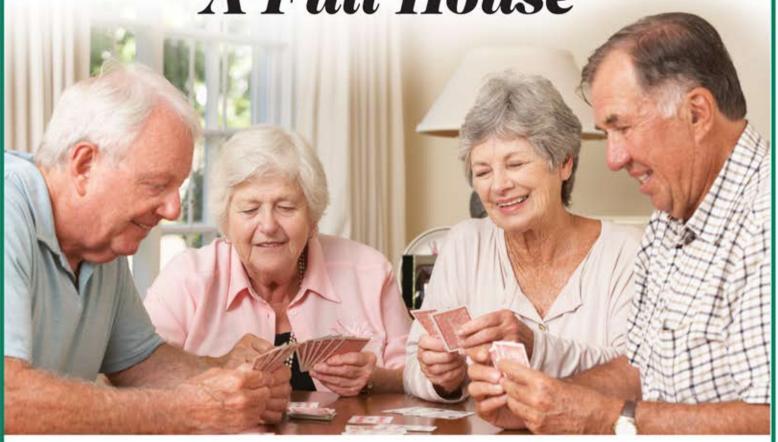


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CONGRESS UNCORKS A MIGRAINE

When recovery efforts following Hurricane Katrina and Superstorm Sandy saddled the National Flood Insurance Program (NFIP) with a \$24 billion debt, the U.S. House and Senate scrambled to pass The Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12). On July 6, 2012 President Obama signed into law the Surface Transportation Bill (H.R. 4348), which housed Biggert-Waters (Division F, Title II Flood Insurance). The law extended the NFIP for five years (through September 30, 2017), allowed multifamily properties to purchase NFIP policies, imposed minimum deductibles for flood claims, boosted the cap on premium increases from 10% to 20%, required the NFIP administrator to draft a plan for repaying Katrina debt, and established a technical mapping advisory council to review map modernization issues. Least laudably, it eliminated subsidies for homes built before flood maps existed and for homes subjected to higher premiums when a map revision elevated their flood risk.

To avoid destabilizing thousands of "at risk" communities across the country, these changes were to occur gradually over a five year period. Ironically, although FEMA was also instructed to do a study on the affordability of this process, since the study was insufficiently funded, agency boss Craig Fugate claimed that his minions couldn't afford to perform the affordability study, which was placed on an agency "to do" list and consigned to a bureaucratic black hole. As flood rate apoplexy began raging through Capitol Hill late last year, a political survival instinct prompted Fugate to assert that the study would be unveiled in about two more years.

Since lawmakers relied on faulty FEMA "affordability" projections as Biggert-Waters waltzed through Congress, it invited the disastrous "unintended consequences" that prompted Senator Chuck Schumer (D-NY) to characterize the law as an "irrational Washington force". Since the law removes premium subsidies when a primary residence is sold, new home buyers were stupefied upon learning that their premium costs would increase by two to ten times, as others frantically maneuvered to back out of new home purchases. By making flood insurance unaffordable to middle-income homeowners, the law threatened to tank Florida's recovering Housing Market. Nationwide, a dozen other tenuous State economies were similarly peering into this insurance abyss.

On October 1, 2013, Biggert-Waters began phasing out premium subsidies for homes built before federal flood maps were first drafted. In 2014, FEMA would begin phasing out subsidies for "Grandfathered" homes that were built to code but later reclassified for higher risk when flood maps were subsequently redrawn. Two million of the nation's 5.5 million NFIP policyholders live in the Sunshine State. Of these, 269,000 rate-subsidized properties are in Florida. Despite its 37% "lion's share" of the NFIP market, Florida is a net loser in the pro-

gram. Of the roughly \$50 billion doled out since the program's inception, a meager \$3.7 billion was paid to Floridians.

Reducing Rate Carnage

Although aware that agency actions were wreaking havoc in 20,000 flood-prone communities throughout the U.S. – both oceanfront and inland (there are 41,000 FEMA flood policies in Ohio) – since Biggert-Waters neutered FEMA's administrative capacity to stop or slow the rate carnage, FEMA Director Craig Fugate helplessly conceded that only a legislative fix could stop the bleeding. Unless Congress acted quickly to reverse the damage, battalions of Florida homeowners facing \$2000 to \$10,000 annual premium increases would either be forced to leave their homes or forgo purchasing the insurance, which would explode individual and national risk.

On October 29, 2013, after less than a month of rate bloodletting, Senators Robert Menendez (D-NJ) and Johnny Isakson (R-GA), and Representatives Michael Grimm (R-NY) and Maxine Waters (D-CA), introduced the "Homeowner Flood Insurance Affordability Act" in the House (H.R 3370) and Senate (S. 1610). As shell-shocked homeowners began receiving up to 1000% rate increases in hundreds of communities across the country, on January 14, 2014, Menendez, Isakson and 27 other Senators filed "A bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012" (S. 1926), an emergency palliative prescribed to postpone the rate pain. On January 30, the Senate passed S. 1926 (with favorable votes from Florida Senators Nelson and Rubio), which would impose a 4-year delay on the catastrophic Biggert-Waters impacts for a primary home built before the first flood maps were created – and cap annual premium increases at 20%. Following its passage by a 67-32 vote, the Congressional Budget Office (CBO) warned that postponing the rate blitz would breed NFIP premium losses of \$900 million over five years or more than \$2 billion over ten years.

The House Formula

Fearful about nearing the agency's \$30.4 billion borrowing cap, House lawmakers sought a more permanent legislative solution that wouldn't deepen FEMA's deficit. On March 4th, the House passed H.R. 3370, the Homeowner Flood Insurance Affordability Act. Sponsored by Reps. Michael Grimm and Maxine Waters (AKA the Grimm-Waters bill), the bill would eliminate the loss of rate subsidies triggered by the sale of a primary home, provide retroactive refunds to property owners who were already burned by the crushing increases, allow owners of properties built before a community adopted its first Flood Insurance Rate Map (FIRM) to voluntarily purchase a new policy

under pre-FIRM conditions instead of at the full-risk rate mandated by Biggert-Waters, and continue rate subsidies that were about to sunset for "grandfathered" properties built to code after a community adopted its first Flood Insurance Rate Map (FIRM).

While insulating "grandfathered" primary & secondary homes and "grandfathered" commercial properties, the House Bill (Grimm-Waters bill) was less protective of older properties built before the adoption of Flood Insurance Rate Maps, which could still face significant rate increases. However, while mandating that FEMA raise rates on subsidized properties by a minimum of 5%, the bill also restrains FEMA to rate increases of 5 to 15 percent - on average - with a hard cap of 18% - 2 points lower than the Senate bill. The annual increases could continue until rates were deemed actuarially sound. By combining the more manageable increases with an annual reserve fund assessment of \$25 for primary residences and \$250 for secondary residences and businesses covered under NFIP, the House bill also mitigates the lost revenues threatened in the Senate

The bill obliges FEMA to meet certain transparency and consumer outreach requirements. Although the bill directs that FEMA "strive to minimize the number of policies with annual premiums that exceed one percent of the total coverage," this is only a politically correct "feel good" provision that pays lip service to affordability, not a mandate. It does require that FEMA notify communities and members of Congress of any remapping plans as well as models used in the mapping process. In addition to certifying that its mapping process is technologically advanced, FEMA must also justify to communities that the mapping model used to create their new flood maps is appropriate and send them all data used in the mapping process.

The bill allows FEMA to utilize the National Flood Insurance Fund to reimburse policyholders and communities that successfully appeal a map determination. Although Congress previously authorized FEMA to reimburse successful appeals of map findings, since it never appropriated funding for this purpose, communities victimized by map ping screw-ups were screwed again upon learning that their reimbursement was "theoretical". Since they will now stand to lose hard cash, this provision was devised to incentivize FEMA against costly mapping miscues going forward.

FEMA is required to establish guidelines on alternative mitigation methods for urban structures where tradition mitigation efforts – such as elevation – are impractical (i.e. row houses in Hoboken – or along the Galt Mile). These alternative forms of mitigation shall be taken into account in the calculation of risk premium rates. Also, when FEMA anticipates a rate increase for a small business, a non-profit entity, a house of worship, and any residence with a value equal to less than 25% of the area median home value, it must report its impact on affordability to Congress and provide relevant recommendations within 3 months.

The legislation creates a Flood Insurance Advocate within FEMA to answer current and prospective policyholder questions about the flood mapping process, flood insurance rates, an individual's specific flood risks, and available policy options. The advocate will also assist property owners through the map appeals process, and coordinate outreach with local officials, community leaders, and Congress. Even when a policy-holder's premium rates are less than full risk, FEMA must still clearly disclose their full flood risk determinations to inform policyholders about their true exposure to flood risk (a heads up signifying that their insurance headaches are likely to worsen). Finally, six months before it implements any of the rate increases authorized in the bill, FEMA must make publicly available the rate tables and underwriting guidelines that provide the basis for those increases.

Legislative Land Mines

To expedite the legislation, lawmakers engineered a rare overwhelming bipartisen consensus supporting the fiscally balanced House measure. Since the bill was approved in the House by a vote of 306-91, this 77% plurality (which included the entire Florida delegation) exceeded the two-thirds majority needed to trigger a "suspension of the rules" and wholly bypass the Committee process, where the bill might have fallen hostage to political gridlock. Admitting that her 2014 bill would help reverse the negative effects of the Biggert-Waters Act she helped draft in 2012, Rep. Waters admonished "If enacted into law, this legislation will provide homeowners living in flood-prone regions with clarity and certainty that the cost of their insurance will not force anyone from their homes, lead to depressed home prices, or undercut their ability to buy or sell a home. I urge passage of this legislation by the House and Senate without delay." Despite the euphoric shock of temporarily turning Congress into a well functioning bipartisan, bicameral political hot tub, fixing the broken law was no cakewalk.

Continued on page 12

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Michael Katz

FLORIDA'S HOMEGROWN FLOOD INSURANCE FIX

Free Market Alternative to Exploding NFIP Rates

As the Feds mop up the flood insurance nightmare they catalyzed two years earlier, some Tallahassee lawmakers are promoting legislation that would supposedly provide a "robust, competitive, private market alternative to NFIP."

On December 17, 2013, Florida Senator Jeff Brandes (R - St. Petersburg) filed Senate Bill 542 (SB 542), entitled "Flood Insurance", the bill rolls out a welcome mat to private insurers willing to write residential flood policies in Florida. Mistakenly anticipating that a partisan Congress would be unable to pass a flood rates relief bill, Brandes remarked, "The flawed policy in the Biggert-Waters Act proves that we cannot rely on Congress to dictate the future of affordable flood insurance. This bill brings Florida one step closer to controlling its own destiny and charting a course toward a private market solution."

Built on the prospect that flexibility will breed competition, Brandes' bill provides policyholders with a range of options for selecting benefit amounts and deductibles. Proponents claim that the legislation will reduce the cost of insuring a structure against flood risk by allowing homeowners to decide how much or how little coverage they want or need to purchase. The bill also provides flexibility to carriers who can offer a variety of insurance products which policyholders can match to their individual needs, parceling coverage for contents, living expenses, secondary structures, etc. Additionally, the legislation provides some consumer protections and a degree of review by the Office of Insurance Regulation (OIR).

Within hours of the bill's holiday pre-season filing, Senate President Don Gaetz (R-Niceville) jumped on Brandes' bandwagon, exclaiming "Since the federal government is showing no interest in resolving this issue to the benefit of Floridians, Senator Brandes' bill could represent a positive approach relying on the private market. I am particularly encouraged that this bill allows homeowners to insure for the amount of the mortgage, without mandating insurance that does not meet their needs. I expect the bill will be given serious consideration by the Senate."

On January 13, 2014, Representative Larry Ahern (R - Seminole) filed House Bill 581 (HB 581), one of two potential companion bills in the Statehouse. On February 11, Representative Ed Hooper (R - Clearwater) filed House Bill 879 (HB 879), another possible sister bill that was later co-sponsored by the House Insurance & Banking Subcommittee, a panel that includes District 93 State House Rep. George Moraitis. Despite being filed a month later than Ahern's HB 581, which sat idle through early April, Hooper's HB 879 was unanimously approved by the House Insurance & Banking Subcommittee on March 5 by a vote of 13 Yeas vs. 0 Nays, and sent to the House Government Operations Appropriations Subcommittee on March 24, which voted 12 Yeas vs. 0 Nays to approve before forwarding it to the House Regulatory Affairs Committee, the final pit stop prior to a full House vote.

In contrast, with the Senate President's golden marker safely stashed in his back pocket, Brandes prepared to kick back and enjoy the ride as SB 542 flew through Senate vetting committees. On January 8, 2014, the bill was approved by the Senate Committee on Banking and Insurance by a vote of 12 Yeas vs. 0 Nays. On February 6, 2014, the bill was passed by the Senate Appropriations Subcommit-

tee on General Government by a vote of 12 Yeas vs. 0 Nays. On February 20, 2014, it unanimously whizzed through the Senate Committee on Appropriations by a vote of 16 Yeas vs. 0 Nays. On March 11, 2014, a third Committee substitute was again approved by the Senate Committee on Banking and Insurance by a vote of 11 Yeas vs. 0 Nays. On March 14, it was placed on the Special Order Calendar, engrossed on March 20 and approved by the full Senate on March 26 by a vote of 36 Yeas vs. 0 Nays.

While viewed by accommodating lawmakers as "cherry bills," they face credibility obstacles from bankers and the Insurance Industry. Current law requires banks and mortgage brokers who sell federally backed mortgages to require homeowners in flood plains to carry flood insurance. Federally backed mortgages also require property insurance from A.M. Best-rated insurers. Since Brandes' bill would allow homeowners to buy whatever coverage they can afford, they could tailor premiums to a property's replacement cost, its actual cash value, or cover as little as the remaining balance of a mortgage.

Anthony DiMarco, the Florida Bankers Association's executive vice president of governmental affairs, said "Brandes' bill requires coverage to meet federal lending and regulatory standards and that should appease lender concerns. We're supportive of the concept; we're supportive of the bill. Hopefully this will help the real estate market, and this will help people stay in their homes." Notwithstanding his support for the bill, it remains to be seen whether or not a mortgage lender will approve a federally backed mortgage for a homebuyer who purchases flood-insurance from a non-government-backed phantom insurer with a six-month business history and whose corporate head-quarters is a Cayman Islands post office box.

Continued on page 10



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SUN	MON	TUE	WED
1 383 E Las Olas Outdoor Green Market 9 a.m. to 2 p.m. Info.: 954-426-8436	14 Southpoint North Lounge (3400 Galt Ocean Dr.) 7 p.m. Info.: Val Segalini: 954-732-1572	15 Galt Towers Social Room (4250 Golt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
Jazz Picnic in the Park Nene Liebeman Botanical Gardens 10:30 a.m. to 2:30 p.m. Info.: 954-730-3000	Erev Pesoch Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	Fort Lauderdale City Commission Meeting City Hall, 6 p.m.	4 0
Las Olas Outdoor Green Market 2033 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Easter Easter Brunch Fairchild Tropical Gardens	Southpoint North Lounge (3400 Galt Ocean Dr.) 7 p.m. Info.: Val Segalini: 954-732-1572	Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Earth Doy WPB Golf Expo (Through 4/24)	Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
10:30 a.m. to 2:30 p.m. Info.: www.fairchildgarden.org 27 Las Olas Outdoor Green Market 9 a.m. to 2 p.m. Info.: 954-426-8436	Southpoint North Lounge (3400 Galt Ocean Dr.) 7 p.m. Info.: Val Segalini: 954-732-1572	South FL Fair Grounds, WPB Info.: 954-445-4999 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	30 Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
Riverwalk Sunday Arts Esplanade Park along the New River 11 a.m. to 2 p.m. Info.: 954-468-1541			SunFest (Through 5/4) Intracoastal Waterway (Flagler Dr. from Banyan Blvd. to Lakeview Ave.) Info.: 561-659-5980
Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	5 Southpoint North Lounge (3400 Galt Ocean Dr.) 7 p.m. Info.: Val Segalini: 954-732-1572	6 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
Sunday Jazz Brunch Riverwalk, Downtown FL 11 c.m. to 2 p.m. Info.: 954-396-3622	Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	Fort Lauderdale City Commission Meeting City Hall, 6 p.m.	
Las Olas Outdoor Green Market 33 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Mother's Day	BINGO Southpoint North Lounge (3400 Galt Ocean Dr.) 7 p.m. Info.: Val Segalini: 954-732-1572	BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
Mother's Day Brunch Fairchild Tropical Gardens 10:30 a.m. to 2:30 p.m. Info.: www.fairchildgarden.org	ALCO VALUE		/ AL

APRIL 13: Tortuga Music Festival, Fort Lauderdale Beach Park, Tix.: www.tortugamusicfestival.com
APRIL 22: Earth Day Beach Cleanup, Info.: www.handsonbroward.org or email: jennifer@handsonbroward.org
APRIL 25-27: 52nd Annual Delray Affar, Introcostal to NW 2nd Ave., Delroy Beach, Info.: 561-279-0907

APRIL 25-27: 3rd Annual Deerlay Affar, Introcostal to NW 2nd Ave., Delroy Beach, Info.: 561-338-7594

APRIL 25-27: 3rd Annual Pompano Beach Section of Festival, Quiet Waters Park, Info.: 561-338-7594

APRIL 25-27: 3rd Annual Pompano Beach Section of Festival, Atlantic Blvd. & A1A, Pompano, Info.: 954-570-7785

APRIL 26: Re-nourish Fort Lauderdale (Removing Exotic Plants and Re-Planting Native Plants), Snydder Park, 9 a.m. to Noon, Info.: 954-828-4341

MAY 2-4: West Palm Beach Antiques Festival, Americath Expo Center /S. Fl Fairgrounds, WPB, Info.: 941-697-7475

MAY 3-4: Buckler's 24th Annual Craft Fair, Americath Expo Center /S. Fl Fairgrounds, WPB, Info.: 386-860-0092



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THU	FRI	SAT		
17 2014 Dania Beach Marine Flea Market (Through 3/16) Mardi Gras Casino, Hallendale Info.: 954-920-7877	Jazz on the Square By Garage State By Garage State By Garage Square Gara	Music-By-The-Seo A1A & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-771-2900		
G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.	Friday Night Tunes Nia Divine (Jazz & Neo Soul) Joseph C. Carter Park 7 to 10 p.m. Info.: 954-828-5363	33rd Annual Orchid & Bromeliad Show (Through 4/20) Flamingo Gardens 9:30 a.m. to 5 p.m. Info.: 954-473-2955		
24	Jazz on the Square El Mar Drive & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-776-5092	Music-By-The-Sea A1A & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-771-2900		
Riverwalk Spring Get Downtown YOLO Plaza (333 E Las Olas) 5 to 8 p.m. Info.: 954-468-1541 X 205	6th Annual Spin-A-Thon Esplanade Park Reg: Noon; Spinning Event: 1 to 7 p.m. Info.: 954-468-1541	Great Strides Fort Lauderdale Beach Park 9 a.m. to Noon Info.: 954-739-5006		
1	Jazz on the Square El Mar Drive & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-776-5092	Music-By-The-Sea A1A & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-771-2900		
	The Las Olas Wine & Food Festival Las Olas Blvd. 7:30 to 10 p.m. Info.: 954-524-4657	Household Hazardous Waste & Electronics Drap-off Event 6011 Nob Hill Road, Tamarac 9 a.m. to 2 p.m. Info.: 954-828-4732		
8	Jazz on the Square El Mar Drive & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-776-5092	Music-By-The-Sea A1A & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-771-2900		
		The Color Run Huizenga Plaza 7:30 a.m. Info.: 954-468-1541		
15	Jazz on the Square 16 El Mar Drive & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-776-5092	Music-By-The-Seo A1A & Commercial Blvd 6:30 to 10:30 p.m. Info.: 954-771-2900		
G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.	Friday Night Tunes Lavie (Top 40) Joseph C. Carter Park 7 to 10 p.m. Info.: 954-828-5363	Covenant House Florida 5K on A1A The Parrot Reg: 6 a.m.; Start: 7 a.m. Info.: 954-568-7916		
MAY 10: Miami International Jazz Fest 2014, South Miami-Dade Cultural Arts Center, 8 p.m., Info.: 305-491-3588 MAY 10-11: 9th Annual African Violet Show & Sale, Flamingo Gordens, 9-30 p.m. to 5 p.m., 954-473-2955				

UPCOMING **EVENTS**

Riverwalk Burger Battle™ V Huizenga Plaza, 7 to 10 p.m. Info.: 954-468-1541

MAY 24 - 25

17th Annual Downtown Delray Beach Craft Festival The Tennis Center on Atlantic Ave. in Downtown Delray Beach 10 a.m. to 5 p.m.

Info.: 954-472-3755

MAY 30 - JUNE 1

Ft. Lauderdale Spring Home Design & Remodeling Show Broward County Convention Center Info.: 305-667-9299

MAY 31 - JUNE 1 3rd Annual Fishing for the Dream Tournament Lighthouse Point Yacht Club Info.: 954-667-9299

JUNE 7

Saturday Nite Alive

A1A from Bubba Gumps north to the Ritz Carlton, 7 to 11 p.m.

Info.: 954-564-8300

JUNE 15 Father's Day BBQ

Fairchild Tropical Gardens, 10:30 a.m. to 2:30 p.m. Info.: www.fairchildgarden.org



FOR A COMPLETE LISTING OF EVENTS, **GO TO THE CALENDAR AT** WWW.GALTMILE.COM

MAY 10-11: 9th Annual African Violet Show & Sale, Flamingo Gardens, 9:30 a.m. to 5 p.m., 954-473-2955

Daily: Yoga on the Beach, Ocean Manor Resort (4040 Galt Ocean Dr.), 9:30 a.m. (weather permitting), Mats supplied, \$10 donation, Info.: 754-779-7519 or 516-840-1455.

Fridays: Aruba Beach Café's Friday Fun Fest Pig Roast, 4 to 7 p.m.

First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beoch LBTS (Meet at Pavilion), 9 to 9:30 a.m., Info.: 954-776-1000 First Saturday of Every Month: North Beach Art Walk, 3280 NE 32nd St, 7 to 11 p.m., Info.: 954-537-3370

Second Saturday of Every Month: Beach Sweep, 9 a.m. to 12 p.m., Info.: 954-474-1835

Sundays: Tour-the River Ghost Tour, Strandhan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736
Saturdays: Saturday Night Under the South Florida Stars, Fox Astronomical Observatory at Markham Park, Sunset to Midnight, Info.: 954-384-0442

President and CEO Jeff
Grady of the Florida Association of Insurance Agents is
more skeptical. He contends
that agents would prefer to
"stick with the federal program and continue to make
that work. It is a guaranteed
claims payment from the federal government if things go
bad." Familiar with the genera of bottomfeeding car i-



Sen. Jeff Brandes (R-St. Petersburg)



Rep. Ed Hooper (R-Seminole)



Rep. Larry Ahern (R-Clearwater)

surance to guarantee the habitability of their properties, or associations whose boards are bound by statutory fiduciary benchmarks; it will appeal to property owners who are willing to gamble with their hardassets and purchase just enough coverage to please their lenders. If enough of them crawl out of the woodwork and opt for this alternative, supporters believe that the increasingly lucrative new market opportunity will attract a better

ket opportunity will attract a better class of carrier. Participation by "Name" or well-reputed insurers would address the credibility concerns of traditional insurance customers and associations – and ground a sustainable competitive market. While simplistic and knee-deep in tautology, their analysis is childishly elegant – and may work!

As the flood bills navigate the Legislature, Florida Insurance Commissioner Kevin McCarty has been lobbying private carriers to take a flyer on flood coverage. While two private insurers currently write flood policies in Florida, their business models and targeted clientele differ from those addressed in the legislation, although there is some overlap. A publicly traded company with about 140,000 Florida policyholders, with The Tampa-based Homeowners Choice Property & Casualty Insurance Company added flood coverage as an optional endorsement to its HO-3 homeowner insurance policy in January. Paresh Patel, chairman and CEO of HCI Group (the insurer's corporate parent) said "While we cannot provide a solution to all of Florida, we can and will – try to help our policyholders hit hardest by hefty rate increases under the National Flood Insurance Program. We plan to enter the market cautiously and focus, as we always have, on our strict underwriting guidelines and calculated risk management."

The Flood Insurance Agency (TFIA), a Gainesville surplus lines carrier, writes flood policies in 18 states for coverage identical to the Federal policies. Although surplus lines carriers are neither bound by State regulations nor participate in the Florida Insurance Guaranty Association (FIGA) government-run safety net if the company goes south, TFIA is backed by insurance goliath Lloyd's of London, so policyholders don't lose much sleep. Technically, TFIA serves as exclusive administrator of a Lloyd's Private Flood program. Targeting a crisis niche market comprised of homeowners facing instant rate increases, CEO Evan Hecht commented "The exorbitant rate increase is what created the opportunity for us to compete in terms of rate adequacy. There was no reason to jump into the market before."

While marketing their flood products through a panel of independent retail insurance agents and direct to the public, the company wrote 150 policies on more than \$45 million in property value during its first 3 months of operation. Initially limited to 1-4 unit residential properties, beginning in February 2014, flood policies were also made available to non-residential properties, including commercial risks and apartment buildings. Unlike the buffet of flexible insurance products described in the legislation, coverage currently offered by these private carriers mirrors that of NFIP. As stated on the TFIA website "The only difference with NFIP is that we offer less expensive, flat rates that do not requireany sort of documentation, such as an elevation certificate."

Despite fears that the coverage options in Brandes' bill might generate neglected properties that devolve into neighborhood eyesores, as long as homeowners are fully conversant with the pitfalls of purchasing insurance coverage from a shadowy carrier, possibly in an amount that is insufficient to rehabilitate a flood ravaged structure most industry players characterize the impact of the State-based flood option as "Chicken Soup", likening it to mythic remedies unilaterally administered by our grandmothers largely because "It couldn't hurt!"

State lawmakers across the U.S. are closely following Brandes' bill. Upon enactment, they plan to monitor and demographically diagnose utilization rates. If it performs as advertized, Brandes will realize instant celebrity throughout Florida and his bill will be systematically rubber-stamped in many State Legislatures, especially those wherein legions of flood plain homeowners are likely to face federally postponed massive rate increases down the road. If the State-based option fails to attract credible carriers and fizzles, the fiscal fate of those homeowners will continue to hinge on the political whims of Congress. Like Blanche DuBois en route to the puzzle factory, their survival will again "depend on the kindness of strangers."

Grady's concerns about the legislation are neither unique nor unfounded. Insurance Industry advocates fear that bill proponents are creating a mistaken belief that, if given the opportunity, private carriers would offer rates competitive with those subsidized by the Federal government. Since the Federal flood program was created because insurers nationwide shunned the flood market as unprofitable, industry pundits doubt that carriers will suddenly reverse course – and spontaneously begin writing competitive flood policies.

ers that are likely to initially exploit the free hand off e red by Brandes, Grady diplomatically added "The private market is very

strength is questionable as compared to the federal government." Grady's observation is understated, as the fiscal stability of many special lines pirates compares unfavorably to a "Pet Vegetable" franchise.

undeveloped, it's not stable, and some of the carriers' financial

Another issue derives from diff e rences between the bills. Hooper's HB 879 calls for coverage that will actually help rehabilitate a property damaged in a flood, as opposed to coverage adequate to pay off a mortgage yet leave the home an uninhabitable wreck. Hooper exhorted "You now have a damaged house sitting on a good street in a nice community with no repair, no chance of being repaired and unable to sell. I don't want to start a process where that could start a decline in a street, or a community, or a beach. Nobody likes an eyesore in their community." Confident that bill sponsors would work through provisional discrepancies and achieve agreement, Hooper added "I don't think we'll leave Tallahassee without some flood insurance legislation sent to the governor's desk. It's too important."

Trade Association lobbyists with a dog in this fight (like DiMarco), including ardent skeptics, view the legislation with a sort of benign curiosity. Seemingly intrigued by a free market solution to this insurance Gordian Knot, most bankers and insurers see no reason to exclude a State-based alternative to a debt-laden Federal Program that must ultimately skyrocket rates to achieve actuarial balance.

Conservative business editor Matt Walsh observed "When they formed the republic, the founders envisioned the states as cauldrons of experimentation and competition. This is one of those instances." Actually, it was U.S. Supreme Court Justice Louis D. Brandeis who popularized a reference to the states as "Laboratories of Democracy." When the High Court tried "New State Ice Co. v. Liebmann" in 1932, in his dissenting opinion Brandeis observed, "It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

It is unlikely that the bills will initially attract enough legitimate carriers to fuel a competitive market, or ratchet down rates for full replacement coverage. However, it will allow policyholders to save money by purchasing less coverage than they would need to rebuild their homes. Whether they use the smaller benefit to pay off the mortgage, buy a smaller home, or for two tickets to the beach at Phuket, it's certainly a preferable alternative to being forced from one's home by astronomical insurance rates. What, then, makes bill sponsors and supporters believe that this economic "one trick pony" can eventually parent a competitive insurance market for flood coverage?

While it may not kick off by luring many homeowners who buy in-



*In his March 2014 Newsletter, District 4 Broward Commissioner Chip LaMarca opens with a quick tour through a series of March municipal events in Pompano, Lighthouse Point (his hometown) and Deerfield Beach. The Commissioner closes with a plea to get out the vote. Bookended by these District 4 housekeeping pleasantries is an emergency call for constituent help with actualizing the long-delayed Segment II beach renourishment.

The Broward Beach Renourishment permit process mandates regulatory approvals from myriad Federal, State and local agencies. Since late last year, LaMarca and Broward Beach Administrator Eric Myers have been slugging their way through those regulatory minefields that still blocked the Segment II Beach Renourishment. In Tallahassee, the Florida Department of Environmental Protection (FDEP) had laced a draft permit agreement with language that would force Broward taxpayers to assume fiscal responsibility for mitigating adverse marine impacts unrelated to the renourishment effort. By blending acrimony with diplomacy, Myers and LaMarca finally snagged State approval without selling out Broward taxpayers — or giving away the store.

By the end of January, one obstacle remained. Despite having diligently submitted mountains of mandated documentation while timely responding to endlessly redundant agency inquiries, the project slammed to a halt. Among the oceans of regulatory minutia required to complete the Federal permit application is a boilerplate biological opinion by the National Oceanic and Atmospheric Administration Marine Fisheries (NOAA Fisheries). When repeated phone calls, emails and official correspondences went unanswered, Myers and LaMarca learned that the documentation sent to NOAA Fisheries (AKA - National Marine Fisheries Service) - a line office in the Department of Commerce — was sitting UNOPENED on a bureaucrat's desk. A Commerce Department spinmeister explained that the delay results from "a shortage of Federal resources."

Following discussions with incredulous project stakeholders in Pompano, Lauderdale-by-the-Sea and Fort Lauderdale (including the Galt Mile Community Association), on January 28, 2014, an enraged LaMarca sent an email to GMCA President Pio Ieraci that detailed the problem and suggested a resolution. Since the Federal agency is unresponsive to County political efforts, neighborhood residents should instead engage our Congressional representatives, who are better equipped to awaken narcoleptic Commerce Department bureaucrats and request the long-delayed biological opinion needed to kick-start the Beach Project.

Commissioner Chip LaMarca's March 2014 Constituent Update

In February, notices were sent to Galt Mile member associations for distribution to unit owners. The notices described the dilemma, listed our Congressional officeholders and requested help with conveying the critical need to shake loose the Federal malaise that holds the project hostage. Contact information was included and also posted on the Galt Mile website. Within weeks, scores of letters, phone calls, faxes and emails flooded the local and Washington D.C. offices of Congresswoman Lois Frankel (who represents Galt Mile residents on "The Hill"), Senator Bill Nelson and Senator Marco Rubio. Whatever else may have been included in those correspondences, their central message was a simple request, "Please urge the Secretary of Commerce to ensure that the biological opinion of the Segment II Beach Project is completed as soon as possible."

Congresswoman Frankel and Senators Nelson and Rubio have all since expressed an intention to help circumvent the Federal roadblock and salvage Broward's shrinking beaches. Will they? Not if they believe that we will resume our siesta and quietly nod off. If the correspondences abate, so will their incentive to ask Secretary of Commerce Penny Sue Pritzker (of the Hyatt Hotel "Pritzkers") for her cooperation. SO - if you want the beach fixed, contact Frankel, Nelson and Rubio and ask them to "Please urge the Secretary of Commerce to ensure that the biological opinion of the Segment II Beach Project is completed as soon as possible." Their contact info is below! Of course, you can always directly urge the Secretary of Commerce to help our community. Call her at 202-482-2112; write her at Penny Pritzker, U.S. Department of Commerce, 1401 Constitution Ave, NW, Washington, D.C. 20230; or send her an email at TheSec@doc.gov

Senator Bill Nelson

o Washington D.C. Address: 716 Hart Senate Office Building, Washington, D.C. 20510;
Phone: 202-224-5274, FAX: 202-228-2183; Website: http://www.billnelson.senate.gov/
o Broward Office Address: 3416 S. University Drive, Fort Lauderdale, FL 33328;
Phone: 954-693-4851; Fax: 954-693-4862; Email Page: http://www.billnelson.senate.gov/contact/email.cfm

Senator Marco Rubio

o Washington D.C. Address: 317 Hart Senate Office Building, Washington D.C., 20510; Phone: 202-224-3041; Fax: 202-228-5171; Website: http://www.rubio.senate.gov/ o Miami Office Address: 8669 N.W. 36th Street, Suite 110, Doral, FL 33166; Phone: 305-418-8553; Email Page: http://www.rubio.senate.gov/public/index.cfm/contact

Congresswoman Lois Frankel

o Washington D.C. Address: 1037 Longworth HOB (House Office Building), Washington, DC 20515; Phone: 202-225-9890; Website: http://frankel.house.gov/ o District Office Address: 2500 N. Military Trail (Suite 490), Boca Raton, FL 33431;

Phone: 561-998-9045; Email Page: http://frankel.house.gov/contact

LaMarca rounds out his March message with a reminder that certain District 4 voters should set aside time on March 11th to select their municipal leaders. If you live in Hillsboro Beach, Lauderdale-by-the-Sea, Lighthouse Point, Sea Ranch Lakes or West Park; you had an opportunity to cast a ballot for your favorite City officials! Lauderdale Lakes residents were asked a ballot question. If you live on the Galt Mile, fire up your email program, get a pen or pick up the phone. We have bigger fish to fry.

After reading Commissioner LaMarca's message below, please ask our Federal representatives to help quash this last obstacle to restoring the beach. Adding your voice to those of your neighbors will help trame the extent of our resolve — despite the frustrating decades of insupportable delays. For LaMarca's March 2014 message, read on... — [editor]*

March 2014 Update

By Commissioner Chip LaMarca

Last Month

February was a very eventful month in District 4. From Pompano's Unity in the Community, Lighthouse Point's Keeper Days, Deerfield Beach's Founders Weekend, to the many celebrations for Black History Month, it was a great month to be out and about in our community. While it was great to see so much civic involvement, an issue that continues to be the forefront of my agenda has been the renourishment of our beautiful beaches.

Continued on page 13

The bill was opposed by Tea Party conservatives with an ideological aversion to Government-operated businesses (like FEMA's NFIP). It was also blasted by Taxpayer watchdogs, who consider any moderation of the painful subsidies as an invitation to insolvency; and a subsequent taxpayer bailout. They were joined by radical environmentalists, who anticipated that Biggert-Waters would help restore coastal ecosystems by decimating lakefront, riverfront and oceanfront communities that "destabilize" the marine environment (In Florida, some bill opponents endorsed an evacuation of the Barrier Islands). These strange bedfellows, who called themselves the "SmarterSafer Coalition", spent six months sniping at bill sponsors and nipping at the heels of the Florida delegation, which staunchly supported the relief bills.

Obama Signs Senate-Approved House Bill

Aware of the daily devastation that Biggert-Waters was wreaking on Florida's housing market, Senator Bill Nelson (D-FL) remarked "Although it doesn't go as far as the bill we passed in the Senate, it's good the House has approved some curbs on flood insurance. For the sake of policyholders facing massive rate hikes, I hope we can get a final version sent to the president quickly." Many other Senators voiced their willingness to back a Senate mirror of the House bill, including Senator Mary Landrieu (D-LA) and Senator David Vitter (R-LA). Since Biggert-Waters also threatens 481,000 flood-prone Louisiana homeowners, it evolved into a heated campaign issue in the 2014 Senate race between Landrieu and Republican challenger Bill Cassidy, which could determine control of the Senate. "This subject is complicated," said Landrieu, "It is difficult and there are strong feelings on all sides - so this was not an easy negotiation."

Senator Robert Menendez, who sponsored the earlier Senate version, also endorsed the House bill. Referring to the final bill as "The Menendez/Grimm Homeowner Flood Insurance Affordability Act of 2014," Menendez commented "As a result of improvements made during bipartisan negotiations, I'm very pleased that the bill being put forth in the House will end the most egregious problems with the flood insurance program and bring some real relief to thousands of homeowners who desperately need our help. I'm encouraged by this progress and hope we can bring the bill over the finish line very, very soon."

Menendez got his wish as the patchwork quilt Coalition of opponents failed to derail the bill. On March 13th, the relief legislation was passed

in the Senate. As happened in the House, the 72-22 favorable Senate vote exceeded the plurality required to exempt the legislation from a prolonged Committee process. Since the Senate passed the same bill approved by the House a week earlier, there was no need for a Joint Committee to slice up a bicameral final product, shooting the bill directly to the White House, where President Obama signed the bill into law on March 21, 2014. Broward Homeowners can breathe easier.

Although some associations benefit from "Grandfathered" rates; others do not. For local single family homeowners, and those associations that inadvertently allowed flood policies to lapse (or otherwise cremated their eligibility), this is good news. While rates will continue to head north, the increases will be far less dramatic and more manageable. In short, we dodged a bullet.

Stay Tuned! More to Come...

Having blundered through a 3 part morality play about an insurance monster that turned on its creator, the U.S. Congress temporarily brought this gut-wrenching Gothic tale of botched agency oversight and unrequited affordability in for a soft landing. As the Feds were mopping up the Capitol Hill set in preparation for an anticlimactic White House endgame, lawmakers in Tallahassee decided to capitalize on the priceless media exposure by cloning the plotline, replacing the players and scripting a hometown version of this unfinished Biggert-Waters disaster classic.

The trailer opens in Tallahassee with Florida Senator Jeff Brandes (R - St. Petersburg) pre-filing Senate Bill 542 (SB 542), entitled "Flood Insurance," on December 17, 2013 – 2 months after FEMA began exporting a new brand of homeowner heart failure to flood plain policyholders. Along with Representatives Larry Ahern (R - Seminole) and Ed Hooper (R - Clearwater), who filed potential companion bills in the Statehouse, Brandes expects to create a "robust, competitive, private market alternative to NFIP."

If successful, Brandes will win adulation and celebrity in Florida as his bill achieves template status in state legislatures across the country. If not, he will join an exhaustive list of Florida lawmakers whose post-career biopic is footnoted with failed insurance rescue bills – most of which gratefully died on the calendar. While dwarfed in size and scope by the pulse quickening Federal misadventure, it's worth following – and it may work. Stay Tuned...•



Our economy relies heavily on the strength of our beaches and critical time passes each day that we do not have the necessary federal permits in hand. The good news is that we have all of our necessary permits and approvals from the State of Florida. Last year we received nearly TEN BILLION DOL-LARS in our local economy from the 13 million visitors who came to Broward for our beautiful beaches. As it currently stands, we are awaiting the biological opinion from the National Oceanic and Atmospheric Administration Marine Fisheries (NOAA Fisheries). I traveled to Washington, D.C. earlier this month to advocate for our beaches and returned with renewed hope that they understand the critical nature of our project and are motivated to issue our permit. Persistence is key to our success and I will not stop until I see the trucks hauling sand to our beach. We now need your help by contacting all of our federal elected officials in Washington, DC. Please contact each of their offices and respectfully urge our representatives to do the following:

"Please urge the Secretary of Commerce to ensure that the biological opinion of the Segment II Beach Project is completed as soon as possible."

You can find your federal representative by visiting house, gov and clicking on Find Your Representative.

Coming This Month

March is Election month for many of Broward's municipalities. It is often said that the government closest to the people governs most effectively. For most Broward residents, your local government is comprised of your city and county elected officials that provide the majority of your essential services. This Tuesday is Election Day in many of Broward's municipalities. As a former city commissioner, I know all too well that voter turnout is the key to a successful election. Make your voice heard this Tuesday. Get out and vote for the best candidate to represent you and your family. Do you want to be heard? Will you vote?

If there is anything that we can do to assist you with your vision for a better Broward, please do not hesitate to contact our office at 954.357.7004 or by email at clamarca@broward.org. You can also stay up to date by viewing our website www.broward.org/district4, where you can sign up to receive email updates from our office.

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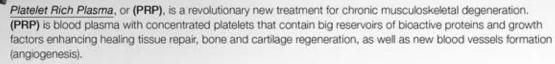
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Chip LaMarca Broward County Commissioner, District 4.

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