

The **BROWARD** **BARRISTER**

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Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, JANUARY 15, 1981

WILLIAMSON RESTAURANT

1401 South Federal Highway
Fort Lauderdale, Florida

Cocktails ... 6:30 P.M. — Cash Bar

Dinner 7:15 P.M.

Price: \$10.00/person

Speaker: Judge James Lawrence King
United States District Court, Southern District of Florida

Topic: The Devitt Committee Report

The Southern District has been selected as one of the areas for a pilot program to implement recommendations made by the Devitt Committee. The recommendations include —

- (1) Examination to practice in Federal Court.
- (2) Peer review.
- (3) Experience requirements.

RESERVATIONS ARE NECESSARY. PLEASE CALL 764-8040 by noon, January 13, 1981, for reservations. Deadline for reservations made and not cancelled must be paid if guarantee is not met and the Bar is charged for dinners.

REMINDER YOUNG LAWYERS SECTION

"AFTER YOU FIND THE COURTHOUSE" SEMINAR

January 23, 1981

10:45 A.M. - 5:30 P.M.

Broward County Courthouse
— Room 250 —

Fort Lauderdale, Florida

Registration should be made with—

Robert J. McFann

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Registration Fee: \$ 7.50—Law Students
12.50—Others

ATTENTION ATTORNEYS

All new attorneys starting practice in Broward County should register with the Civil Division of the Clerk of the Circuit Court, Room 380 in the County Courthouse.

This is necessary so that deputy clerks have current list of attorneys on hand just in the event a problem occurs with any of the pleadings filed and it becomes necessary to contact the attorney.

Robert E. Lockwood
Clerk of the Courts

YOUNG LAWYERS SECTION MEETING

Thursday, January 22, 1981

GIBBY'S STEAK & SEAFOOD RESTAURANT

2900 N.E. 12th Terrace
Oakland Park, Florida

— 12:00 Noon —

Luncheon: \$6.00 - Members

\$7.00 - Non-Members

Speaker: Nancy Blosser

Assistant Director of Nursing
Services, Broward General
Medical Center

Topic: "Stress and Professional
Burnout"

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The need for blood during the winter months is beyond belief. Donations may be made at —

- (1) Broward Community Blood Center — 17 S.E. 3rd Avenue, Fort Lauderdale
 - (2) Broward General Medical Center
 - (3) Holy Cross Hospital
 - (4) Imperial Point Medical Center
 - (5) North Broward Hospital
- For more information, call 764-7500.

OPERATION

UPDATE/TRANSITION

January 21, 1981

Broward County Courthouse

— Room 359 —

Fort Lauderdale, Florida

5:00 P.M. - 7:00 P.M.

Topic: Temporary Injunctions and
Commercial Litigation

Speaker: Terrence Russell

Topic: Effective Use of Pre-Trial
Procedure

Speaker: Kenneth R. Mikos

— \$3.00 Registration Fee —

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GROUP PREPAID LEGAL SERVICES: An Idea Whose Time Has Come To Florida

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It will be held:

Friday, January 30, 1981

9:00 A.M. - 1:00 P.M.

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Contact: Florida Lawyers' Prepaid Legal Services Corporation

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For more information, contact Florida Lawyers' Prepaid Legal Services Corporation, Tampa International Airport, Suite A-17, Host International Hotel, Tampa, Florida 33607, (813) 876-3140.

REAL PROPERTY NEWS

Real estate attorneys must begin to be aware of the value of historic district zones, and the various ways in which designation as a historic zone can benefit clients with property in the features of historic district zoning area. A basic understanding of some of the features of historic district zoning is thus important.

There are two basic types of historic district ordinances that have been used in the United States. The least used, apparently because until recently it presented more controversy, is the "floating zone" type "which could be used to protect individually important structures in isolated locations."⁽¹⁾ The problem with the floating zone has been that it faced the problem of lack of control over the environment surrounding the landmark.

The second type is the "zone type district" which serves to protect "homogeneous urban neighborhoods" by establishing architectural controls over an entire area within an affected community. This is the type of ordinance Fort Lauderdale has.

Tourism has been a major factor in promoting preservation ordinances. According to the Department of Commerce, any attraction which brings in an average of twenty-four tourists per day provides an income equivalent to that of an industry with an annual payroll of \$100,000. This is especially significant in South Florida where tourism is a major source of revenue and large industries are not common. Historical attractions may help promote more year round tourists to our area rather than just seasonal ones.

The public tools for historic preservation are zoning, anti-neglect ordinances, eminent domain, tax incentives, and urban renewal.⁽²⁾ All are used in varying degrees, but zoning is the most popular. Zoning is a specialized application of the police power, thus to be constitutionally valid under the Fourteenth amendment due process clause and the equal protection clause, zoning must be for a public purpose and must relate to the public health, welfare, safety or morals.⁽³⁾ If the regulation caus-

es certain people to be treated differently under the law than other citizens, there must be a reasonable basis for the distinction.⁽⁴⁾ However, as long as the restrictions in the district are not arbitrary, even if they affect some citizens more than others, or in a different way, there is no Fourteenth amendment problem.

The value of historic structure preservation to the public as a whole has been broken down into several areas, such as education, aesthetic consideration and economics, each one which would uphold the ordinance as a valid exercise of the police power. Education is a significant factor in Fort Lauderdale with the influx of new arrivals who can help acclimate themselves to their new homes by learning the history of the community. Aesthetic considerations apply especially in areas of urban blight, which is a good description of Fort Lauderdale's historical district, at the present time. Values such as the increase in tourism previously mentioned, are very important in South Florida. Another economic consideration is that historic district zoning has traditionally raised property values; thus landlords have little to complain about when their property is rezoned. Any loss they might suffer due to the restricted uses allowed could be offset by the increased value of their property.

Tax incentives appear to be one of the most workable ways of approaching historic preservation, as without some form of tax break most landowners could not afford to expend the large amount of money necessary to restore their property. Important tax incentives for the preservation and rehabilitation of historic structures were established by §2124 of the Tax Reform Act of 1976.⁽⁵⁾ The Act amended the Federal Income Tax Code with provisions

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JERROLD A. COFF, a native of Philadelphia, Pa., received his undergraduate degree from the University of South Florida and his law degree from California Western School of Law. He is associated with Britton, Cohen, Kaufman, Benson & Schantz in Fort Lauderdale.

MICHAEL DODDO, a native of Hazelton, Pa., received his undergraduate and law degrees from the University of Miami. He is a sole practitioner in Fort Lauderdale.

SHARON MILLER ENTIN, a native of Fort Lauderdale, Florida, received her undergraduate degree from the University of Florida and her law degree from Nova Law School. She is associated with Miller, Zachman & Balasso in Fort Lauderdale.

PAUL WYLIE HUMBERT, a native of Illinois, received his undergraduate from Florida State University and his law degree from Nova University. He is associated with Grevior & Prince in Fort Lauderdale.

KENNETH ROBERT JANNEN, a native of Port Jefferson, N.Y., received his undergraduate degree from Dowling College and his law degree from New York Law School. He is associated with First American Title Insurance Company in Plantation.

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FREDERICK M. KLEIN, a native of New Haven, Conn. Received his undergraduate degree from Tufts University and his law degree from Duke University and his LLM from New York University. He is a sole practitioner in Hollywood.

MITCHELL B. LUBER, a native of Providence, Rhode Island, received his undergraduate degree from Boston University and his law degree and L.L.M. from the University of Miami. He is a sole practitioner in Fort Lauderdale.

JACK B. LUDIN, a native of New York City. Received his undergraduate degree from Suny at Albany and the law degree from the University of Miami. He is associated with Michelson & Zippin in Fort Lauderdale.

PAUL MARSHALL MAY, a native of Miami, Florida, received his undergraduate degree from Florida State University and his law degree from Stetson College of Law. He is associated with Britton, Cohen, Kaufman, Benson & Schantz in Fort Lauderdale.

ROBERT G. MONAS, a native of New York City. Received his undergraduate degree from University of South Florida and his law degree from Nova Law Center. He is associated with Gerry L. Dondanville in Pompano Beach.

PHILIP EDWARD MORGAMAN, a native of Fort Lauderdale, Florida. Received his undergraduate degree from Duke University and his law degree from the University of Florida. He is a sole practitioner in Fort Lauderdale.

MARK PERLMAN, a native of New York City, received his undergraduate degree from New York University and his law degree from Brooklyn Law School. He is a sole practitioner in Fort Lauderdale.

PATRICIA A. RATHBURN, a native of Paterson, New Jersey, received her undergraduate degree from Newcomb College of Tulane University and her law degree from the University of Miami. She is associated with Watson, Hubert, LaSalle & Clark in Fort Lauderdale.

MICHAEL S. RILEY, a native of Broward County, Florida. Received his undergraduate degree from Florida Atlantic University and his law degree from Notre Dame. He is associated with Shailer & Purdy in Fort Lauderdale.

MARK A. ROSEMAN, a native of Akron, Ohio. Received his undergraduate degree from Dartmouth University and his law degree from Boston University. He is a sole practitioner in Hollywood.

KENNETH W. SHAPIRO, a native of New York City. Received his undergraduate degree from Florida State University and his law degree from Florida State University College of Law. He is a sole practitioner in Plantation.

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ROBERT W. SIDWEBER, a native of Miami, Florida, received his undergraduate degree from Florida Atlantic University and his law degree from Nova Law School. He is associated with Stephen W. Toothaker in Fort Lauderdale.

CHARLES H. SINCLAIR, a native of Pittsburgh, Pa. Received his undergraduate degree from Penn State University and his law degree from the University of Miami. He is associated with Krupnick & Campbell in Fort Lauderdale.

LANCE JOSEPH THIBIDEAU, a native of Los Angeles, Calif. Received his undergraduate degree from Florida State University and his law degree from Nova University. He is associated with Esler and Kirschbaum in Fort Lauderdale.

JOSEPH UNTERMAYER, a native of New York City, received his undergraduate degree from College of City of New York and his law degree from St. John's University, School of Law. He is associated with John P. Gaudiosi in Pompano Beach.

ALAN P. WOOLF, a native of Cleveland, Ohio. Received his undergraduate degree from Boston University and his law degree from Nova Law School. He is a sole practitioner in Plantation.

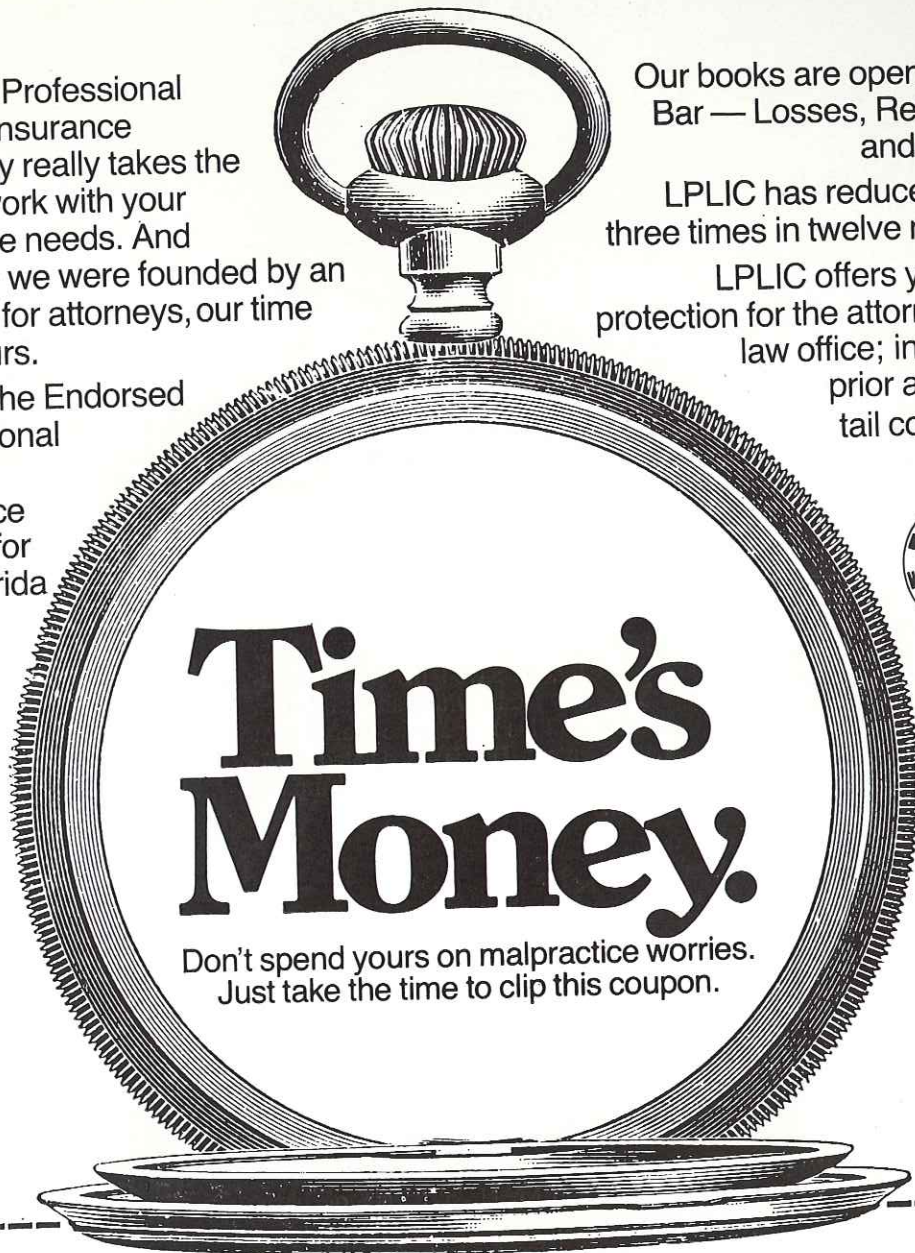
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to stimulate preservation of historic commercial and income producing property by allowing favorable tax treatments for rehabilitation, and to discourage destruction of historic buildings by reducing tax incentives both for the demolition of historic structures and for new construction on the site of demolished historic buildings. (6)

To qualify for the tax incentives, property owners must secure certification from the Secretary of the Interior regarding the historic character of a structure and the quality of the rehabilitation work performed on a structure. (7) Preservation tax incentives are available for any project which the Secretary of the Interior designates as a *certified* rehabilitation of a *certified* historic structure. To qualify as a certified structure the building must be either (1) listed individually in the National Register of Historic Places, or (2) located in a National Register Historic District and certified as being of historic significance to the district, or (3) located in an historic district designated under a state or local government statute if the statute is certified by the Secretary of the Interior. (8)

The section of Fort Lauderdale that has been designated as a historical district is made up mostly of old stores and hotels on the New River at the site of the first ferry, and called Himmershee Village. The city has had few problems with property owners protesting the designation, setting it apart from many other communities that have a designated historic district, as the city itself owns most of the property in the designated area. Therefore, there have been no challenges of the city's use of the police power in the designation of the area as an historic district.

Tax incentives have also not been used in the restoration of any of the structures in the district. To date, no building in the district has been restored by the city. Restoration in the district may be a long way off because of the expense involved. Although the city ordinance has been certified by the Secretary of the Interior, there are no matching funds available from the Department of the Interior unless the structure is on the National Register of Historic Places. Since there are only three sites in Fort Lauderdale that are on the National Register, (the Stranahan House, home of the first man to run the New River Ferry; the New River Inn; and the North New River Canal Lock #1,)

the primary preservation work has been done through the efforts of private groups rather than the city, a reversal of the trend in other areas. (9)

The problem of lack of funds, and public apathy will have to be dealt with before any major historical preservation project in Fort Lauderdale can be accomplished, but for the present, the designation of the historic district is a major step in the right direction.

As attorneys in Broward, it is important for us to be aware of the historic district zones in the various cities and how they can be used in the best interests of our clients, and the community as a whole.

By. PATRICIA A. RATHBURN

REAL PROPERTY SECTION

REFERENCES

1. 44 Notre Dame Lawyer, 394
2. ID, 616
3. Id.
4. Id, 617
5. Tax Reform Act of 1976, Public Law 94-455, §2124
6. Tax Reform Act of 1976, Public Law 94-455, §2124
7. Information Technical Corrections to the Tax Reform Act of 1976. Heritage Conservation and Recreation Service, U.S. Department of the Interior.
8. Tax Incentives for Rehabilitating Historic Buildings, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Department, U.S. Department of the Interior.
9. **Overview**, Report from the Broward Historical Commission, Vol. 1, June 1978.

SOUTHEAST REGIONAL WORKSHOP ON REDUCING TRIAL COURT DELAY

The National Judicial College and The Institute for Court Management, with funding by the Law Enforcement Assistance Administration, are co-sponsoring a series of workshops on reducing trial court delay.

The second workshop for the Courts of the Southeast region of the United States will be conducted February 8-11, 1981, at the Hilton Inn-Florida Center, Orlando, Florida.

Representatives from Broward County who will be attending are Judge George W. Tedder, Jr., Judge Louis Weissing, Harry G. Carratt, Rex Conrad, James H. Walden and Joanne Burrell.



Have You Moved?

There have been many moves of offices in the past two months. If you have *not notified* the following of your correct address and telephone number PLEASE DO SO NOW.

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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservations
1/7/81	Broward County Trial Lawyers Assn.	Monthly Meeting	Stuffer's Anacapi 1901 N. Federal Hwy. Ft. L. Case Evaluation - 5:30 P.M. Dinner - 6:30 P.M.	E. Hugh Chappell, Jr. 565-2767
1/9/81	Christian Lawyers Assn.	Monthly Luncheon Meeting	Williamson Restaurant 1401 S. Federal Hwy. Ft. L. 12:00 Noon	Larry Larche 764-7777
1/15/81	Corporation, Banking & Business Law Section	Regular Meeting	Tower Club One Financial Plaza, Ft. L. 4:30 P.M.	T. Randolph Buck 473-6795 764-8040
1/15/81	BCBA	General Meeting	Williamson Restaurant 1401 S Federal Hwy. Ft. L. 6:30 P.M.	
1/22/81	Young Lawyers Section	Monthly Luncheon Meeting	Gibby's Restaurant 2900 N.E. 12th Ter., O. Pk. 12:00 Noon	Robert J. McFann 764-4646
1/23/81	Christian Lawyers Assn.	Annual Banquet	Valle's Steak House 1605 W. Oakland Pk, Ft. L. 7:30 P.M.	Larry Larche 764-7777
2/10/81	North Broward Bar Assn.	Monthly Meeting	Flaming Pit Restaurant 1150 N. Fed. Hwy. I Pomp. Bch.	William F. Sullivan 781-7600



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