

GALT MILE NEWS

APRIL 2011

THE OFFICIAL NEWSLETTER OF THE GMCA

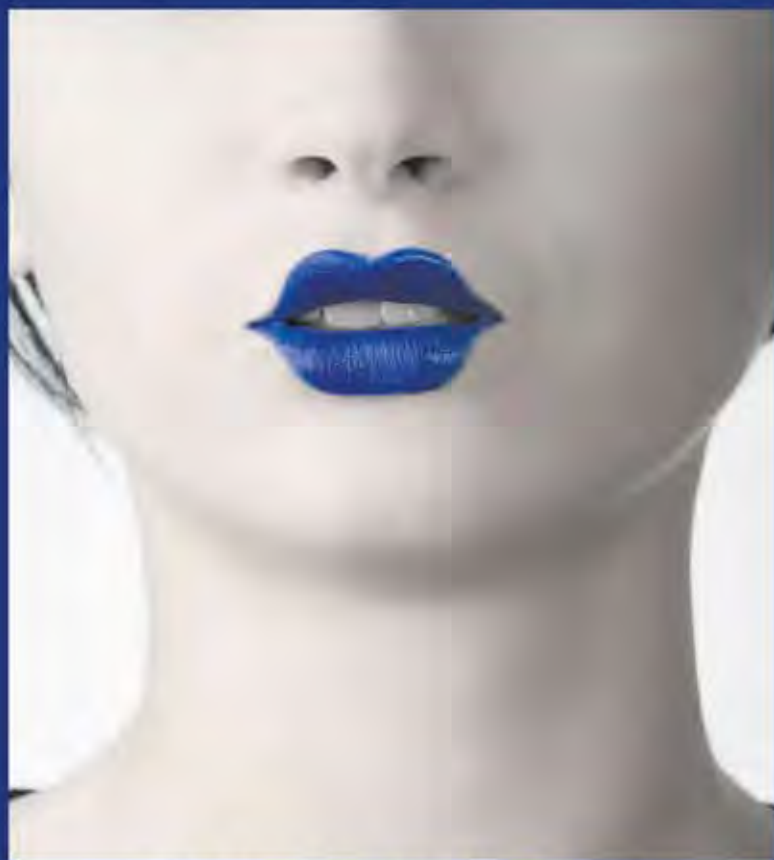


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ASSOCIATION BILLS AT THE OPENING BELL

By Eric Berkowitz

The 2011 Legislative Session kicked off on March 8, 2011. Hoping to build on last year's landmark gains, two community association advocacy organizations helped pro-association lawmakers draft updated glitch legislation for the new session. Glitch bills supported by the Community Association Leadership Lobby (CALL) and the Community Advocacy Network (CAN) were formulated to correct or eliminate regulations that either failed to adequately address the problems for which they were originally designed or actually exacerbated them. About two dozen other association bills are the handiwork of individual lawmakers seeking to address constituent complaints or hometown issues. Since they are often superficially conceived and carelessly drafted, many inadvertently mask unintended consequences. If these residual legislative land mines aren't uncovered and diffused during the committee review process, they become fodder for future glitch bills.

Screaming "It's the economy, stupid," voters closed their eyes last November and clicked their heels three times before replacing public officials with anyone who promised a brighter future. When the electorate falls on its sword and hopes for the best, Tallahassee temporarily resembles Oz. That's why association advocates are also monitoring bills that exploit everyone under the banner of breathing new life into the sagging economy.

Of specific concern are bills drafted by lobbyists that promise a fairy tale recovery as soon as we repeal consumer protections,

allow unlimited rate hikes and either close the courts or kill the trial lawyers. By opening day, four such bills were filed by the insurance industry, design professionals, the energy industry and the Bankers Association – with more on the way. Of the roughly 40 bills already filed that impact associations, 4 or 5 may survive Sine Die. While most of the association bills will be surgically substituted, repeatedly merged or suffer a lonely death on the calendar, some will probably make it to the final week. Since legislative survival requires approval by the Statehouse and the Senate, the following list depicts similar or identical "sister bills" in both houses. Have a gander at this year's opening day lineup:

SB 328 by Senator Gwen Margolis and HB 59 by Rep. John Patrick Julien (identical) Grants authorized process servers unannounced access to the common areas, both general and limited, of condominiums, gated communities and any other secured residential areas where a defendant or witness may live. (WHOOOPS! Since private and semi-private elevators are classified as limited common areas, the bill could provide a process server with direct access to an owner's unit in certain buildings unless the language is corrected).

SB 476 by Senator Greg Evers and HB 883 by Rep. Mike Horner (similar) Public Lodging Establishments: Current law – Chapter 509.242(1)(c) – recognizes transient (allows rentals more than three times per year for periods of a month or less) and nontransient (rentals for a month or more) public lodging establishments.

Continued on page 7

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The bill would raise both thresholds from one to six months. A vacation rental is any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family or multi-family house or dwelling unit.

SB 530 by Senator Mike Fasano and HB 1035 by Rep. James W. "JW" Grant (identical) Supported by CALL (Becker & Poliakoff's Community Association Leadership Lobby), this community association glitch bill contains the following provisions (among others):

- Although personnel records are not available for inspection by owners, employment agreements and budgetary and financial records that indicate the compensation paid to employees will be available.
- Owners may consent to the disclosure of their protected contact information.
- Will allow condominium association boards the right to hold closed meetings to discuss personnel matters, without an attorney being present (note: homeowners' association boards already have this right).
- Provides to condominiums and HOAs the ability to lien for management fees related to delinquencies, a right provided to cooperatives in last year's SB 1196. The CALL proposal will clarify the rights and responsibilities of the management company providing these services and will allow the association to insure that the additional expense is passed on to the delinquent owner.
- When a condominium, cooperative or homeowners' association unit owner is delinquent in the payment of monetary obligations to the association, any unpaid rent due related to the unit/share/parcel must be paid to the association until such time as all the "monetary obligations" of the owner, including unpaid assessments and obligations that accrued before the demand for rent is made, have been paid in full to the association.
- Clarifies procedural steps for condominiums, cooperatives, and homeowners' associations when suspending use rights and/or voting rights for owners delinquent in the payment of assessments.
- SB 530 includes other provisions regarding condominium termination; condominium bulk-buyers; condominium association authority to enter into agreements to acquire leaseholds, memberships, and other possessory and use interests in country clubs, golf courses, marinas, and other recreational facilities; and bulk communication, internet and information services for homeowners' associations.

SB 712 by Senator Gwen Margolis and HB 1373 by Rep. Franklin Sands (identical) Specifies that the use of the following common elements can be suspended for condominium owners who are 90 or more days delinquent: recreation facilities, pools, gyms, meeting rooms, cable television services, internet service, and valet service.

SB 738 by Senator Eleanor Sobel and HB 127 by Rep. Hazelle P. Rogers (identical) Requires any party taking title to real property via foreclosure where a "bona fide tenant" is in residence to give ninety (90) days' notice for that tenant to vacate. (WHOOOPS! This will impact an association's ability to remove a nuisance tenant after taking title to the unit/lot).

SB 784 by Senator Christopher L. Smith Upon filing of foreclosure the landlord or mortgagor shall tender to the registry of the court or, at the foreclosing entity's election, to the foreclosing entity, all funds held for advance rent or security deposits for tenants of the mortgaged property. (WHOOOPS! will impact associations as landlords renting out properties subject to outstanding mortgages).

SB 1112 by Senator Nancy C. Detert Offers a reward for people who rat out homestead violators to the local property appraiser's office. If the info proves correct and the tax collector recovers assessed penalties, the rat scores a reward of up to 20% of the amount recovered in back taxes, interest and penalties not to exceed \$500. It also requires condominium and cooperative associations to annually provide the property appraiser with a list of units rented during the previous year, enabling the property appraiser to identify units improperly receiving Homestead Exemptions.

SB 1132 by Senator Gwen Margolis It amends the Cooperative Act (Chapter 719) to prohibit two or more "immediate family members" who reside in the same unit from serving on the board concurrently. The bill defines "immediate family members" to mean a "parent, child, spouse, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, great-uncle, great-aunt, great-nephew, great-niece, first cousin, or second cousin by blood, marriage, or adoption, including half and step relatives."

SB 1516 by Senator Jeremy Ring and HB 1195 by Rep George R. Moraitis, Jr. (identical) Supported by CAN (Katzmann Garfinkel Berger's Community Advocacy Network), this community association glitch bill contains the following provisions (among others):

- Insurance companies would have to notify all unit owners by certified and regular mail if an association having 50 or fewer units cancels or fails to renew its required insurance coverage. A majority of the voting interests may agree in writing to direct the board to obtain substitute coverage. (Last year, after a Broward condominium president unilaterally cancelled the association's insurance coverage, a subsequent fire left the association's 30 families homeless.)
- Provides that associations may install impact glass or other code-compliant windows in the same manner in which they can currently require the board to install hurricane shutters.
- Provides that if a condominium unit is occupied by a tenant and the unit owner is delinquent in paying any monetary obligation due to the association, the tenant must pay the outstanding and future monetary obligations related to the condominium unit. (The current law refers to "future monetary obligations" only).
- Provides that a condominium association or a homeowners' association may not be deemed the previous owner for purposes of joint and several liability for assessments which came due while the association owned the unit or units on which it has foreclosed or taken title via deed in lieu of foreclosure.
- Members of a homeowners' association would have the right to speak for at least 3 minutes on any matter placed on the agenda. It eliminates the requirement that members petition the board in order to be able to speak at a homeowners' association board meeting.

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Speaker of the Florida House Dean Cannon
with President of the Florida Senate Mike Haridopolos

- Provides that homeowners' association elections must be conducted in accordance with the election procedures in s. 718.112(2)(d)3., Florida Statutes. In other words, HOA elections would adhere to the same procedures that govern condominium elections including a 60-day first notice, self-nominations 40 days in advance of the annual meeting, second notice, two-envelopes, secret ballots, etc.
- Co-owners of a parcel in a homeowners' association may not simultaneously serve as board members unless they own more than one parcel or unless there are not enough eligible candidates to fill the vacancies on the board.
- A person who is delinquent in the payment of any fee, fine or other obligation to the association by more than 90 days would not be eligible for board membership.
- A person who has been convicted of any felony would not be eligible for board membership unless such felon's civil rights had been restored for at least 5 years as of the date on which such person seeks election to the board.

SB 1288 by Senator Alan Hays and HB 799 by Rep. Dana D. Young (similar) This bill would require non-judicial foreclosure for commercial real property, including commercial condominiums. Fed up with the bad publicity generated whenever banks (and/or their attorneys) get caught forging affidavits, applying fraudulent notarizations and forging mortgage note assignments to grease foreclosure procedures and expedite cash flow, the Florida Bankers Association drafted this proposal to cut the courts out of the process.

SB 288 by Senator Joe Negron and HB 605 by Rep. W. Gregory Steube (similar) The 2011 version of last year's SB 1964, a bill vetoed by Governor Crist because it literally deified Design Professionals. SB 288 immunizes architects, interior designers, landscape architects, engineers, & surveyors to legal redress. It contains an intriguing Catch-22 provision specifically designed to eliminate both liability and the cost of malpractice insurance for these professions.

• The legislation allows recovery of economic damages up to the amount of the design professional's existing liability insurance coverage. Since current Florida law doesn't actually require this insurance and the bill would otherwise render them judgment-proof, Design professionals will have little incentive to purchase malpractice insurance. In effect, by cancelling their insurance, they also cancel their exposure. Unless an association's engineer, interior designer and/or architect feels morally compelled to pay premiums for a malpractice policy, the association cannot recover damage costs for negligence, defective designs and/or other professional foul-ups. If an engineer designs, oversees construction for and signs off on a structurally defective roof that collapses later that day or a landscape architect turns the entire association grounds into crispy brown mulch overnight, the association would not even be legally entitled to an apology.

• No other class of professional has ever been so completely financially insulated from damages stemming from negligence or professional mistakes. As doctors,

lawyers, and accountants cannot limit exposure for their own negligence, extending this all-encompassing immunity to engineers, architects and Interior Designers conjures a universe without gravity. They rationalize this clearly inappropriate legal invulnerability by asserting that if they wouldn't have to worry about paying for their screw-ups, they could cut us a break on the cost of their services. However, the potential savings is a joke when compared to the financial damage that results from defective design.

SB 408 by Senator Garrett S. Richter and HB 803 by Rep. John Wood (similar) The 2011 incarnation of last year's SB 2044, a large property insurance bill vetoed by Governor Crist. The 113-page carrier's dream bill allows insurers to hike rates to offset discounts to homeowners for hurricane mitigation measures such as impact windows and hurricane shutters. It reduces the notice required for cancellation or non-renewal of a customer's policy from 6 to 3 months and allows carriers to spontaneously change amounts paid to policyholders for damages. On the bright side, some of the regulations it removes have a numbing affect on market competition. Like last year's bill, SB 408 is chock full of other "goodies" that will appeal to shareholders, not policyholders.

SB 638 by Senator David Simmons and HB 4129 by Rep. Steve Crisafulli (identical) Deletes Citizen's residential property structural soundness evaluation grant program.

SB 646 by Senator Nancy C. Detert Requires a mobile home park owner who receives a bona fide offer for purchase of the park to provide certain notice to the homeowners' association.

SB 650 by Senator Dennis L. Jones and HB 423 by Rep. Jeanette M. Nuñez (identical) A lien, penalty, fine, or other administrative or civil proceeding may not be brought against a mobile home owner or mobile home for any duty or responsibility of the mobile home park owner under Section 723.022 or against a mobile home park owner or mobile home park property for any duty or responsibility of the mobile home owner under Section 723.023. If a unit of local government finds that a violation of Section 723.022 or Section 723.023 has occurred, the unit of local government shall cite the responsible party for the violation and enforce the citation under its local code and ordinance enforcement authority.

SB 832 by Senator Mike Fasano and HB 583 by Rep. Kenneth L. Roberson (similar) Provides that the Division must give notice to the homeowners' association of any proposed amendments to a prospectus or offering circular. Defines the "market area" or "competitive area" for comparable mobile home parks as the county in which the subject park is located along with any contiguous counties.

Continued on page 9

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SB 510 by Senator Jack Latvala and HB 535 by Rep. James C. Frishe/Rep. Peter Nehr (identical) Extends the repeal date for the Hurricane Loss Mitigation Program from June 30, 2011 to June 30, 2021.

SB 346 by Senator Nan H. Rich and HB 361 by Rep Scott Randolph (similar) Creates the Competitive Workforce Act. Revises protected classes to include sexual orientation and gender identity or expression as impermissible grounds for discrimination. Specifies when an individual has an impairment for certain purposes. (WHOOOPS! Potentially long-ranging impacts should this bill pass on associations as both employer and as housing provider).

SB 332 by Senator Mike Fasano and HB 173 by Rep. James C. Frishe (identical) Authorizes the Board of Trustees of the Internal Improvement Trust Fund to lease sovereign submerged lands for private residential use. "Private residential use" means a use for private, recreational or leisure purposes for a single-family residence, cottage, or other such single dwelling unit or a noncommercial multifamily development including condominiums, cooperatives and homeowners' associations, including resident-owned mobile home parks. The maximum initial term of such lease shall be 10 years and shall be renewable for successive terms of up to 10 years.

As the session progresses, bills harmful to associations and unit owners will be discussed on the Galt Mile web site (www.galtmile.com) where links will be provided to both the bills and the lawmakers controlling their fate. Visit the Community Advocacy Network (CAN) web site (www.canfl.com) for a comprehensive explanation of the session's most threatening bills, a breakdown of their consequences and a response system that is extremely convenient and user friendly. You can also check the Community Association Leadership Lobby (CALL) web site (www.callbp.com) to keep pace with session events. Each of these association advocacy organizations also maintains a blog that follows the legislative session's overnight surprises. CAN Executive Director Donna Berger authors Condo and HOA Law (www.condoandhoalawblog.com). CALL sponsors the Florida Condo & HOA Law Blog (www.floridacondohoalawblog.com). Both blogs are invaluable resources for investigating community association issues. The deal is simple. If everyone leaves this task to their neighbors, in 2012, we will all be paying for the antics that transform Tallahassee into Oz for several months each year. Is it worth a few minutes to hang on to your rights... and your wallet?•

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FROM THE DESK OF COMMISSIONER ROBERTS

Visioning Committee - A New Vision for Fort Lauderdale

In 2010, the City Commission established a Visioning Committee to spearhead a community initiative to outline a vision for Fort Lauderdale's future. The Committee's charge is two-fold:

- Determine the most effective way to reach out to the community to seek input on the vision for Fort Lauderdale from all individuals, including those that are under-represented;
- Use the information obtained to craft a city-wide vision that reflects the hopes and viewpoints of all stakeholders and guide the City Commission in their future policy and decision-making.

Chaired by former City Commissioner Tim Smith, the 11-member Committee represents diverse experience in banking, real estate, development, smart growth and government. Other members of the Committee include Vice Chair Stanley Eichelbaum and former City Commissioner Gloria Katz. At the February 15th Commission Meeting, it was decided to accept the Visioning Committee's recommendation to employ Wallace, Roberts & Todd to conduct and facilitate this process.

City Manager Search

As indicated in a previous newsletter, we had selected Bob Murray & Associates to work with our citizen City Manager Search Committee to narrow the field of applicants to a manageable number, which would then be interviewed by your Commission at a public meeting. We are tentatively set to conduct those interviews in mid April. We will announce specific information as soon as it becomes available.

Makeover at Fort Lauderdale Beach Park Parking Lot Begins

The renovation of the Fort Lauderdale Beach Park parking lot has begun. The City began demolition of the parking lot at 1100 Seabreeze Boulevard as part of a 1-year project that will include improved access, ADA enhancements and beautification of the parking area. Under the renovation plan, the City will place utilities under ground. The existing retaining wall will be replaced with a new wave wall that will match the existing wall located north of the park. Trees will be setback from A1A as required by the Florida Department of Transportation. The existing sidewalk will be widened from seven feet to 13 feet and turtle compliant lighting will be installed. Landscaping plans include 104 new Coconut Palms, 12 relocated Sabal Palms, 45 new Green Buttonwood Trees, seven Thatch Palm Trees, as well as ground cover, shrubs and a decorative fence. The parking lot will be milled and resurfaced in phases for the purpose of accommodating parking customers during much of the construction project. While the work is being completed, convenient barrier island parking alternatives include the following:

- "E Lot" on East Las Olas Circle (located below the Las Olas Blvd Bridge)
- "Oceanside Lot" at 400 Seabreeze Boulevard (A1A & E Las Olas Blvd)
- "R Lot" at 3031 Sebastian Street (A1A at Sebastian Street)
- "U Lot" at SE 5 Street & A1A (adjacent to Alexander Park, across from the Swimming Hall of Fame)
- Street parking is also available at several locations.

Curbside Recycling Collection Services

Currently, there is an Invitation to Bid (ITB) for Curbside Recycling Collection Services. This contract provides for 1 year of the current separated materials bin service and converts to single stream cart service beginning with the second year of the contract. Recent industry reports indicate significant improvements in residential recycling when single stream service is implemented along



with cart service and a strong education program. At this time, the Resource Recovery Board (RRB) has committed to re-funding member cities a minimum of 50% of the cost to purchase the new carts and possibly more. Once the City has received final word from the RRB, Public Works staff will present funding options to the Commission for cart purchase above the RRB refund amount, should it be required.

Graffiti Hotline

The commission office has been getting calls regarding graffiti on fences, poles, buildings, etc. - Please call 954-828-6402 if you see graffiti that needs to be cleaned up.

Undesignated Fund Balance of the General Fund

The Commission requested the Finance Department provide an estimate of the undesignated fund balance of the General Fund as of September 30, 2010. As of today, the estimate for this balance is in the range of \$62 million to \$69 million. Please remember this is subject to final audit adjustments, which may increase or decrease the final balance. This estimate also includes the 10% to 15% policy requirement of a minimum undesignated fund balance calculated against the operating expenditures (estimated at \$256.4 million) of the General Fund for the fiscal year. The minimum undesignated fund balance range is estimated to be from \$25.6 million to \$38.5 million. This results in a minimum estimated amount of \$23.5 million above the 15% maximum described above. The final audited undesignated fund balance amount will be available and presented to the Commission with the Comprehensive Annual Financial Report due April 5, 2011.

Your Commission remains committed to watching your tax dollars. As a reminder, when we compare Fort Lauderdale to Florida's 20 largest cities, we have the 2nd lowest mileage rate in the state. On February 21st, we conducted a second public workshop with our Budget Advisory Board. They are working with our staff to identify further efficiencies of operation and budget reductions. The next public workshop will be on April 23rd at 7 PM.

OFFICE CONTACT: Robbi Uptegrove - 954-828-5033; email: ruptegrove@fortlauderdale.gov. In addition to hosting two pre-agenda meetings twice a month, I am also available to attend your HOA meetings to update your neighborhood on what is going on in the City as well as answer any questions/concerns you may have. Please contact Robbi to schedule.

Continued on page 11

COMMENTS

In Commissioner Bruce Roberts' mid-March 2011 Newsletter, he updates the enigmatic Visioning Committee's progress, the status of the City Manager search, beachside construction, bids for curbside recycling collection services and a Finance Department estimate supporting a currently healthy reserve.

When the City Commission appointed a Visioning Committee, suppositions for its rationale ranged from a support group for the blind to a program assessing the long-term effects of psychotropic drugs on the homeless. According to Resolution 09-303, its purpose is to "Develop and recommend to the city commission an initial model plan that outlines a process to seek the perspectives of under-represented individuals so that a citywide vision will reflect the hopes and viewpoints of all residents in the City of Fort Lauderdale; and to organize a broad based, community focused process and produce a vision plan for the next century that will guide the city commission in their policy and decision making." Amen.

Notwithstanding whether or not they met their somewhat convoluted mandate, their February 2011 decision should satisfy most of the people that live and work in Fort Lauderdale. Instead of embarking on a mythic quest to find an all-encompassing citywide vision, they decided to hire the best city planners that came to the table. One of thirteen regional planners and urban designers considered by the Committee, Wallace Roberts & Todd LLC (WRT) banged out award winning design plans in Philadelphia (PA), Portsmouth (VA) and Greensboro (NC). In Florida, they produced visioning plans for the Village of Key Biscayne and Sanibel – a project that won the 2007 Landmark Plan Award from the American Planning Association. Congrats to the Visioning Committee. The \$403,540 approved by the City Commission for the WRT Fort Lauderdale Vision Plan is money well spent.

While evaluating search models for a new City Manager last October, Commission-

ers Bruce Roberts and Bobby DuBose expressed a preference for interviews by a sizable public panel, similar to the selection model used to choose the Police Chief. Leery of "certain activist groups overwhelming the process," Mayor Jack Seiler insisted that the City Commission question the candidates. When DuBose observed that Seiler's plan squelched public input, the Mayor disagreed, asserting that the public would be allowed to "watch the meetings and provide feedback." With crusading activists reduced to impotent onlookers, the Commission plans to interview the finalists in April. The public, of course, can watch and provide feedback – something like Star Search.

Roberts is rightfully pleased with the City's fiscal safety net. Unlike the last time Fort Lauderdale faced a fiscal crisis, the City has a few gallons in its reserve tank. If the Finance Department's estimated undesignated fund balance weathers the auditor's red pen, in addition to packing the maximum required 15% of operating expenditures, the Commission will enter the next budget maelstrom with an extra \$24 million stuffed in the municipal mattress. If that fails to plug a potential shortfall, they can whittle off another \$13 million and still manage a minimally acceptable 10% cushion. Was it last year that Charlotte Rodstrom characterized the hefty safety net as unfair to taxpayers?*

Mayor Jack Seiler insisted that the City Commission question the candidates.

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THE MOTHER OF ALL DEREGULATION BILLS

By Eric Berkowitz

Each year, lawmakers in Tallahassee file association bills aimed at disrupting the lives of unit owners. The 2011 session's lollapalooza surfaced on March 15th, when the House Business and Consumer Affairs Subcommittee filed their 281-page PCB BCAS 11-01. Packaged as a "Partial Committee Bill", it arbitrarily eviscerates a disparate cross section of State Departments and Divisions. After three hours of debate, it was recommended as a committee bill by a vote of 10 Yeas vs. 5 Nays. The next day it was assigned a number – HB 5005. The bill's light speed progress was no coincidence. House Speaker Dean Cannon [R], a Winter Park attorney, provided it with wings in the Statehouse. Unfortunately, it wholly eliminated provisions establishing the Division of Florida Condominiums, Timeshares and Mobile Homes in the Department of Business and Professional Regulation (DBPR).

The Division has a history of intermittent controversy and has often been slow to respond when confronted by conflict. Nevertheless, prior to its creation, thousands of condominiums were run like Dodge City. Developers refused to relinquish control of association boards long after a majority of the units were sold. Rogue association boards openly colluded with contractors and vendors to bleed association budgets, regularly awarding lucrative association contracts to friends or family. Elections were a joke, as "strongarm" candidates would isolate unit owners, hand them a ballot and extort a signature. In many associations, ballot signatures weren't those of the members. Despite its shortcomings, the Division is the only authority empowered to enforce the statutes that protect associations and their unit owners. If disbanded, there would be no agency equipped to enforce statutory prohibitions against managers or directors looting the reserves, taking payoffs from vendors, failing to provide financial reports, etc. Repeatedly scammed unit owners would have to file a lawsuit against an association that can assess them to defend the suit – not exactly a level playing field.

Currently, a vast number of condominium disputes are sent to the Division Arbitration Section, where 80 – 90% are settled, obviating the need for a lawsuit. If the Division is voided, every dispute winds up in court, where years pass before verdicts are systematically awarded to the party with superior resources.

The bill also repealed Part VIII of Chapter 468 of the Florida Statutes, which licenses and regulates Community Association Managers (CAM), Management Companies and the Regulatory Council of Community Association Managers. Before the State mandated competence standards for Community Association Managers, thousands of associations were fiscally molested by the individuals and companies they hired to operate their home and safeguard its value. Despite an ominous four-page yellow sheet or having recently flunked rehab, career criminals would be adequately credentialed to manage your condominium and control its assets. Management companies would revive the currently illegal practice of contracting condo services to affiliates and subsidiaries, squeezing multiple income streams from association clients. For unit owners, this deregulation horse race means increased maintenance costs and functionally unenforceable rights.

Association unit owners aren't the only Florida residents who would be deprived of their statutory protections by this mega-bill. Among the dozens of Florida businesses it deregulates are a rogue's gallery of industries with nationwide reputations for fraud, theft and abuse. Some of the professions that would no longer be accountable to their customers are home inspectors, intrastate movers, mold-related services, motor vehicle repair shops, charitable organizations, telemarketers and dozens of other businesses that religiously prompt consumer fraud warnings and predominate Attorney General Watch Lists.

Continued on page 13

Businesses targeted for deregulation belong to one of two categories; industries with a verifiable history of fraud and abuse that were regulated to protect the general public or industries that were regulated to offer similar protections to a large population segment - such as the elderly, association members, hurricane victims, homebuyers etc. When initially reviewed by the Business and Consumer Affairs Subcommittee, many of the committee's members tried removing some of the businesses from the deregulation list. Representative Mia Jones offered an amendment that would have preserved regulations governing Community Association Managers and Management firms. Given the committee's political mindset, it was rejected. Ironically, the only businesses that the Subcommittee extricated from the bill were barbers and Cosmetology Specialists such as Hair Braiders, Hair Wrappers, Body Wrappers, Manicurists, Pedicurists and Nail Extension specialists. In their headlong rush to rack up deregulation points with the new administration, pandering lawmakers initially overlooked the direct physical contact with consumers required of these professions' practitioners. Since deregulating them could revive an imminent health hazard, lawmakers expunged them from the list to avoid implicit liability.

When Florida voters indicated their support for deregulation, they weren't prepared to be stripped of laws that protect them from crimes like fraud and theft. Unfortunately, that's irrelevant to many of our lawmakers. Certain legislators intend to exploit the Governor's deregulation mandate by clearing the way for businesses in which they hold an interest. Others are collecting chips from Speaker Cannon, Senate President Haridopolos or Governor Scott that they will cash in when their own pet bills are threatened.

Since the well-publicized purpose of this bill is to revitalize Florida's economy, the House Staff Analysis measures how eliminating the Division contributes to this objective. Condominium and cooperative unit owners would keep the \$4 annual fee they currently pay to support Division functions. That's all - nothing else. Allowing association members to hang

Continued on page 16

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9 a.m. to 4 p.m.
Info.: 954-462-4166

Sunday Jazz Brunch

Riverwalk, Downtown FL
11 a.m. to 2 p.m.
Info.: 954-828-5985

11

Citizen's Crime Alert
City Hall, 7 p.m.
Info.: 954-828-5377

12

Fort Lauderdale
City Commission Meeting
City Hall
6 p.m.

BINGO
Galt Towers Social Room
(4250 Galt Ocean Drive)
7:30 p.m.
Info.: Cyndi Songer: 954-563-7268

13

17

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

18

Erev Pesach (Passover)

Commissioner Bruce Roberts:
Pre-Agenda Meeting
Cardinal Gibbons High School, Media Room
6 p.m.
Info.: 954-828-5033

19

Fort Lauderdale
City Commission Meeting
City Hall
6 p.m.

20

Chicago
Hard Rock Live, 8 p.m.

Business Education Seminar Series
Marketing on a Shoestring Budget
War Memorial Auditorium
5 to 7 p.m.
Info.: 954-828-4752

24

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

25

Fleet Week
(Through 4/30)

26

BINGO
Galt Towers Social Room
(4250 Galt Ocean Drive)
7:30 p.m.
Info.: Cyndi Songer: 954-563-7268

27

1

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

2

Pianist Adam Golka
Broward Center
8 p.m.
Tix.: 954-462-0222

3

Fort Lauderdale
City Commission Meeting
City Hall
6 p.m.

4

Sunday Jazz Brunch

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11 a.m. to 2 p.m.
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Galt Towers Social Room
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8

Urban Gourmet Market
1201 E. Las Olas Blvd.
9 a.m. to 4 p.m.
Info.: 954-462-4166

9

Citizen's Crime Alert
City Hall, 7 p.m.
Info.: 954-828-5377

10

BINGO
Galt Towers Social Room
(4250 Galt Ocean Drive)
7:30 p.m.
Info.: Cyndi Songer: 954-563-7268

11

Pompano Beach Fishing Rodeo
(Through 5/14)
14th St and the Intracoastal, Pompano
Info.: 954-942-4513

ADDITIONAL EVENTS

APRIL 3 - 11: YMCA National Short Course Swimming & Diving Championships, Fort Lauderdale Aquatic Complex, 954-828-4580

APRIL 12: Lady Gaga-Monster Ball Tour, BankAtlantic Center, 8 p.m., Tix.: www.ticketmaster.com

APRIL 15: The Fort Lauderdale Bus Loop, 300 SW 2nd Street, 6 to 11 p.m., Info.: 954-260-6194

APRIL 30: Walk for the KIDS, John U Lloyd State park, Dania, 8 to 10 a.m., Info.: 954-537-7620

MAY 13: Tee By The Sea, Aboard the luxurious Floridian Princess, departing from Bahia Mar, 6:30 to 10:30 p.m., Info.: 561-416-5007

MAY 13 - 14: Women's Power Caucus, Hyatt Regency Pier Sixty-Six

APRIL/MAY

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<p>14 YMCA Masters National Swimming Championship Meet (Through 4/17) Fort Lauderdale Aquatic Complex 8 a.m. to 2 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>15 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Pompano Beach Seafood Festival (Through 4/17) Pompano Beach Info.: 954-570-7785</p>	<p>16 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607</p> <p>Seaside Craft Fair on Hollywood Beach Broadwalk in Hollywood Beach 10 a.m. to 5 p.m. Info.: 954-472-3755</p>
<p>21 G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant 11 a.m.</p> <p>BINGO Southpoint's North Lounge 7 p.m. \$5/person for 3 boards</p>	<p>22 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092</p> <p>Good Friday</p>	<p>23 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607</p> <p>Orchid Show & Sale (Through 4/24) Flamingo Gardens Info.: www.flamingogardens.org</p>
<p>28 Las Olas Wine & Food Fest (Through 5/1) Las Olas Blvd. 7 to 9:30 p.m. Info.: www.lasolasboulevard.com</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards</p>	<p>29 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p>	<p>30 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607</p> <p>The Food & Garden Festival Featuring the 32nd Annual Spring Plant Sale (Through 5/1) Fairchild Tropical Garden 9:30 a.m. to 4:30 p.m. Info.: www.fairchildgarden.org</p>
<p>5</p> <p>BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p>	<p>6 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>West Palm Beach Antiques Festival (Through 5/8) Americraft Expo Center - S Florida Fairgrounds Info.: 941-697-7475</p>	<p>7 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607</p> <p>Kylie Minogue BankAtlantic Center 9 p.m. Info.: 800-745-3000</p>
<p>12 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>13 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Riverwalk Trust Burger Battle II Riverside Hotel Lawn, 620 E. Las Olas Blvd. 7 to 10 p.m. Info.: www.goriverwalk.com</p>	<p>14 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607</p> <p>Fort Lauderdale Gun & Knife Show (Through 5/15) War Memorial Auditorium Info.: 828-5380</p>

ADDITIONAL EVENTS

Saturdays: Yoga @ Riverwalk, West side of Esplanade Park, 10:30 to 11:30 a.m., free, Info.: 954-732-0517
Saturdays: Cardio & strength training @ Riverwalk, Esplanade Park, 11 to 12 p.m., free, Info.: 954-732-0517
Wednesdays: Cardio & strength training @ Riverwalk, Esplanade Park, 6:30 to 7:30 p.m., free, Info.: 954-732-0517

UPCOMING EVENTS IN OUR AREA

May 18

Business Education Seminar Series: Business Insurance and Workman's Compensation
War Memorial Auditorium, 5 to 7 p.m.
Info.: 954-828-4752

May 21 - 22

Buckler's 15th Annual Craft Fair
Americraft Expo Center - South Florida Fairgrounds, W. Palm
Info.: 386-860-0092

May 27 - 30

Ft. Lauderdale Spring Home Design & Remodeling Show
Broward County Convention Center
Info.: 954-667-9299

May 28 - 29

14th Annual Downtown Delray Beach Craft Festival
Delray Beach Tennis Center, 11 a.m. to 5 p.m.
Info.: 954-472-3755

June 1 - July 15

Moonlight, Seaturtles, & You
Museum of Discovery & Science, 9 p.m. to 1 a.m.
Info.: 954-713-0930

June 4 - September 3

Saturday Nite Alive
Fort Lauderdale Beach A1A, 7 to 11 p.m.
Info.: www.thenewfortlauderdalebeach.com

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the cigarette lighter, these lawmakers will have to explain to their constituents how reviving these scams and rip-offs benefitted the state's economy.

The Galt Mile Community Association and similar organizations across the state are working with association advocates in Tallahassee to fight legislation designed to pick the pockets of unit owners. Since trying to overturn bills blessed by the House Speaker and the Senate President is ordinarily an exercise in futility, these pro-association groups and their advocates decided to concentrate their efforts on removing the two legislative elements that impact associations. They opted to use the abbreviated committee reviews to extract the provisions that eliminate the Division and the regulation of Community Association Managers.

To enhance their effectiveness, the committee presentations made by our pro-association advocates in Tallahassee must be backed up by supportive correspondences (email, telephone, fax, etc.) from unit owners. Since there are dozens of other deregulation targets in the bill, receiving thousands of emails from disconsolate association members would convince these lawmakers to carefully weigh whether deregulating associations and their managers is worth the political price of alienating 3.5 million Florida constituents, most of whom are registered voters.

The bill was scheduled for vetting by the House Economic Affairs Committee on March 24th at 8:30 AM, the second of its three planned House Committee stops. In the previous afternoon, a substitute bill that removed the two association-related provisions was filed with the committee. Following a heated debate, the panel approved the Committee Substitute by a vote of 12 Yeas vs. 6 Nays, salvaging both the Division and licensing requirements for CAM managers. Thousands of emails, letters, faxes and phone calls from frothing association members across the state worked their magic.

While the Division and competency standards for CAM managers were temporarily rescued from obliteration, HB 5005 is still filled with provisions that literally invite rip-off artists to molest vulnerable Floridians. You have to admire the raw panache of its supporters in disguising the legislation as an economic recovery measure. While purporting to cut the fat from bloated bureaucracies, it actually rolls out a welcome mat to thousands of incompetent and/or thieving deadbeats that honest members of their respective professions were delighted to be rid of. While the public ponders the bill's mysterious benefits, dedicated statutory trust funds quietly become budget fodder. As illustrated in the bill's House Staff Analysis, in exchange for eliminating the laws that cleaned up dozens of disreputable professions, the state's economy gets a goose egg - NADA!

That's not all these tricky doggies have up their sleeves. On March 26th, the House released its first draft budget. Buried on page 360 is a planned transfer of \$6.2 million from the Division of Condominiums, Time Shares and Mobile Homes Trust Fund to the State School Trust Fund. Although they relented on deregulating the Division, lawmakers still intend to digest its funding. In summary, the funds we contributed to inexpensively resolve association conflicts and enable unit owners to enforce their rights were magically transformed into a school tax. On the positive side, this flimflam isn't etched in stone until the Senate rings in with its spending plan. More to come... •

Mother...Continued

hang on to \$4 each year is the sole benefit this provision offers the State's economy. While acknowledging that inexpensive association arbitrations will be replaced by extremely onerous lawsuits, the Staff Analysis omits that factor from its benefit calculation. Similarly meaningless economic benefits accrue to every one of the "deregulation" provisions. It's not surprising that the bill is a fraud since its chief architect in the Governor's mansion has unique expertise in that area. Since the Division is fiscally independent and has no impact on the State budget, why was it marked for execution? In a nutshell, this deregulation dog and pony show would rip off \$7.3 million contributed by unit owners to the Division fund and dump it into the General Fund.

Ordinarily, the bill would be referred to several relevant house committees for review while co-legislation in the Senate would undergo a similar vetting. While in committee, lawmakers are given an opportunity to offer evidence of unintended consequences as well as add, delete or amend provisions. Input is taken from parties impacted by the legislation. Only after the selected committees in both houses sift through their respective bills' ramifications will the full House and Senate vote on the legislation.

Apparently, this bill will only be referred to several House committees. It will avoid the committee process in the Senate, depriving parties with an interest in the legislation of a viable chance to correct or amend the bill's shortcomings. The unusual bill number, HB 5005, indicates that the legislation is what's called an "implementing bill." Implementing bills hold the statutory changes needed by lawmakers to meet budget objectives. After hashing out a spending plan, Senate and House members send identical draft budgets and implementing bills to their respective bodies. Once approved at a bicameral appropriations conference, the bill heads to the full Senate for a vote, bypassing the checks and balances of the Senate committee process. In addition to explaining its lack of credibly beneficial economic provisions, it's apportionment to the budget process clarifies why our \$7 million in the Division fund mystically falls prey to this bill. By whacking the bill over to the budget side of the process, the legislative leadership is also able to shield the bill's underlying rationale and adverse consequences from public scrutiny until after its approval by the legislature.

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Carl S. Marzola with Donald J. Trump

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Carl S. Marzola, Master Broker and CEO of Atlantic Properties International, has specialized in selling luxury real estate to international – especially European and South American – buyers since he founded his company in 1983.

Marzola's firm of 78 experienced agents handle real estate transactions in all price categories, from first homes, to luxury oceanfront condominiums and deepwater estates, as well as commercial and industrial investments.

With a strong international following, many of the agents at Atlantic Properties are multi-lingual; Spanish, French, Italian, Portuguese and Arabic are among the languages spoken. This further ensures that clients understand all aspects of their real estate transactions.

Carl has personally represented hi-profile properties, such as Trump Hollywood, to his select clientele and their private bankers in Geneva, Switzerland as well as Rome, Italy. He believes companies such as the Trump Organization provides a superior product and level of service that his clientele understands.

Recently, Marzola concluded a prime oceanfront property transaction for one of his company's Brazilian clients, and noted, "In today's economy, buyers are keenly educated about the marketplace, and require greater amenities and value for their real estate investments. No matter the price range, we work diligently for our clients in finding them the right deal for them."

With a strong international following, many of the agents at Atlantic Properties are multi-lingual



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