IN THE SUPREME COURT OF FLORIDA

CASE NO. 69,687

SUZANNE TAYLOR SANDERSON, Individually and as Personal Representative of the Estate of STEPHEN A. TAYLOR,

Petitioner,

vs.

FREEDOM SAVINGS & LOAN ASSOCIATION, ALEX SPARR, et al.,

Respondents.



# AMICUS CURIAE BRIEF OF THE ACADEMY OF FLORIDA TRIAL LAWYERS

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## INTRODUCTION

The Academy of Florida Trial Lawyers ("AFTL") submit this brief as an amicus curiae in support of the petitioner' position before this court. AFTL is a statewide organization o trial lawyers specializing in all areas of litigation. As such AFTL is particularly concerned where a decision substantial1 curtails the ability of a group or class of Florida citizens t redress its wrongs in a judicial forum. Because the distric court's expansion of the fireman's rule in the case at bar woul have just such an effect on the rights of the police officer and firefighters of this state, AFTL joins the petitioner an its fellow amicus curiae, the Police Benevolent Association, i urging that the decision under review be reversed.

In this brief, petitioner Suzanne Taylor Sanderson plaintiff below individually and as personal representative o the estate of Officer Stephen A. Taylor, will be referred to a "the petitioner." Respondents/defendants Freedom Savings & Loa and Alex Sparr will be referred to collectively as "th respondents" or individually by name. All emphasis is supplie unless otherwise indicated.

## STATEMENT OF THE CASE AND FACTS

AFTL accepts as accurate the petitioner's Statement of the Case and Facts and adopts it here by reference.

## ISSUE ON APPEAL

WHETHER THIS COURT SHOULD APPROVE AND ADOPT THE FIRST DISTRICT'S "EVOLUTIONARY EXTENSION" OF THE FIREMAN'S RULE THAT PROHIBITS RECOVERY IN ALL SITUATIONS WHERE POLICEMEN OR FIREMEN ARE INJURED IN THE LINE OF DUTY IN THE ABSENCE OF THE DEFENDANT'S WILLFUL MISCONDUCT OR WANTON NEGLIGENCE

## SUMMARY OF THE ARGUMENT

The decision under review should be reversed as an undesirable and unwarranted expansion of the fireman's rule in Florida. Since the policy concerns that traditionally justified the rule's harsh effects have been eclipsed by countervailing considerations that militate against its usefulness, the rule should be abrogated entirely. In the alternative, the fireman's rule at the least should be expressly limited to bar a peace officer's recovery only for the negligence that created the very harm he is summoned to curtail. Those who serve society in the critically important roles of police officers and fire fighters should not be singularly prohibited from tort recovery, as the decision at bar would do, when their injuries are proximately caused by negligent or willful acts of misconduct unrelated to the cause of the emergency that necessitated their professional assistance.

## ARGUMENT

### THE DECISION UNDER REVIEW SHOULD BE REVERSED AND THE FIREMAN'S RULE EITHER REPUDIATED OR EXPRESSLY RESTRICTED

In AFTL's view, the pernicious effects of the decision under review are readily apparent. On the immediate and personal level, of course, it denies meaningful recovery to the petitioner, the widow of a police officer killed as the proximate result not of the crime he was summoned to the respondent bank to halt but rather of a third party's negligence in alerting the armed robbers to his presence at the scene. On a level of statewide resonance, moreover, this decision effectively will relegate police and firemen to an economic level secondary to that of other public servants and members of society at large. AFTL respectfully suggests that the inherent injustice of such a policy far outweighs the reasons traditionally cited to support the fireman's rule, and that the doctrine hence should be repudiated in its entirety or at least judicially narrowed and redefined not to bar recovery where, as here, a peace officer is injured or killed by an independent act of negligent or willful misconduct.

As the briefs of the petitioner and the Police Benevolent Association illustrate, the fireman's rule historically has been predicated on two distinct legal theories. One viewpoint considers firemen or policemen who enter a premises in the line of duty in the context of the ancient common law formula for the varying scope of a landowner's responsibility to those who come upon his property as invitees

or licensees. The other is grounded in the doctrine of assumption of the risk, and holds that policemen and firefighters by their career choices voluntarily have undertaken to face the dangers inherent in their unusually hazardous professions. Florida courts to date have relied on both rationales, sometimes (as in the case under review) simultaneously.[1] However, as the petitioner and the Police Benevolent Association forcefully demonstrate, neither model of the firemen's rule justifies its expansion into a bar against recovery by police or firefighters in all instances save those where willful misconduct or wanton negligence is present. To the contrary, as other jurisdictions throughout the United

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[1] In the opinion under review, the First District defines the fireman's rule as the directive that "a fireman who enters upon the premises of another in the discharge of his duty occupies the status of a licensee so that the owner of the premises owes him the duty to refrain from wanton negligence or willful misconduct...." 496 So.2d at 955. However, the court also quotes at length from its own earlier discussion in Romedy v. Johnston, 193 So.2d 487, 491 (Fla. 1st DCA 1967), where it explained that "[firemen] face the risk of injury from exposure to fire, smoke, and collapsing structures. These are risks assumed by those voluntarily seeking and accepting this type of employment." Compare also, e.g., Rishel v. Eastern Airlines, Inc., 466 So.2d 1136, 1138 (Fla. 3d DCA 1985)(public officials "assume the risks attendant to their routine duties"); Price v. Morgan, 436 So.2d 1116, 1120 (Fla. 5th DCA 1983)(police and fire personnel are licensees when they enter premises to discharge their duties); Wilson v. Florida Processins Co., 368 So.2d 609 (Fla.3d DCA 1979)(danger is inherent in ordinary course of duties asssumed by policeman); Whitten v. Miami-Dade Water & Sewer Authority, 357 So.2d 430,432 (Fla. 3d DCA 1978)(fireman or policeman on owner's premises has status of licensee); Hall v. Holten, 330 So.2d 81 (Fla.2d DCA 1976)(policeman has status of uninvited licensee on owner's premises and assumes risks of his profession); Adair v. The Island Club, 225 So.2d 541 (Fla. 2d DCA 1969)(same).

States lately have begun to acknowledge, policy considerations mandate either the abolition or at least the restriction of the fireman's rule in its traditional form.

The crux of the present case is the fact that Officer Taylor's death proximately resulted not from the crime he was called to the respondent bank to curtail, but rather from the intervening act of negligence of the employee who alerted the armed robbers to his presence. At the very least, this ill-conceived warning made the situation confronted by Officer Taylor and his fellow policemen substantially more dangerous than it otherwise would have been. This appeal thus presents a factual setting where this court appropriately may redefine the parameters of the fireman's rule in Florida by holding that misconduct other than that which necessitated a peace officer's professional services may be the basis for a tortfeasor's liability to him. Under either theoretical model of the fireman's rule, as other states have recognized, such a distinction best serves the interests of both injured officers and the society they protect.

California, whose fireman's rule is conceptualized as an application of the assumption of the risk principle, is in the forefront of the states making inroads into its harsh results. That jurisdiction first considered and adopted the doctrine in Giorgi v. Pacific Gas & Electric Co., **266** Cal.App. 355, **72** Cal. Rptr. **119 (1968),** where a forest fire resulted in the deaths of four firemen and serious injury to two others. The court held that "a paid fireman has no cause of action against one whose

passive negligence caused the fire in which he was injured." 72 Cal.Rptr. at 119. The rule's application was extended to prohibit an injured fireman's recovery from an individual whose active negligence resulted in a fire in Scott v. E.L. Yeaser Construction Co., 12 Cal.App.3d 1190, 91 Cal.Rptr. 232 (1970).

The California Supreme Court eventually endorsed the fireman's rule and recognized its applicability to police officers in Walters v. Sloan, 20 Cal.3d 199, 142 Cal.Rptr. 152, 571 P.2d 609 (1977). However, the court emphasized that negligent or willful misconduct, aside from that which caused the injured officer to be calledto the scene could still create liability to him.

> Thus a police officer who while placing a ticket on an illegally parked car is struck by a speeding vehicle may maintain [an] action against the speeder but the rule bars recovery against the owner of the parked car for negligent parking.

20 Cal.3d at 202. The same distinction between lack of liability for the otherwise tortious conduct that necessitated an officer's involvement in a hazardous situation and potential liability for any intervening subsequent acts of misconduct was reaffirmed in Hubbard v. Boelt, 28 Cal.3d 480, 620 P.2d 156 (1980)(policeman could not recover for injuries received in high speed chase of reckless traffic offender).

California's clearest articulation of the restricted scope of its fireman's rule came in Lipson v. Superior Court of Orange County, 31 Cal.3d 362,182 Cal.Rptr. 629, 644 P.2d 822 (1982). There, a fireman suffered severe injuries while

attempting to contain a boilover at a chemical manufacturing plant after its owners incorrectly informed him that the accident did not involve toxic substances. Finding that the owners' misrepresentation of the nature of the chemicals was an act of either negligent or intentional misconduct independent of any act which may have been the cause of the boilover itself, **644** P.2d at 827, the California Supreme Court held that the fireman, while prohibited from recovering for the owners' possibly tortious conduct in causing or failing to prevent the accident, could collect damages for the personal injuries he sustained as the result of their misrepresentation. **644** P.2d at 829. The court, a proponent of the view that the fireman's rule is a manifestation of the doctrine of assumption of the risk, cogently explained the policy considerations it deemed served by its decision.

> **As** many other jurisdictions and legal commentators have recognized, a fireman does not assume every possible risk he may encounter while engaged in his occupation. A fireman assumes only those hazards which are known or can reasonably be anticipated at the site of the fire.
>
> Smoke, flames, and the collapse of a burning wall, ceiling or floor are typical risks normally associated with a fireman's occupation. However, the risk that the owner or occupier of a burning building will deceive a firefishter as to the nature or existence of a hazard on the premises is not an inherent part of a firefighter's iob. A fireman cannot reasonably be expected to anticipate such misconduct on the part of an owner or occupier of a buildins.
>
> Thus, the principle of assumption of the risk, which forms the theoretical basis for the fireman's rule, is not applicable where a fireman's injuries are proximately caused by his being misled as to the nature of the danger to be confronted.

644 P.2d at 827-28 (citations omitted).[2]

In Illinois, where the fireman's rule is viewed as an outgrowth of the English common law classification of the duties of landowners according to the status of those entering their property, the traditional doctrine has been similarly refined and ameliorated. Early on, police officers or firefighters who came onto a premises in the discharge of their duties were held to be licensees to whom no greater duty was owed than to warn of known concealed dangers and to refrain from inflicting willful or intentional injury. Gibson v. Leonard, 143 Ill. 182, 32 N.E. 182 (1892); Ryan v. Chicago & N.W. Railway Co., 315 Ill.App. 65, 42 N.E.2d 128 (1942). Recognizing the harshness of this classification, later Illinois courts amended their view and began to consider firemen and policemen to be invitees to whom

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[2] Since Lipson, California courts repeatedly have held as a matter of law that officers injured by negligent or intentional acts independent from the incidents they were summoned to quell may seek recovery from the third party tortfeasor. **See**, e.g., Rose v. City of Los Angeles, 159 Cal.App.3d 883, 206 Cal.Rptr. 49 (1984)(reserve police officer negligently shot by officer of second police department could maintain tort action since second officer's negligence "occurred after the second officer arrived on the scene and materially enhanced the risk of harm or created a new risk of harm"); Shaw v. Plunkett, 135 Cal.App.3d 756, 185 Cal.Rptr. 571 (1982)(police officer struck and injured by automobile while arresting prostitute in motel parking lot could recover from motorist); Krueger v. City of Anaheim, 130 Cal.App.3d 166, 181 Cal.Rptr. 631 (1982)(fireman's rule did not preclude recovery for injuries sustained by stadium guard while attempting to eject disorderly spectator); Spargur v. Park, 128 Cal.App.3d 469, 180 Cal.Rptr. 257 (1982)(summary judgment for defendant reversed where police officer injured after stopping defendant for speeding when defendant's car failed to come to a full halt and struck officer's motorcycle); compare Lenthall v. Maxwell, 138 Cal.App.3d 716, 188 Cal.Rptr. 260 (1982)(fireman's rule barred action by police officer shot while attempting to quiet a violent domestic disturbance involving firearms since the person the officer was called to subdue was the same person who attacked him).

landowners owed a duty of care to keep their premises safe. Finally, the Illinois Supreme Court rejected the applicability of the common law classifications to peace officers altogether and held simply that property owners owed them a duty of reasonable care so that firemen "rightfully on the premises, fighting the fire at a place where [they] might reasonably be expected to be" would not be injured. Dini v. Naiditch, 20 Ill.2d 406, 170 N.E.2d 881 (1960).

After Dini, Illinois courts have held consistently that, while a landowner has no duty to prevent injuries to firemen from the fire itself, he must use reasonable care to see that a fireman is not harmed by independent causes. Cf. Washinaton v. Atlantic Richfield Co., 66 Ill.2d 103, 361 N.E.2d 282 (1976)(fireman's rule barred liability of service station owner where plaintiff injured by fire triggered by defective gas pump); Young v. Toledo, Peoria & Western R.R. Co., 46 Ill.App.3d 167, 360 N.E.2d 978(1977)(fireman failed to state cause of action where allegations of complaint related only to acts that caused train derailment and resulting fire); Erickson v. Toledo, Peoria & Western R.R. Co., 21 Ill.App.3d 546, 315 N.E.2d 912 (1974) (same).

In 1978, the Illinois Supreme Court flatly refused to extend the fireman's rule beyond "its limited context of landowner/occupier liabilty" in Court v. Grzelinski, 72 Ill.2d 141, 379 N.E.2d 281 (1978). There, a fireman was injured while attempting to extinguish a car fire when the vehicle exploded and spewed ignited gasoline on him. He brought a products

liabilty action against the automobile manufacturer and the dealer that sold the vehicle in an allegedly defective condition. The defendants maintained that the fireman's rule barred their liability to the injured officer as a matter of law. Nonetheless, the court held that, to the extent that injury to a fireman from a defective product may be foreseen, his recovery in a products liabilty action is possible whether or not his injury occurs while he is fighting a fire in the course of his duties.

> [The] 'fireman's rule' is founded in negligence and and derives from numerous cases...which rest on two distinguishable propositions. The more common of the two propositions is that a landowner or occupier owes no duty of care to firemen to prevent the fire which necessitated their presence on the premises. The other proposition is that a fireman cannot recover from any defendant for any injury resulting from those risks inherently involved in fie fighting. The former proposition is firmly established in Illinois law. The latter proposition, which actually subsumes the former and extends the 'fireman's rule' to encompass defendants other than landowners or occupiers, is one of first impression in this court.
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> Defendants attempt to extend the 'fireman's rule' beyond its limited context of landowner/occupier liability. The rule cannot be expanded to a free-floating proposition that a firefighter cannot recover for injuries resulting from risks inherently involved in fire fighting. To do so would be tantamount to imposing the doctrine of assumption of the risk onto the occupation of fire fighting and would be directly contrary to the limited concept of assumption of risk in Illinois.

379 N.E.2d at 283-84 (emphasis original).

Within the past few years, other courts throughout the United States have scrutinized the traditional formulation of the fireman's rule, and most have narrowed its scope to bar an injured officer's action only against the person whose ordinary negligence either started the fire or committed the crime that originally necessitated the officer's professional services. For example, in Wietecha v. Peoronard, 102 N.J. 591, 510 A.2d 19, 21 (1986), New Jersey held that a patrolman called to the scene of a three-car accident who was injured when fourth and fifth automobiles negligently struck the first three during his investigation could state a claim against the operators of the fourth and fifth vehicles because "independent and intervening negligent acts that injure the safety officer on duty are not insulated" from tort liability. Similarly, in Berko v. Freda, 93 N.J. 81, 459 A.2d 663 (1983), that same court held that a police officer could not sue a car owner whose negligence in leaving keys in his automobile resulted in the officer being summoned, but that he could recover from the thief whose negligent operation of the stolen vehicle proximately caused his injuries. As the court explained,

> [t]his creates a paradox: since police fight crime, they must expect an occasional encounter with violence. Why then should they be permitted to sue a thief for personal injuries when they have assumed the risk that the thief might fight back? We resolve this paradox by observing that the public policy underlying the 'fireman's rule' simply does not extend to intentional abuse directed specifically at a police officer. 'To permit this would be to countenance unlimited violence directed at

> the policeman in the course of most routine duties, Certainly the policeman and his employer should have some private recourse for injuries so blatantly and criminally inflicted.'

**459** A.2d at **667-68,** quoting Krueger v. City of Anaheim, supra.

In Pottebaum v. Hinds, **317** N.W.2d **642, 643** (Iowa 1984), the Iowa Supreme Court adopted "a narrow rule denying recovery to a firefighter and policeman whenever their injuries are caused by the very wrong that initially required the presence of an officer in his official capacity and subjected him to harm." However, the court in dicta explained that,

> although policemen are barred from recovery against the person whose negligence creates the the need for their presence, they are not barred from recovery for negligent or intentional acts of misconduct by a third party. Nor would they be barred from recovery if the individual responsible for their presence engaged in subsequent acts of misconduct once the officer was on the scene.

**347** N.W.2d at **646.** Similarly, Kansas adopted the fireman's rule into its jurisprudence in Calvert v. Garvey Elevators, **236** Kan. **570, 694** P.2d **433 (1985),** but directed that

> [i]t is not the public policy to bar a fire fighter from recovery for negligence or intentional acts of misconduct by a third party, nor is the fire fighter barred from recovery if the individual responsible for the fire fighter's presence engages in subsequent acts of negligence or misconduct upon the arrival of the fire fighter at the scene...A fire fighter only assumes hazards which are known and can be reasonably anticipated at the site of the fire and are a part of fire fighting.

694 P.2d at 439. See also, Christensen v. Murphy, 296 Or. 610, 678 P.2d 1210 (1984)(fireman's rule abolished in Oregon): see generally, Annot., Liability of an Owner or Occupant of Premises to Fireman Coming Thereon in Discharge of his Duty, 11 A.L.R. 4th 597 (1982).

As all of the foregoing jurisdictions have recognized, and regardless of which theoretical rationale for the fireman's rule is viewed as its foundation, none of the policy reasons traditionally cited for its adoption justifies its continued vitality where an officer is injured or killed by an act of operational negligence independent of the situation he has been summoned to assist. The most common of these customary considerations is that the rule "permits individuals who require police or fire department assistance to summon aid without pausing to consider whether they will be held liable for consequences which, in most cases, are beyond their control.'' Rishel, supra, at 1138. Such a policy would remain entirely undisturbed by reversal of the case at bar upon a holding that the fireman's rule does not preclude an officer's recovery for an independent act of negligent or willful misconduct. Under such a formulation, a citizen confronted with an emergency could still request the professional assistance of the police or fire department secure in his insulation from liability even if his own negligence set in motion the events requiring the officer's efforts. His freedom to seek such public service thus would remain undisturbed, and he could be held accountable to an injured officer only if he performed an independent act of

operational negligence that created a new danger or exacerbated the existing risk of harm after the officer arrived on the scene. **See** Prosser, Law of Torts **568** at 397 (argument that potential tort liability might deter landowners from summoning help in an emergency "preposterous rubbish").

A second policy reason frequently invoked to explain the need for the fireman's rule is the concept that the economic impact of officers' injuries thereby is spread to the public at large through mechanisms like workers' compensation or departmental pension funds. As at least one court has observed, the fallacy in this rationale is obvious. In most instances, an injured public safety officer denied recovery from a negligent tortfeasor effectively is denied recovery from anyone. Since other public employees who come upon a premises in the course of performing their duties are not similarly precluded from seeking tort damages in addition to the same public salary and compensation benefits available to injured officers, police and firefighters are required to bear a financial burden far greater than that imposed on other public servants. Christensen, supra, at **1217.**

The third common justification for the fireman's rule is the concept discussed above that police and firefighters have assumed the risk of injury by selecting their ultrahazardous occupations. As numerous courts have recognized, this is perhaps the weakest of the principles supporting the rule. Lipson, supra, at **827-28.** The Police Benevolent Association correctly points out that the doctrine of assumption of risk is disfavored

in Florida and has been repudiated in virtually every other legal context. Moreover, even if that antiquated concept is to remain vital when applied to police and fire fighters, its logical and fair application would not prevent an officer injured during an emergency by an independent tort from seeking recovery. Neither police nor firemen assume such a risk when they undertake to perform their duties.

Assumption of the risk is classically defined as the recognition that "one who knowingly and voluntarily confronts a hazard cannot recover for injuries sustained thereby." Walters, supra, at 609. According to that definition, a police officer or fireman coming to the scene of an emergency assumes those dangers, but only those dangers, that are known or reasonably can be anticipated to be inherent in the situation. For example, a fire fighter can expect to encounter smoke, flames, and collapsing walls at the site of a blaze, and the doctrine of assumption of the risk would prohibit his recovery in the event he is injured by these agents. However, a fireman cannot and should not be expected to anticipate that a bystander will thoughtlessly or maliciously enhance the flames by dousing them with kerosene or gasoline, and assumption of the risk thus should not protect the bystander from liability if the fireman is injured by such tortious actions.

Balanced against these infirm traditional policy arguments favoring the fireman's rule are substantial countervailing reasons why it should not bar recovery where a public servant is injured in the performance of his duties by

misdeeds independent of those that created the emergency. Foremost among these concerns is the public need to maintain an efficient, high calibre police force and fire department. The present decision will place police officers and fire fighters at a distinct and palpable economic disadvantage compared to other public servants, who are not similarly barred from seeking tort damages when they are injured on duty by a citizen's careless or malicious conduct. When the relative value to society of its police and fire protection is measured against the contributions of, for instance, garbage collectors or meter readers, the prohibition against permitting recovery for tortious injury only to the former group becomes inherently absurd. It makes no sense, and certainly fails to serve the public interest in attracting dedicated and capable individuals to the ranks of police officers and fire fighters, thus economically to punish those career choices by relegating their members to such second-class status.

The instant decision will have the further detrimental effect of discouraging the public from rendering assistance to peace officers when their services become necessary. If a landowner or occupier is entirely shielded from all liability to a policeman or fireman for negligent or intentional misconduct, there will remain no incentive for individuals either affirmatively to aid an officer (as by correctly informing a firefighter of the nature of a burning substance) or to refrain from increasing his risk of harm (as by informing an armed robber of a police officer's presence). Information provided to

police or firefighters by owners or bystanders in emergency situations is often critical to their effective performance of their duties, and if such information is either negligently or willfully misleading, the result can be not only the officer's injury or death but also grave risk to members of society in general. It thus is inimical to public safety to shield property owners and occupiers from liability for tortious acts that injure or kill a peace officer in the performance of his duty. Kaiser v. Northern States Power Co., 353 N.W.2d 899,905 (Minn. 1984)(fireman's rule should not bar liability of landowner whose misconduct at scene materially enhances risk of harm to peace officer); Lang v. Glusica , 387 N.W.2d 895,900 (Minn. Ct. App. 1986)(same).

Finally, concurrent with the present decision's "evolutionary extension'' of the fireman's rule in Florida is a growing sentiment in the courts for its restriction, if not its abolition. Dissenting in Rishel, supra, Judge Ferguson clearly expressed

> reservations as to whether the fireman's rule, as generally applied, does justice in all cases. I see no reason why, in this age of crowded living, an owner or occupier of premises should not be liable for the creation of unusual hazards which reasonable persons know, or should know, pose a danger to lives and property. ..If precedence were no bar, I would follow the Oregon Supreme Court which, in Christensen v. Murphy [supra], discarded the fireman's rule on a finding that the public policy considerations on which it is based have not proved sound or equitable.

466 So.2d at 1139-40.

As other courts have held and Judge Ferguson has acknowledged, the policy considerations that once engendered and buttressed the fireman's rule are of increasingly dubious value. Its effective separation of police officers and firemen into a group to whom less care is owed than to other public servants or citizens can no longer be justified under either its assumption of the risk or its landowner/duty formulation. If some version of the fireman's rule is to remain extant in Florida, it at the least should be restricted in its application to bar only claims for the negligent creation of emergency situations and not those, like the present petitioner's, where a peace officer's injury or death is proximately caused by an independent act of negligence or willful misconduct.

## CONCLUSION

AFTL joins the petitioner and the Police Benevolent Association in urging that the decisions of the First District and the circuit court be reversed and this cause remanded for further proceedings on the petitioner's amended complaint. The court should hold as a matter of law that the fireman's rule is no longer viable in Florida, or in the alternative that it does not bar a police officer or fire fighter from recovery for injury or death proximately due to an act of negligence separate and independent from those that required his professional presence at the scene of an emergency.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by mail this 12th day of February, 1987, to: J. CRAIG KNOX, ESQ., P. O. Box 1739, Tallahassee, Florida; ROBERT D. PELTZ, ESQ., Rossman, Baumberger & Peltz, P.A., 1207 Biscayne Building, 19 West Flagler Steet, Miami, Florida 33130; Kerrigan, Estess & Rankin, 400 East Government Stret,

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