

# GALT MILE NEWS

THE OFFICIAL PUBLICATION OF THE GMCA

SEPTEMBER 2016



GALT MILE NEWS: A TASTE OF LIFE ON THE GALT

PRINTED BY



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# *Independent and Assisted Living Communities*



*We take care of  
life's details so you don't have to.*



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Independent Living / Assisted Living Community

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Fort Lauderdale, FL 33305



*Williamsburg Landing*

Assisted Living Community

**954-566-1775**

1176 NE 26<sup>th</sup> Street

Fort Lauderdale, FL 33305



*Margate Manor*

Independent/Assisted Living Community

**954-972-0200**

1189 West River Drive

Margate, FL 33063

## *Extraordinary Places You'll Love to Call Home*



# FIRE SAFETY: Sprinkler Scams

## DBPR: Enforcing a Phantom Law

By: Eric Berkowitz

In last month's Galt Mile News, an attempt to artistically reverse the font colors rendered one the pages illegible. Unfortunately, the page was part of an article about an issue critically important to a majority of Galt Mile residents – a \$million expense masquerading as a fire safety regulation. Given the significant impact of this issue, and the sizable number of residents who inquired about the unintelligible content, we agreed to republish the article in this month's issue – without the aesthetic acrobatics. Our apologies for any confusion.

In the past few months, Florida community association homeowners have been perplexed by an unexpected regulatory bear trap. A requirement to retrofit condominiums and cooperatives with a budget-busting automatic sprinkler system, which has plagued high-rise associations for fourteen years, has suddenly evolved into a mandate for every association in the State, regardless of size.

Travis Keels, deputy director of communications for the Florida Department of Business and Professional Regulation (DBPR), recently announced "Generally speaking, the fire sprinkler requirement applies to all residential condominiums." Six years after the 2010 Florida legislature amended Chapters 718 and 719, F.S. (the Condominium and Cooperative Acts), empowering cash-strapped unit owners in high-rise associations to forego a sprinkler retrofit by a majority vote, DBPR suddenly awoke to another 2010 statutory tweak – removal of a provision that limited the sprinkler mandate to high-rise buildings.

The Office of Florida Fire Marshal disagrees with the DBPR's knee-jerk policy. However, since the DBPR's Division of Florida Condominiums, Timeshares, and Mobile Homes is charged with enforcing the common interest community statutes, tens of thousands of Florida associations peppered with fixed-income retirees are scrambling to determine if they must vote to forego a sprinkler retrofit before the December 31, 2016 opt-out deadline.

Hoping to quell the growing confusion, association advocate Donna Berger recruited assistance from Broward Senator Jeremy Ring, Senate sponsor of the 2010 legislation. In a July 28, 2016 letter to DBPR

Director Kevin Stansfield, Ring clarified that his removal of the reference to high-rise buildings wasn't meant to expand the retrofit requirement to every Florida association, explaining, "It was not my intent, nor the intent of the Legislature, to obliquely impose a substantial economic burden on a large segment of condominium owners."

Questioning why DBPR waited six years before using a newspaper article to reveal their enigmatic interpretation "a mere 5 months before the opt out deadline expires," Ring requested "that the Division issue a press release consistent with the intent of the Legislature." In other words – back off. The Florida Bar has also notified DBPR that the agency is about to enforce a law that doesn't exist. Fortunately, Galt Mile associations that already completed the opt-out process won't be affected. Unfortunately, we have another problem.

### Stalking a \$Billion Payday

In 2002, the Florida Legislature quietly passed a clandestine bill requiring every Florida Association housed in a structure 75 feet above grade to install a Full Sprinkler System or, alternatively, establish an acceptable Engineered Life Safety System (ELSS). An Engineered Life Safety System is a fire protection plan customized by a registered professional fire safety engineer that variably combines partial sprinkler protection, smoke detection, smoke control, compartmentation, and other approved life safety systems.

Scrutiny of the new law revealed it to be a \$multi-billion payday for certain vested interests instead of effective fire protection. Drafted by the American Fire Sprinkler Association (AFSA) and the National Fire Sprinkler Association (NFSA) with input from the Plumbers and Pipefitters Union, glaringly absent from this "midnight legislation" were any studies or research clarifying its impact on community associations and their unit owners.

To infuse a bill designed by industry lobbyists with credibility, certain representatives from the Florida Fire Marshals and Inspectors Association (FFMIA) called on legislators to "pass this bill as a testament to our heroic firefighters."

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## COMMENTARY:

## Commissioner Roberts September/October 2016 Newsletter

By: Eric Berkowitz

In his September / October 2016 Newsletter, City Commissioner Bruce Roberts prods constituents to complete hurricane preparations, suggests a new financing option for energy-efficient property improvements, thanks Fort Lauderdale bean counters for a new spending plan that will enhance City services while freezing the millage, congratulates the Budget Division for earning the Distinguished Budget Presentation Award, reviews sales tax ballot initiatives to upgrade failing infrastructure, applauds Fort Lauderdale Executive Airport (FXE) for hosting a drill to sharpen tactical emergency response, welcomes the installation of Global Entry Kiosks to expedite Customs procedures at FXE, encourages utilization of the CodeRED emergency notification system, updates high-level staff changes in Sustainable Development and Neighborhood Support and alerts residents to impending flood risks during September's King Tides.

## Tailoring the Tax

When Broward voters hear that County officials are considering a "sales tax", they sweat bullets. Given the number of County officials sent to the Big House for unspeakable acts with the County cookie jar, County residents have come to equate approving a sales tax with providing heroin to a junkie. Notwithstanding the statewide 6% sales tax, every prior attempt to add an incremental levy was surgically dismembered on Election Day.

Since controversial sales tax skirmishes between warring County and City officials concluded with an uneasy truce on June 22, Broward residents will decide the fate of two interlocked surtax proposals on November 8, 2016. While there is clearly a desperate need to fund infrastructure and transportation, approval may hinge on the extent to which our elected officials have reclaimed credibility auctioned off by predecessors. Given the costly alternative, the measure may break with tradition – and survive. In his recent Newsletter, Roberts frames the issue as sufficiently important for a second consecutive review.

## Transportation vs. Infrastructure

As the 2.8-mile Wave Light Rail loop in downtown Fort Lauderdale picked up momentum, County officials grew increasingly convinced that similar projects could anchor a county-wide transportation system. Shortly after the South Florida Regional Transportation Authority (SFRTA) – which operates the Tri-Rail – relinquished control of the Wave project to the Florida Department of Transportation, FDOT District 4 Secretary Gerry O'Reilly remarked, "This region needs a transportation system it can grow on," and characterized the Wave as "the fundamental backbone for a transportation system for this county and this region." Intrigued by the reputed developmental benefits ascribed to streetcar projects nationwide, O'Reilly's observations prompted the County Board to envision light rail projects blanketing the County – with links to Port Everglades, Fort Lauderdale-Hollywood International Airport, Sawgrass Mills Mall in Sunrise and the Nova Southeastern University complex in Davie.

FDOT and County officials are already considering 14 miles of light rail projects, with another 6 miles on the drawing board. Since realizing each mile of light rail infrastructure would cost an estimated \$68 million, and \$millions more for operational capital, they needed a reliable funding spigot – like a Transportation tax. For months, the County Commission considered a series of surtax proposals to mollify transportation gridlock, enable a county-wide light rail expansion, enhance bus service, and improve traffic signal synchronicity (eliminate red light creep). On April 14, 2016, when the Broward Metropolitan Planning Organization (Broward MPO) first approved a Transportation tax by a 19-6 vote, they anticipated allocating 70% of the proceeds to the County and 30% to Broward cities. The split was largely configured around the County's estimated outlay for building and operating its planned light rail expansion.

As visions of a regional transportation system entranced the County

board, officials in Broward's 31 municipalities were pan-frying their own agenda. The Cities are losing a race to replace infrastructure claimed by age and erosion. Deteriorating water and sewer systems, aging municipal buildings, battered fleet vehicles, marginally maintained parks and city streets peppered with potholes and cracks are melting down city budgets. Municipalities are also struggling with the fiscal impacts of Global Warming.

After Superstorm Sandy chewed on the Broward coast, Fort Lauderdale enhanced the resiliency of its shoreline by burying heavily muscled drainage technology under A1A. Coastal cities are also dumping truckloads of cash into fortifying neighborhoods submerged by King Tide flooding several times every year. Since Washington DC and Tallahassee won't allocate adequate resources until blocks of downtown Miami are drifting across the Florida Straits, city taxpayers are stuck with the tab. If the County's fiscal alchemists were crafting a sales tax, the Cities wanted in. As Roberts points out, roughly 30% of the resulting income stream would be borne by visiting tourists, reducing the squeeze on local residents.

Working separately, the County board approved a ballot measure soliciting a 75-cent increase to the sales tax while the cities sought an infrastructure surtax of one dollar. With the County and cities both chasing independent sales tax ballot initiatives, a ludicrous 29% increase would confront Broward voters with a 7.75% sales tax, the highest in the State – virtually guaranteeing the failure of both ballot measures. Instead, City and County officials temporarily set aside long-simmering turf feuds and began negotiating a formula that both sides could live with – and hopefully survive a November 8 electoral gauntlet. To make the ballot, any compromise would have to be pressure-cooked and jet-packed to the Supervisor of Elections by a June 24 deadline.

At the June 22 County Commission meeting, in a room packed with Mayors and City Commissioners from across the county, the issue came to a head. Spearheading negotiations for the municipalities was Weston Mayor Dan Stermer, who opened the meeting with an eerie proposition to the county board, "Will you marry us?" After voting against two compromise plans that failed by 4 – 4 votes, County Commissioner Mark Bogen submitted a third compromise plan he brokered with Stermer and switched sides, engineering its approval by a 5 – 3 vote (Commissioners Tim Ryan, Dale Holness and Chip LaMarca dissenting – LaMarca opposes any tax that lasts for three decades).

## Splitting the Penny

Under Bogen's proposal, the combined surtax increase would be downsized to one cent on each dollar, hiking the existing 6% sales tax to 7%. Some purchases are exempt, including groceries, medical services, fuel, prescription drugs and utilities. The penny increase would be equally divided between a County Transportation Tax and a Municipal Infrastructure Tax, and posed to voters as separate ballot questions. If approved, the half-penny County Transportation tax would be wholly allocated to Broward's transportation coffers. For the first 20 years, the other half-penny would be distributed to Broward municipalities based on population demographics, and budgeted to infrastructure improvements.

After 20 years, Broward would also snag 40% of the infrastructure tax proceeds, providing the County with a 70% share of the combined surtax over the final ten years of the program – the split originally conceived by Broward MPO. The fiscal shift is timed to coincide with County plans to build a costly light rail system in West Broward during the final decade of the measure's lifespan – which would otherwise leave a gaping hole in the County budget. The plan also revised provisions that rankled the cities. For example, a requirement that cities spend 13% of the proceeds on TTM Projects (transportation, transit and mobility) was scrapped, ostensibly enabling Broward municipalities to more effectively prioritize their respective infrastructure needs. City and county stakeholders anticipate raising between \$12.6 and \$12.9 billion over the 30-year term of the combined surtax.

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# COMMISSIONER BRUCE ROBERTS

SEPT/OCT 2016 DISTRICT 1 NEWSLETTER



## Be Prepared

Welcome back from summer break. Hopefully, everyone had a nice time with family and friends. As residents of South Florida, we are never far from the possible dangers associated with hurricanes. The most important step everyone can take to survive a hurricane is to prepare. If you have not completed your hurricane preparations, the time to do so is now. For hurricane preparedness information and a handy check list, visit [www.fortlauderdale.gov/hurricane](http://www.fortlauderdale.gov/hurricane). For National Hurricane Center updates, visit [www.nhc.noaa.gov](http://www.nhc.noaa.gov). IMPORTANT PHONE NUMBERS:

- Hurricane Emergency Hotline 954.828.8888
- 24-Hour Neighbor Call Center 954.828.8000
- Police Department Non-Emergency 954.828.5700
- Emergency 911

## PACE (Property Assessed Clean Energy) Program

The City currently participates in this program, which provides a funding option for retrofitting your home or business with energy efficiency improvements or hurricane protection. Two companies, Ygrene Energy Fund and the Florida PACE Funding Agency, provide this service. Our experience with Ygrene Energy Fund has been: 354 applications received; 26 projects completed and funded for \$485,000 (average project size of \$18,653); 102 projects currently in construction (\$1.8 million); average value of properties: \$300,000; and average equity in the property: 52%. Since we just joined the Florida PACE Funding Agency, we do not have experience to report as of yet.

## Budget Update

The Preliminary Budget for FY 2017 was presented to the City Commission on July 12, 2016. At the meeting, the Commission voted unanimously to pass a resolution proposing no increase to our current millage rate of 4.1193 per \$1,000 of taxable value for FY 2017, which begins on October 1. This marks the 10th consecutive year that Fort Lauderdale has maintained the same millage rate. Kudos to our Community Builders for improving operations that enable us to continue to provide outstanding, cost effective, and value-added services to our neighbors without having to increase the millage rate. The draft budget addresses numerous neighbor priorities including: beach renourishment; improving traffic flow; upgrading streets and sidewalks; enhancing public safety and emergency management; strengthening water and sewer infrastructure; creating safer, more walkable and bikeable streets; combating flooding and sea level rise; advancing sustainability; and investing in technology to streamline plan review and permitting. It provides us with the resources to continue to deliver quality services to our neighbors while investing in social capital to build community, expand civic engagement, and enhance quality of life. The proposed budget also moves us closer to achieving our citywide vision of creating a diverse, active, livable, and sustainable community. A special thank you goes out to our Budget/CIP and Grants Division. Under the leadership of Laura Reece, these tireless Community Builders spend countless hours throughout the year working with every City Department to put the budget together. As a reminder, the public hearings on the budget are scheduled to take place at 6 p.m. in the Commission Chambers on Wednesday, September 7, and Monday, September 12. I encourage you to review the proposed budget online, and to attend one of the upcoming public meetings.

## Award-Winning Budget

Speaking of the budget, congratulations are also in order for the Budget/CIP and Grants Division for earning the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting, and is a prestigious achievement for our entire organization. In order to qualify, we had to meet nationally-recognized guidelines along with 14 specific criteria related to our

budget, financial plan, operations guide, and communications. This award speaks volumes about the tremendous leadership, dedication and commitment of our Budget Division, as well as all our Community Builders who contribute to this process. Thanks to staff for adhering to stringent principles and best practices to create a quality budget, while ensuring sound management of our financial resources. Congratulations on this fantastic achievement!

## Surtax Resolution

This article was in our July/August newsletter but I felt it important to repeat: The County Commission held a special meeting on June 24th and took actions to address the Transportation and Infrastructure Surtax issues. The County Commission approved a 1/2 cent surtax for Transportation and 1/2 cent surtax for Infrastructure to appear on the November 2016 ballot. If approved by voters, this would raise the sales tax in Broward County from 6% to 7%. According to the Broward Metropolitan Planning Organization (MPO), approximately 31% of this increase would be borne by tourists. The framework for distribution and use of the funds were also approved via an interlocal agreement. The major terms of the Agreement include the following:

- 30 year Transportation and Infrastructure Surtax time period
  - 1/2 cent Transportation tax is allocated 100% to county
  - 1/2 cent Infrastructure tax is allocated 100% to cities (per capita) for 20 years
  - Year 21 the infrastructure tax is split between the cities and county with cities receiving 60% and county 40% (10 year split of tax revenues)
  - Establishing an independent nine member Transportation and Surtax Oversight Board:
    - One former elected official
    - One former City or County Manager
    - One Certified Public Accountant
    - One member of the Florida Bar
    - One finance professional
    - One urban planning or land use professional
    - One engineering or construction management professional
    - One professional architect
    - One professional environmental scientist
- The above Board will be appointed by:
- Designee of the President of Nova Southeastern University
  - Designee of the Broward Workshop
  - Designee of the Broward County Council of Chambers of Commerce
  - The joint designee of the Broward County Auditor and the Broward League of Cities' Auditor
  - Director of the Florida Atlantic University Center for Environmental Studies

The above ILA is contingent upon 51% of the cities (via population count) taking action to: (1) repeal the existing 1 cent uniform Infrastructure surtax resolution and send to Supervisor of Elections; (2) adopt a uniform resolution for 2 cent Infrastructure surtax; (3) adopt a resolution approving the County ILA. By the way, it is important to note that each ballot question is dependent on the other for passage; voters must approve both or both fail.

## FXE Emergency Management Training

Fort Lauderdale Executive Airport recently hosted a simulated disaster training drill in cooperation with the Fort Lauderdale Police and Fire Rescue Departments, as well as Reva Air Ambulance. The exercise simulated an accident between a Lear 35 aircraft and a Robinson R44 helicopter on the airport runway. A total of 50 people participated in the drill including firefighters, paramedics, police officers, command staff, airport and emergency management personnel, and volunteers. Special thanks to Reva Air Ambulance for providing the aircraft and moulaged volunteer victims, which heightened the realism and authenticity of the drill, while enabling participants to gain maximum value from the exercise. Being prepared for the possibility of a potential emergency and knowing how to respond is paramount to the effective management of Fort Lauderdale Executive Airport, as well as the entire operations of our City. Through exercises like these we are able to test our emergency operations plan, while sharpening our tactical response, decision-making procedures, and coordination with internal and external agencies. I congratulate FXE for taking the lead in this important exercise and thank our Community Builders in Police and Fire Rescue for providing the essential response and support mechanisms during the drill.

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# EASILY REMOVE & PLACE ON YOUR FRIDGE

# OCTOBER/SEPT

SUN	MON	TUE	WED
<b>11</b>  Las Olas Sunday Market 333 East Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	<b>12</b>  Fort Lauderdale Job Fair The Westin Fort Lauderdale 11 a.m. to 2 p.m. Info.: 1-866-838-5111	<b>13</b>  BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	<b>14</b>  BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
<b>18</b>  Las Olas Sunday Market 333 East Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	<b>19</b>  Vice Mayor Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033	<b>20</b>  BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	<b>21</b>  BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
<b>25</b>  Las Olas Sunday Market 333 East Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	<b>26</b>  Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033	<b>27</b>  BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	<b>28</b>  BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
<b>2</b> <b>Sunday Jazz Brunch</b> Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-396-3622  Las Olas Sunday Market 333 East Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	<b>3</b>  Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033	<b>4</b>  BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268  Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033  Fort Lauderdale City Commission Meeting City Hall Regular Agenda: 6 p.m.	<b>5</b>  BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
<b>9</b>  Miami Broward Carnival Fair Expo Center in Miami Info.: 305-653-1877  Las Olas Sunday Market 333 East Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	<b>10</b>  Columbus Day	<b>11</b>  BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	<b>12</b>  BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063

SEPTEMBER 11: 19th Annual Lauderdale-by-the-Sea Craft Festival, AIA and Commercial Blvd (4400 N. Ocean Drive), LBTS, 10 a.m. to 5 p.m., Info.: 954-472-3755

SEPTEMBER 17: Fine Food and Wine, Hillsboro Club, 8 a.m., Info.: 954-941-2940

SEPTEMBER 17-18: Fort Lauderdale Gun & Knife Show, War Memorial Auditorium, Info.: 954-828-5380

SEPTEMBER 23: Music On Main Street, Performer(s): Maggie Baugh, Oakland Park City Hall, 6 to 10 p.m., Info.: 954-630-4251

SEPTEMBER 23-25: South Florida Fall Boat Show, South Florida Fairgrounds, WPB, Info.: 954-205-7813

SEPTEMBER 23-25: Marine & Wildlife Art Festival & Craft Show, South Florida Fairgrounds, WPB, Info.: 954-205-7813

OCTOBER 8: Making Strides of Miami - Dade, Marlins Park in Miami, Registration: 7 a.m., Walk: 9 a.m., Info.: 305-779-2847

OCTOBER 8-9: 19th Annual Lauderdale-by-the-Sea Craft Festival, AIA and Commercial Blvd, 10 a.m. to 5 p.m., Info.: 954-472-3755

OCTOBER 8-9: 2nd Annual ArtRageous: Downtown Boca Raton Arts & Crafts Festival, 171 E. Palmetto Park Rd., 10 a.m. to 5 p.m., 954-472-3755

OCTOBER 8-9: Florida Gun & Knife Show, South Florida Fairgrounds in WPB, Info.: 321-837-9955

OCTOBER 15: 10th Annual Glam Doll Strut, Esplanade Park, 11 a.m. to 3 p.m., Info.: 954-298-5607

OCTOBER 15: Making Strides of Palm Beach, Meyer Amphitheater WPB, Registration: 7:30 a.m., Walk: 9 a.m., Info.: 561-650-0136

# ONE SOURCE FOR COMMUNITY HAPPENINGS

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## LOTS HAPPENING IN TOWN!

15

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

22

2016 World Wake Surf Championships  
(Through 9/25)  
Mills Pond Park  
Info.: 407-741-8521

29

The Sun Sentinel Career Fair  
War Memorial Auditorium  
11 a.m. to 3 p.m.  
Info.: 815-308-5426

Fairchild Tropical Garden Bird Festival  
(Through 10/2)  
Fairchild Tropical Botanic Garden  
Info.: 305-667-1651

6

4th Annual Eat Your Heart Out  
Culinary Feast 2016  
Galleria Mall  
6:30 p.m.  
Info.: 954-918-3008

13

16

Friday Night Sound Waves  
Live Music Series  
Performer(s): Uproot Hootenanny  
Ft Lauderdale Beach Hub at Las Olas /A1A  
5:30 to 8:30 p.m.  
Info.: ari@fnswwfb.com

23

Friday Night Sound Waves  
Live Music Series  
Performer(s): Hot Legs: Tina Turner  
Ft Lauderdale Beach Hub at Las Olas /A1A  
5:30 to 8:30 p.m.  
Info.: ari@fnswwfb.com

30

Friday Night Sound Waves  
Live Music Series  
Performer(s): Joel DaSilva & The Midnight  
Howl  
Ft Lauderdale Beach Hub at Las Olas /A1A  
5:30 to 8:30 p.m.  
Info.: ari@fnswwfb.com

7

Friday Night Sound Waves  
Live Music Series  
Performer(s): Shane Duncan Band  
Ft Lauderdale Beach Hub at Las Olas /A1A  
5:30 to 8:30 p.m.  
Info.: ari@fnswwfb.com

14

Friday Night Sound Waves  
Live Music Series  
Performer(s): Full Moon Party feat. The Tom  
Sartori Band  
Ft Lauderdale Beach Hub at Las Olas /A1A  
5:30 to 8:30 p.m.  
Info.: ari@fnswwfb.com

17

Naked Feet 5K  
Fort Lauderdale Beach Park  
7:30 a.m.

2nd Annual Schoolapalooza  
ArtsUP! Gallery in Fat Village  
(529 NW 1st Ave.)  
7 to 11 p.m.  
Info.: 954-522-2911 X 209

24

3rd Annual Muttsquerade 5K  
Anchor Park (323 Gleason St.)  
Delray Beach  
7:15 a.m.  
Info.: 561-405-5584

1

Downtown Delray Beach Craft Festival  
(Through 10/2)  
4th Ave. & Atlantic Ave.  
10 a.m. to 5 p.m.  
Info.: 954-472-3755

8

Comeback Trail 5K Series  
Huizenga Plaza  
12 a.m.  
Info.: 1-800-STROKES

15

Lantern Festival:  
In The Spirit Of Obon  
Morikami Museum and Japanese Gardens  
3 to 8 p.m.  
Info.: 561-495-0233

Jewelers International Showcase Miami  
(Through 10/17)  
Miami Beach Convention Center  
10 a.m. to 5 p.m.  
Info.: 1-800-840-5612

OCTOBER 16

Palm Beach Condo & HOA Expo  
Palm Beach County Convention Center, WPB  
10 a.m. to 3 p.m.  
Info.: 952-881-5030

OCTOBER 21

4th Annual Red Shield ReDesign Bash  
Galleria Mall  
6:30 to 9 p.m.  
Info.: 954-712-2431

OCTOBER 22

South Florida Step Out: Walk to Stop Diabetes  
Huizenga Plaza  
7:30 to 11 a.m.  
Info.: 954-772-8040 X 3011

OCTOBER 22-23

29th Annual Las Olas Art Fair  
600 East Las Olas Blvd.  
10 a.m. to 5:30 p.m.  
Info.: 954-472-3755

OCTOBER 24

15th Annual Spook-Tacular Party!  
The Signature Grand, Davie  
7 to 11:30 p.m.  
Info.: 954-390-0493

OCTOBER 29

Fort Lauderdale Marriott Harbor Beach Resort & Spa  
The Signature Grand, Davie  
7 to 10 p.m.  
Info.: 954-767-0686

OCTOBER 29

West Palm Beach's Moonfest - World's Biggest Halloween Party  
531 Clematis St., WPB  
8 p.m. to 2 a.m.  
Info.: 561-288-1322

**FOR A COMPLETE  
LISTING OF EVENTS,  
GO TO THE  
CALENDAR AT**

**WWW.GALTMILE.COM**

First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beach 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, Fort Lauderdale Beach Park, 1100 Seabreeze Blvd., 7 to 11 a.m., Info.: 954-593-8501

Mondays: Food Trucks at Artspark, 5:30 to 10 p.m., Youngs Circle in Hollywood

Sundays: Tour-the River Ghost Tour, Stranahan 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

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



Instead of presenting authoritative documentation demonstrating that a variety of different fire safety solutions should be tailored to a structure's material composition; size; occupancy and use; structural elements; proximity to the fire station; the number and type of egresses, adjacent structures and existing fire safety features (as recommended by Fire Safety Engineers), the impressively uniformed lobbyists convinced key lawmakers that sprinkler retrofits were a one-size-fits-all fire safety panacea for every high-rise condominium.

The Fire Marshals who lobbied the lawmakers weren't motivated by altruism and public spirit. Those who directed this strategy had been pulling private sector paychecks for years - and were financially vested in the outcome of this legislation. Chuck Akers, the former Executive Director of the Florida Fire Marshals and Inspectors Association was also the Executive Director of the American Fire Sprinkler Association, an industry trade group responsible for boosting sprinkler sales. Other high-ranking officials in the Fire Marshals union were employed by the National Fire Sprinkler Association, another nationwide sprinkler trade organization behind the original legislation. An FFMIA past President, the late Steven Randall, was also the South Central Regional Manager of the National Fire Sprinkler Association (locally AKA Florida Fire Sprinkler Association) until he retired on July 16, 2009. FFMIA lifetime member Buddy Dewar is the National Fire Sprinkler Association's Vice President of Regional Operations, and the Florida Fire Sprinkler Association's Lobbyist and Legislative Liaison. In a nutshell, they make a bundle selling sprinklers.

#### Retrofit Relief: Opting Out of a Bad Law

Following a State-wide outcry against the suspect expenditure, in 2003, the Galt Mile Community Association contacted former District 91 Statehouse Representative Connie Mack IV and sophomore Senator Jeffrey Atwater, requesting legislative relief. The original legislation was subsequently modified to allow condo owners to "Opt Out" of retrofitting their associations with either a full automatic sprinkler system or an Engineered Life Safety System "by the affirmative vote of two-thirds of all voting interests". The opt-out provision was added to Mack's House Bill 165 and Atwater's Senate Bill 592, co-filed with former Hollywood Senator Steven Geller over the virulent objections of lobbyists for the Plumbers and Pipefitters Union and the Fire Sprinkler Associations.

As a concession to the powerful sprinkler lobby, the legislation still required sprinkler retrofits in the association's common areas, including any enclosed hallway, corridor, lobby, stairwell, or entryway. Sprinkler lobbyists successfully preserved the most important aspect of their corporate clients' agenda, the \$billion windfall sale of sprinklers, standpipes, etc. - and the costly connective plumbing. The sprinkler retrofits were mandated by the end of 2014.

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

HB 391 was unanimously approved in the House and Senate. Having failed to convince lawmakers that investing scarce association resources in limited sprinklers would yield a more productive safety benefit than a comparable investment in hurricane protection, retrofit lobbyists turned up the political pressure on lame duck Governor Jeb Bush, who vetoed the bill.

Responding to persistent entreaties by angry homeowners in tens of thousands of Florida community associations, including her

Galt Mile constituents, on January 16, 2009, former Statehouse Representative Elynn Bogdanoff filed House Bill 419. Its sister bill, Senate Bill 714 filed by Senator Dennis Jones, was ultimately substituted for HB 419 as the session wound down. Filed to correct a host of poorly drafted, contradictory or unworkable association regulations governing insurance, board elections, Timeshare Condominiums and back-up generators for elevators, this association "glitch" bill would also postpone the multi \$million fire sprinkler retrofit from 2014 to 2025 - similar to the bill vetoed in 2006. On April 27, 2009, SB 714 passed a vote in the Senate by 38 Yeas vs. 0 Nays. On April 29th, the bill passed a House vote by 114 Yeas vs. 2 Nays.

To thwart a delay to their windfall, Sprinkler Association lobbyists threw a carrot to the Governor's handlers, who coveted a juicy campaign contribution and an endorsement by the Fire Marshals to jump-start his ill-fated run for the US Senate seat vacated by Mel Martinez. Bartering the welfare of cash-strapped association homeowners for political capital, Crist vetoed the bill.

Retrofit bids solicited in 2008 by associations with 200 - 300 units ranged from \$1.4 million to \$4.76 million, depending primarily on whether demolished floors, walls and ceilings were seamlessly restored or emulated installations in public housing, with hundreds of yards of exposed steel, copper and CPVC permeating the structure.

#### Bogdanoff vs. Sprinkler Lobby

On January 4, 2010, Representative Bogdanoff filed House Bill 561 (HB 561), which not only revived the insurance fixes and other glitch repairs napalmed by the Governor, it improved on the fire sprinkler retrofit relief proposed in the previous year's vetoed Senate Bill 714. Instead of postponing the retrofit deadline, HB 561 would amend the opt-out provisions enacted in 2003, enabling associations to forego a sprinkler retrofit. Bogdanoff's HB 561 and Senate Bill 1222 (SB 1222) - a companion bill filed in the other chamber by Broward Senator Jeremy Ring - were later merged into Senator Mike Fasano's Senate Bill 1196 (SB 1196).

The bill eliminated the 2003 exemption of common areas from an opt-out vote, reduced the percentage of voting interests required to approve an opt-out from two-thirds to a simple majority, and extended the retrofit deadline from 2014 to 2019. Additionally, by December 31, 2016, associations that lacked a fire sprinkler system and hadn't voted to forego a sprinkler retrofit must initiate a building permit to install a sprinkler system by December 31, 2019.

In vetting committees, Association Attorneys Donna Berger and Yeline Goin explained that when every other state incorporated the NFPA life safety code provisions into State law, they exempted existing structures from retrofit compliance. Berger testified, "Florida is the only State that didn't grandfather compliance for existing high rise buildings when the statute was implemented." When sprinkler lobbyists echoed a litany of "towering Inferno" style anecdotal horror stories in both chambers, Representative Bogdanoff rebutted "In 30 years, not one injury resulted from an association's failure to perform a sprinkler retrofit."

On April 16, the Senate approved the bill by a vote of 38 Yeas vs. 0 Nays. On April 28th, the bill passed a vote in the House by 107 Yeas vs. 4 Nays. On June 1, 2010, Crist signed the legislation into law. Over the next few years, tens of thousands of Florida associations voted to opt-out of the sprinkler retrofit, as their unit owners breathed a deep sigh of relief.

The deep-pocketed Sprinkler Associations, whose membership includes corporate juggernauts Tyco and Allied Signal-Honeywell, had successfully kept their \$multi-billion self-styled stimulus package alive for eight years and hoodwinked two Governors to vetoing relief bills that were overwhelmingly passed by the legislature. Former Governor Charlie Crist admitted to having mistakenly believed lobbyist assurances that insurance savings would offset installation costs. A DBPR insurance study ordered by the Governor in his veto message later revealed the claim as without merit.

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**Circumventing a Statute**

Make no mistake; sprinkler lobbyists know how to play political hardball. They also had no intention of leaving \$billions in projected revenues on the table. After biding their time for six years, the Sprinkler Associations devised a plan to circumvent the statutory relief. Once the 2016 legislative session ended on March 11, 2016, a high-ranking official in the Fire Marshals union put the plan in motion.

On March 17, 2016, Boca Fire Marshal David Woodside – current President of the Florida Fire Marshals and Inspectors Association – petitioned the Florida Office of State Fire Marshal for a response to 3 questions about how high-rise buildings are affected by the Florida Fire Prevention Code (FFPC). As per state law, the responses comprise an official opinion, also known as a Declaratory Statement.

To enable better understanding of Woodside's questions - and the subsequent responses – NFPA 1, NFPA 101 and FFPC code provisions that are commonly characterized by long strings of numbers and letters (i.e. FFPC/NFPA 101 section 31.3.5.11.3 or FFPC 101:31.3.5.11.1) are instead expressed in plain English.

As shown below, four provisions in the Florida Fire Prevention Code (Chapter 101, section 31 or FFPC 101.31) govern the sprinkler system requirements for high-rise buildings:

1. FFPC 101:31.3.5.11.1 All high-rise buildings shall be protected throughout by an approved automatic sprinkler system unless alternatively equipped with an Emergency Life Safety System or an exterior exit access (a second means of egress) in every dwelling unit
2. FFPC 101:31.3.5.11.2 An automatic sprinkler system shall not be required where every dwelling unit has exterior exit access
3. FFPC 101:31.3.5.11.3 An automatic sprinkler system shall not be required in buildings having an approved, engineered life safety system
4. FFPC 101:31.3.5.11.4 If required by provision #3 (31.3.5.11.3),

an engineered life safety system shall be developed by a registered professional engineer experienced in fire and life safety system design, shall be approved by the Authority Having Jurisdiction (AHJ), and shall include some or all of the following: partial automatic sprinkler protection, smoke detection systems, smoke control systems, compartmentation, and other approved systems.

**Declaratory Statement Q & A**

In his first question, Woodside asks if an Engineered Life Safety System is required in existing high-rise buildings that aren't protected throughout by an approved automatic fire sprinkler system or an exterior exit access from each dwelling unit.

Answering Woodside, Deputy Chief Financial Officer Jay Etheridge said, "Yes. Existing high-rise apartment occupancies, including residential condominiums and cooperatives, that are not protected throughout by an approved automatic fire sprinkler..., or that do not have an exterior exit access..., must complete an engineered life safety system approved by the AHJ..."

Woodside also asked if a high-rise building is not protected throughout with an approved automatic sprinkler system pursuant to the statutory opt-out in Chapter 718.112, is it exempt from providing an Engineered Life Safety System as required in provision #3?

Etheridge responded, "No." The statutory opt-out "expressly restricts the requirements of automatic fire sprinkler systems to high-rise buildings utilized as residential condominiums or cooperatives pursuant to sections 718.111 and 718.112, Florida Statutes, and specifically supersedes the NFPA base code. However," provision #3... "clarifies that, if the entire building is not protected by an approved automatic sprinkler system, it must comply with the" FFPC provisions for sprinklers in high-rise buildings, which "requires that... the existing high-rise building have either an exterior exit access for every dwelling unit... or have an engineered life safety system approved by the AHJ (Authority Having Jurisdiction)..."

Finally, Woodside asked, "If the answer to questions #1 is yes, what is the deadline for an existing high-rise occupancy..." to install an engineered life safety system?  
Continued on page 12

## SUMMER WAVE 'N' RIDE GIVE-A-WAY PROMOTION



Free give-a-ways will be handed out when you ride the Sun Trolley's Galt Link from August 15 - September 30, 2016. While supplies last. One gift per passenger.

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# COMMENTARY: Chip LaMarca's JULY 2016 Newsletter

By: Eric Berkowitz

*"In his July 2016 Newsletter, District 4 Broward Commissioner Chip LaMarca explains his recognition by the Florida Association of Counties for successfully lobbying Tallahassee lawmakers to boost allocations to beach renourishment projects and Seaport improvements, examines a new funding source for homeowners and businesses planning energy-saving property enhancements, reviews how a litany of new partnerships, improvements, and business agreements have strengthened Port Everglades' operational and economic underpinnings, and applauds a new Broward Library Division service model that increased certain branch hours of operation without exploding the budget.*

## *Tactics and Timing in Tallahassee*

*The Florida Association of Counties (FAC) bestows its annual Presidential Advocacy Awards on county commissioners from across the state who advance its legislative agenda. As mentioned in the newsletter, LaMarca was recognized for having successfully "secured increased state funding for beach renourishment and key Port Everglades projects."*

*For years, LaMarca and other local officials in coastal communities lobbied Tallahassee lawmakers for additional beach renourishment funds. Annually, they would futilely explain to lawmakers how a healthy beach promotes tourism while providing the only real protection against storm surge devastation, which threatens lives, property, and the local coastal economy in oceanfront communities. In 2016, LaMarca and eleven other visiting coastal county commissioners revised their tactics, replacing the empathetic appeal with a fiscal risk – reward analysis of beach renourishment projects. Using the lawmakers' own research, they documented the projects' return on investment (ROI).*

*Drawing on a January 2015 study by the Office of Economic and Demographic Research (research arm of the Florida Legislature), when LaMarca provided Florida's legislative leadership and key members of budgeting committees with statistical evidence of how every dollar plowed into beach renourishment projects returns \$5.40 to the State economy, the lawmakers responded with a 50% increase in beach renourishment funding, raising the allocation from \$25 million to \$37 million.*

*Using a similar tactic to thicken funding for seaport improvements, LaMarca and other members of the Port Everglades Advocacy Team turned to a 2006 study by the Florida Department of Transportation and Cambridge Systematics. Teaming with District 93 Statehouse Representative George Moraitis, the group provided key lawmakers and State transportation officials with documentation demonstrating that every \$1 invested in Florida Seaports pumps \$6.90 into Florida's economy. This advocacy "primer" prompted lawmakers to approve a 40% boost in resources – from \$15 million to \$25 million – allocated to the Florida Seaport Transportation Economic Development program (FSTED), the funding piggy bank for improvements to Florida Seaports.*

*Another factor facilitated LaMarca's 2016 four-baggers in Tallahassee (and his subsequent FAC accolade). While successfully framing each issue with a cost benefit analysis before exploiting the enlightened self-interest of vetting lawmakers, LaMarca's agenda was also expedited by the budgetary lovefest that punctuated the 2016 legislative session. Since every seat in both chambers is up for grabs in the upcoming election, lawmakers carefully weighed how the home folks would feel about coughing up tax revenues that might otherwise have been contributed by healthy beaches and seaports. Whether primarily promulgated by tactics or timing, at the end of the day, LaMarca brought home the bacon.*

## *The Price of PACE*

*After flourishing in California and other states, the PACE program addressed in LaMarca's newsletter was finally authorized when Florida lawmakers approved House Bill 7179 in 2010, enacting Chapter 163.08, Florida Statutes. The loans generally extend to 20 years and feature a 7 percent interest rate. A funding cap equal to 20% of a property's just market value can be increased with lender approval or if an energy audit verifies that energy savings exceed the cost. In some cases, loans financing certain energy-saving improvements pay for themselves, as savings on electric bills meet or exceed the loan payments.*

*The funds are repaid via a voluntary non-ad valorem assessment attached to the borrower's property tax bill. A property owner's credit rating doesn't impact eligibility as long as the borrower has no bankruptcies within 7 years and is 3 years current with property taxes and mortgage payments. If the property is sold, the assessment can be repaid as a condition of sale or transferred to the new owner, who continues to receive the benefit and cost savings of the improvements.*

*Depending on an association's Covenants, Conditions and Restrictions (CC&R's) as well as the physical design of a particular unit, Galt Mile homeowners may be eligible for PACE funding, although they may need to obtain written association authorization affirming that the property owner is allowed to install the proposed eligible products. While these are generally energy efficiency and water conservation products and renewable energy systems, they include impact windows and doors commonly installed by Galt Mile homeowners, water heaters, and high efficiency HVAC systems. The construction is generally turnkey, as it requires no money down, is performed under permit, and the vendor gets paid only after the completed work is approved by the property owner.*

*While PACE financing was flowing to approved borrowers across Florida (including Miami-Dade County since mid-2013), it was denied to homeowners and businesses in Broward and Palm Beach Counties until last October. Legal challenges by the Florida Bankers Association delayed the program's expansion into Broward, as County officials hesitated to approve a program clouded by legal uncertainty. Lenders objected to the higher lien priority ascribed to PACE loans versus their standard mortgages. PACE loan repayments are included in the borrower's property taxes. Since the taxman sits at the head of every table, the PACE debt takes precedence on the lien line.*

*Companies that provide PACE financing apply for validations on their bonds that back the loans. Instead of using the court as a forum to directly challenge the lien priority or the enabling legislation, lawyers representing the Bankers Association contested these bond validations, arguing that PACE loans should not be allowed to leapfrog mortgages when collateralized assets are plundered following a default. Ultimately, the conflict made its way to the Florida Supreme Court, which docketed the case last October.*

*On Thursday, October 15, 2015, Banker Association attorneys were "zugzwanged" by the State's high court. Before they could once again recycle their lower court arguments, the Florida Supreme Court ruled that the Florida Bankers Association lacked the standing to argue this issue. Once relieved of prospective legal entanglements, Broward officials finally approved the program. 11 Broward municipalities initiated programs until the Broward Commission launched a county-wide approval on June 14, 2016, along with a 120-day window within which municipalities could opt out. The County cut deals with two PACE funding providers, Renew Financial, administering the "RenewPACE Program", and Ygrene, managing the "Clean Energy Program" program. Their terms vary, so solicit proposals from both.*

*The PACE program is burdened by similar concerns on the Federal level. On December 22, 2015, the Federal Housing Finance Agency proclaimed that its lending units wouldn't refinance mortgages on homes with PACE financing, asserting that the PACE loans would first have to be repaid. The Obama administration has been working with federal agencies to address the repayment questions and to encourage PACE lending nationwide. Despite these impediments, the program continues to gain momentum.*

*While the PACE program's unusual advantages have triggered a race by homeowners and businesses to participate, borrowers are admonished to carefully explore the benefits and liabilities of incurring a debt to the taxman. For LaMarca's entire July 2016 constituent message, Read on... – [editor]"*

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# Chip LaMarca's

## JULY 2016 Newsletter

method will allow people to make these types of improvements that otherwise would be very expensive, without impacting their credit scores.

This program includes several provisions that enhance consumer protections. These provisions include PACE-funded improvements, which must be properly permitted and installed by licensed contractors, and they must meet applicable federal, state, and local energy, wind, and building code standards.

For more information on the PACE program please visit [Broward.org/NaturalResources](http://Broward.org/NaturalResources) or call 954-519-1265.

### Port Everglades Update

There are many exciting new things happening at Broward County's Port Everglades: partnership agreements are being made to continue the port's environmental stewardship, pilot programs are being created, luxury ships are returning, new cargo ships are being welcomed, and agreements for existing cargo ships are being renewed. Port Everglades is in the heart of one of the world's largest consumer regions, including a constant flow of approximately 110 million visitors statewide and 6 million residents within an 80-mile radius. With all of this exciting news, it is great to see that Port Everglades will continue to handle future growth in all areas.

Port Everglades has partnered with the U.S. Environmental Protection Agency (EPA) to study air emissions. The Port already meets environmental standards for air quality and this agreement will take the port's commitment to environmental stewardship to another level. As part of the partnership agreement, the port is providing a baseline emissions inventory for EPA's analysis. A consulting group will collect the data needed to generate a 2015 emission inventory for the port. The partnership will allow the EPA to develop future methods, provide lessons learned, and provide practical examples to be shared with other ports, related agencies and stakeholders to support and encourage sustainable development. The port is truly an example of good stewardship.

In cruise related news, Port Everglades will be the first U.S. cruise port to test and launch Automated Passport Control Kiosks and Mobile Passport Control Kiosks that are designed to help facilitate and expedite secure entry into the United States after a cruise vacation. Broward County's Port Everglades and its cruise line partners, Carnival Cruise Line and Royal Caribbean International, are working with U.S. Customs and Border Protection to launch these two pilot programs this summer. The Port is also welcoming the return of Crystal Cruises, the world's most awarded luxury cruise line. Crystal Serenity and Crystal Symphony will sail a total of eight sailings to and from Port Everglades beginning October 27, 2017.

In cargo related news, Port Everglades welcomed Nordana's newly built cargo ship M/V Frisenborg, a 179.46 meter long cargo ship with gross tonnage of 21,970 that is equipped with modern air emission control scrubbers that can handle heavy lift, yachts, rolling stock and containerized cargoes. The Port also renewed a long-term agreement with Crowley Liner Services. The new 10-year, \$157.8 million lease and operating agreement with the Broward County Board of County Commissioners is for a 99-acre marine terminal. This agreement also includes two five-year extension options. Under the terms of the new lease, Crowley's estimated annual regional economic impact, based on the projected level of activity by lease year six, will support 1,208 direct jobs, produce \$209.5 million in personal income, yield \$306 million in business services revenues, generate \$103 million in local purchases and deliver approximately \$19.5 million in state and local taxes over the term of the agreement. For more information on Port Everglades, please visit [PortEverglades.net](http://PortEverglades.net).

### Library Hours Expanded

Several Broward County Libraries will have expanded service hours starting this summer. In District 4, the Deerfield Beach Percy White and Imperial Point Branches will now be open to the public 6 days a week, Monday to Saturday. The Library Division's new service model features increased hours of library operation within the system's existing budget. It is directly related to a key initiative of the Library Division's Long Range Plan to create service delivery models that reflect current trends.

Continued on page 13

Dear Broward County Residents,

I am honored to serve as your County Commissioner, representing our coastal communities each day from Deerfield Beach to Fort Lauderdale. Here are some recent highlights from Broward County.

### 2016 Presidential Advocacy Award from the Florida Association of Counties

As your Broward County Commissioner, a priority of mine has always been to advocate for the needs of our community. In my efforts for Broward County, the most effective way to move our legislative priorities forward has been to head to Tallahassee to fight for our community at our State Capitol. This year it was an honor to be the recipient of the Presidential Advocacy Award from the Florida Association of Counties for my efforts in advocating for two very important state funding sources.

This year, we have been able to secure increased state funding for beach renourishment and key Port Everglades projects. The result was an increase from \$25 million to \$37 million for beach renourishment projects and an increase from \$15 million to \$25 million for the Florida Seaport Transportation and Economic Development (FSTED) program. While these efforts have been productive, there is still so much more we need to do. I will continue to advocate for the needs of Broward County and its residents.

### Property Assessed Clean Energy (PACE) Programs in Broward County

The Board of Broward County Commissioners recently approved a county-wide property assessed clean energy (PACE) program that will allow property owners to receive up-front financing and repayment of debt for a variety of energy related home improvements. Homeowners and businesses now have an opportunity to obtain financing for solar panels and other energy saving updates, as well as important hurricane resistant upgrades like impact windows and doors. This financing

Etheridge answered "The deadline for an existing high-rise occupancy to comply with the provision of... the engineered life safety system is December 31, 2019..."

Having functionally neutered the statutory opt-out, Etheridge concluded, "Based on the foregoing, apartment occupancy, specifically a condominium and cooperative, are exempt from installing an approved automatic fire sprinkler system if every dwelling in the occupancy has FFPC compliant exterior exit access, or if the occupancy has an engineered life safety system that is approved by the AHJ. The building is required to be protected by an approved automatic fire sprinkler system by December 31, 2019, or it must comply with the requirements of FFPC 101:31."

The Statute provides that "Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, condominium, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium."

Despite recognizing that the statute supersedes Florida-specific code, Etheridge concludes that the statutory prohibition against enforcing "any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing" that requires the installation of sprinklers does not apply to FFPC 101:31.3.5.11.3. While conceding that it is a Florida-specific code, he believes it exempt because it requires fewer sprinklers – and a piñata stuffed with detection, alarm and suppression goodies. Although we may disagree with Etheridge's questionable interpretation – it will provide local fire marshals with a basis for ignoring the statutory opt-out, and mandating the installation of sprinklers in conjunction with an ELSS. Instead of using their best judgment to assess the adequacy of each association's fire safety protection, many of our less scrupulous Fire Marshals will simply enforce the purchase of \$multi-million sprinkler retrofits, cementing some post-retirement private sector benefits – on your dime.

#### Back to Square One

Here's the problem. In the 2003, 2006 and 2009 retrofit relief bills, it plainly states that the legislation applies to a full sprinkler retrofit and the ELSS. In Bogdanoff's successful 2010 statutory amendment, although the language describes how an association that votes to opt-out "is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system," it fails to specify that the opt-out also applies to an engineered life safety system – leaving just enough wiggle room for the slippery interpretive gymnastics performed by Etheridge.

On Thursday, May 5, Fort Lauderdale Fire Marshal Jeff Lucas forwarded a copy of Woodside's Declaratory Statement to the Neighborhood Association, and informed GMCA President Pio Ieraci "As this DEC statement reads, the (ELSS) Engineered Life Safety System would be required if the condos do not have any fire sprinklers." A few weeks later several Galt Mile officials met with Lucas to solicit his input and discuss the huge toll this will take on homeowners. After suggesting that a full sprinkler retrofit may be less expensive than an ELSS (debunking a common misconception), Lucas cast doubt on the official interpretation embodied in the Declaratory Statement, observing "I would think if you opt out, then you opt out of all." Aware of how the skewed interpretation conflicts with the legislative intent, Lucas clarified his expectation that associations will "pursue this issue with the State."

When contacted about this backdoor relegation of State Law, Florida CFO and State Fire Marshal Jeff Atwater regrettably admitted that his hands were tied. Although this is a rank attempt to rip off association homeowners for \$billions, it appears that the only recourse is a return trip to Tallahassee. Although we are back at square one, it isn't our first time at the dance.

A few weeks later, Galt Mile officials met with Donna Berger and District 93 Statehouse Representative George Moraitis. In the past few years, Moraitis and Berger worked with Galt Mile officials on several Omnibus Association Bills, and are intimately familiar with the "opt out" statute. Both agree that this questionable interpretive loophole violates the intent of the statute. Following some discussion, they agreed to collect some relevant data prior to developing a strategy to address this new threat. More to come...•

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LaMarca...Continued

These expanded hours give residents more access to the library system's many resources and services such as free public-computers, events, literacy and computer classes, children's programs and more. Other libraries in Broward County with expanded hours are the Fort Lauderdale Branch Library that is now open five days a week instead of two. The Century Plaza/Leon Slatin, Lauderdale Towne Centre, Pompano Beach, Riverland and Sunrise Dan Pearl branch libraries will all now be open six days. In the coming months, Broward County Libraries will offer expanded library hours at more locations under the new service model. These new hours are reflected on the Library's website at [Broward.org/Library](http://Broward.org/Library).

The Resident's Guide to Government provides a convenient resource to help people stay connected to their local government. It includes contact information for County officials and federal, state, and local agencies. Subscribe to E-news and social media sites and sign up at [Broward.org/District4](http://Broward.org/District4) to receive email updates from our office. 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](mailto:clamarca@broward.org).

As always, it is my honor to serve you.  
Best regards,

*Chip LaMarca*

Broward County Commissioner, District 4 •

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Before the meeting adjourned, the County Board voided its original 75-cent ballot measure. Over the next few days, the municipalities scrambled to repeal their prior ballot proposals and executed an Interlocal Agreement (ILA) that details the regulatory mechanics of the compromise plan. The ILA mandates formation of a Transportation and Infrastructure Surtax Oversight Board by January 15, 2017.

A 5-member panel will appoint members of the oversight board based on the professional credentials specified in the ILA for each selectee (i.e. Accountant, Architect, Attorney, Engineer, Finance Professional, etc. - see Roberts' list). In turn, the nine-member oversight board will approve spending and audit projects. Seven of the nine board members must be Broward Residents and all will serve 4-year terms. Elected officials - and anyone employed by or contractually linked to a city or the county - are barred from serving on the appointing authority or the oversight board.

#### Selling the Sales Tax

In a July 13 memo, County Attorney Joni Armstrong Coffey warned that state law prohibits local governments from using public funds to advocate for ballot initiatives. Despite Coffey's admonition, proponents set aside \$1.1 million in tax dollars to promote local support. To circumvent the statutory prohibition, local officials will spin ads plastered across buses, benches & billboards, and blasted from radios and televisions as voter education. On September 8, Stermer suggested that elected officials attend a two-hour training session before confronting the home folks. While navigating a legal tightrope between education and advocacy, Stermer reacted as if leading a charge up San Juan Hill, announcing "Let's go. It's time for us to get active. We need every member of every City Commission; we need all nine county commissioners, to actively go out and solicit votes and educate people on why they should vote yes."

Having enlisted some 150 city and county officials to beat the streets, Stermer and County Commissioner Lois Wexler cobbled together a privately funded Political Action Committee with a \$500,000 war chest. While convincing constituents of the daunting need to salvage critical infrastructure and develop a county-wide transportation network, local officials will have to overcome the hardened skepticism of some longtime residents, who fear that the funds may once again be frittered on pork.

To help engage Broward residents, a website called A Penny at Work ([apennyatwork.com](http://apennyatwork.com)) lists City and County projects that are targeted for funding. Sorted by City and category, this online resource enables residents of any Broward municipality to see which of their neighborhood parks, structures, roadways or City services may be upgraded. An advocacy website entitled Move Broward Forward ([movebrowardforward.com](http://movebrowardforward.com)), outlines the surtax plan, summarizes eligibility criteria for operating and capital investments, details how resources will be distributed, and offers media updates.

Should either measure fail, neither one will be implemented. If so, and officials turn to an ad valorem alternative, the lost \$12.6 billion could show up on local TRIM notices. If both ballot questions are approved, Broward MPO estimates that roughly \$3.8 billion will be contributed by visiting tourists, and local residents would only have to cough up the \$8.8 billion difference. If proponents are able to successfully clarify how this benefits Broward voters, the new funding stream stands a good chance of kicking off on January 1, 2017, and terminating on December 31, 2046.

Since sales tax distributions would replace property tax revenues as the lynchpin funding source for every city's growing infrastructure deficit, unless the oversight board is packed with a collection of stiff and political hacks, approving the sales tax should lower the average property tax nut in Broward municipalities. The estimated benefit to each city (the basis for millage relief) is substantial, ranging from \$85,875 in tiny Lazy Lake to \$588,207,357 in Fort Lauderdale.

The County should bag an estimated \$7,485,581,785 for gridlock mitigation, light rail expansion and other capital improvements; and its impact on the County millage should also be favorable. As long as some bureaucrat or contractor doesn't try a hand of three card monte with the planned transportation system's fiscal metrics, and FDOT delivers its long-term package on budget, this vehicle could actually perform as promised. That said - as always - it's your call. •

#### New Global Kiosk at FXE

If you're checking in at FXE's Customs facility, make sure you check out our new Global Entry Kiosk! This modern convenience makes it easy for corporate and leisure travelers to enter the United States and gives FXE a competitive advantage that further strengthens its position as one of the nation's leading General Aviation airports. U.S. Customs and Border Protection Agency (CBP) recently selected FXE as the first General Aviation airport in the country to receive a Global Entry kiosk, which is a CBP program that allows pre-approved, low-risk travelers to expedite entrance into the United States upon arrival. With the kiosk, preapproved travelers no longer need to complete a Customs declaration before landing, and may skip process lines at checkpoints. Instead, they can simply check-in at the kiosk by scanning their passport or resident card and their fingertips for verification and completing the Customs declaration online. The Global Entry Kiosk strengthens FXE's commitment to providing corporate and leisure travelers with outstanding customer services, while enhancing the airport's position as the gateway to Fort Lauderdale.

#### Stay Informed in an Emergency

Sign up for CodeRED™ and get City notifications delivered to your phone! The City of Fort Lauderdale uses CodeRED™ to send notifications to your phone about water main breaks, gas leaks, evacuations and other life safety emergencies. The City may also use CodeRED to communicate road closures, water main repairs and other types of non-life safety matters. Residents or business owners with a Fort Lauderdale address may register for CodeRED on the City's website at [www.fortlauderdale.gov/codered](http://www.fortlauderdale.gov/codered) or by contacting the 24-Hour Neighbor Call Center at (954) 828-8000 or [www.fortlauderdale.gov/lauderserv](http://www.fortlauderdale.gov/lauderserv). Registration is FREE!

#### Staff Transitions

City Zoning Administrator Anthony Greg Fajardo (954-828-6852, [AFajardo@fortlauderdale.gov](mailto:AFajardo@fortlauderdale.gov)) has been named Director of our Sustainable Development Department after more than 10 years with the City. Christian ("Chris") Carbonera has been selected as our new Neighbor Support Coordinator within the City Manager's Office. If you have an issue regarding day-to-day operations of the City, please contact Chris at 954-828-5063 or [CCarbonera@fortlauderdale.gov](mailto:CCarbonera@fortlauderdale.gov). You may also report issues to our 24/7 Customer Service Center at 954-828-8000, as well as the City's online Lauderserv system at <http://www.fortlauderdale.gov/departments/city-manager-s-office/public-affairs-office/lauderserv>.

#### King Tides Expected Sept 16-21, 2016

Flooding in low-lying areas is more likely in the fall months, as the close proximity of the moon, high tides, rising sea levels, and inclement weather conditions combine to exacerbate flooding risks. As a coastal community with numerous low-lying areas and 300 miles of canal coastline, Fort Lauderdale neighbors are advised to be especially vigilant from September through December, when tides are expected to be at their highest levels for the year. While the City maintains an extensive stormwater master plan and is instituting both aggressive maintenance and innovative adaptation solutions to address drainage, including the installation of tidal valves, the location and natural geography of the City makes neighborhoods susceptible to flooding. Remember that flooded streets may be covered in either fresh or saltwater. Please take caution whenever driving on flooded streets. When in doubt, turn around. Visit the City website for upcoming high tide dates and learn how to prepare for these types of weather events.

#### Office Contact

Robbi Uptegrove - 954-828-5033; email: [ruptegrove@fortlauderdale.gov](mailto: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.

#### Email List

If you would like to be on our email list so that you receive information pertaining to the City - especially District 1 (i.e. news releases, meeting notices, events), please let Robbi know and she will add you. •





## Behavioral Healthcare

At Broward Health Imperial Point, we treat mental illness as an illness. With more than 40 years of experience, we are a leader in providing specialized and compassionate behavioral healthcare – offering a wide variety of approaches to health issues at our 47-bed inpatient unit, staffed around-the-clock by an empathetic and caring treatment team.

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Binding, laminating, collating

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