Supreme Court of Florida

Case No. SC07-244

EMMA MURRAY,

Petitioner,

v.

MARINER HEALTH/ACE USA,

Respondent.
_____/

AMICUS CURIAE BRIEF OF SEMINOLE COUNTY SCHOOL BOARD AND PREFERRED GOVERNMENTAL CLAIMS SOLUTIONS, INC. IN SUPPORT OF RESPONDENT

Marcia K. Lippincott
Fla. Bar. #168678
MARCIA K. LIPPINCOTT, P.A.
Post Office Box 953693
Lake Mary, Florida 32795
Phone: (407) 688-2700
Telefax: (407) 688-1159
Attorney for Seminole County School Board and Preferred Governmental Claims Solutions, Inc.

TABLE OF CONTENTS

Table of Authorities ii

Statement of Identity and Interest of Amicus 1

Summary of Argument 3

Argument 6

I. THE 2003 AMENDMENT TO FLORIDA STATUTES §440.34 DOES NOT VIOLATE THE DUE PROCESS CLAUSES OF THE FLORIDA AND UNITED STATES CONSTITUTIONS. 6

A. There is no due process absolute right to counsel in a worker's compensation proceeding. . . . 6

B. Strict scrutiny does not apply to this case. . . 9

II. THE 2003 AMENDMENT TO FLORIDA STATUTES §440.34 DOES NOT VIOLATE THE EQUAL PROTECTION CLAUSES OF THE FLORIDA AND UNITED STATES CONSTITUTIONS. . . . 14

Conclusion 17

Certificate of Service 18

Certificate of Font Compliance 18

TABLE OF AUTHORITIES

Cases

Acton v. Fort Lauderdale Hospital,
440 So. 2d 1282, 1284 (Fla. 1983) 10

Andrews v. Walton,
428 So. 2d 663 (Fla. 1983) 7

Corn v. New Mexico Educators Federal Credit Union,
889 P. 2d 234 (N.M. App. 1994);
overruled on other grounds, *Trujillo v. City of Albuquerque,*
965 P. 2d 305 (N.M. 1998) 4, 14

Cornelious v. District of Columbia Employees' Compensation Appeals Board,
704 A. 2d 853, 854 (D.C. App. 1997) 13

Dade County v. Eastern Air Lines, Inc.,
212 So. 2d 7, 8 (Fla. 1968) 6

De Ayala v. Florida Farm Bureau Casualty Insurance Co.,
543 So. 2d 204 (Fla. 1989) 10

Florida Patient Compensation Fund v. Rowe,
472 So. 2d 1145, 1149 (Fla. 1985) 9

Goldberg v. Kelly,
397 U.S. 254, 270-71, 90 S. Ct. 1011, 25 L.Ed. 2d 287 (1970) . 6

Hillsborough County Board of County Commissioners v. Public Employees Relations Commission,
424 So. 2d 132, 134-135 (Fla. 1st DCA 1982) . . . 6

Johnson v. Workman's Compensation Appeal Board,
14 Pa. Cmwlth. 220, 321 A. 2d 728, 730 (Pa. Cmwlth. 1974) . . 8

Lane v. Chiles,
698 So. 2d 260, 262 (Fla. 1997) 10

Makemson v. Martin County,
491 So. 2d 1109 (Fla. 1986) 7

McDermott v. Miami-Dade County,
753 So. 2d 729 (Fla. 1st DCA 2000) 7

Medina v. Gulf Coast Linen Services,
825 So. 2d 1018 (Fla. 1st DCA 1002) 10

Mieras v. Dyncorp.,
925 P. 2d 518, 525 (C.A. N.M. 1996) 15

Mullins v. Department of law Enforcement,
942 So. 2d 998, 1000 (Fla. 5th DCA 2006) 8

North Florida Women's Health and Counseling Services, Inc. v. State, 866 So. 2d 612, 625 (Fla. 2003) 9,10

Riechmann v. State,
966 So. 2d 298, 304 fn 8 (Fla. 2007) 6

S.B. v. Department of Children and Families,
851 So. 2d 689 (Fla. 2003) 7

Stone v. Jeffres,
208 So. 2d 827, 828-829 (Fla. 1968) 9

Strickland v. Washington,
466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed 2d 674 (1984) . 8

Thornber v. City of Fort Walton Beach,
534 So. 2d 754, 755 (Fla. 1st DCA 1988) 6

Trujillo v. City of Albuquerque,
965 P. 2d 305 (N.M. 1998) 4,14,15

U.S. Dept. of Labor v. Triplett,
494 U.S. 715, 110 S. Ct. 1428, 108 L.Ed. 2d 701 (1990) . . 8,13

Wagner v. AGW Consultants,
114 P. 3d 1050 (N.M. 2005) 3,10,11,12

Willis v. Romano,
__ So. 2d ___, 2008 WL 160972 (Fla. 5th DCA 2008) . . 6

Winn Dixie v. Resnikoff,
659 So. 2d 1297 (Fla. 1st DCA 1995) 10

Statutes Involved

Florida Statutes §440.191 9

Florida Statutes §440.29 (1) 9

Florida Statutes §440.33 9

Florida Statutes §440.34 . . . . . passim

Miscellaneous

NMSA §52.1-54(J) (WestLaw 2008) 14

NMSA §52-1-54(H) (effective until January 1, 1991) . . . 14

NMSA §52-1-54(I) (J) (WestLaw 2008) 15

STATEMENT OF IDENTITY AND INTEREST OF AMICUS

The School Board of Seminole County and Preferred Governmental Claims Solutions, Inc. are the opposing parties to a *pre-petition for benefits* matter by David Singleton[1] regarding an advance request for approval of an attorney fee agreement exceeding the limitations of Section 440.34, Fla. Stat. (2003). Mr. Singleton's request was denied by the JCC on August 31, 2007. He appealed this denial to the First District Court of Appeal in Case No. 1D07-5349. In an Order dated October 24, 2007, the First District ruled that the only possibility of review is certiorari.

The School Board of Seminole County and Preferred Governmental Claims Solutions, Inc. have moved to dismiss this matter because it lacks an essential element to certiorari review, i.e. irreparable harm - Mr. Singleton has yet to file a petition for benefits, much less have benefits denied by a Judge of Compensation Claims. That Motion is still pending before the First District Court of Appeal.

The School Board of Seminole County and Preferred Governmental Claims Solutions, Inc., as an employer and workers' compensation insurer,

[1]Mr. Singleton attempts to interject facts and issues that are not before this Court. The impropriety of his actions are addressed in the argument section of this Brief.

oppose the position of the Petitioner, Emma Murray, and support the position of the Respondent, Mariner Health/Ace American Insurance Company.

SUMMARY OF ARGUMENT

The role of the amicus is to assist the Court with the case at hand. An amicus is not permitted to bring another case before the Court for review. But that is exactly what Amicus Singleton attempts. This Court's review is confined to the facts and issues of the Emma Murray case. David Singleton must not be allowed to intervene as a party in this matter under the guise of an "*amicus*".

Emma Murray claims a due process right to have her attorney fees paid by another. There is no such due process right. Rather, she confuses cases dealing with a criminal defendant's 6th amendment right to counsel with her own. Ms. Murray, as a civil claimant, has no such constitutional right. The payment of attorney fees by another only exists where the parties have contractually agreed or the legislature has provided.

Ordinary scrutiny is applied to most constitutional challenges to legislation and that is the correct test for this challenge. Worker's compensation claimants are not a suspect class. In addition, Florida Statute §440.34 does not impinge so greatly on a constitutional right that strict scrutiny should be applied.

Amicus Singleton contends that this Court should be guided by the New Mexico case of *Wagner v. AGW Consultants*, 114 P. 3d 1050 (N.M.

2005) in applying strict scrutiny to this case. *Wagner* did not apply strict scrutiny to the New Mexico law under review, or even discuss that standard. Rather, it applied the rational basis standard. In dicta, the New Mexico court suggested that an intermediate level of scrutiny might be triggered if the evidence showed that the party had been completely denied an appeal. But that was not the evidence in *Wagner* and that is not the evidence here. Emma Murray had her day in court. And as for David Singleton, his case is not before this Court, but even if it was, his matter is a *pre-petition for benefits* matter, that is not ripe for review by any court.

In support of the equal protection challenge to Florida Statutes §440.34 Amicus Singleton turns again to New Mexico and the decision of *Corn v. New Mexico Educators Federal Credit Union*, 889 P. 2d 234 (N.M. App. 1994); overruled on other grounds, *Trujillo v. City of Albuquerque*, 965 P. 2d 305 (N.M. 1998). Again, New Mexico offers no help to Florida. The New Mexico worker's compensation system is unique and totally different from the Florida system. Moreover, the *Corn* court applied the second of a four-tiered level of scrutiny that has been abandoned by New Mexico.

As demonstrated by the Respondent and all the other supporting amici whose positions we adopt, Emma Murray has failed to establish the validity

of any of her challenges to Florida Statutes §440.34. Therefore, her challenges must be rejected.

ARGUMENT

I. THE 2003 AMENDMENT TO FLORIDA STATUTES §440.34 DOES NOT VIOLATE THE DUE PROCESS CLAUSES OF THE FLORIDA AND UNITED STATES CONSTITUTIONS.

A. There is no due process absolute right to counsel in a worker's compensation proceeding.

Amicus Singleton improperly attempts to inject his case, and also an imaginary case, into the case of Emma Murray. This Court has made it clear that amici are not permitted to raise new issues. *Dade County v. Eastern Air Lines, Inc.*, 212 So. 2d 7, 8 (Fla. 1968); *Riechmann v. State*, 966 So. 2d 298, 304 fn 8 (Fla. 2007). Further, an appeal is always confined to the facts and issues developed in the record of the case under consideration. *Thornber v. City of Fort Walton Beach*, 534 So. 2d 754, 755 (Fla. 1st DCA 1988); *Willis v. Romano*, __ So. 2d ___, 2008 WL 160972 (Fla. 5th DCA 2008). And, an amicus has no right to inject his case into another under the *"amicus"* mask. *Hillsborough County Board of County Commissioners v. Public Employees Relations Commission*, 424 So. 2d 132, 134-135 (Fla. 1st DCA 1982). Yet, that is exactly what Amicus Singleton attempts to do.

He claims a due process right to counsel in a worker's compensation proceeding based upon *Goldberg v. Kelly*, 397 U.S. 254, 270-71, 90 S. Ct. 1011, 25 L.Ed. 2d 287 (1970). But, let's be honest, no reasonable claimant

wants to pay for counsel where the costs outweigh the benefits. Rather, Emma Murray wants this Honorable Court to make someone else pay for such representation. Thus, Emma Murray is not talking about a *Goldberg* due process right to have and pay counsel from her own pocket. Indeed, her Brief makes no mention of *Goldberg*. Rather, it focuses upon *Makemson v. Martin County*, 491 So. 2d 1109 (Fla. 1986).

Murray's focus on *Makemson* reveals the fault in her due process argument. *Makemson* is a *criminal* matter involving a *criminal* defendant's absolute right to counsel. As this Court stated in *Makemson*:

> *. . . we find that the statutory maximum fees, as inflexibly imposed in cases involving unusual or extraordinary circumstances, interfere with the defendant's sixth amendment right 'to have the assistance of counsel for his defense.'*
> 491 So. 2d at 1112.

A worker's compensation claimant, like every other civil litigant involved in a case about money, has no absolute constitutional right to counsel. *McDermott v. Miami-Dade County*, 753 So. 2d 729 (Fla. 1st DCA 2000); *S.B. v. Department of Children and Families*, 851 So. 2d 689 (Fla. 2003). Thus, as this Court held in *Andrews v. Walton*, 428 So. 2d 663 (Fla. 1983) a person charged with criminal contempt has an absolute constitutional right to counsel, but a person charged with civil contempt has

no such right. The due process doctrine of fundamental fairness does not include the absolute right to counsel.

A constitutional right to counsel comes with the right to effective counsel, and the claims of ineffective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed 2d 674 (1984). Such claims do not belong in any civil case about money, including this workers' compensation matter, because there is no such constitutional right. *Mullins v. Department of law Enforcement*, 942 So. 2d 998, 1000 (Fla. 5th DCA 2006); *Johnson v. Workman's Compensation Appeal Board*, 14 Pa. Cmwlth 220, 321 A. 2d 728, 730 (Pa. Cmwlth. 1974).

Amicus Singleton appears to argue that *U.S. Dept. of Labor v. Triplett*, 494 U.S. 715, 110 S. Ct. 1428, 108 L.Ed. 2d 701 (1990) holds that due process requires legal representation in adversarial matters. But, that is not true. Rather, the U.S. Supreme Court clearly announced that it did *not* reach this issue because the record was insufficient to support that issue's consideration. 494 U.S. at 722.

In addition, Mr. Singleton submits a lengthy list of "*minimum hurdles*" for a successful worker's compensation claimant. In so doing, he anticipates a worse case scenario, and is frankly speaking about a case where the benefits would be more than sufficient to secure legal representation.

And he completely ignores the legislative efforts to assist claimants. For example, the Ombudsman's office was created to assist a claimant in all matters, except to provide direct representation. Fla. Stat. §440.191. This office will assist an unrepresented claimant in preparing a petition, and moving forward. Moreover, the legislature has given the JCC the power to *". . . make such investigation or inquiry . . . to best ascertain the rights of the parties."* Fla. Stat. §440.29 (1). And the JCC also has the power to require the attendance of witnesses and compel the production of documents. Fla. Stat. §440.33.

The right to have one's attorney fees paid by another exists only when the parties to a contract have so agreed, or the legislature has so provided. *Stone v. Jeffres*, 208 So. 2d 827, 828-829 (Fla. 1968); *Florida Patient Compensation Fund v. Rowe,* 472 So. 2d 1145, 1149 (Fla. 1985). Such a right does not exist in the constitution.

B. Strict scrutiny does not apply to this case.

Florida reviews the constitutionality of a statute under three levels of scrutiny: 1) ordinary, 2) mid-level, or 3) strict. *North Florida Women's Health and Counseling Services, Inc. v. State*, 866 So. 2d 612, 625 (Fla. 2003). Most legislation is judged using ordinary scrutiny, i.e. the rational

basis standard. *North Florida* at 625; *Lane v. Chiles*, 698 So. 2d 260, 262 (Fla. 1997).

Strict scrutiny is only appropriate in the rare case involving a suspect class, or where the legislation impinges too greatly on a fundamental right. *De Ayala v. Florida Farm Bureau Casualty Insurance Co.*, 543 So. 2d 204 (Fla. 1989). Aliens are a suspect class – a group that has been a traditional target of unlawful discrimination. Therefore, in *De Ayala*, strict scrutiny was appropriate because the law under consideration involved aliens. But here, worker's compensation claimants are not a suspect class, and strict scrutiny does not apply. *Acton v. Fort Lauderdale Hospital,* 440 So. 2d 1282, 1284 (Fla. 1983).

The mere mention of due process, equal protection or access to courts does not trigger entitlement to a strict scrutiny analysis. See eg. *Acton*, *supra*, *Winn Dixie v. Resnikoff*, 659 So. 2d 1297 (Fla. 1st DCA 1995): *Medina v. Gulf Coast Linen Services*, 825 So. 2d 1018 (Fla. 1st DCA 1002). Here, Amicus Singleton does not cite to any Florida case on this topic. Rather, he claims strict scrutiny applies based upon a decision of the New Mexico Supreme Court, *Wagner v. AGW Consultants*, 114 P. 3d 1050 (N.M. 2005).

At the time of *Wagner*, attorney fees for a worker's compensation claimant in the New Mexico system were capped at $12,500. 114 P. 3d at 1052. The worker in *Wagner* challenged this cap as a violation of equal protection, due process, and access to courts. The claimant argued that the fee cap impacted her ability to secure *appellate* counsel because it discouraged lawyers from taking complex or time-consuming *appeals*. In addition, the worker contended that the *intermediate level of scrutiny* should be applied in reviewing the New Mexico system. The New Mexico Supreme Court found that the proper level of scrutiny was the rational basis test. And after employing that test, the Court found the attorney fee cap constitutional. In dicta, the New Mexico Court stated that the intermediate level of scrutiny would not be triggered because the evidence was insufficient to show that the fee limitation "*meaningfully impacts*" the claimants' appellate rights. 114 P. 3d at 1058.

Thus, *Wagner* did *not* apply strict scrutiny, it applied the rational basis test. Moreover, it did not even consider the application of strict scrutiny. Rather, it discussed in dicta what might trigger the application of an intermediate level of scrutiny. In addition, *Wagner* involved a complex or time-consuming *appeal* and bears no relation to the low benefit case at the trial level as presented by the Emma Murray case.

Amicus Singleton claims that this case has the evidence that would have enlisted the New Mexico court to apply strict scrutiny. First, as previously noted, *Wagner* did not apply or discuss the strict scrutiny test. Secondly, Singleton does not list or reference the "*evidence*" to which he refers. But, the situation in this case is no different than the situation in *Wagner*. Despite the fee limitations, the claimant in *Wagner*, as the claimant here – Emma Murray - had legal representation.

In any event, if Singleton is suggesting that this Court look beyond the *Murray* record, the words of the New Mexico Supreme Court are important to note. In *Wagner*, the Court stated:

> *[i]n seeking to elevate our review to intermediate scrutiny under the facts of this case, the dissent suggests a more 'charitable' approach, even to the extent of selectively considering anecdotal information not of record. . . . However, the facts and record of this case simply did not demonstrate how the fee limitation impacts the right to access courts and the right to an appeal. Worker was free to appeal her case from the worker's compensation proceeding and did so. She continues to be represented by her counsel, whom we commend for her skilled and committed advocacy on behalf of her client . . . Because this case fails to demonstrate that the fee limitation impacts important rights or sensitive classes, rational basis is the proper standard of review for reviewing the equal protection and due process challenges.*
> 114 P. 3d at 1058.

A full investigation into the Singleton issues and record[2] must wait until another day when it is properly before a court for resolution.

[2]The *Singleton* affidavits are subject to the same *"self-interested in motivation"* criticism leveled by the Supreme Court in *Triplett.* 494 U.S. at 725; *Cornelious v. District of Columbia Employees' Compensation Appeals Board*, 704 A. 2d 853, 854 (D.C. App. 1997).

II. THE 2003 AMENDMENT TO FLORIDA STATUTES §440.34 DOES NOT VIOLATE THE EQUAL PROTECTION CLAUSES OF THE FLORIDA AND UNITED STATES CONSTITUTIONS.

Amicus Singleton engages in the fantasy that Emma Murray wanted to spend her own money for legal representation and was prevented from doing so. Those are not the facts of *Murray*, but are rather a new issue based on a non-existent situation. He also argues that worker's compensation claimants are treated differently from other tort claimants without rational basis. Again, this is an issue not presented by Emma Murray.

Singleton turns again to New Mexico for support, citing *Corn v. New Mexico Educators Federal Credit Union*, 889 P. 2d 234 (N.M. App. 1994); overruled on other grounds, *Trujillo v. City of Albuquerque,* 965 P. 2d 305 (N.M. 1998), to support his argument that Florida Statutes §440.34 violates equal protection. It should first be recognized that New Mexico worker's compensation system is distinctly different from Florida's system. For example, in New Mexico, at the time of the *Corn* decision, a worker's compensation claimant had to pay one-quarter of his own attorney fees. NMSA §52-1-54(H) (effective until January 1, 1991). *Corn* at 241.[3] In

[3]Now, a New Mexico claimant's share of his own attorney fees has been increased to one-half. NMSA §52.1-54(J) (WestLaw 2008).

addition, at that time, fees for a claimant were capped at $12,500.[4] Moreover, as noted by the New Mexico Supreme Court in *Corn*, the worker's compensation laws had undergone a "*massive overhaul*" and these changes had resulted:

> *. . . in a more complicated classification than we had, as well as a scheme that is* ***unique to New Mexico.*** *See 4 Arthur Larson, The Law of Workmen's Compensation, Table 18B, App. B-18 B-1 to 3 (1994).*
> 889 p. 2d at 241 (emphasis supplied)

Further, the decision in *Corn* was reached using the second of a four-tiered scrutiny system that was abandoned by the New Mexico Supreme Court in *Trujillo v. City of Albuquerque*, 965 P. 2d 305 (N.M. 1998). See also *Mieras v. Dyncorp.*, 925 P. 2d 518, 525 (C.A. N.M. 1996) using the rational basis test to find the current New Mexico fee cap constitutional.

The heightened scrutiny test used in *Corn* was unique to New Mexico and has now been abandoned. It was applied to a worker's compensation law unique to New Mexico. *Corn* offers no assistance to Florida. As previously discussed in this Brief, Florida law dictates that the rational basis test is the proper level of scrutiny.

[4]The cap has now been increased to $16,500 and applies to both workers and employers. NMSA §52-1-54(I) (J) (WestLaw 2008).

Emma Murray and other amici have discussed in detail the reasonable basis for this legislation, and there is no need to repeat it here. Florida Statutes §440.34 passes this test.

Amicus, School Board of Seminole County and Preferred Governmental Claims Solutions, Inc., adopt all arguments made by the Respondent and other amici supporting Respondent's position.

CONCLUSION

For the reasons expressed in this brief, Amici, the School Board of Seminole County and Preferred Governmental Claims Solutions, Inc., respectfully request this Honorable Court to reject Emma Murray's attack upon the constitutionality of Florida Statutes §440.34, and affirm the decision of the First District Court of Appeal.

RESPECTFULLY SUBMITTED this 1st day of February, 2008.

MARCIA K. LIPPINCOTT, P.A.
Post Office Box 953693
Lake Mary, Florida 32795
Phone: (407) 688-2700
Fax: (407) 688-1159

/s/ Marcia K. Lippincott
MARCIA K. LIPPINCOTT
Fla. Bar. #168678
Attorney for Seminole County School Board and Preferred Governmental Claims Solutions, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Amicus Curiae Brief of Seminole County School Board and Preferred Governmental Claims Solutions, Inc. in Support of Respondent has been furnished by U.S. Mail this 1st day of February, 2008 to counsel on the attached list.

MARCIA K. LIPPINCOTT, P.A.
Post Office Box 953693
Lake Mary, Florida 32795
Phone: (407) 688-2700
Fax: (407) 688-1159

/s/ Marcia K. Lippincott
MARCIA K. LIPPINCOTT
Fla. Bar. #168678
Attorney for Seminole County School Board and Preferred Governmental Claims Solutions, Inc.

CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that this brief has been prepared using Times New Roman 14 in compliance with Fla. R. App. P. 9.210(2).

MARCIA K. LIPPINCOTT, P.A.
Post Office Box 953693
Lake Mary, Florida 32795
Phone: (407) 688-2700
Fax: (407) 688-1159

/s/ Marcia K. Lippincott
MARCIA K. LIPPINCOTT
Fla. Bar. #168678
Attorney for Seminole County School Board and Preferred Governmental Claims Solutions, Inc.

SERVICE LIST

Brian O. Sutter, Esquire
2340 Tamiami Trail
Port Charlotte, Florida 33952
Attorneys for Petitioner

William J. McCabe, Esquire
1450 SR 434 West, Suite 200
Longwood, Florida 32750
Attorneys for Petitioner

John R. Darin, II, Esquire
Post Office Box 941389
Maitland, Florida 32794-1389
Attorneys for Respondent

Richard A. Sicking, Esquire
1313 Ponce de Leon Blvd., #300
Coral Gables, Florida 33134
Attorneys for *Florida Professional Firefighters, Inc., International Assoc. of Firefighters and AFL-CIO*

Cheryl L. Wilke, Esquire
Hinshaw & Culbertson LLP
One E. Broward Blvd., Suite 1010
Ft. Lauderdale, FL 33301
Co-Counsel for Respondent

Carol M. Folsom, Esquire
50 N Laura St., Suite 3900
Jacksonville, FL 32202-3622
Attorney for *Florida Hospitality Mutual Insurance Co.*

Wendy S. Loquasto, Esquire
Fox & Loquasto, P.A.
1201 Hays Street, Suite 100
Tallahassee Florida 32301
Attorneys for Voices, Inc.

Susan W. Fox, Esquire
Fox & Loquasto, P.A.
112 N. Delaware Ave.
Tampa, Florida 33606
Attorneys for Voices, Inc.

William H. Rogner, Esquire
Hurley Rogner Miller Cox Waranch & Westcott
1560 Orange Ave, Suite 500
Winter Park, Florida 32789-5552
Attorneys for Zenith Insurance Co.

Rayford H. Taylor, Esquire
Mary Ann Stiles, Esquire
Post Office Box 191148
Atlanta, GA 31119-1148
Attorneys for Florida Insurance Council FIC

Roy D. Wasson, Esquire
Wasson & Associates Chartered
5901 SW 74th Street, Suite 205
Miami, Florida 33143-5150
Attorneys for David Singleton

L. Barry Keyfetz, Esquire
44 West Flagler Street, Suite 2400
Miami, Florida 33130-6808
Attorneys for Florida Justice Association

Barbara Wagner, Esquire
Wagenheim & Wagner, P.A
2101 N. Andrews Ave., Suite 400
Ft. Lauderdale, Florida 33311-3940
Attorneys for Florida Workers' Advocates

Thomas A. Koval, Esquire
6300 University Parkway
Sarasota, FL 34240
Attorneys for Florida Insurance Council

Richard W. Ervin, III
1201 Hays St., Suite 100
Tallahassee, FL 32301
Attorney for VOICES, Inc.

Scott B. Miller, Esquire
1560 Orange Ave., Suite 500
Winter Park, FL 32789-5552
Attorney for Fla. Assn. of Self Insurance

Tamela Ivey Perdue, Esquire
P.O. Box 1140
Tallahassee, FL 323021140
Attorney for Associated Industries of Florida, Inc.

Mark L. Zientz, Esquire
9130 S. Dadeland Blvd., Suite 1619
Miami, FL 33156
Attorney for Workers' Compensation Section of the Florida Bar

George N. Meros, Jr., Esquire
Andy V. Bardos, Esquire
Gray Robinson, P.A.
Post Office Box 11189
Tallahassee, FL 32302
Attorneys for the Florida Justice Reform Institute; Associated Builders and Contractors, Inc.; The Florida Transportation Builders Association; Florida A.G.C. Council, Inc.; The Florida Retail Federation; and The National Federation of Independent Business Legal Foundation

Todd J. Sanders, Esquire
807 West Morse Blvd., Suite 201
Winter Park, FL 32789
Attorney for Florida Police Benevolent Assn