IN THE SUPREME COURT OF FLORIDA
CASE NO: 68,697

DONALD STREETER,
individually and
EDWARD E. MELCHER,
individually,

Petitioners

DCA-4-No: 85-241

vs.

MICHAEL SULLIVAN,
individually and as
personal representative
of the ESTATE OF SUZANNE
SULLIVAN, his deceased wife,

Respondent

ON CERTIFIED QUESTION FROM THE
DISTRICT COURT OF APPEAL, STATE
OF FLORIDA, FOURTH DISTRICT

BRIEF OF AMICUS CURIAE, FLORIDA DEFENSE LAWYERS ASSOCIATION ON BEHALF OF PETITIONERS

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STATEMENT OF THE CASE AND FACTS

This case is before the court on a question certified by the Fourth District Court of Appeal. Sullivan v. Streeter, 485, So. 2d 893 (Fla. 4th DCA 1986). How the court answers the question will determine whether workers' compensation will continue to provide immunity for corporate officers and executives from tort suits by or for injured workers.

Plaintiff, Michael Sullivan, husband of Suzanne Sullivan, sued Atlantic Federal Savings & Loan Association and its president, Donald Streeter, for damages for the wrongful death of his wife, Suzanne Sullivan. Mrs. Sullivan was manager of the Davie branch of Atlantic Federal. This branch had been robbed in the fall of 1981 and in June, 1982. The robber responsible for the June holdup returned on July 23, 1982, and robbed the branch again. Mrs. Sullivan was killed in the course of this robbery.

Atlantic Federal had no security guards at the Davie branch when the July robbery took place. Although Atlantic Federal had employed security guards in the past, it had removed most guards from branch offices in 1981 for economic reasons.

Plaintiff alleged that Atlantic Federal and its president were negligent in failing to provide adequate security, which failure proximately caused Ms. Sullivan's death. In his second amended complaint Plaintiff sought compensatory and punitive damages against both defendants. (R-108-132).

In order to avoid the exclusive remedy provision of the workers' compensation statute Plaintiff alleged that Donald Streeter was a co-employee who was "grossly negligent", "guilty of willful and wanton misconduct" and "engaged in unrelated works." These are the statutory exceptions to the workers' compensation immunity in Section 440.11 (1) Florida Statutes (1981).

The trial court dismissed Plaintiff's count for intentional tort against Streeter, but held the other counts stated a cause of action. The trial court entered a summary final judgment for Atlantic Federal, which was affirmed on appeal. Sullivan v. Atlantic Federal Savings & Loan Association, 454 So. 2d 52 (Fla. 4th DCA 1984) pet. for rev. den., 461 So. 2d 116 (Fla. 1985).

While the Atlantic Federal appeal was pending, Plaintiff filed suit against Edward Melcher, vice-

president of operations for Atlantic Federal. This case was consolidated with the suit against Mr. Streeter. (R-270).

After the summary judgment in favor of Atlantic Federal was affirmed, Mr. Streeter and Mr. Melcher renewed their motions for summary judgment. The trial court granted these motions.

Plaintiff appealed the summary judgments in favor of Mr. Streeter and Mr. Melcher to the Fourth District Court of Appeal. The Fourth District reversed the summary judgments, but certified to this court the question of whether corporate executives or officers may be individually liable for alleged failure to provide adequate security in the workplace.

CERTIFIED QUESTION

DOES SECTION 440.11 (1), FLORIDA STATUTES (1983) (SIC) PERMIT SUITS AGAINST CORPORATE EMPLOYER OFFICERS, EXECUTIVES AND SUPERVISORS AS "EMPLOYEES" FOR ACTS OF GROSS NEGLIGENCE IN FAILING TO PROVIDE A REASONABLY SAFE PLACE IN WHICH OTHER EMPLOYEES MAY WORK?

SUMMARY OF ARGUMENT

Florida courts have consistently held that the duty to provide a safe place to work was the employer's non-delegable duty. Corporate officers, executives and supervisors do not owe such a duty to employees, but to the employer. Unless a corporate officer, executive or employee steps out of that role and into the role of a co-employee, he is immune from suits by employees.

The 1978 Amendment to the Workers' Compensation Act did not change this common law rule. The purpose of the amendement was to restrict co-employees' liability.

At the time of the amendment employees had no immunity from liability for injuries to co-employees. For this reason corporate officers had no immunity for acts done as individuals. However, corporate officers had no liability for acts done as corporate officers because the common law held that the officers owed a duty to the corporation not to the employees. Since there was no duty, there was no liability. The language of the statute restricts co-employee's liability and does not address the issue of the liability of corporate officers.

The underlying purpose of the immunity provision is to eliminate litigation arising out of normal operations. The unrelated works exception was included

in recognition of the fact that corporations are often extremely large and involved in a variety of different busiensses. Thus, an employee involved in one line of business may injure an employee involved in another line of business. These two employees have the same employer only because they are employed by a large company. This injury is not the type that would arise out of normal operations and so it is excepted from the immunity provision.

ARGUMENT

DOES SECTION 440.11 (1), FLORIDA STATUTES (1983) (SIC) PERMIT SUITS AGAINST CORPORATE EMPLOYER OFFICERS, EXECUTIVES AND SUPERVISORS AS "EMPLOYEES" FOR ACTS OF GROSS NEGLIGENCE IN FAILING TO PROVIDE A REASONABLY SAFE PLACE IN WHICH OTHER EMPLOYEES MAY WORK?

THE FOURTH DISTRICT ERRED IN HOLDING THAT MR. STREETER AND MR. MELCHER INDIVIDUALLY OWED A DUTY TO CO-EMPLOYEES TO PROVIDE A SAFE PLACE TO WORK.

Amicus curiae, the Florida Defense Lawyers Association, respectfully suggests that in its decision the Fourth District failed to consider an issue which is crucial to this case. The Fourth District's opinion assumes, without discussion or citation of authority, that corporate officers, executives, and supervisors individually owe a duty to employees to provide them with a safe place to work. The phrasing of the certified question, with its reference to acts of "gross negligence," likewise assumes the existence of such a duty. It is a basic tenet of tort law that the elements of a cause of action for negligence are: (1) the existence of a legal duty by the defendant toward the plaintiff; (2) breach of the duty; and (3) damages proximately caused by the breach. If no duty exists, there is no cause of action for negligence. If no duty

exists, there is no cause of action for negligence. Amicus curiae will show in this brief (1) that the common law of Florida has not imposed an individual duty on corporate officers to provide employees with a safe place to work, but that the duty has always been the employer's non-delegable duty and (2) that this common law was not changed by the 1978 amendments to the workers'compsensation statute.

Florida initially adopted a workmen's compensation statute in 1935, Laws 1935, Section 17481 c.1. Before the advent of workmen's compensation, injured employees had the right to sue their employers for negligence which proximately caused an injury. The common law imposed on employers a duty to provide their employees with a reasonably safe place to work, and required the employers to use ordinary care and diligence to keep it safe. This duty was non-delegable. Putnam Lumber Co. v. Berry, 146 Fla. 595, 2 So. 2d 133 (1941).

In general, employers were not liable to employees for personal injuries received as a result of the negligence of a fellow servant or co-employee when engaged in the same undertaking or common work. See Porter v. Prague, 126 So. 759 (Fla. 1930); Wilson &

Toomer Fertilizer Co. v. Lee, 90 Fla. 632, 106 So. 462 (1924).

> All who serve the same master, work under the same control, derive authority and compensation from the same common source, are engaged in the same general business, though it may be in different grades or departments of it, are fellow servants who take the risk of each other's negligence, and the master is not bound to indemnify one servant for injuries caused by the negligence of another servant in the same common employment as himself, unless the negligent servant was the master's representative.

However, employers were liable where the injury was caused by a fellow servant who was acting in the role of a vice-principal or in some other representative capacity. I.e., the employer was liable when the vice-principal was performing one of the employer's non-delegable duties. Tampa Shipbuilding & Engineering Co. v. Thomas, 179 So. 705 (Fla. 1938) ("Where an employee who exercises control which constitutes him a vice-principal, causes injury to one of his subordinates by failing to perform a non-delegable duty with which he has been entrusted, the master's liability may be inferred.")

In West v. Jessop, 339 So. 2d 1136 (Fla. 2d DCA 1976), the Second District addressed the issue of whether an officer/supervisor of a corporate employer is personally liable to an employee who is injured as a result of a breach of a duty owed by the corporate

employer to the employee. Maria West was employed by Sun State Properties, whose president and owner was Sydney Jessop. While at work, Ms. West complained of a headache. In an attempt to relieve the pain, Jessop wrenched her neck, causing permanent injuries. After collecting workmen's compensation benefits, West filed a negligence action against Jessop. Jessop's defense was that, as employer, he was immune from suit.

The Second District held that, under the circumstances, Jessop was not immune from suit. The court acknowledged that "co-employees are subject to third party actions for negligent acts done during the course of employment," 339 So.2d at 1137. The court also noted that, when an officer is carrying out a duty owed by the corporate employer to its employees, the officer is not considered to be a co-employee, but rather is acting for the corporation and is clothed with the corporation's immunity. This immunity is not total. If the officer breaches a personal duty which he owes to a co-employee, he is considered a co-employee and is subject to liability to the injured co-employee. Thus, an officer has two roles: he is both an officer of the corporation and a co-employee. He is immune for acts

done as officer, but is liable for acts done as co-employee. Because Jessop was not acting on behalf of the corporation when he wrenched West's neck, he was liable as a co-employee.

Several Florida courts, following West v. Jessop, supra, have implied that supervisors or executives have no individual duty to provide employees a safe place to work and cannot be held liable individually for alleged failure to do so. In Zurich Insurance v. Scofi, 366 So. 2d 1193 (Fla. 2d DCA 1979) the deceased worker's estate sued his supervisor for wrongful death in a trench cave-in, allegedly caused by violation of a safety regulation. The appellate court, reversing a jury verdict for the estate, held that the supervisor was immune from suit because of Workmen's Compensation and stated:

> If a state safety rule was violated at the job site, this was a responsibility of the employer which it can only discharge (or fail to discharge) through its supervisory employee. The supervisor merely carries out the responsibility or duty of the employer. In this purpose he is the employer's alter ego. Thus, under such circumstances, the supervisor should be entitled to the immunity of the employer. Id. at 1195.

Similarly, in Dessert v. Electric Mutual Liability Insurance Co., 392 So.2d 340 (Fla. 5th DCA 1981), the plaintiff sued defendant Morford, the "Supervisory

Representative of Security Control" of her employer, alleging that he was responsible for providing her with a safe place to work and had a duty to report or correct any defect in the premises which might cause her injury. Plaintiff was injured when she stepped into an opening in the floor of a platform upon which her machine was placed. The jury found for defendants and plaintiff appealed. The Fifth District affirmed, holding that defendants were entitled to a directed verdict.

The Fifth District noted that " . . . The only duty alleged to have been breached by Morford was the duty to provide a safe place to work. This was the duty owed to appellant by her employer, not by Morford." Id. at 342 (citing Kruse v. Schieve, 61 Wis. 2d 421, 213 N.W. 2d 64 (1973)). The court held that, because the only allegations and evidence regarding Morford's negligence related to the employer's non-delegable duty to provide plaintiff a safe place to work, Morford was entitled to the same tort immunity as his employer.

Citing Lupovici v. Hunzinger Construction Co., 79 Wis.2d 491, 255 N.W.2d 64 (1977), the Fifth District stated:

> The duty of the officer to supervise an employee is the duty owed to the

> employer, not to a fellow employee. This duty is exercised in the normal course of the officer's or supervisor's activities. It is when the officer or supervisor doffs the cap of officer or supervisory (sic) and dons the cap of a co-employee that he may be personally liable for injuries caused. If the officer or supervisor is to be personally liable it is because of some affirmative act of the officer or supervisor which increased the risk of injury to the employee. If a corporate officer or supervisor engages in this affirmative act, he owes the involved employee a duty to exercise ordinary care under the circumstances. It is the duty one employee owes another. The purpose of allowing third party actions in addition to workers' compensation was to retain "the traditional fault concept of placing responsibility of damages sustained upon the culpable party. If an officer or supervisor breaches a personal duty, it does not offend the policy of the Workers' Compensation Act to permit recovery from the officer or supervisor. [citations omitted] Id. at 343.

Clark v. Better Construction Co., Inc., 420 So.2d 929 (Fla. 3d DCA 1982) was a suit for wrongful death by the deceased worker's estate against Better Construction Co., Inc., its vice president, and a crane operator. Affirming the directed verdict for the defendants, the Third District stated that: "A supervisor owes a duty to provide a safe work place, not to the employee, but to the employer (citing Kruse v. Schieve, supra).

In these cases the courts have held that supervisors and corporate officers are not "co-employees" when they act on behalf of the corporation in furtherance of the corporate employer's non-delegable duties. The duty to provide a safe place to work was and is the employer's non-delegable duty. Corporate officers, supervisors and executives, individually, do not owe such a duty to employees. Rather, their duty in this regard is owed to the employer. If corporate officers, supervisors or executives leave these roles and act as a "co-employee", then they owe a duty of ordinary care to the other co-employees while engaging in "co-employee" activities. For example, the company president who decides to mop the factory floor has the duty to warn other employees that the floor is wet and slippery and may be held liable if a co-employee is injured because he fails to do so. However, the company president who decides that the company janitor should use a particular brand of soap to mop the floor is not individually liable if the janitor develops an allergic reaction to the soap. In the first instance, the company president is acting as a co-employee. In the second, he is not.

The Florida cases discussing corporate officers' liability relied heavily upon a decision of the Wisconsin Supreme Court, Kruse v. Schieve, 61 Wis.2d 641, 213 N.W.2d64 (Wis. 1973), which explained the distinction between acts done by a corporate officer when acting as such officer and acts done by a corporate officer when acting as a co-employee. In Kruse v. Schieve, the plaintiff, a machine operator, filed a negligence action against a corporate officer for injuries received when her hand was caught in a machine. The trial court granted the defendant's demurrer on the ground that workers' compensation was plaintiff's exclusive remedy. On appeal, plaintiff argued that: (1) a corporate officer could be sued for negligent acts committed as an officer as well as in his capacity as a co-employee; (2) a corporate officer was, ipso facto, a co-employee; (3) the complaint alleged acts of negligence against defendant as a co-employee.

The Wisconsin Supreme Court held that, "the liability of a corporate officer in a third party action must derive from acts done by such officer in the capacity as a co-employee, and may not be predicated upon acts done by such officer in his capacity as corporate officer." The court distinguished two cases cited by

Kruse, Hoeverman v. Feldman, 220 Wis. 557, 265 N.W. 580 (1936) and Wasley v. Kosmatka, 50 Wis. 2d 738, 184 N.W.2d 821 (1971), because in those cases the claims for damages were based upon common law failure to exercise ordinary care toward an employee to whom, under the circumstances, a duty was owed. In Hoeverman, the corporate president allegedly was negligent in directing the plaintiff employee to operate a machine in a particular manner, while in Wasley, the corporate officer negligently operated a boom truck and caused the plaintiff's death. In both cases, the corporate officer had assumed a duty toward the employee and, therefore, could be held liable for breach of that duty.

Thus, the Florida courts, following the reasoning set forth in the Kruse v. Schieve case have held that corporate officers wear "two hats" - they are corporate officers when carrying out corporate duties and co-employers when carrying out the personal duties which the common places on all persons. When acting as corporate officer, the corporate officer does not owe a duty to co-co-employees; instead, he only owes a duty to the corporation. Thus, he cannot be held liable under negligence principles since an element of negligence, duty, is missing. When acting as co-

employee, the corporate officer may be held liable for failure to exercise ordinary care because this law imposes duty on all persons.

The above doctrine has been referred to as the "affirmative act" doctrine. The courts have to consider whether the officer is engaged in an affirmative act to determine when he is acting as corporate officer and when he is acting as co-employee. Thus, in general, if an officer is personally involved with other employees and he takes an affirmative act which increases the risk of injury to an employee, then he is acting as a co-employee. Otherwise, he is acting as corporate officer.

In order to fully understand a statute, it is necessary to understand the common law in effect at the time of passage. In Ellis v. Brown, 77 So. 2d 845 (Fla. 1955) the court stated:

> Further, as a rule of exposition, statutes are to be construed in reference to the principles of the common law; for it is not to be presumed that the legislature intended to make any innovation upon the common law further than the case absolutely required. The law rather infers that the act did not intend to make any alteration other than what is specified and besides what has been plainly pronounced; for, if the parliament had that design, it naturally said they would have expressed it. 77 So. 2d at 847 (emphasis in original) (quoting Jones, Varnum & Co. v. Townsend, 23 Fla. 355, 2 So. 612, 613 (1887).

See also City of Hialeah v. State, 183 So. 745 (Fla. 1938) ("The presumption is that no such change [in the common law] is intended unless the statute is explicit and clear in that regard."); Sand Key Associates v. Board of Trustees, 458 So. 2d 369 (Fla. 2d DCA 1984) ("The presumption is that no change in the common law is intended unless the statute explicity so states. Inference and implication cannot be substituted for clear expression."); and City of Pensacola v. Capital Realty Holding Co., 417 So. 2d 687 (Fla. 1st DCA 1982).

In the Fourth District counsel for Michael Sullivan argued that the the law set forth in the West v.Jessop by line of cases was changed by the 1978 amendments to the Workers' Compensation Act. In fact, These amendments expanded the immunity provision of the Workers' Compensation Act to include all co-employees. Co-employees are no longer liable to other co-employees for injuries except in circumstances involving willful and wanton misconduct, unprovoked physical aggression, gross negligence or where the employees are involved in unrelated works. Amicus curiae respectfully submits that this amendment did not change the prior rule which held that corporate officers were not co-employees when acting in their capacity as corporate officers. West v. Jessop

and Dessert v. Electric Mutual Liability Insurance Co., supra.

When the Workmen's Compensation Act was first passed, the act specifically granted tort immunity to employers. Nothing was said about co-employees and there was an issue of whether the immunity provision impliedly included employees. In Frantz v. McBee Co., 77 So. 2d 796 (Fla. 1955), the court noted that, common law employees had a duty to exercise ordinary care not to injure fellow employees. Because there was nothing in the statute which expressly, or by necessary inference, changed this rule, the Florida Supreme Court held that the Workmen's Compensation Act did not extend immunity to employees. Therefore, employees continued to be liable to co-employees for injuries caused by failure to exercise ordinary care.

In the 1976 case of West v. Jessop, supra, the Second District held that corporate officers act in two different capacities: they are both corporate officers and individuals. When carrying out their duties to the corporation, they are acting as corporate officers and have no common law duty to other employees. When acting as individuals they have a common law duty to other employees to exercise reasonable care for their

protection. When acting in his corporate capacity, the corporate officer is not considered to be a co-employee when acting individually, he is a co-employee. Thus, at the time the 1978 amendment was added, the state of the common law was as follows: employees were liable for injuries to co-employees caused by a failure to exercise ordinary care; corporate officers were considered to be both co-employees and corporate officers, depending on the circumstances.

The 1978 Amendment only refers to employees. It does not explicity refer to corporate officers, executives, or supervisors. Following the rule of construction that "no change in the common law is intended unless the statute explicity so states," one must conclude that the 1978 amendment reverse the holding Frantz v. McBee Co., supra, but change the holding of West v. Jessop, supra, only to the extent that a corporate officer is now also immune when acting as a co-employee, unless the circumstances show gross negligence, unprovoked physical aggression, or willful and wanton disregard if otherwise assigned primarily to unrelated works.

Distinguishing between the roles of corporate officers, executives, and supervisors, is logical because a corporate employer can carry out its duties only through natural persons. Thus, any time a corporation breaches a duty to an employee, it means that a natural person has breached a duty. If an employee can sue corporate officers when they breach their duty to the corporation, then the injured employee will have a cause of action against one of the corporation's agents in addition to his benefits from worker's compensation fund. This totally defeats the purpose of the worker's compensation statute which is to provide all injured employees with a certain amount of benefits, in exchange for the employee's giving up his common law rights against the employer.

The Fourth District's holding would dramatically increase the liability of corporate officers executives and supervisors. As mentioned above, any time an employee is injured because of a breach of the corporate employer's duty to provide a safe workplace, some corporate officer will be sued. Few, if any, officers will be willing to work without insurance provided by the corporate employer. Thus, the corporate employer will be required to provide worker's compensation coverage and

will also be required to provide insurance for the officers, supervisors, and executives. This totally defeats the purpose of Workers' Compensation - the employee receives Workers' Compensation benefits and retains common law rights of action against the employer in the guise of a suit against the corporate officer. The employer is obligated to provide Workers' Compensation benefits and remains liable for breaches of the common law duty to provide a safe work place by its officers, executives or supervisors. Amicus curiae respectfully urges this court to avoid this distortion of the principles underlying the Workers' Compensation Statute.

Here, neither Mr. Streeter nor Mr. Melcher assumed any duty toward Mrs. Sullivan as co-employees. All of the acts alleged in the complaints were acts which defendants did as corporate officers. They did not step out of these roles. Unless and until defendants stepped out of their role as corporate officers and acted as co-employees, they owed no personal duty to Mrs. Streeter or to any other employee.

The only allegations regarding the duty of care owed by Streeter and by Melcher are that each defendant owed "a legal duty to the banking public and employees of

Atlantic in general, and to Suzanne Sullivan in particular, to exercise reasonable care to assure that Atlantic branch offices, including the Davie Branch, had reasonable adequate security measures to protect the banking public and employees of Atlantic in general, and Suzanne Sullivan in particular, from the risk of injury or death on those premises." (Paragraphs 10, 34, 39 of Second Amended Complaint against Donald Streeter; Paragraphs 11, 26, 31 of Complaint against Edward E. Melcher). There are no allegations of any acts undertaken by either defendant in any role other than that as a corporate officer. There are no allegations of negligence related to anything other than the employer's non-delegable duty to provide a safe place to work. Consequently, both Streeter and Melcher are entitled to the same tort immunity as the corporate employer, Atlantic. There is no cause of action for negligence against Streeter or Melcher because they owed no personal duty to Mrs. Sullivan to provide a safe place to work. Without a legal duty, there can be no cause of action for even simple negligence. Characterizing the actions as "gross" does not create a cause of action, where no duty lies.

In the trial court Plaintiff argued that Mr. Streeter and Mr. Melcher were liable because they were assigned to unrelated works. The 1978 amendments to the Workers' Compensation Act added the following language to the statute.

> ...Nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment.

This provision is new to Florida and possibly to the United States. There is only one case which construes this provision. In Johnson v. Comet Steel Erecttion, Inc., 435 So. 2d 908 (Fla. 1st DCA 1983), an employee of a general contractor was injured as a result of the negligence of a subcontractor's employee while both were employed on-site in the same construction project. The injured employee argued that the fact that he was a common laborer while the tort feasor was a welder meant that they engaged in unrelated works. The First District rejected this argument on the basis of cases which had held that subcontractors were immune under the Workmens' Compensation Statute for injuries caused to an employee of a general contractor. However,

the First District did not explain the meaning of the term, "unrelated works."

Webster's New Collegiate Dictionary defines "related" as "connected by reason of an established or discoverable relation." This definition does not answer the question of what "unrelated works" means, however. If carried to an extreme, the term "unrelated works" could be rendered meaningless. All employees of a common employer are related in the sense that they have a common employer. If this is all the relationship that is required, then all employees of an employer would be related. However, under this interpretation no employees would be assigned primarily to unrelated works and this exception would have no meaning. On the other hand if the "unrelated works" means people doing different types of jobs then only those doing the same job would be related. A common laborer and a welder would be engaged in unrelated works, and could sue each other for injuries caused by negligence. This definition of "unrelated works" too strict to have any meaning - almost all employees of a given business perform jobs which are different from those performed by other employees. Using this definition, of the policy of granting immunity to employees would apply to very few situations - it would

apply only when two employees perform the exact same job and one injures the other. The First District rejected this approach in Johnson v. Comet Steel Erection, Inc., supra.

To interpret this provision, one must consider the language of the statute in light of the changing nature of corporations. This is the age of the conglomerate corporation. The statute grants to employees immunity from liability for injuries to co-employees in "related works." The evident purpose of the provision was to eliminate litigation over injuries arising in normal course of business. The purpose of Workers' Compensation is to compensate for such injuries. However, in Florida there are large corporations which operate in a number of different fields. For example, Martin Marietta used to operate in the cement industry and in the aerospace industry. If an employee who drove a sand truck accidentally injured an employee who worked at an aerospace plant, there is no purpose to give immunity to the truck driver This is not the type of injury which arises out of the ordinary course of the aerospace business. There are two lines of businesses - the cement business and the aerospace business. It does not offend the policy behind the

Workers' Compensation act to allow an injured employee to sue a fellow employee who is involved in a different line of business. By using a "same-line of business" test to determine whether employees are involved in unrelated works, a balance can be achieved. Employees are immune for injuries arising out of the ordinary course of the same line of business. Employees are not immune where they are involved in different lines of business and have the same employer only because they are working for a large company. This interpretation fulfills the rule of statutory construction that "[a] statute is to be construed so that it is meaningful in all of its parts. Wilensky v. Fields, 267 So. 2d 1, 5 (Fla. 1972).

CONCLUSION

Employers owe their employees a duty of providing a safe work place. The Workers' Compensation Act was adopted to provide employees compensation for injuries on an efficient, no-fault basis. The holding of the Fourth District ignores the common law in existence at the time of the 1978 Amendment, and misconstrues the Amendment. It also vastly increases the potential liability of corporate officers. Additional corporations will be required to provide insurance for their corporate officers, executives, and supervisors. Thus, the holding of the Fourth District damages the overall scheme and purpose of the Workers' Compensation Act in that corporations will be required to provide workers' compensation benefits to their employees and officers, executives and supervisors will also be liable for injuries to employees. The amicus curiae respectfully urges this court to quash the decision of the Fourth District Court of Appeal and reinstating the summary judgment in favor of defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Amicus curiae has been furnished by U.S. Mail to JUDITH M. KORCHIN, ESQUIE, Steel Hector & Davis, Attorneys for Respondent Sullivan, 4000 Southeast Financial Center, 200 South Biscayne Boulevard, Miami, Florida 33131-2398; TALBOT D'ALEMBERTE, ESQUIRE, Co-counsel for Respondent Sullivan, 320 Barnett Bank Building, 315 South Calhoun Street, Tallahssee, Florida 33201; ROBERT M. CURTIS, ESQUIRE, Saunders, Curtis, Ginestra & Gore, Suite 302, 1750 East Sunrise Boulevard, Ft. Lauderdale, Florida 33338 and VALERIE SHEA, ESQUIRE, Conrad, Scherer & James, Attorneys for Petitioners, Post Office Box 14723, Ft. Lauderdale, Florida 33302, this 2d day of June, 1986.

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