SUPREME COURT OF FLORIDA

PAULA MICHELLE FISEL,

Appellant,

-vs-

WILLIAM C. WYNNS
and FRANK R. WYNNS,

Appellees.

_______________________________________/

Case No. 85,285
District Court of Appeal
Fifth District No. 95-2207
Circuit Court Case No. 93-141 CA

SID J. WHITE
MAY 26 1995
CLERK, SUPREME COURT
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ANSWER BRIEF

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STATEMENT OF THE CASE AND FACTS

Appellant, PAULA MICHELLE FISEL (hereinafter "Fisel"), filed a negligence suit against Appellees, WILLIAM C. WYNNS and FRANK R. WYNNS (hereinafter "Wynns"), and Billy Arnold Sizemore (hereinafter "Sizemore"), seeking damages for personal injuries allegedly arising out of a motor vehicle accident which occurred on March 15, 1992. (R.1-3). Fisel's Complaint alleged that Wynns "intentionally, willfully, carelessly, or negligently suffered or permitted their livestock to run at large upon or stray upon the public roads" and alleged negligent operation of a motor vehicle against Sizemore. (R.1-3).

THE ACCIDENT

Fisel was travelling westbound on County Road 48 near Bushnell in Sumter County, Florida, just after midnight on March 15, 1992. (R. 81-88). Fisel, 20 years of age, was traveling with her girlfriend, Athena Estrada, 14 years of age, in a pick-up truck that Fisel had borrowed from her friend, Chris Reynolds. (R. 74-76). Earlier that evening, Fisel and Estrada attended a party in Bushnell. (R. 74). The two left to go to a friend's house and were returning to the party when they struck a cow owned by Wynns which was located in the westbound lane of County Road 48. (R. 74-93).

Although Fisel was not wearing a seatbelt at the time of impact, Fisel's body did not strike any portion of the interior of the truck. (R. 87, 97). There was no broken glass, Fisel was not cut nor lacerated, nor had any other apparent injury. (R. 97-99). Although one headlight was busted out due to impact with the cow, the other headlight remained on as well as the taillights as the truck remained stationary in the westbound lane of County Road 48. (R. 96-100).

As Fisel was exiting the vehicle, she noticed the headlights from Sizemore's vehicle which was

travelling eastbound on County Road 48. (R. 103-106). After Fisel exited the vehicle and attempted to remove herself from the highway, she was struck by the vehicle driven by Sizemore resulting in a severely fractured right leg which is her sole and exclusive injury resulting from this accident.[1] (R. 103-109).

THE COW

Wynns owned the cow in question which along with other cows owned by Wynns was kept in a barbed wire fenced enclosure with four gates; two of which were permanently closed and two of which were used by Wynns for ingress and egress onto the property. (R.11; R.170-183).

On the Friday afternoon immediately preceding the motor vehicle accident, Frank Wynns left the property to go into town at which time he exited through the western gate. (R.172-183). After opening and proceeding through the gate, he got out of his truck, shut and secured the gate and this was the last time he used the western gate. (R.172-175). The western gate incorporates a sliding latch mechanism on the outside of the gate which cannot be bumped open or otherwise opened by the cattle. (R.170-183). During the general time that the motor vehicle accident occurred, Wynns did not have any employees nor was anyone else authorized to enter onto the property. (R.152-183). Frank Wynns first became aware that the western gate was open after he was informed that an accident had occurred and he had no knowledge as to how the western gate was opened. (R. 155-183).

Fisel has no personal knowledge whatsoever as to how the cow escaped from the fenced enclosure and testified that her only knowledge came from her lawyer who told her that the cow escaped from the open western gate. (R.128-132). Further, the deposition testimony of all parties and all known witnesses including Athena Estrada, Tim Wells, Christopher Reynolds, Sergeant Tim Nordel, Florida Highway Patrol Trooper Bradford Wagner, Robert Brown, and Cpl. Kenny Harris,

[1]Fisel had an uninsured motorist policy issued by Allstate Insurance Company and she did recover benefits for her injuries. (R.140-143).

were taken and none of these witnesses had any personal knowledge as to how the cow escaped the fenced enclosure. (A.1 incorporated in appellees' answer brief filed with the District Court).

TRIAL COURT

Following extensive discovery including the depositions of the parties and all known witnesses, Wynns' filed a Motion for Summary Judgment. (R.15-16). The undisputed facts contained within the record before the Trial Court demonstrated:

1. Wynns owned the cow in question which was kept with other cattle owned by Wynns in a fenced enclosure which was sufficient to retain them. (R.11; 170-183).

2. The record contained no evidence of improper maintenance of the fence and/or gates. (R.25-144; 145-183).

3. Fisel had no knowledge as to how the cow escaped other than that her lawyer told her that the cow escaped from the western gate which was found to be open after the accident. (R.128-132).

4. The western gate in question was secured by a sliding, shutter-type latch mechanism located on the outside of the gate which can only be operated by human hands and fingers and cannot be bumped open or otherwise opened by the cattle. (R.170-183).

5. Prior to the motor vehicle accident, the gate was last observed by Frank Wynns and it is uncontroverted that he shut and secured the gate. (R.172-175).

6. There was no evidence of any prior occasion in which the Wynns' cattle were outside the fenced enclosure. (R.25-144; 145-183).

Based upon the undisputed facts contained in the record presented to the Trial Court and the applicable Florida law, the Trial Court granted Wynns' Summary Judgment. (R.296). Fisel timely filed a Notice of Appeal. (App.R. 1-2).

APPELLATE COURT

The Fifth District Court of Appeal issued an en banc opinion in which the majority affirmed the Trial Court's ruling. (App.R. 3-15). On Motion to Certify the Question, the Fifth District Court of Appeal certified the question set forth in its Order of February 17, 1995 as one of great public importance and jurisdiction was accepted by this Court on March 9, 1995. (App.R. 16-18; 19-22; 26).

SUMMARY OF ARGUMENT

In 1949, Sections 588.12 through 588.25, Florida Statutes, commonly known as the "Warren Act", emerged from the halls of the Florida Legislature. The "Warren Act" specifically incorporates Sections 588.14 and 588.15, Florida Statutes, entitled "Duty of Owner" and "Liability of Owner", respectively. The Florida Supreme Court and the lower Courts of this State have consistently harmonized these two statutory provisions by requiring evidence of an intentional, willful, careless, or negligent act in order to establish liability and prohibiting the inference of negligence by the mere presence of livestock on the roadway.

The provisions of the "Warren Act" which are again presented for consideration to this Court represent a delicate balance of interests struck by the Florida Legislature in 1949, consistently recognized by the Florida Supreme Court and the lower Courts of this State, and which remain unaltered. Any revision of the statutory provisions of the Warren Act and especially a revision as suggested by Fisel which would limit the effect of Section 588.15 clearly and undisputedly falls within the power of the legislative branch and beyond the parameters of authority granted to the Judiciary.

Fisel's complaint against Wynns alleges that Wynns "intentionally, willfully, carelessly, or negligently suffered or permitted their livestock to run at large upon or stray upon the public roads". After extensive discovery, it is undisputed that Fisel failed to present any record evidence to the Trial

Court of a negligent act committed by Wynns. Fisel requested the Trial Court and the Appellate Court to infer negligence upon Wynns for the mere fact that the cow was on the road at the time of the accident. The Trial Court and the Appellate Court followed the applicable and longstanding law of Florida established by the Legislature and recognized by The Florida Supreme Court and the District Courts of Appeal and refused to infer negligence on the part of Wynns by the mere presence of the cow in the roadway. As Plaintiff, Fisel carries the burden of establishing some genuine issue of material fact as to a negligent act committed by Wynns in order to avoid a summary judgment. Fisel failed to meet that burden and now pleads to this Court, as to the Trial Court and District Court below, that that burden be removed and that liability be imposed upon Wynns in the total absence of any evidence of a negligence act.

Fisel's only hope of establishing negligence on the part of Wynns is for The Florida Supreme Court to recede from a longstanding rule of law and hold that the mere presence of livestock on the road is a violation of Section 588.14, Florida Statutes, and as such is "negligence per se" or evidence of negligence. However, this is prohibited by the existence of Section 588.15, Florida Statutes, which imposes liability only on an "intentional, willful, careless, or negligent" act. It is a long accepted maxim of statutory construction that a statute must be construed in harmony with any other statute relating to the same subject matter and that the Court must construe them so as to preserve the force of both without destroying their evident intent.

In order to hold that the mere presence of livestock on the roadway is "negligence per se" or evidence of negligence, The Florida Supreme Court would not only directly overrule a longstanding and well established law of Florida, but would also extinguish the force and effect of the clear statutory language contained in Section 588.15, Florida Statutes. Such an act is beyond the Judicial powers and must be done by an act of the Florida Legislature.

ARGUMENT

I. THE MERE FACT THAT LIVESTOCK ARE UPON A PUBLIC ROAD DOES NOT JUSTIFY AN INFERENCE OF NEGLIGENCE AND THE SUMMARY JUDGMENT ENTERED BY THE TRIAL COURT AND THE OPINION OF THE APPELLATE COURT MUST BE AFFIRMED.

The undisputed facts contained within the record before the Trial Court squarely places this case within the parameters of the legislative creation commonly known as the "Warren Act" and the longstanding subsequent case law established by The Florida Supreme Court in Lynch v. Durrance, 77 So.2d 458 (Fla. 1955), and Selby v. Bullock, 287 So.2d 18 (Fla. 1973), and followed by the District Courts in Gordon v. Sutherland, 130 So.2d 520 (Fla. 3rd DCA 1961), Lee v. Hinson, 160 So.2d 166 (Fla. 2d DCA 1964), James v. Skinner, 464 So.2d 588 (Fla. 2d DCA 1985), and Beaver v. Howerton, 223 So.2d 62 (Fla. 2d DCA 1969).

In Gordon v. Sutherland, plaintiff filed suit against defendant for damages following a motor vehicle accident in which her automobile collided with two black angus cows which were on the road and which belonged to the defendants. The evidence demonstrated that one of the defendants resided on the ranch from which the cows escaped and that before leaving the ranch prior to the accident, defendant had checked the gates and found them to be secure and that the gate was fastened with a shutter-type latch and at the top of the gate a rope was wrapped and tied. The trial directed a verdict in favor of defendants and the plaintiff appealed. In affirming the Trial Court's decision, the Third District held:

> In view of this holding there is no merit in Appellant's contention that the fact that an animal was running at large on the highway justified an inference that defendants had violated the statute. The evidence before the trial judge was completely devoid of proof that defendants negligently suffered or permitted the cows to be on the highway; therefore, there was no evidence of negligence and no prima facie case. Id. at 522.

The central rule of law set forth in Gordon v. Sutherland is that there is no presumption of negligence from the mere fact that cattle were roaming on the highway.[2] Id. at 522.

In perhaps the closest case on point, the plaintiff in Lee v. Hinson filed suit alleging that defendant carelessly and negligently permitted his horses to roam at large upon a public highway causing plaintiff's motor vehicle to subsequently collide with defendant's horses. The facts presented to the Trial Court demonstrated that defendant owned the horses in question, they were kept in a fenced enclosure and that sometime during the night the gate to the enclosure was opened, the horses escaped through the open gate, wandered onto the highway and were struck by plaintiff's automobile. Defendant testified in his deposition that the gate to the enclosure was secured by a chain and snap hook which could only by operated by human hands and could not be operated by the horses and that defendant himself did not open the gate on the night in question and had no knowledge as to who left the gate open. The plaintiff's deposition revealed that he had no knowledge as to how the horses escaped from the fenced enclosure and offered nothing to contradict or impeach the defendant's testimony. The Trial Court entered a Summary Judgment in favor of defendants and the plaintiff appealed. The Second District affirmed the Trial Court's Summary Judgment in favor of defendants finding that the record established that the defendant was not negligent and held:

> In our view, this record discloses a classic example of the intent and purpose to be accomplished by the rule authorizing Summary Judgment...the mere fact that the defendants horses were running at large upon the public highway does not justify an inference that the defendant intentionally, willfully, carelessly or negligently permitted them to so run at large on the highway.....Id. at 167.

The rule of law set forth in Gordon v. Sutherland and Lee v. Hinson was followed by the court in Welch v. Baker, 184 So.2d 188 (Fla. 1st DCA 1966), in which the First District affirmed a directed

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[2]The Court refused to accept Appellant's argument that the fact that livestock was running at large on the highway justified an inference that defendants had violated the statute. Gordon, 131 So.2d. at 522.

verdict entered in favor of defendant and also held:

> We recognize the general proposition that ordinarily questions of negligence vel non should be left to the determination of juries or other trier of the facts, and that trial courts in such cases should only with caution direct verdicts at trial or enter Summary Judgments before trial on such questions. Nevertheless, trial and appellate courts have under our system of jurisprudence, retained the power to determine as a matter of law whether certain evidence is sufficient to support a conclusion by the finders of facts as to a question of negligence. This vestigial power of the courts is essential in order to fulfill the ultimate goal of our court system to receive justice under law. Id. at 192.

The above-cited authority clearly establishes that there is no inference of negligence based merely on the fact that defendant's cattle or horses are roaming upon the highway and that a Summary Judgment is proper when the record fails to disclose any negligence on the part of the defendant.

The similarities between the matter presently before this Court and the above-cited case law are obvious and this matter is identical to the facts set forth in Lee v. Hinson. Fisel filed suit against Wynns for damages alleging that Wynns had "intentionally, willfully, carelessly, or negligently suffered or permitted their livestock to run at large upon or stray upon the public roads" resulting in a collision with Fisel's vehicle. The record before the Trial Court was completely void of any evidence that Wynns had intentionally or willfully permitted their livestock to run at large upon the public highway and the essential question was that of negligence. Fisel admitted in her testimony that she had no personal knowledge as to how the cow escaped from the Wynns barbed wire fenced enclosure and her only knowledge was based upon comments made by her lawyer that the cow had escaped through the western gate of the Wynns' property. Frank Wynns uncontroverted testimony demonstrated that he lived on the property alone, did not have any employees, no other person was authorized onto the property, last inspected the western gate prior to the accident at which time he closed and secured the gate which incorporated a sliding latch mechanism which could not be opened by the cattle and had no visitors between his last use and the time of the accident. Further, there was

no evidence of any negligent maintenance of the fence or gate and no evidence of prior trespassers or escapes of the cattle out of the barbed wire fenced enclosure.

Fisel recognizes the lack of any evidence of negligence on the part of Wynns by suggesting in Issue III of her Initial Brief that the Trial Court should have drawn many inferences of Wynns' negligence. However, under the authority of Lee v. Hinson and Gordon v. Sutherland, the Trial Court was clearly forbidden to make any inferences of negligence based merely on the fact that the cow was upon the public highway.

Fisel goes on to suggest that since there is no evidence whatsoever of prior trespassers, then Frank Wynns must have been negligent in securing the gate although there are no facts contained within the record which would suggest such negligence and again such an inference is improper under the case law cited above.[3]

The record is clear that the cow in question was kept in a barbed wire fenced enclosure, the western gate incorporated a sliding latch mechanism which could only be operated by human hands, Frank Wynns closed the western gate prior to the accident and has no knowledge as to how the western gate was opened, there was no evidence of prior escapes or trespassers, and Fisel has no knowledge as to how the cow escaped from the fenced enclosure. Fisel failed to present any evidence which created a genuine issue of fact before the Trial Court and as set forth by The Florida Supreme Court, it is not enough for the party opposing a summary judgment merely to assert that an issue exists. Landers v. Milton, 377 So.2d 368 (Fla. 1979).

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[3]Further, there was no evidence contained within the record of prior escapes by the Wynns' livestock.

II. **HAVE CHANGING CONDITIONS IN FLORIDA ALTERED PUBLIC POLICY AS ANNOUNCED IN SELBY V. BULLOCK, 287 So.2d 18 (Fla. 1973), SO THAT A LIVESTOCK OWNER MAY NOW BE LIABLE FOR INJURIES RESULTING WHEN THE OWNERS LIVESTOCK WANDERS THROUGH AN OPEN GATE, AND THE REASON THE GATE IS OPEN IS UNKNOWN?**

This is the question the majority of the Fifth District Court of Appeal certified to the Florida Supreme Court as one of great public importance on February 17, 1995.

Although the certified question focuses on "changing conditions", there is absolutely no evidence whatsoever contained within the record presented to the Trial Court nor in the record presented to the Fifth District Court of Appeal which would in any way even remotely demonstrate a "change in conditions in Florida" since the creation of the "Warren Act" by the Florida legislature in 1949 and this Court's ruling in Selby v. Bullock, 287 So.2d 18 (Fla. 1973). This was recognized by Judge Cobb who stated in his dissent to the order certifying the question:

> There is nothing in the record before us in this case to suggest a "change in conditions in Florida" since 1973 in regard to the liability of livestock owners, and nothing that suggests to me that this is a question of great public importance to be resolved by the Florida Supreme Court. If the majority members of this Court are interested in revising Section 588.15, Florida Statutes, then they should contact their legislative representatives rather than send a bogus issue to the Florida Supreme Court.

(App.R. 19-22). The only evidence to suggest a "change in conditions" is set forth in the Appendix served with Fisel's Initial Brief to this Court which was not presented to the Trial Court nor the Appellate Court and which is not properly contained in the record and is the subject of a Motion to Strike served contemporaneously with this brief.

Notwithstanding any increase in tourism, the number of motor vehicles travelling the Florida highways and the current level of livestock grazing Florida pastures, the Judiciary simply has no authority to alter the clear legislative intent of the "Warren Act". This was recognized by the Florida Supreme Court in Selby v. Bullock, 287 So.2d 18 (Fla. 1973), in which the honorable and learned

Justice Boyd, writing for the majority, stated:

> Chapter 588 requires, *inter alia* the fencing of livestock. It defines a legal fence. It requires that livestock be fenced off the public highways. In exchange for these requirements, it holds the owner responsible if he intentionally or negligently allows his livestock to stray upon a public road. This appears a fair exchange.
>
> It is arguable that the requirement of fencing has done more for the protection of the motoring public than the requirement of proof of negligence has done for the protection of livestock owners.
>
> The Warren Act has delegated responsibilities and rights among livestock owners and motorists consistent within the goals of promoting the safety of highway users and the livestock industry. Any modification of this position should be done by the legislature (emphasis added). Id at 21.

Fisel argues that the "Warren Act" should be modified because there are very few successful livestock cases reported and that there is some sort of "strict non-liability" for livestock owners. (Fisel's Initial Brief, pg.7). However, there are a number of cases which demonstrate the perfect application of the balancing of interests established by the "Warren Act". For instance, in Davis v. Johnson, 288 So.2d 554 (Fla.2d DCA 1974), the plaintiff presented evidence of prior escapes through the open gate which presented a factual issue for the jury. The Court in Hughes v. Landers, 215 So.2d 773 (Fla. 2d DCA 1968) and Davison v. Schwartz Farms, Inc., 309 So.2d 610 (Fla. 2d DCA 1975), held that evidence of an improperly maintained fence created a question for the jury as to the negligence of a livestock owner. Further, in James v. Skinner, 464 So.2d 588 (Fla.2d DCA 1985), evidence that the gate to the property could have been pushed open by the livestock created an issue of negligence for the jury. Finally, in Prevatt v. Carter, 315 So.2d 503 (Fla. 2d DCA 1975), evidence of prior escapes by the cattle presented a factual issue of negligence for the jury. The above-cited cases perfectly demonstrate the application of the "Warren Act" and the protection of the competing interests that the "Warren Act" was created to balance and protect. Obviously, the common thread which runs through the above-cited cases and creates the possibility of liability is evidence of negligence which

is completely absent in the record before this Court.

The question certified by the Fifth District Court of Appeal essentially asks whether changing conditions have altered public policy so that a livestock owner can be found liable based merely and exclusively upon the fact that the livestock is upon a public road. This question must be answered in the negative for two reasons. First, there is no evidence in the record of changing conditions in Florida which would compel a modification of the "Warren Act". Second, the "Warren Act" is a Legislative creation which delegated rights and responsibilities among livestock owners and motorists and any modification of this statutory provision requires an act of the Legislature. Selby, 287 So.2d at 21.

III. THE STATUTORY PROVISIONS CREATING THE "WARREN ACT" MUST BE HARMONIZED SO AS NOT TO DESTROY THEIR EVIDENT INTENT AND THE EXISTENCE OF SECTION 588.15, FLORIDA STATUTES, PROHIBITS THE APPLICATION OF THE DOCTRINE OF NEGLIGENCE PER SE AS SUGGESTED BY APPELLANT.

This issue was not certified by the Fifth District Court of Appeal nor accepted for review by the Florida Supreme Court. Therefore, Fisel's portion of her Initial Brief addressing this issue must be stricken and is the subject matter of a Motion to Strike filed contemporaneously with this brief. Due to the fact that this issue was asserted in Fisel's Initial Brief and to the extent that this issue is considered by this court, Wynns serves this response.

The concepts of "strict liability", "negligence per se", and "prima facie evidence of negligence" and their application to alleged violations of specific statutory provisions was clarified by the Florida Supreme Court in deJesus v. Seaboard Coastline Railroad Company, 281 So.2d 198 (Fla. 1973). Fisel argues to this Court that the mere fact that the Wynns' cow was on C.R. 48 is a violation of Section 588.14, Florida Statutes, and therefore is "negligence per se" or "evidence of negligence". However,

Fisel's reasoning is misplaced for two reasons: first, Fisel analyzes Section 588.14 in a vacuum without considering the existence of Section 588.15 as well as the remaining provisions of the "Warren Act"; second, judicial construction of a statutory provision must harmonize that statute with other statutes relating to the same subject matter and construe the statutes together in order to preserve the force of both without destroying their evident intent. The application of deJesus would eliminate the language and intent of Section 588.15 and such an act falls within the exclusive powers of the Legislature.

Section 588.15, Florida Statutes provides:

> Liability of owner.-- every owner of livestock who intentionally, willfully, carelessly or negligently suffers or permits such livestock to run at large upon or stray upon the public roads of this state shall be liable in damages for all injury and property damage sustained by any person by reason thereof.

This specific statutory provision was created by the Florida Legislature in 1949 and has remained unaltered. Section 588.14 is part of Chapter 588, Florida Statutes, and is incorporated in what is commonly referred to as the "Warren Act" which requires livestock to be fenced off the public highways and in exchange holds owners of the livestock responsible only if they intentionally, willfully, carelessly, or negligently (emphasis added) allows that livestock to stray upon a public road. Selby v. Bullock, 287 So.2d 18 (Fla. 1973).

Notwithstanding the existence and clear language and intent of Section 588.15, Fisel suggests that Section 588.14 should stand alone, isolated from the remaining provisions of the "Warren Act" and especially from Section 588.15, and through the application of deJesus establish evidence of negligence by the mere and exclusive fact that livestock is upon the public roadway. However, deJesus is inapplicable due to the existence of Section 588.15 which requires an affirmative act of negligence before an owner of livestock can be held liable.

Further, finding that livestock on a public road in and of itself is a violation of Section 588.14 and is "negligence per se" or "evidence of negligence" would totally extinguish the clear language and legislative intent of Section 588.15 and paralyze its effect. In Mann v. Goodyear Tire and Rubber Company, 300 So.2d 666 (Fla. 1974), the Florida Supreme Court held:

> ... where two statutes operate on the same subject without positive inconsistency or repugnancy, courts must construe them so as to preserve the force of both without destroying their evident intent, if possible.

See also Woodgate Development Corporation v. Hamilton Investment Trust, 351 So.2d 14 (Fla. 1977)(It is the duty of the courts to adopt that construction of a statutory provision which harmonizes and reconciles it with other provisions of the same act).

Sections 588.14 and 588.15, Florida Statutes, are integral parts of the "Warren Act", operate on the same subject, and have consistently operated together since 1949 to achieve its legislative intent. Their creation resulted from a fair exchange of competing interests struck by the Florida Legislature in 1949 placing certain duties and responsibilities upon livestock owners and in turn establishing under what circumstances the livestock owners would be held liable. Selby v. Bullock, 287 So.2d at 21.

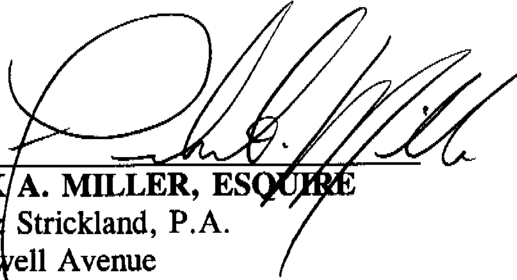
Fisel urges this Court to find that livestock upon a public road in and of itself and to the exclusion of all other evidence of negligence is a violation of Section 588.14 and such violation is "negligence per se" or "evidence of negligence". Such a finding would have the practical effect of eradicating the existence of Section 588.15. It is fundamentally unfair and beyond the parameters of Judicial authority to alter the fair exchange reached by the Florida Legislature in 1949 by eliminating the clear language and effect of Section 588.15 and the Legislative intent of "The Warren Act".

CONCLUSION

The question certified to the Florida Supreme Court as one of great public importance must be answered in the negative.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail on May 25, 1995 to **HARRY T. HACKNEY, ESQUIRE,** Post Office Box 491656, Leesburg, FL 34749-1656 and **GEORGE A. VAKA, ESQUIRE**, Post Office Box 1438, Tampa, Florida 33601.



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