



GALT MILE NEWS

JUNE 2010

THE OFFICIAL NEWSLETTER OF THE GMCA



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VICE MAYOR ROBERTS MAY 2010 NEWSLETTER PREFACE



"Framing the recessionary dilemmas threatening next year's budget, Vice Mayor Bruce Roberts' May 2010 Newsletter opens by clarifying the distinction between budget expenses fueled by self-sustaining Enterprise Funds and those supported by General Fund revenues. Since the Public Safety (Police and Fire-Rescue) and Parks & Recreation Departments are three of the City's major General Fund beneficiaries, they are largely funded by ad valorem taxes. Although plunging property values threaten an anticipated 16% decline in next year's tax revenues, the Vice Mayor takes solace in the City's abundant assets, healthy reserves and an excellent bond rating - factors prospectively useful for softening the ominous tax bite.

A panel of volunteers charged with exploring budgetary resolutions, the Budget Advisory Board invites public oversight of their meetings. On May 11th, a 7 PM Public Hearing was convened to elicit public input about the budget. Subsequent meetings were dedicated to identifying funding cutbacks with marginal service implications for Public Works and Parks & Recreation, thereby diminishing the burden on taxpayers.

The Vice Mayor also summarizes actions taken in response to certain legislative efforts. The City Commission passed resolutions promoting the sprinkler retrofit relief bill (SB 1196), regulatory constraint of pill mills (SB 2272) and legislation enabling red light camera enforcement (HB 325). While the new legislation allows jurisdictions to issue traffic tickets for camera-detected red light violations, the statutory \$155 fine must be shared among the state, local governments and trauma centers; requiring the City to either rework its projected budget impact or continue to treat violations as simple ordinance infractions. The three bills were sent to the Governor. The City Commission also voiced opposition to House Memorial 563, a bill heavily lobbied by the energy industry that urged Congress to support the removal of protective moratoria that currently prohibit the expansion of oil exploration (drilling) and production in Florida waters. Not surprisingly, both House and Senate versions (SB 1726) were sponsored by inland legislators and gratefully died in Committee on April 30th. Additional information about these bills is available on the GMCA website (www.galtmile.com). Read on... - [editor]"

FROM THE DESK OF COMMISSIONER BRUCE G. ROBERTS

Financial State of the City We are in the process of preparing a budget for the upcoming fiscal year. Everyone realizes that with the current and prolonged recession this will be another very difficult year. Our overall budget is approximately \$600 million. In general terms, half of the budget is supported through the Enterprise Fund and half through the General Fund; the Enterprise Funds are similar to a private business and are self-supportive - a good example is the Executive Airport. The General Fund requires varying revenue sources, one of which is ad valorem taxes. The current fiscal year's operating budget for the General Fund is about \$275 million; of that amount, around \$110 million is from ad valorem revenue. We are anticipating a 16% ad valorem decline for the next fiscal year. Public Safety and Parks and Recreation are supported by the General Fund. Despite this dilemma, all is not bleak. In the recently released Comprehensive Annual Financial Report some highlights include: total assets exceed liabilities by \$1.01 billion; our bond rating remains strong; our undesignated fund balance is \$65 million; and in just one account (Surplus Funds Pooled Investments) there is a balance of over \$366 million.

Residents Invited to Attend Budget Advisory Board Meetings The City of Fort Lauderdale Budget Advisory Board reviews revenue and expenditure projections and submits recommendations to the City Commission. The City invites residents to attend the upcoming Budget Advisory Board Meetings to hear discussions about the budget for next fiscal year. All of the meetings are open to the public. There will be a Public Hearing on the budget on May 11. The primary purpose of this hearing is to receive your recommendations and to listen to your priorities as we prepare for the new fiscal year. Meetings will take place in City Hall, located at 100 N Andrews Ave. We also post agendas and minutes for the meetings:

June 16 at 6pm, 8th Floor Conference Room (Parks & Recreation)
June 30 at 6pm, 8th Floor Conference Room (Review of Parks & Recreation Info)

State Legislation Your commission recently passed several resolutions pending state legislation:

- Opposed to lifting the ban on off shore drilling in Florida
- Supported efforts to abate mandatory fire sprinkler retrofits for condominiums and co-ops
- Supported restrictions on the operation of pain clinics
- Supported red light cameras

Event: Where the Boys Are Memorial Day Weekend: We are honored to welcome Connie Francis back to Fort Lauderdale Beach to mark this historic occasion - it is a unique way to unveil our plans for a one-of-a-kind event that pays tribute to this film and captures the spirit and nostalgia of the 1960s. The Great American Beach Party with Connie Francis will take place on Saturday, May 29, 2010, and will feature a day and evening full of exciting activities on Fort Lauderdale Beach. The free event will begin at approximately 11:30 a.m. when a portion of Fort Lauderdale's world famous A1A will be transformed into an entertainment Mecca, featuring music, live performances, and activities for the entire family. Live bands will perform classic hits from the 1950s and '60s throughout the day in the vicinity of A1A and Las Olas Boulevard. Children and adults will enjoy an array of activities including hula-hoop, limbo and Twister contests, a water balloon toss and a sand castle building competition. The event will also feature a Classic Car Show. Vintage automobiles from the '40s, '50s and '60s will line A1A giving beach-goers an up close look at more than 50 hot rods, rag tops and muscle cars that made the era famous. A special Reunion Area will be set up where local high schools, sororities, and fraternities can gather to welcome back alumni and reconnect with old friends and acquaintances. A history and exhibit tent will feature nostalgic photos, artwork and collectibles. The event will be highlighted by a special appearance from Connie Francis, who will be presented with an award from Mayor Seiler in recognition of her lifelong contributions as an ambassador for Fort Lauderdale. To top off the evening, event-goers will be treated to a special 50th Anniversary screening of Where The Boys Are presented by the Fort Lauderdale International Film Festival. The movie will be shown on a larger-than-life screen set in the sand off the corner of A1A and Las Olas Blvd.. The film will run from approximately 8 to 9:30 p.m.

Advisory Boards: Just a reminder that we have several openings on our Advisory Boards. Please go to <http://ci.ftlaud.fl.us/clerk/boards.htm> and it will list the summaries of each board, the members now serving, along with vacancy expiration date, when they meet, time and location. If you are interested, please fill out an application and submit it along with a resume to either my office or the City Clerk's office. If there is not an opening on the board you are interested in, still send an application and resume so that we can keep it on file for the future.

Pre-Agenda Meetings Our District 1 Pre-Agenda Meetings are always the Monday before a Commission Meeting, which are usually the first and third Tuesday of each month. This gives the residents of District 1 a chance to view and discuss what is on the agenda for the Commission Meeting, and an opportunity to discuss other issues. If you are not on our mailing list and would like to be, please call or email my assistant Robbi.

Office Contact Robbi Uptegrove: Phone: 954-828-5033;
email: ruptegrove@fortlauderdale.gov

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OTHER ASSOCIATION BILLS

MIGRAINES & DANDRUFF

By Eric Berkowitz

Passage of the long awaited Omnibus Association bill (SB 1196) could determine whether many of our friends and neighbors will be forced from their homes. Others may have to choose between filling a prescription and eating dinner. While most condo and co-op owners are numbed silly by Tallahassee's annual theatrics, when the fate of a relief bill forebodes such far-reaching consequences, it becomes the session's legislative "headliner" for the target constituency – unit owners.

Understandably preoccupied with the progress of Senate Bill 1196 (the Sprinkler Retrofit Relief bill), most unit owners have been oblivious to the other association bills passed during the 2010 legislative session. While some of the surviving association bills portend chronic migraines for unit owners, others are tantamount to regulatory dandruff. There are also several disturbing reminders that lawmakers are often fitted with price tags. The following "OTHER" Association bills were reenrolled (approved in both houses and signed by the legislative officers) and sent to the Governor.

HB 663: Senate Bill 648 by Bradenton Senator Michael Bennett & House Bill 663 by Cape Coral Representative Gary Aubuchon are comprehensive building safety bills. On April 29th, Bennett's Senate Bill was folded into Aubuchon's HB 663, which was enrolled the next day and sent to the Governor on May 17th. Among its many provisions are several sections of particular significance to community associations.

Section 2 provides relief similar to that included in SB 1196, amending s. 399.02, F.S., to prohibit enforcement of updates to the Elevator Safety Code (including A17.1 and A17.3) concerning modifications for Phase II Firefighter Services controls on existing elevators in condominiums or multifamily residential buildings until July 1, 2015, or until the elevator is replaced or requires major modification.

What does this Lego-babble mean? Elevator systems are designed with safety features for firefighters to use during an emergency. Phase I emergency recall systems are designed to automatically or manually recall the elevator to the lobby of a high rise building to prevent its general use during a fire. Phase II emergency in-call operation systems are designed to allow a firefighter exclusive operation and control of the elevator during a fire.

Recently, the Division of Administrative Hearings held that the Bureau of Elevator Safety (which enforces the Elevator Safety Act) could require elevator owners to retrofit their elevators to meet revisions of the Building Code that mandate Phase II firefighter service. Although the bureau maintains that no injuries or deaths have been attributed to the lack of these systems, elevator owners have been forced to retrofit their systems to meet the revised code - an extremely expensive undertaking for many associations.

This actually gets screwier. Elevators constructed to accommodate Phase I emergency recall systems (like many on the Galt Mile) are already fitted with access keys. However, since copies are often held by the owner, the licensed servicer, state-certified inspectors, the local Fire Department and/or DBPR officials (the parent agency of the Bureau of Elevator Safety) as currently permitted in s. 399.15(3), F.S., they are technically non-compliant with the Phase II firefighter service requirement that restricts sole possession of a regional master access key (a universal key that allows all elevators within each of seven state emergency response regions to operate in fire emergencies) to the local fire department. In Section 3, the bill alterna-

tively allows placement of all the elevator keys into a lock box accessible by the master key of the relevant emergency response region.

Section 24 aspires to quash a cottage industry of unqualified mold assessors and remediators that blackmail associations and defraud homeowners. Although it postpones license enforcement until July 1, 2011, mold scammers currently operating under corporate sponsorship must submit to new education-based individual licensing requirements and pass FDLE scrutiny (a nice touch).

Section 47 of the bill exempts one and two story buildings with exterior egress corridors from the requirement to install a manual alarm system. In Senate Bill 1196, the same exemption is granted to buildings of less than four stories.

Section 59 of the bill repeals section 718.113(6), F.S. which provides that condominium associations in buildings greater than three stories must contract for a building report every five (5) years unless the membership votes to waive that requirement. The exact language is as follows:

"6) As to any condominium building greater than three stories in height, at least every 5 years, and within 5 years if not available for inspection on October 1, 2008, the board shall have the condominium building inspected to provide a report under seal of an architect or engineer authorized to practice in this state attesting to required maintenance, useful life, and replacement costs of the common elements. However, if approved by a majority of the voting interests present at a properly called meeting of the association, an association may waive this requirement. Such meeting and approval must occur prior to the end of the 5-year period and is effective only for that 5-year period."

Does this look familiar? In 2008, Miami Representative Julio Robaina's Association Bill (HB 995) originally required associations to undergo this pointless review every 5 years. When then Majority Whip Bogdanoff read this provision, she asked its purpose, given the absence of any subsequent requirement to address threats to safety or reconsider the reserve assessments expected to ultimately fund an item's replacement cost. Associations that simply pay tens of thousands of dollars for the investigation and file the report away will have fully complied with this poorly drafted exercise in misdirecting resources. The inspections would be incremental to the 40-year inspections ordained in Broward and Miami-Dade Counties and would also apply to new buildings that recently passed the more stringent standards precedent to approval for a Certificate of Occupancy. As such, she refused to approve the bill unless amended with the opt-out waiver it currently includes. Since every association in the State either has or plans to opt-out of this screwball expense, even Robaina joined the overwhelming majority of lawmakers that voted to remand this pointless provision to the nearest cornfield.

HB 545: After Deland Representative Pat Patterson filed House Bill 545, Senator Thad Altman sponsored companion bill SB 2190. HB 545 repeals section 689.262, F.S. that currently requires contract disclosures of residential property windstorm mitigation ratings to purchasers for homes and condominium units in wind-borne debris regions.

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In 2008, the Legislature passed a law that established a two-part phase-in of a requirement that sellers of homes located in the state's wind borne debris region disclose to buyers the home's wind-storm mitigation rating based on a home grading scale adopted by the Financial Services Commission (FSC) in 2007.

Since current law doesn't outline a framework for a home to be inspected and rated under the FSC grading scale, no one is technically qualified to perform this function. As such, the first part was repealed in 2009, immediately before it was scheduled to take effect.

The second part of the phase-in, which is scheduled to take effect beginning January 2011, faces the same problem. Since there are still no qualified inspectors for this purpose, unless the remaining requirement is repealed, the statute will criminalize most of Florida's coastal home sellers. Enrolled on April 30th, HB 545 was sent to the Governor on May 17th.

HB 927: Filed by Davie Representative Martin Kiar, HB 927 was rubber stamped in the Senate by Thad Altman's SB 1884, amending and clarifying section 193.155(3), F.S. to permit the transfer of homestead property to a person's spouse without losing the benefits under Save Our Homes. This no brainer passed unanimously in both bodies, was enrolled on April 30th and sent to the Governor on May 17th.

HB 965: Lakeland Representative Seth McKeel's HB 965, along with Rhonda Storms' Senate Bill 2160, would direct the County Property Appraiser to reduce the value of real property requiring remediation as a result of "Chinese Drywall" during the process of remediation. Since the prospective loss in tax revenues was unable to be determined, the bill technically required a two-thirds majority for passage. After passing unanimously in both bodies, HB 965 was enrolled on April 30th and sent to the Governor on May 17th. (The silver lining to Chinese Drywall)

SB 1166: Thad Altman's Senate Bill 1166 absorbed Lakeland Representative Kelli Stargel's House Bill 645, clearing the way for the placement of group homes. People misconstrued the bill's intent, assuming it sought to implant group adult homes into private residential communities. In fact, the bill allows greater leeway when organizing a local government-approved, planned unit development for kids with developmental disabilities.

SB 1964: Joe Negron's Senate Bill 1964 and Orlando Representative Stephen Precourt's HB 701 deifies Design Professionals, immunizing architects, interior designers, landscape architects, engineers, & surveyors to legal redress. While the legislation allows recovery of economic damages up to the amount of the professional's liability insurance coverage, since Florida law doesn't require this insurance and the bill renders these professionals judgment-proof, there is no incentive for them to purchase malpractice coverage after July 1, 2010 - thereby eliminating any chance of financial recovery. If the association roof designed by your engineer turns into scrubbing bubbles on the day it was completed, you would not even be entitled to an apology. Not surprisingly, Negron is an amateur architect and Precourt is a Transportation Engineer. This bill is frontrunner for the session's "flip the public" award. If enough people email their opposition to the Governor, he will pull the plug. DO IT!

SB 2044: Banking and Insurance Chair Senator Garrett S. Richter (Florida Insurance Council 2009 Legislator of the Year) sponsored this 110-page property insurance monstrosity. SB 2044 limits payments to public adjusters for supplemental or reopened claims to 20% of additional insurance proceeds obtained and 10% of those proceeds if the covered event prompted the Governor to declare a state of emergency. It regulates advertising or solicitation by public adjusters and the form of contract between the public adjuster and the insured.

Now the fun starts. SB 2044 would allow insurers to bypass current Office of Insurance Regulation (OIR) petition procedures when raising their rates by more than 10%.

This bald-faced insurance industry kiss-AXX would also reduce the time frame within which all windstorm or hurricane claims can be filed by property owners and associations. It requires that the insured file any windstorm or hurricane loss claim (including supplemental or reopened claims) within three (3) years of the storm date. Since homeowners rarely know the full extent of wind-storm/hurricane damages until after demolition and reconstruction is underway, if the homeowner isn't able to commence reconstruction immediately following an event, the three (3) year time frame will auger a loss of insurance proceeds (many associations are still fighting with QBE over Hurricane Katrina and Hurricane Wilma claims).

Another section of the bill empowers an insurance carrier to almost imperceptibly change the terms of a policy upon renewal by use of a notice entitled "Notice of Change in Policy Terms". Since payment of the renewal premium constitutes acceptance of the new terms, this stealth "bait and switch" tactic will allow carriers to covertly lace policies with a host of unreasonable preconditions and benefit exemptions unbeknownst to the vast majority of policyholders. Under current law, a carrier must

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Passage
of the
Omnibus
Association
bill could
determine
whether
many of
our friends
and
neighbors
will be
forced
from their
homes.

Of greatest importance to associations, the bill removes the prompt payment requirements on the part of carriers. A carrier will only be required to pay "actual cash value" less the deductible, regardless of whether or not the homeowner purchased "replacement cost" coverage. The carrier is only required to pay the balance of replacement cost funds after the insured has replaced or repaired the property. In essence, the policyholder must somehow finance the reconstruction and/or replacement of personal property without insurance proceeds (along with all the non-insured items) and patiently await reimbursement. Individual or association policyholders unable to self-finance the reconstruction of their covered property will be precluded from collecting their replacement cost benefit.

This policy was in effect until 2005, when the legislature determined that carriers were using this tactic as a strategy to limit their payouts for replacement cost policies to the less expensive actual cash value - functionally cheating the clients. In the insurance industry's twisted universe, when carriers are forced to pay claims on replacement cost policies for which they collected higher premiums, they actually believe that they are being defrauded. By turning the clock back, the bill will allow them to resume paying actual cash value to settle claims filed by many of their policyholders who purchased replacement cost coverage.

Optimistically, the Governor might veto this excursion into the Twilight Zone.

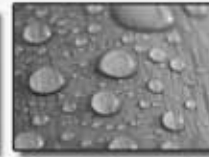
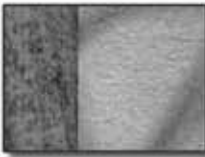
Association members should be delighted by the demise of House Bill 337 by Representative Yolly Roberson and companion Senate Bill 968 by Senator Charlie Justice. The bills contained a "poison pill" that could have enabled delinquent unit owners to force their

neighbors to pay their bills in perpetuity. If the delinquent simply objects to paying an obligation, the association must resolve the objection before taking any action. Since the bill deliberately omits any clarification of what constitutes an acceptable resolution, the decision is incredibly left to the deadbeat. WOOF! Fortunately, the bills died on April 30th in committee - life is good. To learn the Governor's response to the other bills, go to the Galt Mile Community Association web site (www.galtmile.com), where the legislative results are posted.

Association members should be delighted by the demise of House Bill 337 by Representative Yolly Roberson and companion Senate Bill 968 by Senator Charlie Justice.



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ELLYN BOGDANOFF'S GALT MILE LEGISLATIVE UPDATE



By Eric Berkowitz

A few days after the Sergeants-at-Arms of the Florida Statehouse and Senate simultaneously dropped their handkerchiefs in celebration of the session-ending Sine Die ceremony, Statehouse Representative Ellyn Bogdanoff addressed the May 3, 2010 Presidents Council meeting at the Commodore Condominium. A key member of the State's legislative leadership, the District 91 Statehouse Representative chaired the influential "Finance & Tax Council" and served as Vice Chair of the "Rules & Calendar Council" – the Statehouse gatekeeper committee. Seeking to exploit her intimate familiarity with the State's soft white fiscal underbelly, House Speaker Larry Cretul also placed Bogdanoff on the bicameral "Joint Legislative Budget Commission", the "Full Appropriations Council on Education & Economic Development" and the "Full Appropriations Council on General Government & Health Care".

After claiming Connie Mack IV's vacated District 91 Statehouse seat by a 12-vote margin in a 7-candidate January 2004 special election, Ellyn Bogdanoff spent her first few years in the state capital making friends and learning how to play well with others. In an all-consuming effort to preserve a "collegial" political persona, the neophyte lawmaker declined participation in issues contaminated by controversy, limiting her personal legislative productivity to bills that regulate wine imports and give pause to schoolyard bullies. The Legislature's Republican leadership noticed that her arguments were always meticulously researched, eminently logical and emotionally compelling.

When Marco Rubio was tagged for the Speaker's seat, he installed Bogdanoff as his Majority Whip, citing her networking skill and bi-partisan access as requirements for actualizing his vision for Florida. As Majority

Whip, she finally exercised negotiating and networking skills originally honed as an insurance diva and a political consultant. When Rubio charged her with responsibilities he was politically precluded from managing, she delivered. Commenting on Bogdanoff's job of aligning votes for the Speaker's agenda, Rubio cynically remarked, "You know it's a good day in the Florida Legislature when you haven't been visited by Ellyn Bogdanoff," characterizing his legislative troubleshooter as "The Angel of Death." When the new Governor's legislative agenda was threatened by partisan bickering, Charlie Crist also reached out to Bogdanoff. She cleared the way for a property insurance bill and single-handedly rehabilitated and rescued Florida's failing no-fault insurance program.

As the legislative session winds down, dozens of Association bills are generally tailored and merged into a single huge confection - an omnibus association bill. It historically contains regulations governing disparate relevant categories including insurance, elections, reserves, maintenance, operational guidelines, etc. In 2008, Associations were being assailed by waves of screwball Condo legislation. A bill was filed that actually required Associations to subsidize unit owners unwilling to pay assessments. Another bill sought to create a 30 to 60 day delay when enforcing any association rule. Other legislation would have forced every association (even new ones) to finance a costly report by an architect or engineer every 5 years attesting to its required maintenance, useful life, and replacement costs (in addition to the report understandably mandated for structures 40 years or older).

While juggling her duties as Majority Whip and her District 91 responsibilities, her sizable constituency of association unit owners called on Bogdanoff to defend their right to self-governance. As legislative gatekeeper, Bogdanoff insisted that the bill sponsors demonstrate how depriving an Association's homeowners of the right to make these decisions would inure to their benefit. By applying this standard to literally hundreds of counterproductive and costly provisions, she was able to either excise or acceptably amend those threatening the greatest damage. Roundly applauded by condo and co-op owners across the State, Representative Bogdanoff has since undertaken to personally sponsor critical association legislation, spearheading last year's vetoed omnibus bill (HB 419 – SB 714), which provided unit owners with sprinkler retrofit relief and zapped unworkable and expensive insurance regulations. Undeterred by the Governor's ill advised veto of the popular bill, she sponsored the improved 2010 version (HB 561 – SB 1196).

Following a spontaneous ovation, the former Statehouse Majority Whip briefly ran down some of the painful cuts and compromises used to offset a \$3.2 billion State budget shortfall. Competing House and Senate Medicare overhauls fizzled, one-third of the Healthy Families child abuse funding was cut (\$10 million) and the 8% hike in college tuition is incremental to last year's optional 7% increase for Universities. Although a roughly \$1.4 billion cushion was nested into the \$70.4 billion State budget (plus \$730 million if Congress approves Federal Medical Assistance Percentages funds – FMAP), Bogdanoff doesn't think the Federal Government will provide another \$2.3 billion in stimulus subsidies next year. She said that the State's recovery depends on attracting new business.

Florida has long been dependent on population growth to finance government spending. While the legislature dodged a hike in State taxes and fees, next year's anticipated stimulus flameout and the ongoing recessionary growth constriction forebodes a 2011 economic tightrope walk between spending cuts (service reductions) and tax increases. Instead of using the State's current "wolf at the door" economic scenario to aggressively plug "non-producing" corporate loopholes and broaden the tax base, lawmakers raided theoretically dedicated trust funds, sweeping \$506.9 million into general revenue. Creating favorable tax environments and other incentives for drawing new or budding commercial enterprise to Florida is Bogdanoff's alternative to holding our breath and gutting out the recession via a Chinese menu of service cuts and tax increases. She moved on to some of the session's regulatory end products, concentrating her review on bills with heightened local impact.

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As twice mandated by Broward voters since 2002, the Broward County Ethics Commission finalized the 27-page Broward ethics code on February 19, 2010. An Inspector General with the power to seek fines of up to \$5,000 and refer cases to state and federal prosecutors would enforce the new rules. The I.G.'s office would have subpoena power, take testimony under oath from witnesses and investigate any reasonable suspicion of misconduct.

The Broward Legislative Delegation asked Bogdanoff, the panel's sole active Republican, and Coral Springs Democrat Ari Porth to sponsor the legislative basis for the new office. House Bill 1425, creating the Broward County Office of Inspector General, was filed on February 26th. Despite a blast of unprovoked personal partisan pot shots from Coconut Creek Democrat Jim Waldman and Fort Lauderdale Senator Chris Smith's public proclamations that a Broward Inspector General was redundant and unnecessary, the bill whizzed through the Statehouse by a vote of 113 Yeas vs. 0 Nays on April 23rd. However, Senator Dennis Jones held the bill hostage in the Senate Rules Committee, setting as ransom Bogdanoff's blind support for his controversial Tampa Water Management Board legislation. Exclaiming "What goes around comes around," Jones made it clear that Broward's ethics concerns would have to wait until next year.

Representative Bogdanoff next described legislation designed to dispel the State's reputation as the nation's "Painkiller Capital" by regulating the distribution-intensive cottage industry of storefront pain clinics (Pill Mills) that supply a flourishing South Florida black market. She applauded Senate president pro tempore Mike Fasano for sponsoring Senate Bill 2272, which targets the clinics without interfering with doctor-patient relationships. DEA statistics confirm that in 2006, more oxycodone was distributed in Florida than in any other state - 40 percent more than in second-ranked California. In 2008, Florida was home to the nation's top 25 pain clinic dispensers of prescription drugs as well as the top 50 physicians for dispensing the most oxycodone in the United States. Hoping that the current legislative session would produce an effective statutory deterrent, on March 2nd, the City of Fort Lauderdale enacted a temporary stopgap - Ordinance No. C-10-07 - establishing a 180-day moratorium on licensing Pain Management Clinics.

Unanimously passed in both bodies, Fasano's "Pill Mill Bill" prohibits clinics from dispensing more than a 72-hour supply of a controlled substance to patients who pay in cash, check or credit card. Since third party carriers maintain current client and provider utilization databases, providers billing insurance coverage or worker compensation can dispense larger amounts of the regulated medications. Practicing medicine in a pain clinic will require completion of a pain medicine fellowship or residency, or recognition as a pain management specialist by the appropriate licensing board. As with the pain clinics, physicians cannot directly dispense more than a 3 day (72-hour) supply of controlled substances to a patient without a prescription. Additionally, Pill Mills must register with the Department of Healthcare and are precluded from advertizing their products and services.

Given its direct impact on many of her constituent municipalities, Bogdanoff focused on a bill enabling local jurisdictions to ticket red light violators caught on camera. Bradenton Representative Ron Reagan's House Bill 325 will relieve a legal dilemma for scores of Florida counties and municipalities in various stages of implementing a red light camera enforcement system - including Fort Lauderdale. When Pembroke Pines initially considered installing their red light camera system in 2005, City Attorney Sam Goren asked then-Attorney General Charlie Crist for a legal opinion. Crist said that while local governments could set up cameras, take pictures and let drivers know when they had run red lights, they couldn't issue red-light tickets without changes to state law. According to Crist, the state's uniform traffic code required that "an officer enforcing the traffic law personally observe or have personal knowledge of the particular infraction that serves as the basis for issuing the citation."

Continued on page 11



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BROWARD MAYOR KEN KEECHL'S NEWSLETTER

"Reading Mayor Ken Keechl's newsletters, one could be forgiven for nursing the impression that he loves his job. In addition to expanding his outreach to other elements of the regulatory hierarchy that im-

act our lives, these annual appropriations expeditions to Washington and Tallahassee provide an opportunity to bring some equilibrium to our fiscal relationship with these revenue black holes. To the extent that he is successful in recapturing some of our State and Federal tax dollars to fund Broward's liabilities, Keechl diminishes next year's tax bite. Having declared next year's budget his Administration's main priority, it is not surprising that he considers these funding excursions one of his "more interesting responsibilities."

This month's offering is Part 2 of his hunt for County dollars. After chasing down appropriations in Washington that benefit projects with county-wide relevance, Keechl seemed to refocus on district issues during his Tallahassee sojourn. He reviewed three such issues with Governor Crist at a March 17th Broward Days luncheon meeting and subsequently pursued them with Broward lawmakers. They could have been lifted from any recent Galt Mile Community Association meeting agenda.

A well-coordinated and deep pocketed lobbying effort to engender support for offshore drilling in South Florida has been targeting lawmakers in both Washington and Tallahassee. When Lakeland Statehouse Representative Seth McKeel filed House Memorial 563 supporting Congressional efforts to remove oil drilling moratoria in Florida waters (and similar Senate Bill 1726 by Alachua Senator Steve Oelrich), the City of Fort Lauderdale responded with a Resolution opposing the gross adulteration of their primary economic engine. Mayor Keechl reports that when the threat reaches critical mass next year, he will return to Tallahassee as our District Commissioner, presumably with next Broward Mayor Sue Gunzburger, unless she is unseated by campaign opponent and former State Senator Steven Geller.

The second issue has long resonated with Galt Mile residents, beach renourishment. Unlike the beach renourishment funds he sought to realize in Washington, which should reimburse the County for Segment III (South County) monitoring expenditures, he raised an additional Half-million in Tallahassee toward next year's Segment II renourishment in Fort Lauderdale (which includes the Galt Mile). Given the Federal matching funds magic trick inherent in Army Corps of Engineers-approved beach renourishments, the appropriations should total \$1 million at the end of the day.

Not surprisingly, his third district priority is also this year's primary Galt Mile legislative objective - a reacquisition of the right of common interest community members to decide their own fate. In particular, it affords them the right to decide whether they want to cough up between \$1 million and \$4 million for a highly questionable partial sprinkler retrofit.

Broward County and the City of Fort Lauderdale have both passed Resolutions supporting Representative Elyn Bogdanoff's House Bill 561 (since morphed into Senate Bill 1196), which has been overwhelmingly passed by the legislature and sent to the Governor. Similar supportive resolutions have been passed by the City of Naples, Collier County, the City of Miami Beach, Miami-Dade County, Lauderdale-by-the-Sea, Miramar and other jurisdictions. For a summary of the Mayor's efforts to offset future county assessments by recycling tax revenues previously sent to Tallahassee and Washington, Read on - [editor]"

"Lobbying Tallahassee for Broward County and District 4"

By Broward County Mayor Ken Keechl, District 4 Commissioner

As I stated in last month's newsletter, one of the more interesting responsibilities of Broward County's Mayor is to travel to Washington D.C. and Tallahassee each year to lobby both the federal and state legislatures on issues of importance to Broward County. Last month's newsletter discussed my recent visit to Washington D.C. This month's newsletter will discuss my recent trip to Tallahassee.

My trip was productive. While in Tallahassee, I met with Senate President, Jeff Atwater, and House Representatives Bogdanoff, Rivera, Porth and others. I also met with Governor Crist during a "Broward Days" luncheon where he and I both addressed a significant gathering of Broward's elected officials and residents.

While I lobbied our elected officials in Tallahassee on a number of issues, I focused on three of particular importance to our District.

First, I reaffirmed the Broward County Commission's unanimous opposition to any offshore drilling. Many of you may remember our earlier (and successful) fight against the Calypso, a proposed liquefied natural gas facility that was scheduled to be built directly off our beaches in Fort Lauderdale. My lobbying against offshore drilling felt like the Calypso fight all over again. While I believe this year will not see any relaxation of the current prohibition against leases or permits for drilling off Broward's shores, I am very worried about this issue in 2011. Next year, I intend to go back to Tallahassee as your County Commissioner to lobby against offshore drilling again.

Second, I lobbied for additional monies for Broward's Segment 2 beach re-nourishment project (Fort Lauderdale beach and northward). Segment 2 re-nourishment is scheduled to commence next year. As everyone knows, the fiscal situation in Tallahassee has never been worse, so my lobbying activities are even more challenging than in earlier years. However, as I write this newsletter, the Senate and the House have allocated an additional \$500,000.00 toward Segment 2, which, if it survives in the budget, will be matched dollar for dollar by the federal government!

Lastly, I strongly lobbied in favor of Rep. Bogdanoff's condominium bill that would give all condominiums the right of self-determination when it comes to sprinkler and other retrofitting requirements. Broward Vice Mayor Gunzburger and I successfully sponsored a resolution at the Broward County Commission in favor of Rep. Bogdanoff's bill. The Vice Mayor and I strongly believe that during these difficult economic times, another financial burden on our condominium owners is unwarranted and unwise. As I write this newsletter, I am hopeful that condominium self determination will be enacted.

In closing, I want to again thank you for the honor of being your County Commissioner. It is a responsibility that I do not take lightly. My best to you and your families.

Broward County Commissioner and Mayor Ken Keechl
954 357 7004
www.broward.org/kkeechl

Until now, Florida municipalities have circumvented this support vacuum in state law by ordaining red light infractions as local code violations - and installing the relevant equipment on land not controlled by the state. They also contrived a strategy in which the municipality maintains an arms distance relationship with the event. Generally, the system vendor gathers the video evidence and submits it to local law enforcement for review and evaluation prior to the mailing of code violation fines. Cited as the "Mark Wandall Traffic Safety Act", Reagan's bill enables the uniform traffic code to recognize the image evidence as independently sufficient for issuing a ticket. The \$158 local fine is shared with the State (\$65), trauma centers (\$10) and the Miami Project to Cure Paralysis (\$3) for brain and spinal cord research. Since the vehicle owner - not the driver - is targeted by red light camera infractions, no points are added to the driving record, avoiding insurance repercussions. The bill specifically exempts legal turns at a red light from camera violations.

Seeking to clarify a controversy surrounding related legislation that died in her overburdened Tax and Finance Council, Representative Bogdanoff explained the fate of HB 41, a House bill that sought to ban "texting" while driving. While agreeing that the activity is dangerous, Bogdanoff exclaimed that "there are better ways to deal with driving distractions than to ban a particular activity." She supported its being fleshed out to penalize using cell phones and other devices while driving, which are implicated in far more accidents. Several other traffic bills died awaiting review in various committees, including Senator Michael Bennett's SB 482, which addressed road rage and careless driving.

When the bill supporting oil drilling on Florida beaches hit a brick wall, Bogdanoff explained that most of her constituents were understandably delighted. Filed by Lakeland Representative Seth McKeel and heavily lobbied by energy trade organizations in Tallahassee and Washington, House Memorial 563 urged Congress to support the removal of protective moratoria currently prohibiting the expansion of oil exploration (drilling) and production in Florida waters. Inland lawmakers reacted to the bill with tacit approval until British Petroleum fell asleep at the wheel and painted the Gulf black. Abandoned overnight, Bogdanoff shares the sentiment expressed by Senate President-elect Mike Haridopolos, "We have no agenda whatsoever for 2011, we've permanently tabled this issue."

Since Representative Bogdanoff sat on the "Select Committee on Seminole Indian Compact Review", she participated in the State's groundbreaking gambling deal with the Seminole Tribal Council. With four pari-mutuel venues and one of the two flagship Seminole Hard Rock casino resorts located in Broward County, the \$1.5 billion agreement prospectively portends the session's single greatest fiscal benefit to Broward residents. The legislation, SB 622, codifies the terms of the compact and serves to legitimize heretofore legally murky gaming practices. Since the payouts will be divided among the State and those local jurisdictions wherein the gambling venues reside; Broward County, Hallandale, Pompano Beach, Hollywood and a few adjacent communities all have their thumbs in the pie.

Although Bogdanoff originally expressed concerns about the social repercussions and local fiscal drawbacks of a gambling pact, once it was approved by county voters, she re-drew her priorities. Preoccupied with expanding the tax base and creating jobs by attracting new business, Bogdanoff currently perceives gambling as an opportunity.

Having observed that "There's one place that could compete with Las Vegas: South Florida," she recommends the type of comprehensive gambling legislation that would attract casino-

based mega-resorts comparable to those in Las Vegas, Macau and Singapore; vacation complexes that offer theaters, shopping, restaurants, hotels, spas, convention space and every type of gaming format. She summarized her current outlook, "If we're going to do it, we should do it right; do it with class."

When Bogdanoff finally focused on her bill providing long-awaited sprinkler retrofit relief, she was interrupted by another enthusiastic ovation. The key provisions in this year's omnibus association bill, SB 1196, were shepherded through the Statehouse as House Bill 561, filed by Bogdanoff and Representative Matt Hudson.

The bill initially reincarnated last year's vetoed Senate Bill 714, with a critical improvement. Instead of providing associations with the right to extend the statutory deadline for installing a \$million+ sprinkler retrofit from 2014 to 2025, this year's version vests associations with the right to opt out of the retrofit requirement altogether, thereby eliminating the attendant assessment. The bill also reverses many of the counterproductive and/or expensive regulations that were piggy-backed onto a large omnibus association and insurance bill during the frenetic last weeks of the 2008 session (House Bill 601).

It primarily targets 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 (you file the claim, the association gets the check). It also eliminates the right of associations to "force place" such coverage if the unit owner fails to produce an evidentiary insurance certificate. It rescinds the requirement that a unit owner's "hazard insurance" policy include at least \$2,000 of "special assessment" coverage - given that no such product exists! SB 1196 redrafts the language to "loss assessment" coverage in a "property insurance" policy and clarifies that it is excess coverage, curing a defect that allows insurance companies to require a second deductible for property damaged during a covered event. It relieves associations of the responsibility to insure "improvements and additions" that benefit fewer than all the owners and updates the statutory standard for the association's insurance coverage from "full insurable value" to "replacement cost".

The bill additionally exempts buildings less than four stories in height with exterior corridor egress from being forced to install an expensive manual fire alarm system, allows associations to opt out of installing back-up generators for elevators and delays a requirement to retrofit a special access key for association elevators until the elevator is replaced or requires major modification.

Continued on page 14

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<p>20 Reptile Expo Sale Flamingo Gardens 9:30 to 4:30 p.m. Info.: 954-473-2955</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>21 First Day of Summer</p> 	<p>22</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>	<p>23</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>
<p>27 Bjorn Again ABBA Tribute Band Parker Playhouse Tix.: www.parkerplayhouse.com</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>28</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>29</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>	<p>30</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>
<p>4 July 4th Family Celebration & Fireworks Show Fort Lauderdale Beach 9 to 9:30 p.m. Info.: 954-396-3622</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p>5</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>6 Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>7</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>
<p>11</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>12</p>	<p>13</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>	<p>14</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p>

**FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT
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<p>17 G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant 11 a.m.</p> <p>Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p> <p>"Focus on Fixed Income" By Edward Jones Galt Mile Reading Room 3 p.m. Info.: 954-303-6750</p>	<p>18 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park VALERIE TYSON BAND (Rhythm & Blues) Info.: 954-828-5363</p>	<p>19</p>
<p>24 2010 SPEEDO International Age Group Invitational (Through 6/27) Fort Lauderdale Aquatic Complex 7 a.m. to 9 p.m. Info.: 954-828-4580</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>25 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092</p> <p>Starlight Musicals Holiday Park SHADOW CREEK (Country Music) Info.: 954-828-5363</p>	<p>26</p>
<p>1 Moonlight, Seaturtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. Info.: 954-713-0930</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>2 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park HIGHER GROUND (Motown) Info.: 954-828-5363</p>	<p>3</p>
<p>8 2nd on 2nd Thursdays Block Party 200 Block SW 2nd Street 5 to 9 p.m. Info.: 954-468-1541</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>9 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park CURBSTONE (50s, 60s, 70s & Beyond) Info.: 954-828-5363</p> <p>NPC Southern States Fitness & Figure & Bikini Championships War Memorial Auditorium Info.: 954-763-2718</p>	<p>10 Avi Hoffman's Too Jewish? Or Too Jewish, Too! (Through 7/18) Broward Center Tix.: www.browardcenter.org</p> <p>The 18th Annual International Mango Festival (Through 7/11) Fairchild Tropical Garden 9:30 a.m. to 4:30 p.m.</p>
<p>15 Ringo Starr & His All-Star Band Hard Rock Live 8 p.m.</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>16 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park BRASS EVOLUTION (10-piece Show Band) Info.: 954-828-5363</p>	<p>17</p> <p>Comedian Ron "Tater Salad" White Broward Center Tix.: www.browardcenter.org</p>

UPCOMING EVENTS IN OUR AREA

July 23
Starlight Musicals - Mary Washington Brooks (Blues)
Holiday Park
Info.: 954-828-5363

July 24-25
Buckler Craft Fair
War Memorial Auditorium
Info.: 954-828-5380

July 24-25
Dig The Beach Volleyball Series - USAV-Florida
Regional Championships
South Beach Park, 7 a.m. to 8 p.m.
Info.: 561-241-3801

July 30
Starlight Musicals - Viva Classic Rock 'n' Roll
Holiday Park
Info.: 954-828-5363

August 6
Starlight Musicals - Jimmy Stoen & the Stowaways
(Tropical Rock/Jimmy Buffet)
Holiday Park
Info.: 954-828-5363

August 7-8
Fort Lauderdale Antiques & Collectors Faire
War Memorial Auditorium
Info.: 954-563-6747

August 25
Natalie Merchant
Broward Center for the Performing Arts
Tix.: www.browardcenter.org

September 25-27
7th Annual Butterfly Days at Fairchild
Fairchild Tropical Garden, 9:30 a.m. to 4:30 p.m.
Info.: www.fairchildgarden.org

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MAKING SENSE OF INVESTING

In 2006, Bogdanoff filed an anti-bullying bill for schoolchildren (HB 535) that passed unanimously in the House and was recognized as model legislation by the national movement. When it enigmatically died on the Calendar, she was asked why a bill so well-credentialed bit the dust. Bogdanoff explained that when several of her colleagues told her that they would consider it a personal favor if she would permit them to amend her bill with unrelated "politically neutral" provisions, she naively agreed. She concluded, "I will not make that mistake again." (Filed again as HB 669 in 2008, Bogdanoff's bill passed both houses unanimously and was signed by Governor Crist on Tuesday, June 10, 2008 at 7:35 AM, enacted as Chapter No. 2008-123.)

During the final days of the session, it is fairly common for surviving legislation to encounter two types of amendments. Sponsors of failing bills will attempt to incorporate some or all of the key provisions into more successful legislation. Also, lawmakers will submit amendments to affiliate themselves with legislation embraced by a particular constituency. In the final 24 hours before Bogdanoff's House Bill 561 was folded into Senate counterpart SB 1196 on April 28th, it was subjected to 12 such politically expedient amendments. Mulling her earlier experience, she declined the dead weight, thereby improving the bill's prospects.

While the bill's core elements were initially filed by Bogdanoff in response to repeated entreaties by the Galt Mile Community Association, its terms strongly resonate with unit owners in common interest communities across the State. The bill's provisions reverse dozens of painfully verified statutory glitches and correct universally recognized operational obstacles. Unlike many of its predecessor omnibus association bills, it wasn't cobbled around anecdotal hysteria or some lawmaker's vision for a grand social experiment. Instead of resolving controversial safety, fiscal and functional issues with one-size-fits-all regulations ineptly drafted by heavily vested lobbyists, it empowers condo and co-op owners to set priorities and make decisions that they alone will have to pay for and live with. It is the most responsive omnibus association bill to date. Notwithstanding their political orientation, Florida's condominium and cooperative owners owe Bogdanoff a debt of gratitude for her unrelenting pursuit of this monument to self-governance in spite of the two gubernatorial vetoes that undermined 2006 and 2009 predecessor incarnations of her bill. The Galt Mile residents attending the May 3rd Presidents Council meeting seemed to concur, as her report ended the way it began - with a prolonged spontaneous ovation. •

While the bill's core elements were initially filed by Bogdanoff in response to repeated entreaties by the Galt Mile Community Association, its terms strongly resonate with unit owners in common interest communities across the State.

Bogdanoff...Continued

The legislation doubles a foreclosing lender's "statutory cap" from six months of past due assessments/one percent of original mortgage debt (whichever is less) to twelve months past due assessments/one percent of original mortgage debt (whichever is less). It provides associations with the right to optionally affix consequences for unit owner delinquencies and defaults, including suspension of common area use rights, voting rights or the right to serve on the association board. The association may demand that tenants who occupy units wherein the owner is delinquent pay rent directly to the association.

The bill protects association members and employees from identity theft by safeguarding personal information in the association records. It exempts from unit owner access: e-mail addresses, telephone numbers, emergency contact information, and any addresses of a unit owner that are not provided to fulfill the association's notice requirements. It also exempts personnel records (disciplinary, payroll, health and insurance records). In addition to the member's name, lot or unit designation, mailing address and property address, the only other data that must be made available to unit owners is the standard contact information used by the association for official notices.

To help stimulate the condominium market, Bogdanoff created the "Distressed Condominium Relief Act" (also known as bulk-buyer law). By squelching regulatory fiscal obstacles originally intended for developers, SB 1196 smoothes the way for bulk purchasers to thin the currently bloated inventory of units.



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Care Packages 101

1. **Pack it up**—Pack items securely in airtight decorative tins or disposable plasticware. You can even send a birthday cake by placing the cake in a tin and packing the frosting separately. Include candles, a card, presents and decorations for an instant birthday party.



2. **Wrap for success**—When shipping multiple items, pack the heaviest ones on the bottom and ensure all items are cooled and tightly sealed. Fill gaps with air-filled wrap, so the goodies look as good on arrival as they did when they left the oven. An empty Pringles® can makes a good cookie cutter as well as a handy storage container.
3. **Be the dorm favorite**—More than 70% of students surveyed wanted to share their care packages with friends and roommates, so pack enough to go around. Consider sending treats for special occasions, like Halloween, or to celebrate milestones like the end of midterms.

Recipe for shipping success

According to a survey conducted by The UPS Store, once the excitement of independence wears off, 67% of college students find what they want most is a taste of home delivered to their mailbox. Here's a recipe for a taste of home they're sure to appreciate:

Caramel Fudge Brownies

- ½ cup unsalted butter
- 4 ounces unsweetened chocolate, chopped
- 1 cup all-purpose flour
- ½ tsp baking powder
- ½ tsp salt
- 2 large eggs
- 1¼ cups granulated sugar
- 1 tsp vanilla extract
- 16 small chocolate covered caramels

Preheat the oven to 325 degrees. Line an 8" x 8" x 2" baking pan with parchment paper. Lightly butter the parchment paper. Cut the caramels in half; set aside.

In a double boiler, heat the butter and unsweetened chocolate. Stir constantly until the mixture is melted. Remove from heat; set aside to cool slightly.

In a small bowl, combine the flour, baking powder and salt; set aside.

In a large bowl, beat (medium speed) the eggs and sugar until fluffy and lightened in color. Add the vanilla and mix until combined. Reduce the speed to low, add the chocolate mixture, and mix just until incorporated. Add the flour mixture and mix just until incorporated. The batter should be smooth. Using a spoon, stir in the caramel pieces.

Pour in batter and bake in a preheated oven for about 35 minutes, until a toothpick inserted in the center comes out with moist crumbs. Transfer the pan to a wire rack to cool completely. Using a small knife, loosen the sides of the brownies from the pan. Carefully lift the paper and the whole uncut brownie in one piece from the pan. Remove and discard the paper.

For shipping, return the uncut brownie to a disposable pan, decorative tin or box. If the container is not airtight, place it in a sealed plastic bag. Use bubble cushioning to keep the tin or box from moving.

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