget. In order to meet that shortfall, \$20 million dollars were saved primarily by eliminating positions and by reducing operational expenditures. The remaining \$10 million dollars came by drawing down on the Fund Balance. It should be noted that your Commission further challenged the City Manager to target the return of that \$10 million dollars to the Fund Balance at the end of the fiscal year and to develop a Five Year Financial Plan.

During the coming year, your Commission will be working

closely with the Budget Advisory Board as it implements several key recommendations intended to further reduce expenditures and hold the line on taxes:

1. Conduct a true zero-based budgeting analysis of departments
2. Examine service fee assessments
3. Study and recommend pension reforms
4. Examine and assess the need for the current number of supervisory and management personnel

During the past months, we have had many people calling regarding the increase in their water bills. After reviewing a consultant's study recommendations, and after two public hearings at the Regular Commission Meetings held on July 7, 2009 (Agenda Item 09-0864) and July 17, 2009 (Agenda Item 09-1038), the new City of Fort Lauderdale water and wastewater rates took effect August 1, 2009. The new rates include the following:

1. Fixed charges for water and wastewater were increased
2. Water and wastewater commodity charges were increased
3. The number of blocks for water commodity charges increased from three to five to encourage water conservation
4. As water consumption increases, the rate per thousand gallons increases to encourage water conservation

The City's Water and Sewer Fund is an enterprise fund. This means all funds collected are maintained within the Water and Sewer Fund and are used for water and wastewater related expenses only. During a stronger economic time, the City elected to invest in its infrastructure by replacing aging water mains and rehabilitating wastewater systems. The new rate structure enables the City to pay for those improvements, address unfunded federal and state mandates, and account for increasing operating costs. The City's Bond Rating Agency determined a need for a comprehensive water and wastewater rate study to evaluate the utility's financial stability, water conservation initiatives, required operating standards, and capital improvement plan. In order to meet current and future expenditures, the new rate structure and charges recommended in the study were implemented on August 1, 2009 and adopted into the new fiscal year's budget. The new rates are also posted on the City's web page (<http://ci.ftlaud.fl.us/>).

#### ORDINANCE NO. C-09-21

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED WATER, WASTEWATER AND STORMWATER, BY AMENDING SECTION 28-1A TO ELIMINATE WATER SHORTAGE SURCHARGES FOR WASTEWATER USER AGREEMENTS AND TO ELIMINATE WATER SHORTAGE SURCHARGES FOR PHASE I AND PHASE II LEVELS OF WATER RESTRICTION; AMENDING SECTIONS, 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO PROVIDE FOR CURRENT AND FUTURE INCREASES TO WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES; PROVIDING FOR RATE STRUCTURE MODIFICATIONS; PROVIDING FOR SERVICE AVAILABILITY CHARGES AND SERVICE AVAILABILITY RECONNECTION CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ordinance Authorizing Skewed Water and Sewer Rates



# GALT MILE NEWS

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# Solutions

NEWS YOU CAN USE FROM THE UPS STORE

November–December 2009

## Inside tips for shipping gifts

**Ship early.** Plan ahead to give yourself more options for shipping and pricing, and to avoid long lines.

**Track packages.** UPS® offers package tracking so you know when your gift reaches its destination.

**Have a secure mailbox.** If you're expecting a lot of packages, a mailbox at The UPS Store® provides you with a secure delivery location.

**Remove batteries.** For security reasons, a vibrating, noisemaking package could be delayed—maybe even destroyed. Also, a leaking battery can ruin your gift. Digital cameras, computers and cell phones contain lithium batteries that can also cause problems if not properly packed.

**Caution: hazardous materials.** Items like perfume, aerosol containers and dry ice are classified as hazardous materials and have specific packing and shipping guidelines. Some are not accepted for shipping, so check with your local The UPS Store.

**Don't play with fire.** Don't include matches or lighters in your gift. Matches can rub against each other in transit and ignite.

**Leave packing to the experts!** Don't spend this busy time of year packing gifts. Drop them off with the Certified Packing Experts at The UPS Store.



## Flying home for the holidays?

**Have us ship your luggage ahead of time.** You can pack what you need without extra airline charges and avoid lugging your bags through long lines at the airport. Plus, you'll have your choice of UPS shipping options and be able to track your bags.



## Recycling the holidays

After the holidays, houses are littered with piles of crumpled wrapping paper, holiday cards, pine needles and boxes of pesky foam packaging peanuts. The following recycling tips will help simplify post-holiday cleanup, so you can start the new year with a clean house (and a green conscience):

1. Many The UPS Store locations accept clean foam packaging peanuts for reuse. Visit [www.loosefillpackaging.com](http://www.loosefillpackaging.com) for more information on peanut recycling.
2. Reuse wrapping paper, bows, ribbons, tissue paper and gift bags. Those you can't reuse, recycle.
3. Save greeting cards and cut them up to use as gift tags next year.
4. After the holidays, put your tree to good use—chip it to use as mulch around shrubs and flower beds. You can also check for local recycling options, drop-off locations or pickup dates.

## Staying home for the holidays?

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- Use our digital printing services for a great looking holiday newsletter. We also make personalized photo calendars—a perfect holiday gift for grandparents.
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