

# GALT MILE NEWS

JULY 2010

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### 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™  
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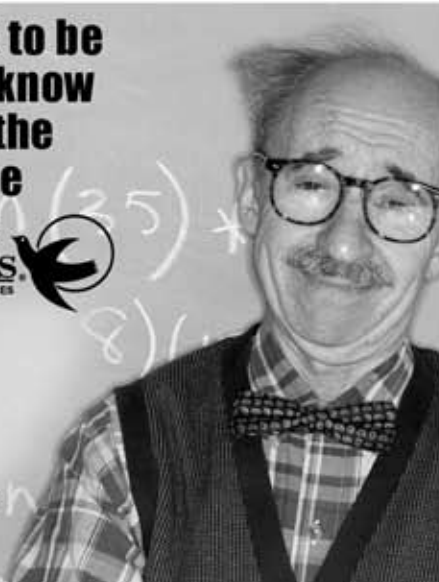
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# THE BILL & THE GAUNTLET

By Eric Berkowitz

When the legislature sends a successful bill to the Governor, he has 15 days to sign, veto or ignore it, in which case, the bill is enacted into law - as if it were signed. After Senate Bill 1196 - the omnibus association bill - was sent to the Governor's desk on May 17th, supporters spent each of the next 15 days agonizing over whether the bill would survive for another 24 hours. Given the fate of its two prior incarnations, the best they could hope for was that it would remain undisturbed on the Governor's desk. At the June 1st deadline, he surprised and delighted proponents when he demonstrated active support for the bill's provisions by signing it instead of enacting it passively. After all, the bill intensified an agenda that had already prompted two gubernatorial vetoes.

The legislation's passage has all the trappings of a Hollywood feel-good epic. To survive, the Bill had to circumvent significant obstacles erected by many of the State's most formidable lobbies. For the first time in over a decade, controversial Association legislation didn't self-destruct in deference to directives handed down by special interests.

Florida law required foreclosing lenders to pay associations six months of past due assessments or one percent of the original mortgage debt (whichever is less). Refusing to acknowledge any obligation whatsoever, the bank lobby formulated a 3-part strategy to legally avoid compliance with the statute. Although they regularly rolled out legislation designed to reverse or at least obfuscate the existing statutory obligation, their bills consistently failed because lawmakers feared being publically roasted for coddling the industrial progenitor of the State's current economic plight.

The second leg of their assessment-dodging strategy exploits a statutory loophole. By avoiding the final stage in the foreclosure process - assuming title to the property - they could also avoid triggering their statutory obligation. In January, Florida Bankers Association President Alex Sanchez admitted, "These cases are stuck in legal limbo because banks don't want to push foreclosures. I've seen cases where nothing is done. The lenders don't want these homes back. They know they have to pay assessments once they take them back."

When a 2009 Miami Court decision characterized this subterfuge as unfair and ordered the U.S. Bank National Association to start paying a condo association their \$939.56 monthly maintenance fee, the bank waltzed into the Third District Court of Appeal for Miami-Dade where the ruling was reversed. In its opinion, the appellate Court made the cynical observation that "in its quest to do equity, a court cannot trammel the legal rights of the parties." This

judicially suspect decision served notice on cash-strapped Associations - they would have to face off with the banks' 600 pound lobbying gorilla in Tallahassee.

Segue to part 3 of the Bank Industry strategy. For years, whenever legislation seeking to close the gaping liability loophole or expand the statutory cap accrued momentum, a bank industry spokesperson would quietly whisper to lawmakers, "If it passes, no more condo mortgages," - and the bill would disappear overnight. In 2009, nine bills were filed that expanded the statutory cap and/or affixed time limits to the assumption of title. When General Counsel J. Thomas Cardwell of the Florida Bankers Association announced "These bills could severely damage the ability to obtain financing on condos, and because of that, would do much more damage to condos and condo associations than they would do good," the legislative leadership unabashedly announced that any bill increasing lenders' costs wouldn't survive (Cardwell changed hats a few months later and is currently Commissioner for the Office of Financial Regulation). The banking industry has been buying legislative access for decades. Without breaking a sweat, they've managed to curtail any bill perceived as onerous to their member lenders.

Comparable leverage applied by the insurance and fire safety industries elicited similar results, either on the floor or in the Governor's office. After Hurricane Andrew, many insurance companies were thoroughly decimated while others faced imminent financial collapse. Exercising a survival instinct, carriers expanded the functionality of their Trade Organization, morphing it from a marketing vehicle into a war council. Highly competitive carriers with obsessively covert corporate policies were suddenly comrades-in-arms. Instead of merely extolling the virtues of insurance to prospective clients, the trade organization became ground zero for a statewide political strategy. Spontaneously reacting to the serial hurricanes of 2004 and 2005, they succeeded in unraveling decades of protective regulations by unifying behind a threat to leave the State.

After the industry negotiated a huge 2007 rate increase in exchange for tying future rates to costs, Senate Hearings in 2008 uncovered a scam in which Allstate and other major carriers applied for enormous rate hikes based upon fraudulent data that was reverse engineered by affiliated and subsidiary Hurricane Modeling Companies. Although caught red-handed, they refused to release subpoenaed evidentiary documentation, arrogantly thumbing their nose at Jeff Atwater's Senate Insurance Committee and Insurance Commissioner Kevin McCarty.

Continued on page 7





# BROWARD MAYOR KEN KEECHL'S NEWSLETTER

*\* For the first time in Florida history, a Broward County Mayor has been confronted by the effects of an oil spill that originated in the Gulf of Mexico and snagged a loop current through the Florida*

*Straits to threaten the State's east coast. Mayor Keechl's primary responsibility is to defend the county's 23 miles of beach from a prospective tar ball assault. When Governor Charlie Crist included Broward in the two dozen Florida counties for which he declared a state of emergency on May 20th, the Mayor was burdened by a second unprecedented dilemma.*

*Environmental defenses against fossil fuel onslaughts are mostly theoretical strategies sketched out by oil companies applying for drilling permits. To allay the concerns of adjacent jurisdictions, licensing authorities require applicants to formulate a mitigation plan capable of stabilizing any hazard considered in their Environmental Impact Statement. As underscored by the post-firestorm chaos surrounding the semi-submersible Deepwater Horizon mobile offshore drilling unit (MODU) owned by Transocean Ltd. and leased to British Petroleum, these mitigation plans aren't worth the paper they're written on.*

*As the 35,000 to 60,000 daily barrels spewing from the nation's largest ever offshore oil spill approached Broward County, Keechl reached out to his fellow coastal Mayors, met with every Federal and State agency with a dog in this fight and placed every State and County political asset in Washington D.C. on emergency standby. Fortunately, Broward County is home to many of the world's leading academic and commercial institutions for oceanography and marine engineering.*

*Drawing on the collective skills of Emergency Management Director Chuck Lanza, Port Everglades Deputy Director Glenn Wiltshire, beach technicians Eric Myers and Steve Higgins and Tourism Czar Nicki Grossman, the Mayor empaneled an "Oil Spill Working Group" and charged them with delivering a realistic environmental defense plan. To address a spectrum of unknown contingencies, this impressive lineup of "in-house" talent developed a flexible tar ball response strategy. An unavoidable consequence of tanker traffic, tar balls have been washing up on the beach for years. They are the final stage of a weathering process that morphs liquid fossil fuels into crusty lumps with sticky interiors ranging in size from less than an inch to a few inches in diameter, not unlike toasted marshmallows.*

*By declaring a state of emergency in Broward, the Governor enabled the County's eligibility for federal reimbursement funding and small business loans, a critical element for any recovery strategy. Unfortunately, it also inflamed suspicions that Broward's status as a coastal paradise had been compromised. If vacationers worldwide question whether Broward's beaches can deliver a dream getaway, the fiscal impact will be catastrophic. Tourism director Nicki Grossman foretold daily losses of \$10 million for the county's hotel, boating and fishing businesses. Summarizing the risk, Grossman projected "About one-third of the business we do every day we would lose because the beaches would be unavailable for recreational purposes." Her estimate excluded enormous incremental losses by restaurants, service providers and shops.*

*Keechl is aggressively campaigning to counter perceptions that the beaches have been - or will be - tainted. In addition to assuring travel industry representatives that Broward dodged a bullet, he posted a web page on the County web site entitled "Oil Spill News". Along with the standard marketing palaver (23 miles of award-winning, Blue Wave beaches etc), the site provides links to an updated "Current Trajectory Map", a beach status report, fishing information, a relevant FAQ for Visitors and links to Live Web Cams at the beaches. Emulating FDR's Fireside chats, the Mayor's June Newsletter effectively uses plain talk and simple facts to defuse constituent concerns about evolving events. See for yourself... read on - [editor]\**

## "The Deepwater Horizon Oil Spill: Being Prepared is the Best Response"

By Broward County Mayor Ken Keechl, District 4 Commissioner

When you elected me to be your Broward County Commissioner in November of 2006, I knew there were many issues facing Broward. Nevertheless, the possibility of an oil spill in the Gulf of Mexico being brought into Broward's waters by the "gulf loop" wasn't one of them.

For years, the Broward County Commission has been unanimous in its opposition to off-shore drilling. In fact, during the last two months while I was in Washington D.C. and Tallahassee talking to our lawmakers, I reminded them of our unified opposition to the practice. Shortly thereafter, the Deepwater Horizon catastrophe occurred.

As your Broward County Commissioner and Mayor, it's my job to insure that we are ready. Make no mistake: we are. I immediately convened a Broward County Working Group to monitor the situation and report to me daily. This Working Group is made up of Broward's best: emergency management officials, beach specialists and environmental experts. You get the idea.

I have reached out to others as well. Within the County, I conveyed a "workshop" of coastal city mayors to make sure that we are all on the same page and working together. We are. Outside of the County, I reached out to the Coast Guard, officials from NOAA, private sector contractors, and our lawmakers in Washington D.C. In fact, I have personally met with U.S. Senators Bill Nelson and George LeMieux, and U.S. Representatives Debbie Wasserman Schultz and Ted Deutch seeking their assistance if necessary. Each of them has assured me that they are here for Broward if we need them.

So what can we expect here in Broward as a result of the Deepwater Horizon oil spill? I wish I had the answer. Because an oil spill in the gulf has never been picked up by the gulf loop and traveled along the east coast of Florida, no one is sure. But the good news is this: the effect upon Broward, if any, will be manageable. It will appear in the form of increased tar ball activity. (Yes, we have tar balls in our waters already.) Broward's goals will be to assist our coastal cities in any additional clean-up activities, and to keep the tar balls out of the seaport, inlets, and our intercoastal waterways. Again, we are praying that this national catastrophe doesn't affect Broward. But if it does, we are ready.

I've said it before and I will say it again. Being your Broward County Commissioner is never boring. Thank you for the honor. And, as always, my best to you and your families.

Broward County Commissioner  
and Mayor Ken Keechl  
954 357 7004  
[www.broward.org/kkechl](http://www.broward.org/kkechl)



Remember Calypso? BP promised adjacent beachfront communities that the deepwater horizon firestorm "could never happen."

Since then, the industry has kept the legislature hopping from one foot to the other as lawmakers desperately try to rebuild the Florida market by appeasing carriers with a history of lying to the state and ripping off policyholders.

While the Fire Safety Industry (Sprinkler Associations) has neither the organizational pedigree nor the political panache to scuttle bills with the arrogance repeatedly demonstrated by their counterparts in the banking and insurance lobbies, they found an effective leverage venue that worked for nearly a decade. After creating high-visibility marketing and lobbying positions for retired Fire Marshals and employees of the Fire Marshals' union, they are sent - fully uniformed - into the Senate and Statehouse, distributing sound bite CDs of mini-Towering Inferno-style clips to passing lawmakers. While it sounds like a strategy more appropriate to running for student council in the eleventh grade, it worked well enough to generate the pork barrel sprinkler package of 2002. When the tactic no longer intimidated legislators who overwhelmingly passed relief bills in 2006 and 2009, the Sprinkler Association lobbyists redirected their pressure to the Governor's office - eliciting two controversial vetoes.

All three of these powerful lobbies were well motivated to align against the Bill. One of the provisions in SB 1196 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). When similar provisions were proposed in six of the eight previous legislative sessions, they were mercilessly stamped out by bank lobbyists. One of the many insurance fixes in SB 1196 reverses a provision that forces every condo owner to purchase HO-6 unit owner insurance for their homes (while naming the Association as an additional insured). The Insurance Industry had an enormous stake in retaining this huge block of customers made captive by statute. Also, after engineering their bogus sprinkler mandate in 2002 and subsequently manipulating two Governors into vetoing unanimously passed and desperately needed relief, Sprinkler Associations were unable to thwart the sprinkler retrofit opt-out provision in SB 1196. Suddenly, the \$billions in expected Industry revenues guaranteed by statute will instead remain in the pockets of unit owners - where it belongs.

Since the legislative dynamic in Tallahassee hasn't undergone some cathartic sea change and lobbyists still command enormous resources, **how did legislation with so many powerful enemies survive a process ordinarily controlled by the highest bidder?**

After Governor Crist vetoed the extremely popular 2009 Association Glitch Bill - SB 714 - the ensuing backlash provided many of the key ingredients required for this year's successful effort. Representative Elyn Bogdanoff sponsored the House version (HB 419) of last year's ill-fated Glitch Bill. While she managed its unanimous passage through the Statehouse, the Governor indicated his support for the Bill. Upon learning about the devious tactics applied by the Sprinkler Associations in "flipping" the Governor, she had blood in her eyes. She committed to taking off the gloves and insuring that this year's version (HB 561) wouldn't fall prey to the same "obstacles." Before redrafting most of the bill's condo and co-op provisions, Bogdanoff solicited input from the Governor's staff. While sponsoring 15 other bills and co-sponsoring 19 more, she nursed the omnibus association bill containing the sprinkler retrofit relief through every hard-fought round.

Crist's frustrating veto had a compelling effect on Associations and unit owners as well. Instead of sending another polite request to their representatives with a legislative wish list, they decided to take a page from their opponent's playbook. Although unable to provide the unlimited campaign funding and marketing resources generally used as legislative currency, they had something equally valuable - deep reserves of registered voters in key districts throughout the State.

Continued on page 8

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**SB 1196 is far from a cure-all for associations. Foreclosing banks should be responsible for every nickel of assessments due on repossessed units.**

Sprinklers...Continued

The timing was also providential, as most of Tallahassee's upwardly mobile "Masters-of-the-Universe" are currently embroiled in heated campaigns en route to the next stage in their political ascendancy. The math was simple. The 2 million unit owners affected by this legislation were more than enough to critically impact every major race in the State, a fact not lost on the Governor or relevant legislators.

Politically active neighborhood associations; homeowners, condominium and cooperative associations; huge multi-jurisdictional Umbrella Homeowner groups (like the Space Coast Communities Association) and affiliated civic groups coalesced in support of Senate Bill 1196. Common Interest Advocacy organizations such as the Community Advocacy Network (CAN) and the Community Association Leadership Lobby (CALL), offshoots of the powerful Association law firms of Katzman Garfinkel Berger and Becker Poliakoff, provided daily access to session progress and a broad communications platform that enabled Associations from many statewide jurisdictions to develop and stage pro-active strategies. They also provided invaluable lobbying capabilities, reaching into in the Statehouse, the Senate and the Governor's Office. Some of their key leadership personnel, such as CAN Executive Director Donna Berger, interpreted the legal implications of quickly changing events throughout the session. Grass roots participants, such as the Galt Mile Community Association, would endeavor to keep member associations and their unit owners abreast of and responsive to unfolding events.

The neighborhood associations also engaged local municipal and county governments to promote their unit owners' legislative interests, resulting in supportive Resolutions from the City of Fort Lauderdale, the City of Naples, the City of Miami Beach, Lauderdale-by-the-Sea, Broward County, Collier County, Miami-Dade County, Miramar, and many other local forums across the State. While the unified Association response set the table for this year's remarkable success, the deciding factor was hundreds of thousands of emails, letters, faxes and phone calls received by lawmakers and the Governor. **Make no mistake – you are the reason why this bill was signed into law.**

SB 1196 is far from a cure-all for associations. Foreclosing banks should be responsible for every nickel of assessments due on repossessed units. The financial relief provided to associations for sprinkler installations and Phase II Firefighter service for elevators should never have been necessary to begin with. These observations don't diminish the unique nature of this 2010 legislative landmark.

When they learned about other bills that would adversely affect their homes, thousands of constituents that contacted lawmakers and the governor to support the retrofit relief bill added these concerns to their correspondences. The Governor was similarly inundated with objections to Senate Bill 1964, an outrageous attempt to immunize Design Professionals from legal redress. Any disastrous consequence resulting from negligence, incompetence, failure to perform or breach of contract by architects, interior designers, landscape architects, engineers, & surveyors would be legally classified as bad karma and filed under "tough luck". Sponsored by a Transportation Engineer in the Statehouse (Stephen Precourt) and an amateur architect in the Senate (Joe Negron), while rendering design professionals judgment-proof and treating their work product as an Act of God, the final bills were somehow voted favorably in both houses. While the Governor was understandably uncomfortable with this legislation, the thousands of negative correspondences received by his office facilitated a well-deserved veto.

The Governor also scrambled Senate Bill 2044, despite the veiled threats by an army of irate insurance lobbyists. Bills drafted by the Insurance Industry are ordinarily given wide berth when considered. Senate Banking and Insurance Chair Garrett S. Richter's handiwork was chock full of expensive regulatory land mines characterized by Insurance spokespersons as critical for the industry's wellbeing. They included the right to bypass current Office of Insurance Regulation (OIR) petition procedures when raising their rates by more than 10% and the right to alter the terms of a policy upon renewal by inconspicuously burying the phrase "Notice of Change in Policy Terms" somewhere in the documents. Payment of the renewal premium would constitute acceptance of the new terms. It reduced the deadline for filing a claim for hurricane damages from 5 to 3 years (some Wilma and Katrina claims are still bouncing around the courts).

The bill's most egregious provision would have removed the existing prompt payment requirements by carriers. Homeowners who purchased "replacement cost" coverage would only receive "actual cash value" for insurance claims until well after the damaged property was replaced or repaired. If Associations and unit owners were unable to otherwise finance the repairs, they would be cheated out of the benefit they paid for in their larger premiums. Although pre-greased by Insurance Public Relations honchos, the Governor euthanized this tricky doggie with a June 1st veto.

Hopefully, the inexorable momentum recently achieved by Associations and unit owners will carry over to next year's session. With the ice broken, the lender's statutory cap can be further raised to 2 or 3% and can be imposed by foreclosing banks. Before Bogdanoff's bill, these were pipe dreams.

For additional information about Senate Bill 1196, go to the GMCA website ([www.galtmile.com](http://www.galtmile.com)), click on "issues" in the top navigation bar, and then click on "Tallahassee-Politics and Parlor Tricks."



Eric Berkowitz, Pio Ieraci, Governor Crist, and Donna Berger meet in May to discuss Bill benefits



# CONSTRUCTION AUDIT **CORRUPT...** OR JUST PLAIN STUPID?

By Eric Berkowitz

When former Broward School Board member Beverly Gallagher was charged with accepting thousands of dollars in bribes in exchange for steering school construction projects to undercover FBI agents posing as contractors, it not only vented a Pandora's Box of corruption that sent the sweat glands of local officials into overdrive, it brought focus to one of the largest sources of taxpayer bloodletting, the Broward County School Board's Facilities & Construction Management Division.

There are literally dozens of agencies, departments, divisions and bureaus in local government that provide fertile opportunities for unscrupulous public officials to engage in theft, fraud, gross incompetence, kickbacks, graft, featherbedding or plain stupidity. Why does the School Board's construction arm play such an important role in Broward's financial debacles? In the words of Willie Sutton when asked why he robs banks, "That's where the money is."

In view of the economic downturn and the declining student population, as of last year, the capital outlay in the School Board's five year District Educational Facilities Plan (DEFP) covering new construction, repairs and rehabilitation for 285 schools and several district office buildings was roughly \$1.3 billion. In 2008, as the building boom hit the wall, the budget was \$3 billion. While School Superintendent Jim Nottter recently exclaimed "It was an economic engine," his con-

struction department performed more like an automatic cash machine.

The School Board's Facilities & Construction Management Division (F&CM) has been ground zero for far too many costly incidents to believe that these gaffes are fueled by chronic incompetence. Scores of financial irregularities proliferated under the watch of former construction chief Michael Garretson. Not surprisingly, as scrutiny by federal law enforcement authorities intensified after last year's arrests and pressure mounted to enforce a new ethics code, Garretson hit the road, retiring to his family home in St. Augustine on January 1, 2010 (and suddenly passing away a few months

later). Within days of his installation as acting Deputy Superintendent of the Facilities & Construction Management Division, Tom Lindner ordered a forensic fiscal review of his division. Released in two parts, the first segment surfaced in March and part 2 was completed by the end of April.

On April 30, 2010, an internal audit of the Broward school district's construction division revealed that it overpaid \$47 million to build 15

elementary school cafeterias. There are, as always, two sides to this issue. This was by no means a walk in the park for the School District's Facilities & Construction Management Division. They had to repeatedly violate state law, break with standard construction protocols at every opportunity, double the cost to taxpayers and avoid using communication formats susceptible to monitoring by law enforcement. In fact, County Attorney Ed Marko specifically recommended that participants refrain from texting one another. The fun started in July of 2006.

In addition to replacing the 15 cafeterias, School officials also planned to install new air conditioning, drainage and electrical systems; bus loops; repave walkways, playgrounds and other amenities. The elementary schools scheduled for upgrades were Bennett, Cypress, Dania, Deerfield Beach, Hollywood Hills, Lloyd Estates, Margate, Meadowbrook, Mirror Lake, Palmview, Pembroke Pines, Peters, Tropical, Village and Walker.



Continued on page 10

The job costs were budgeted at \$65 million (\$64,774,834) until the School Board experienced a cathartic revelation. Managing the exhausting subterfuge required to insure selection of their preferred vendors proved too stressful for School Board members' delicate sensibilities. Rather than try to surreptitiously manipulate 14 high-visibility bidding processes, the School Board decided not to seek hard bids for the school cafeterias.

After July 25, 2006, district staff switched to a "construction management at risk" (CM at Risk) selection process, clearing the way for ambitious board members to select the firms dear to their hearts - and campaign depositories. Under this methodology, instead of choosing a contractor based on bid price, references, experience and other boring distractions, the school system hires outside construction managers to run the project. Short of selecting a Cali cartel subsidiary, the School Board members are free to match available contracts with open entries on their Christmas lists.

Since the CM at Risk strategy is more appropriate to managing large and complicated construction projects like high rise office buildings and commercial complexes, outsourcing high powered oversight to paste together some school cafeterias is akin to swatting mosquitoes with an elephant gun. These contracted torpedoes immediately negotiated an additional \$24 million (\$24,101,470) to ostensibly fund personnel and job site expenses. Since salaries for onsite Project Managers and Job Supervisors represent a tiny fraction of that incremental infusion, most of the \$24 million swells the bottom line. Although the scope of work hadn't changed, the board voted to approve an additional \$50 million in November, raising the \$65 million budget to \$115 million (which grew over the next three years to \$131 million).

At the November 14, 2006 School Board meeting, Garretson announced that since a permit was received for the Margate Elementary project, it would be replaced by Bennett Elementary in the package of 14 CM at Risk projects, and immediately put to bid. By then letting slip "...all of the projects have permits or are close to having permits..." it became clear that the Margate cafeteria project was suddenly segregated and subjected to a bidding process for some other reason. The job was evidently tagged and bagged in preparation for delivery to a suitor. The audit report states that on February 15, 2007, the district posted the bid notice on Onvia DemandStar, a website dedicated to disseminating information about government contracts. Eighteen of the 350 companies invited to bid on the Margate Elementary School cafeteria project filled out applications for bid documents.

Two weeks later, the words "BID DATE CHANGE" were added to the web site, without revealing the actual date. When auditors contacted bid applicants to ascertain whether they had received written notice of the revised timetable - as required by law - not one could verify its receipt, underscoring the district's failure to elicit three prospective bidders - the legal minimum for a hard bid. While dozens of potential competitors were kept in the dark, Padula & Wadsworth of Pompano Beach submitted the only bid for the job on March 9, 2007 - a deadline known only to them - and was awarded the contract on April 24, 2007 for \$5,200,700 (with change orders, ultimately costing \$5,666,926).

Instead of following standard procedure and rebidding the project, the official records were engineered to convey the impression that the sole bid was actually one of several. In the School Board meeting agenda, Padula is referred to as the "low bidder" instead of the "lone bidder," equipping school board members with "plausible deniability" if ever asked why they didn't demand a rebidding of the \$multi-million project - as required by law. Nevertheless, they were clearly aware that Padula was the sole bidder since Board member Stephanie Kraft asked Garretson if

accepting a single bid was Kosher, to which he inaccurately responded "Yes!" Auditors disagreed, characterizing the procurement process as amply corrupt to satisfy all three of the "Office of Inspector General" solicitation phase fraud benchmarks.

The Board's plan to "buffer" the project wrought a few minor wrinkles. To begin with, it was illegal. To avoid costly mid-project change orders, state law requires the builder to cooperate with the architect/engineer in designing construction plans. However, the School Board's plans were completed and approved far in advance of their decision to outsource oversight. Additionally, none of the CM at Risk firms selected by the Board provided professional design services. In short, the firms pulled the architectural plans off the shelf and rubber stamped them from school to school, occasionally tailoring ill-fitting elements as needed.

Since violating state law has almost become an eligibility requirement for continued employment in Broward government, it is almost inconceivable that any consequences will inure to infractions by the School Board or its construction bureau. However, the financial repercussions of their decision to use the CM at Risk construction protocols are far more memorable. Unlike the Margate Elementary project, wherein change orders totaling \$466,226 increased the initial \$5,200,700 bid price to \$5,666,926, the average cost for each of the 14 school cafeterias built using the CM at Risk method instead of a competitive bidding process was a hefty \$8,998,000. According to auditors, each of those projects cost an average \$3.3 million (\$3,331,074) more than the \$5.6 million Margate Elementary hard bid cafeteria project. Chief auditor Patrick Reilly concluded that taxpayers were stung for close to \$47 million (\$46,635,036).

En route to uncovering this unconscionable waste of resources, auditors described how the district's collusive behavior permeated the entire process, enabling activity ranging from unethical to blatantly illegal. Participants either twisted or ignored statutory requirements and procedural guidelines created to insure fairness and maximize public resources. Auditors said they found "potentially collusive bidding practices which often resulted in increased costs of work." In addition to illuminating the surreptitious solicitation that tainted the February 2007 Margate cafeteria bidding process and landed an early Christmas for Padula & Wadsworth Construction, Inc. (who later snatched cafeteria projects at Hollywood Hills Elementary and Pembroke Pines Elementary without having to bid), the audit condemns other contractors for rigging a bidding process used to select subcontractors.

When Hurricane Wilma stripped the outer skin and thousands of windows from scores of Fort Lauderdale buildings, among them was the 15-story K.C. Wright Building, which houses the Broward Board of Education. To replace the eviscerated glass curtain that sheathed the structure, the building's owner retained Fort Lauderdale-based construction consultant Moss & Associates. Aware that the School Board burns through construction money like a drunken sailor, they went the extra mile to ingratiate themselves to the building's primary tenants. Not surprisingly, they subsequently netted 11 School Board construction projects.



A \$5.6 million elementary school cafeteria that cost you \$8.9 million.

Included in this bonanza was a contract to modernize the Peters Elementary School in Plantation. The renovation included a new 18,000 SF multi-purpose building, upgraded electrical service and site utilities, a fire access loop, retention pond, covered walkways, parking lots and (2) new 140-ton chillers.

Continued on page 11



In October 2007, auditors attended an event at the 2101 North Andrews Avenue Headquarters of Moss & Associates for the purpose of opening supposedly sealed bids sent by subcontractors competing for a portion of the lucrative Peters Elementary School construction buffet. After the submission deadline had officially passed and eligible bids were being opened and recorded, auditors watched unsealed proposals continue to roll in by fax. When the tabulations were completed and participants inquired about the winning bidder, auditors said they were told that Moss "still had to solicit more bids and validate those which had been received and tabulated."

A sealed bidding process supposedly levels the bidders' playing field. Bids are deemed eligible if sealed and submitted by a deadline, precluding participants from modifying their bids after learning about their competitors' proposals. However, the stated intention of Moss & Associates to entertain bids submitted after the deadline is an admission that the process is rigged to favor (a) certain subcontractor(s). The audit states that the process used by Moss & Associates "represents an unnecessary perception of collusion which is not in the best interest of the owner and not in compliance with applicable laws and regulations."

Although Moss & Associates rebid the project in December 2007, Company owner Bob L. Moss claimed "I don't believe we did anything improper." For the last year, the district has spent \$200,000 on an outside consultant to unravel the financial records of Moss & Associates, due to concerns about how much in savings should be credited to the district on the Peters project.

Released in March, the first of Lindner's two internal audits revealed a smorgasbord of financial abuses. In one project involving the expansion of bleachers at Dillard High School in 2007, improprieties were so egregious that auditors asked school officials to call on law enforcement to investigate a subcontractor for "criminal negligence or fraud" after bilking taxpayers out of \$500,000.

Understandably intrigued by mysterious doubling of project costs, auditors began researching how the price tag for a 2,500-seat bleacher expansion project mushroomed from \$500,000 to more than \$1 million under Garretson's nose. The district hired a Pompano Beach construction outfit called Florida Blacktop Inc., which had previously pulled a permit for a related sewer relocation project. They also retained a Sunrise firm, Grace & Naeem Uddin Inc., as general contractor. A subcontractor, Seating Constructors, USA of Brooksville, Fla., decided to bill the contractor and the district, sending duplicate invoices for their work. Grace & Naeem also billed the district for the work performed by subcontractor Seating Constructors. As a result, Seating Constructors was paid twice – by the district and by the general contractor. Since the district had already improperly paid their subcontractor, they stiffed Grace & Naeem – which is suing the school district and Seating Constructors over the issue. Although the subcontractor admitted that they shouldn't have been paid twice, they told auditors that as soon as they deposited the \$540,522.40 check, "the funds were taken by Wachovia Bank to pay lines of credit and the funds were no longer available."

No invoices are supposed to be paid without a School Board-approved Purchase Order. However, a clause in the contract (3.03.01) stipulated that "The Deputy Superintendent or his designee shall act on behalf of the Owner in all matters pertaining to this Agreement, and shall approve all Notices to Proceed to the Contractor and all invoices for payment to the Contractor." This equipped any of Garretson's minions with an invaluable cash withdrawal button, which Seating Constructors repeatedly banged away on. The auditors concluded that "internal controls were circumvented," allowing Seating Constructors to invoice for work also billed by Grace & Naeem. Affirming that "Controls were in place, but were not enforced by the School Board Contract Ad-

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ministrators," auditors revealed that it wasn't simply a mixup, but a fleeing.

The auditors recommended that the district engage law enforcement authorities to investigate the subcontractor, "as Seating Constructors, USA was aware that they were not entitled to the amount requested." However, they couldn't have pulled off this rip-off without some inside help. A district project manager, Contract Administrator Charles Ricks, is singled out in the report as a "common factor" in the payment process "from start to finish." In contrast with Garretson's longstanding policy of burying audit allegations, denying culpability and disparaging anyone associated with the audit, Lindner agreed with the auditors' recommendation. In his official response, the new schools construction boss wrote "Contract administration protocols were purposely circumvented. Staff intends to refer this issue to appropriate law enforcement for review."

The audit also identified other instances in which building contractors proceeded with work at the informal direction of staff and administrators, including Garretson, but without School Board approval. In one case, Pavarini Construction Co. undertook design work on a 24-room addition at Westglades Middle School

Continued on page 12

in Parkland in May of 2008, eleven months before obtaining a contract with the district in April of 2009. In September 2008, Project Manager Scott Hennigar declared the project "of questionable necessity" since Coral Springs Middle, two miles from Westglades, had 359 empty seats at the time. Anticipating a 34,800 seat surplus by 2012, the State has since ordered the construction-happy School Board and Garretson to cease building new classrooms. Just prior to the State-imposed construction moratorium, instead of frugally deterring unnecessary and expensive classroom expansion plans, Garretson urged his staff to get projects put to bid quickly, hoping to aggressively milk the construction budget until the State pulled the plug.

Ignoring Hennigar's admonition, Garretson recommended that the School Board approve \$581,365, or 32% of the \$1,805,045 project cost for design fees – instead of the usual 22%. Four days after the project was considered at the April 21, 2009 School Board meeting, Pavarini asked for \$387,596, two-thirds of the design fee. Although never reviewed and approved as compliant by the Design Services Department, the company was improperly paid \$290,683, 50% of the design fee. The school system is now trying to recover the \$290,683 "erroneously paid to Pavarini."

Another contractor providing design services was overpaid twice by the school district. Although contracted to design a classroom addition for \$203,208 at Seminole Middle School in Plantation, James A. Cummings Construction Inc. invoiced the district for \$225,433.08, receiving an overpayment of \$22,225.08. Also, after negotiating a \$529,465 deal to design three classroom additions at Deerfield Beach Middle, Pompano Beach Elementary and Sunrise Middle, Cummings billed the district for \$608,490.08 and was overpaid \$79,025.08. Auditors recommended that the district recover overpayments amounting to \$101,250.16 from James A. Cummings Inc.

In a report released last June, auditors discovered that employees working two jobs within the school system would be paid overtime based on the higher rate of pay, even if the hours were logged for the secondary, lesser paying position. In the March 2010 report, auditors again uncovered a variety of payroll scams, ranging from employee abuse of lax oversight to rip-offs organized and authorized by supervisory personnel, including Garretson. The audit also found that some employees were paid without completing daily attendance sheets, padded their mileage for reimbursement, left vacation and leave request forms unsigned and, instead of eliciting approval from an authorized administrator, regularly approved one another for overtime or compensatory time.

While many of these abuses are inherent to any poorly controlled payroll environment, auditors uncovered a scam devised by former Deputy Superintendent of the Facilities & Construction Management Division Michael Garretson! The audit report states "A review of the Payroll expenditures of Design Services and Capital Planning and Programming Departments disclosed that an employee from each location was paid for additional hours submitted each day without requiring pre-approval for each pay period and without documentation of what additional work was assigned."

Starting on July 18, 2005, Garretson arranged for the Design Services employee to be credited with an additional 1.5 hours of daily overtime. On April 4, 2008, the overtime hours increased to 2.0 per day. When Superintendent of Schools James Notter notified the Payroll Processor and the employee on June 16, 2009 that there would be no more overtime, Garretson countermanded his boss's order two days later, directing the Payroll Processor to continue the overtime payments "until I say otherwise." On December 5, 2005, Garretson authorized a similar arrangement for the Capital Planning and Programming employee, whose automatic daily overtime jumped from 1.5 hours to between 2 and 2.5 hours on February 6, 2006. Auditors summarize, "During the last two (2) years, one employee was compensated over \$43,000 and the other was compensated over \$50,000, in addition to their regular salaries."

Throughout his tenure, Superintendent of Schools James Notter ran interference for Garretson. As exemplified in the recent audit, chronic construction overpayments were orchestrated with alarming regularity, statutory fiscal protections were breached, paper trails were doctored and standard construction practices were mercilessly adulterated for the express purpose of generating inordinately lucrative contracts for builders willing to throw campaign fundraisers and filter back hard cash through shared lobbyists and political consultants. Whenever auditors offered irrefutable evidence of Garretson's mismanagement or Board decisions that clearly compromised public interests, Notter's reaction would rarely exceed a promise "to look into it." Commenting on his ex-boss, one Project Manager opined, "Garretson saved the district some money. The problem is...nobody knows where it is."

In contrast, members of the district's watchdog audit committee view the audit's conclusions as vindication for frustrating years of futile complaints that fell on deaf ears. Broward Coalition President and audit committee member Charlotte Greenberg said "This is probably the poster child for what has been going wrong in the facilities department." Another committee member, Mary Fertig, asked "When are people held accountable? We're talking millions and millions and millions of dollars." Although abuses uncovered in the audit amount to almost \$75 million in misspent taxpayer dollars, when measured against the broad range of fiscal havoc wrought by School Board members and former Deputy Superintendent Michael Garretson, the damage seems negligible.

When the Broward County student population began declining in 2006, instead of adapting construction policy to the shrinking demographics, School Board members aggressively ramped up new classroom construction, adding tens of thousands of vacant desks to the district inventory over the past three years. If the State hadn't literally ordered the School Board to knock it off, they would still be grinding out classrooms for imaginary students. The 34,800 empty classroom seats projected for the 2012-2013 school year translates into 1392 vacant classrooms (using the 25-student class size mandated for Grades 9-12). Since the average cost of a Broward classroom is \$250,000, these guardians of the public trust produced ZERO BENEFIT for a mere \$348 million (an extremely conservative estimate

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since using the 22-student class size mandated for Grades 4-8 would generate 1582 empty classrooms costing \$398 million and using the 18-student class size mandated for Grades PreK-3 would generate 1933 empty classrooms costing \$483 million; the average \$410 million loss is probably more realistic).

The usual Required Local Effort (RLE) tax revenues proved no match for the clinical efficiency with which the School Board squandered resources. Empowered to raise additional funds by selling Certificates of Participation (COPs) without voter approval, the School Board booked \$2,051,715,077 in debt to help grease the wheels. Of the \$1,285,355,000 appropriated for capital outlays in the 2009 5-year DEFP-budget, \$762,879,000 will service the \$2 billion mortgage magically cosigned by every Broward taxpayer. The remaining 40% will be used to pay the bills... or contractors... and the hits just keep on coming!

For additional information go to the GMCA web site ([www.galtmile.com](http://www.galtmile.com)) click on the headline "Corrupt...Or Just Plain Stupid" in the center column of the home page. To verify the described abuses, click on the links throughout the article. •

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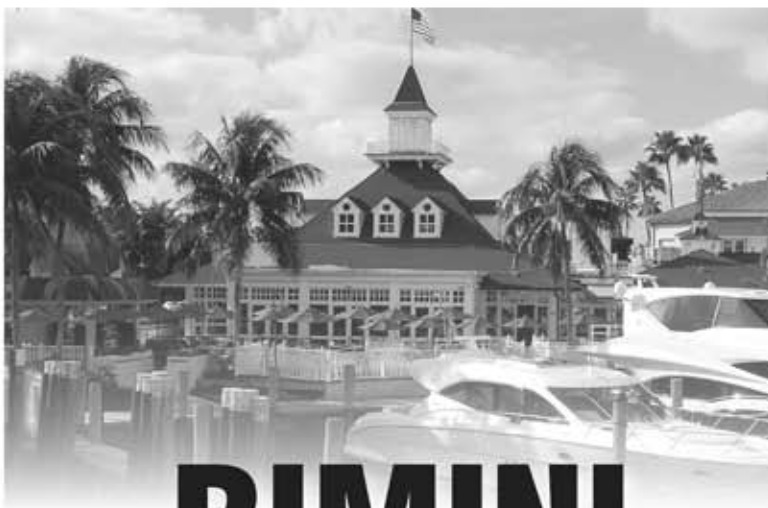
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# A Galt Mile Tribute to

## Ellyn Bogdanoff

By Eric Berkowitz

On June 7th, an unusual GMCA Presidents Council meeting was convened at L'Hermitage I. Instead of plowing through the planned agenda, this final assemblage before the summer break was largely a tribute to Representative Ellyn Bogdanoff and the successful legislative session. In addition to the recent passage of Bogdanoff's Sprinkler Retrofit Relief Bill (SB 1196); several bills that would have either driven up unit owner costs or savaged their rights were vetoed by Governor Crist. Joining Bogdanoff were Broward Mayor Ken Keeshl and Donna Berger, a managing Partner at Katzman Garfinkel Berger – with historical ties to the Galt Mile Community Association. An activist Association attorney, Berger is the Executive Director of the Community Advocacy Network (CAN), an organization conceived to further the interests of Community Associations. In addition to drafting elements of Bogdanoff's bill, Berger testified on its behalf before legislative vetting committees.

Following a deferential introduction, Ellyn sought to give the session's events some historical perspective. She turned back the clock to early 2009, when she filed House Bill 419. HB 419 was the Statehouse version of the ill-fated Senate Bill 714, the Association Glitch bill vetoed by Governor Crist. Calling corrective legislation a "Glitch Bill" implies that some faulty regulation was simply a product of human error. More often than not, lobbyists and lawmakers colluded to suck the blood from an association's neck.

Loaded with a broad spectrum of corrective provisions, the bill sought to undo expensive, pointless and/or damaging regulations (glitches) initially drafted by lobbyists hoping to graze on the fertile condo market. More importantly, it postponed from 2014 to 2025 the deadline for retrofitting high rise association structures with an extremely expensive fire sprinkler system. Ironically, her failed bill was the precursor to this year's Omnibus Association Bill - Senate Bill 1196.

Following the frustrating final chapter of last year's session, flustered supporters of SB 714 lamented their inability to react incisively to the lobbying pressure that "flipped" the Governor into opposing a badly needed bill that was overwhelmingly approved by the legislature. To avoid a repetition of that demotivating experience, associations organized a network that enabled proponents to effectively communicate during the legislative session. At its heart was Donna Berger's Community Advocacy Network (CAN), which facilitated statewide caucusing among association allies, enabling them to develop and implement timely responses to rapidly changing events. While funneling bill updates to proponents, Berger interpreted their legal impact.

A political achievement in Tallahassee is measured by the strength of its opposition. When asked about the obstacles she successfully circumvented during the session, Bogdanoff downplayed any inference of controversy, mentioning only the flack she took from Fire Marshals employed by the Sprinkler Associations. The audience didn't buy it. Last year, the Glitch bill's supporters were kept abreast of its progress by reading questionably accurate media reports or from intermittent Advisory Board briefings. This year was different.

Due primarily to Berger's efforts, a majority of the audience was already familiar with the battles fought by their Statehouse Representative en route to passing of this year's Omnibus Association bill. Since Representative Bogdanoff is running for the District 25 Senate seat vacated by Florida CFO Candidate Jeffrey Atwater, she sought to avoid what her opponent might paint as gloating. When she hesitated to "sensationalize" her efforts, Donna Berger, Mayor Keeshl, and GMCA officials filled in the blanks.

Continued on page 15



Having tracked and documented the 2010 session's twists and turns, GMCA V.P. Eric Berkowitz declared that Bogdanoff had to overcome the State's most powerful special interests to succeed, not just a few Fire Marshals. He said "When she doubled the existing statutory cap for foreclosing lenders and released millions of association members from a forced purchase of HO-6 unit owner insurance by their associations, she upended the Banking lobby and the insurance industry, arguably the two most powerful special interests in Tallahassee." He continued, "Until SB 1196 was passed, every bill proposing foreclosure relief was summarily stomped into oblivion by the Bankers Association."

Donna Berger added, "Ellyn's bill reversed the mandate requiring every association member to name their association as a beneficiary on their individual unit owner condo policy. It also removed the right of associations to force place coverage if the unit owner doesn't produce an evidentiary certificate of insurance. By returning these decisions to unit owners, Ellyn's bill truncated an income stream for the insurance industry." Berger warned that the bill doesn't alter unit owners' liability for their own properties. "Make no mistake, unit owners are still responsible for damage to any element ordinarily covered in an HO-6 policy. In fact, SB 1196 provides in greater detail what these policies must include, shedding light on longstanding coverage gray areas."

Berger angrily lashed out at a small group of bloggers she called "naysayers", who complained that doubling a foreclosing lender's liability from 6 to 12 months of association dues was a meaningless gesture. "These people that attacked Ellyn's bill are unaware of the political climate in Tallahassee. Had she attempted to also increase the 1% cap, it wouldn't have had the votes in the legislature - period." Alluding to the annual lending industry policy of blocking any form of foreclosure relief, Berger was perplexed by blog entries that seemed to expound "If you can't eat steak, why eat?"

The anonymous "naysayers" also contended that, under certain circumstances, the bill may only add one or two extra months to the lender's liability. Berger asked "Have we become so jaded that we can afford to turn down one or two extra payments? This year, we broke a longstanding barrier. Hopefully, we can add to this with additional improvements next year. However, anyone implying that getting nothing is better than getting a little is living in a dream world. Many associations are hanging on by their fingernails. Receiving several additional payments from otherwise non-producing units could spell the difference between survival and receivership for these associations' unit owners."

Seeking to address a misconception about the legislation, Bogdanoff said "Most media depictions of the bill focus on the fiscal relief it provides to hard-pressed unit owners and struggling associations trying to outlast the recession. As a result, many people misunderstand its rationale." She explained that the bill doesn't recommend that associations opt-out of installing sprinklers or purchase alternative insurance products. Bogdanoff clarified "The legislation simply returns critical association decisions to the association's homeowners. It is based on the premise that an association's unit owners are better equipped to make decisions about their life safety and insurance needs than lobbyists or lawmakers in Tallahassee."

Broward Mayor Ken Kechl agreed that the bill was about self-governance. "When I visited Tallahassee, I met with Ellyn to ask her assistance with enacting a legislative basis for our new ethics code." The Mayor pointed out that since he is a Democrat, her help navigating the predominantly Republican Capital was invaluable. "When it involves her constituents, Ellyn is non-partisan. I feel the same way. When addressing District issues, the last thing I care about is a constituent's political affiliation." Every year, Broward's Mayor visits Tallahassee and Washington D.C. to press the County's State

Continued on page 18

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<b>18</b>  Marlins v Nationals Sun Life Stadium 1:10 p.m.  Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166	<b>19</b>  Marlins v Rockies Sun Life Stadium 7:10 p.m.  Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033	<b>20</b>  Marlins v Rockies Sun Life Stadium 7:10 p.m.	<b>21</b>  Marlins v Rockies Sun Life Stadium 7:10 p.m.  <b>"Achieving Your Full Potential"</b> Health and Wealth topics by Dr. Michael Bowerschmidt, & Leann Barber, Financial Advisor <b>Location:</b> Full Potential Healthcare (3079 E Commercial Blvd, Suite 201) 3 p.m. Info.: 954-306-6497
<b>25</b>  Marlins v Braves Sun Life Stadium 1:10 p.m.  Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166	<b>26</b>	<b>27</b>	<b>28</b>  Summer Movie Series "Avatar" Las Olas Lawn 8 p.m.
<b>1</b>  <b>Sunday Jazz Brunch</b> Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985  Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166	<b>2</b>  Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033	<b>3</b>  American Idol Live! BankAtlantic Center 7:30 p.m. Tix.: bankatlanticcenter.com	<b>4</b>  Summer Movie Series "Happy Feet" Las Olas Lawn 8 p.m.
<b>8</b>  Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166	<b>9</b>  Aerosmith BankAtlantic Center 7:30 p.m. Tix.: 954-835-7825	<b>10</b>	<b>11</b>  Summer Movie Series "The Muppet Movie" Las Olas Lawn 8 p.m.  Kathy Griffin Hard Rock Live 8 p.m.

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<p><b>15</b> Ringo Starr &amp; 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><b>16</b> Jazz on the Square The Village Grille Commercial Blvd. &amp; A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park BRASS EVOLUTION (10-piece Show Band) Info.: 954-828-5363</p>	<p><b>17</b> Riverwalk Trust Urban Market 400 SW 2nd Street (Along the Riverwalk) 8 a.m. to 1 p.m. Info.: 954-468-1541</p> <p>Comedian Ron "Later Salad" White Broward Center Tix.: www.browardcenter.org</p>
<p><b>22</b> Marlins v Rockies Sun Life Stadium 12:10 p.m.</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p><b>23</b> Jazz on the Square The Village Grille Commercial Blvd. &amp; A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park MARY WASHINGTON BROOKS (Blues) Info.: 954-828-5363</p>	<p><b>24</b> Dig the Beach Volleyball Series USAV Regional Championships (Through 7/25) S. Beach Park 7 a.m. to 8 p.m.</p> <p>Buckler Craft Fair (Through 7/25) War Memorial Auditorium Info.: 954-828-5380</p>
<p><b>29</b> BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p> <p><b>"Preparing Your Estate Plan"</b> Topics by Leann Barber, Edward Jones, &amp; Greg Medallie ESQ, Medallie &amp; Medallie Galt Mile Reading Center, 3 p.m. Info.: 954-303-6750</p>	<p><b>30</b> Jazz on the Square The Village Grille Commercial Blvd. &amp; A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park VIVA CLASSIC ROCK 'N ROLL Info.: 954-828-5363</p>	<p><b>31</b> Riverwalk Trust Urban Market 400 SW 2nd Street (Along the Riverwalk) 8 a.m. to 1 p.m. Info.: 954-468-1541</p>
<p><b>5</b> Justin Bieber BankAtlantic Center Tix.: 800-745-3000</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p><b>6</b> Jazz on the Square The Village Grille Commercial Blvd. &amp; A1A 7 p.m.</p> <p>Starlight Musicals Holiday Park JIMMY STOEW &amp; THE STOWAWAYS (Tropical Rock/Jimmy Buffet) Info.: 954-828-5363</p>	<p><b>7</b></p> <p>Ft Lauderdale Antiques &amp; Collectors Faire (Through 8/8) War Memorial Auditorium Info.: 954-563-6747</p>
<p><b>12</b> 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><b>13</b> Jazz on the Square The Village Grille Commercial Blvd. &amp; A1A 7 p.m.</p>	<p><b>14</b></p> <p>Gun and Knife Show (Through 8/15) War Memorial Auditorium Info.: 954-828-5380</p>

## UPCOMING EVENTS IN OUR AREA

August 25  
Natalie Merchant

Broward Center for the Performing Arts  
Tix.: www.browardcenter.org

August 29  
Hippifest

Broward Center for the Performing Arts, 7 p.m.  
Tix.: 954-462-0222

August 31

Tears For Fears

Broward Center for the Performing Arts, 8 p.m.  
Tix.: 954-492-0222

September 25-November 20

Synergy Dragon Boat Racing Series  
Quiet Waters Park  
Info.: 954-232-7434

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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Starlight  
Musicals

and Federal legislative agenda and explore potential funding opportunities. "Ellyn also took the time to explain the terms of her bill. It allows homeowners to decide whether or not they need a sprinkler system. In fact, the Broward Commission passed a resolution supporting her legislation."

A L'Hermitage I resident surprised the Mayor when she abruptly asked, "Where is our sand?" The nearly 60 association representatives in the room snapped to attention. Mayor Keechl thanked her for asking about the long delayed Beach Renourishment Project. Keechl explained "Our Beach Administrator is actively pursuing the new Segment II permitting requirements and the actual renourishment of Fort Lauderdale's Beaches is scheduled for late 2011."

The N Broward segment of the beach project (Segment II) hit a snag last year when communications between the Broward Biological Resources Division and the Florida Department of Environmental Protection broke down. While the two agencies were locked in an enigmatic bureaucratic limbo, the Federal permit authorizing the project expired. Before the renourishment could proceed, the tests required to support a new permit had to be repeated. Since Florida DEP Chief Mike Sole came to Tallahassee by way of Broward County, he is intimately familiar with the project's scientific and engineering parameters. He agreed to personally oversee future inter-agency communications. To insure that its Broward counterpart also moves expeditiously, Mayor Keechl made a comparable commitment to monitor their progress.

Keechl continued, "Broward's Beach Renourishment is wholly dependent on the State and Federal resources allocated to fund the project. When I traveled to Tallahassee, I checked on that funding. I did the same during my trip to Washington. While the money is theoretically dedicated to the project, it is continuously under siege by lawmakers with other agendas. I am pleased to report that the renourishment funds in Tallahassee and Washington D.C. remain intact."

Digressing, the Mayor asked, "I wonder if many of you know just how unique this neighborhood is." He said that the devastating B.P. oil spill reminds him of the Calypso Project. "Every time I hear anything about the terrible damage caused by the spreading oil, I am so grateful that we won our fight with Suez to thwart installation of the Liquefied Natural Gas plant just off our beach. I keep remembering the Suez spokespersons promising that disasters were 'absolutely impossible' and that we were 'paranoid'. We won because they made a terrible mistake. They chose a site next to the most organized, determined and politically active community in the entire State." Turning to Ellyn Bogdanoff, the Mayor added, "Ellyn and I have often discussed how nobody messes with the Galt Mile neighborhood."

Turning to the upcoming County budget, Keechl confirmed that Broward will see some painful cuts. Paying for threatened services with funds diverted from planned Capital Improvement Projects is not an option, since enhancing the Airport and Port Everglades are necessary to maintain Broward's competitive edge - an unconditional requirement for pulling the County out of this recession. He explained that the new scaled-down Courthouse will be built primarily with funds made available by retiring \$36.4 million in debt originally incurred to build parks and libraries - not with tax dollars. Keechl reminded the members that, over the past 3 years, the County Commission cut the annual recurring tax burden by \$385 million.

Having played an integral part in saving the Galt Mile Reading Center from last year's budget axe, Keechl warned the attending representatives that parks and libraries are generic candidates for the annual budget block. Since about 88,000 items were checked out during the roughly 125,000 resident visits in 2009, the Galt Ocean Mile Reading Center is arguably the most popular local re-

**Bogdanoff exclaimed, "It's very rewarding to represent a community whose residents set aside their differences to face adversity with a single voice." While appreciative of her compliment, longtime association representatives in the audience knew that the community's residents never set aside their differences, they celebrate them.**

source on Galt Ocean Drive. The modest Reading Center is also the only County amenity received by Galt Mile taxpayers in exchange for their huge annual revenue contribution. Mayor Keechl invited the attendees to a July 1st meeting at the Reading Center that he planned to attend. Characterizing the event as first in a series of survival strategy planning sessions organized by Friends of the Galt Mile Library President Herman Gardner, the Mayor added "Anyone concerned with keeping the Galt Library's doors open is welcome to participate."

As a parting shot, Berger described a serendipitous post-session premium. While flooding the Capitol with correspondences supportive of SB 1196, thousands of unit owners added their concerns about other bills that would have adversely impacted their homes, ultimately contributing to the Governor's decision to veto an insurance bill guaranteed to hike rates (SB 2044) and a Design Professionals Bill that would have insulated Engineers and Architects from legal redress for blatant malpractice, breach of contract or failure to perform (SB 1964). Had either of these pork byproducts slipped by the Governor, they would have provided the ingredients for another Glitch Bill.

Prior to adjourning the meeting, GMCA President Pio Ieraci introduced Alliance of Delray Board member Barbara Zee, who serves with Ieraci on the CAN Advisory Council. Representing 72 Delray associations with 70,000 residents, she was last here in 2008 when Congressman Ron Klein was collecting data for a national catastrophe insurance bill. Ms. Zee was instrumental in soliciting her Delray neighbors' support for Bogdanoff's legislation. In addition to praising Bogdanoff for her unrelenting support of home rule, Barbara credited her for catalyzing statewide participation in this year's legislative process by tens of thousands of ordinarily passive unit owners (i.e., the nearly 9,000 emails sent from the Galt Mile website).

After thanking the audience members for the tribute and their support, Representative Bogdanoff verified Mayor Keechl's observation about the Galt Ocean Mile neighborhood. Bogdanoff exclaimed, "It's very rewarding to represent a community whose residents set aside their differences to face adversity with a single voice." While appreciative of her compliment, longtime association representatives in the audience knew that the community's residents never set aside their differences, they celebrate them. While there are unfortunate exceptions in every association, most Galt Mile residents are well aware at the neighborhood's strength draws from its diversity. Although occasionally dysfunctional - like an extended family - we are always there for one another when it counts. •



# GALT MILE NEWS

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