Summer 2014

# The Voice

OF THE FLORIDA BAR GOVERNMENT LAWYER SECTION

# Word from the Chair

*By Ellen M. Simon, Chair, Government Lawyer Section 2014-2015*

ELLEN M. SIMON

I am honored to the Chair of the Government Lawyer Section of the Florida Bar, and am ready for this wonderful opportunity to work with an Executive Council filled with excellent and productive members. I have been working for the State of Florida for approximately twenty-one years, and I feel that this section is pivotal to my career in the public sector.

I started working on Florida Bar committees back in the nineties, first with the Criminal Rules of Procedure and then with the Juvenile Rules committee. Then, upon moving North, I became involved in my local Tallahassee legal community. In 2003, I joined the Florida Government Bar Association, served on the board for a number of years, and subsequently served as President. For years I have continued to run into the same people serving in each facet of the legal profession. I remember being on the Criminal Rules of Procedure Committee in the early nineties along with Joel Silvershein, who is still active in that Section as well as the Government Lawyer Section. There is an adage which provides that eighty percent of the work is done by twenty percent of the people. I am fortunate in that the Executive Council of the Government Lawyer Section is made up of that 20%.

All lawyers practicing law in Florida must be licensed by the Florida Bar--but this patent fact has not always held true. About 200 years ago, the legal market was basically unregulated. Several states had statutes on the books that allowed any registered voter to practice law. Flash forward now to 2014. There are about 100,000 thousand lawyers certified by the Florida Bar. One. Hundred. Thousand. That number has steadily increased throughout the years. And, those attorneys practicing in the Florida Government Sector are staggering in number. Approximately 20% of all lawyers are Government lawyers. That means there are approximately 20,000 attorneys practicing government law in Florida.

I am reciting some of these Florida Bar statistics as a predicate to discussing membership in the Government Lawyer Section. Since membership in the Florida Bar has steadily increased, it stands to follow that membership in the Government Lawyer Section has also been on the uprise. And, if Government lawyers make up about 20% of the Florida Bar, it stands to reason that the Government Lawyer Section would have close to 20,0000 members. Unfortunately, neither of these statements are true. Our membership is similar to what it was fifteen years ago, with only a scant percentage of government lawyers being represented?

Why is this? The reason is twofold: one, the cost, and two, the lack of awareness of what the Section does. As for the first reason, Government lawyers are generally paid a pittance, and even the idea of paying another

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THE FLORIDA BAR

THE GOVERNMENT LAWYER SECTION REPORTER

**Dwight O. Slater, Editor**

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## WORD FROM THE CHAIR, *from page 1*

thirty dollars on top of the mandatory bar dues can be abhorrent. However, in many cases, the Florida bar dues are paid by the governmental agencies these attorneys are employed by. That was not always the case as several years ago government agencies were not authorized to pay for the dues. And, who was standing up for the rights of government attorneys to make sure that agencies were once again authorized to pay for our dues? The Government Lawyer Section. It is because of this representation and the advocacy by the Government Lawyer Section that makes it incumbent on the Government lawyer to join us.

It is the Government Lawyer Section who stands firm in advocating for the rights of government attorneys, and making sure their relationships with the clients have the same privileges as the relationship between private lawyers and their clients. It is the Government Lawyer Section that offers Continuing Legal Education Programs at a reduced rate, designed to both educate and meet the CLE requirements for the Florida Bar. The government lawyer should feel proud and responsible for being a member of this Section.

The Government Lawyer Section is all inclusive. Members span from local city attorneys, to attorneys in statewide agencies, and then to out-of-state attorneys. The areas of practice of our members range from administrative and appellate law to tax law and worker's compensation. It is incumbent on each of us to speak of the benefits of being a member of this Section, and encourage others to join. To make the membership a true reflection of the ever present government practice in Florida. Over the next year I want to begin the process of increasing our membership, having a network of Florida government attorneys, and having comfort in numbers that the rights and privileges of government attorneys are being protected. It is time for YOU to get involved.

**If you would like to have an article considered for publication in the next edition of *The Voice,* please send it to TheVoiceSubmissions@gmail.com.**

# Chuck Fahlbusch Wins Claude Pepper Award

*By Keith Rizzardi*

The Government Lawyer Section of The Florida Bar proudly announces that Charles (Chuck) M. Fahlbusch, Special Counsel and Senior Assistant Attorney General in the Fort Lauderdale office of the Florida Attorney General, earned the 2014 Claude Pepper Award. During his 29 year career in public service, spanning the tenures of six different Attorney Generals, Mr. Fahlbusch served as lead counsel in cases leading to more than 350 published opinions. He personally handled or supervised criminal and civil cases and appeals in front of the U.S. Supreme Court, the U.S. Court of Appeals, 11th Circuit, the Florida Supreme Court, and the Florida State District Courts. And he ranks among the top lawyers in the profession, as demonstrated by his AV rating from Martindale-Hubbell, his recognition as a Florida Super Lawyer (three times) and as a Top Government Lawyer (four times), and his status as a Board Certified Specialist in Appellate Practice and in State and Federal Government and Administrative Practice.


Charles M. Fahlbusch

Winners of the Claude Pepper Award, however, also demonstrate a depth of character and commitment to public service that transcends the traditional credentials on a resume. Mr. Fahlbusch is known to be the first to arrive at work and last to leave each evening, and has mentored a generation of young lawyers on the nuances of complex litigation. Outside the courtroom, he served as a Captain in the United States Air Force, and as a President and an officer of the First United Church of Christ in Hollywood, Florida. And for 32 years, he volunteered as a Counselor for the Switchboard of Miami crisis line. For all these reasons, Mr. Fahlbusch deserves to be honored as an outstanding government lawyer who has made an extraordinary and exemplary contribution to the profession and to the people of Florida.

# "Tip of the Hat"

The Government Lawyer Section would like to congratulate the Hillsborough County Attorney's Office for winning The Florida Bar 2014 Award for Excellence in the Promotion of Board Certification. Senior Assistant County Attorney Deborah Blews accepted the award on behalf of the office at the Board of Legal Specialization & Education's Board Certified Lawyers' Reception and Awards ceremony this past June in Orlando. The Section echoes the sentiments expressed by Ms. Blews in the press release republished below, and encourages the heads of other public law offices to consider promoting and supporting board certification with as much, if not more, fervor as the Hillsborough County Attorney's Office. Congratulations again for a job well done!

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## Hillsborough County Attorney's Offices Wins Florida Bar Excellence In The Promotion Of Board Certification Award

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**TALLAHASSEE** – The Hillsborough County Attorney's Office is the recipient of the 2014 Award for Excellence in the Promotion of Board Certification.

Jack Pelzer, Chair of the Board of Legal Specialization & Education, presented the award to the Hillsborough County Attorney's Office on June 26 in Orlando at the BLSE's Board Certified Lawyers' Reception and Awards co-sponsored by Florida Lawyers Mutual Insurance Company. Senior Assistant County Attorney Deborah Blews accepted the award on behalf of the office.

"Board certification is a capstone accomplishment of a legal career," said Hills-borough County Attorney Chip Fletcher. "As a government law office, public confidence in the quality and credibility of public legal services is a paramount concern. Board certification builds confidence in our lawyers and provides our clients and the public assurance that our office is providing the highest quality legal services."

ertified lawyers are "evaluated for professionalism and tested for expertise." They are the only Florida lawyers who may use the terms "specialist," "expert" or "B.C.S." for Board Certified Specialist when referring to their legal credentials. Florida offers 24 specialty areas for board certification, more than any other state. Of the lawyers eligible, 7 percent – 4,600 Florida lawyers – have earned board certification.

As a result of the Hillsborough County Attorney's Office's continued efforts, nearly half of all employed attorneys in the office are board certified. Out of the 32 employed attorneys, 15 are board certified in City, County and Local Government Law, Labor and Employment Law, or State and Federal Government and Administrative Practice.

The office encourages attorneys to pursue board certification by covering the costs for the application, the exam and any required CLE courses. Additionally, the office maintains materials to assist applicants in preparing for board certification exams including case law statutes and CLE materials. Attorneys are also allowed to take paid leave to take the exam. A core objective for the 2014 and 2015 fiscal years for the office includes allocating funds to support staff attorneys seeking board certification. The office also hopes to re-institute a program in which a raise in salary is awarded upon becoming board certified.

"The BLSE commends the Hillsborough County Attorney's Office for its commitment to promoting board certification," said Pelzer. "We are gratified that the value of board certification has been recognized by this office and that board certification is so strongly encouraged for its attorneys."

"The office recognizes the value of board certification and has taken very effective steps to promote the program," said Cynthia Johnson-Stacks, BLSE vice-chair. "We are proud of the office and thankful for their example."

The Florida Bar Board of Legal Specialization and Education created the Excellence in Promotion award in 2007 to recognize "excellence and creativity by a Florida Bar board certified lawyer or a law firm in advancing the public's knowledge of and appreciation for legal board certification."

For more information, please visit FloridaBar.org/certification.

# *Senator Bob Graham Awarded Lifetime Achievement Award at the Government Lawyer Section Annual Meeting*

(L-R) Barbara Wingo, Sentator Bob Graham Morgan Rood

(L-R) Sentator Bob Graham, Ellie Simon, Allen Grossman, Adele Graham

(L-R) Senator Bob Graham, Diana Bock

(L-R) Barbara Wingo, Diana Polston

(L-R) Dustin Metz, Bill Davis

(L-R) Ellie Simon, Hon. Lynne Quimby-Pennock

(L-R) Pat Gleason, Mary Ellen Clark

(L-R) Hon. Joseph Lewis, Jr., Allen Grossman

# Appealing Administrative Action: The Threshold Considerations

***(Excerpt from May 2014 Issue of The Bar Journal)***

*by Keith W. Rizzardi*

Appeals of administrative agency actions differ from traditional appellate practice. For example, appellate cases involving agency decisions can raise nuanced differences in the law of standing, the degree of judicial deference, the relevance of stare decisis, and the mechanics of the appellate record. The initial concerns associated with appealing an administrative order can be considered in the context of three simple questions: 1) Can I appeal; 2) should I appeal; and 3) how do I start the appeal?

## Can I Appeal?

In order to pursue an appeal of an administrative agency decision, a threshold determination should be made as to whether the lawyer has standing. In general, the Florida Administrative Procedures Act (APA), F.S. Ch. 120, grants broad rights to parties to seek review of administrative agency action. But to seek appellate judicial review of agency action pursuant to F.S. §120.68, the appellant must further establish that 1) the agency action is final; 2) the Florida APA applies; 3) the appellant was a party to the prior administrative hearing; and, finally, 4) they were adversely affected by the final agency action.[1] Thus, the judicial review requirement for an appellant to experience an "adverse effect" differs from the administrative hearing requirement in F.S. §120.569(1) that a party must be "substantially affected."[2] Although the district courts of appeal have been divided on the nuances of the issue, a party can have standing for purposes of the original administrative hearing, but not for the appeal.[3] Importantly, factual findings reached by the administrative law judge concluding that a party was not harmed might even foreclose the appeal. If the appeal is pursued anyway, without sufficient evidence of appellate standing, or without a direct (but difficult) challenge to those findings of fact, the appellant faces a risk of sanctions.[4]

## Should I Appeal?

As noted above, one of the requirements for standing to appeal an agency action is for the appellant to have been party to the prior administrative hearings. In these disputes, the Florida APA generally requires its agencies to conduct evidentiary proceedings before an administrative law judge (ALJ). Those proceedings lead to findings of fact and conclusions of law, codified in a recommended order by the ALJ, which in turn is reviewed by the executive branch agency. The agency then issues a final order, subject to further scrutiny through judicial review by appeal of the agency action to a Florida district court of appeal, pursuant to F.S. §120.68. The decision as to whether an appeal is advisable, however, depends on careful consideration of the factual, legal, and precedential implications of each particular case.

• **Do I Want to Allow the Agency Another Chance?** - Importantly, an agency generally cannot appeal its own final order.[5] Also, an agency generally cannot amend its own order once the time for an appeal has lapsed.[6] Many cases before an ALJ involve a mix of victories and defeats: winning on some issues, and losing on others. By not filing an appeal, a litigant keeps the victories, and accepts the defeats. However, once the appeal is filed, the agency can cross-appeal, and the issues can be reopened, with the consequences playing out in the appellate forum.

For some clients who repeatedly obtain orders or agency actions from the same agency, the better strategy might be to accept the final order in one matter, and then seek to change the minds of the administrative agency decisionmakers in the future. Once issued, administrative orders issued under appropriate statutory authority are deemed to be prima facie reasonable and just.[7] However, agency final orders are NOT strictly precedential. Agencies have discretion to change their minds, and the Florida APA acknowledges that agencies can exercise discretion in a manner that is inconsistent with prior policy or agency practice if the deviation is explained by the agency.[8]

• **Do I Have Issues Worthy of Appeal?** - Appealing the case, of course, differs from winning the case. After all, the appeal is only necessary because the client failed to get what they wanted from the agency and then lost the dispute before the ALJ. Nevertheless, to varying degrees, the findings of fact and conclusions of law reached by the ALJ and agency may be subject to appellate review and reversal.

The Florida APA limits the authority of the courts to reject an ALJ's findings of fact, so lawyers considering an appeal should carefully weigh the applicable standards of whether the facts are supported by competent, substantial evidence in the record.[9] Although the Florida APA has undergone various rewritings over the years, state law has long granted weight to the findings of fact made by ALJs and state administrative agencies because they are, in

theory, supported by a preponderance of the evidence.[10]

When a recommended order is reviewed by an agency and a final order is issued, the agency must be sure that the findings of fact identify the underlying facts in the record that supported the decision.[11] These procedures created by the Florida APA were not created to empower the appellate courts to engage in an intense review of particular facts; rather, they were designed as a mechanisms to facilitate judicial review and an assessment of whether the agency actions ensured due process of law.[12] Importantly, however, "a court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact."[13]

On questions of law, state agencies may not receive as much judicial deference as their federal counterparts, who benefit from well-established principles of judicial deference.[14] Nevertheless, even on legal questions, the Florida APA again provides that a court should not substitute its judgment for the agency on a matter of discretion.[15]

• **Can I Accept the Consequences of an Appeal?** - The filing of an appeal involving novel issues of first impression can be especially significant. In the absence of conflicting authority from multiple district courts or the Florida Supreme Court, a DCA opinion becomes controlling precedent statewide.[16] But even if other cases have addressed the subjects, an appeal may have other benefits.

As noted earlier, an administrative agency does not have to be entirely consistent as it moves from one decision to the next. Rather, the burden on the agency is to explain any deviation from prior decisions.[17] For parties needing regulatory certainty, an appeal might have the benefit of "locking in" an agency decision because, in general, appellate courts have a duty to ensure that the law is applied uniformly in decisions based on similar facts, and to adhere to the principle of stare decisis.[18]

The importance of establishing a judicial precedent through appeal becomes especially significant in cases involving property because the doctrine of stare decisis applies with peculiar force and strictness to those judicial decisions.[19] Even if different parties are involved, the facts that gave rise to a precedent case can become the factual foundation for a subsequent case.[20] Thus, the appeal of an administrative order offers an opportunity for a Florida litigant to create lasting factual precedents that can make it more difficult for an agency to reverse itself.[21]

## How Do I Appeal?

Once the decision is made that a client can and should pursue an appeal, the lawyer needs to invoke the necessary process. In general, Fla. R. App. P. 9.190 governs judicial review of final administrative agency actions. Separate rules apply for judicial review of nonfinal agency action.[22] To initiate the appellate process, pursuant to Fla. R. App. P. 9.110(c), the appellant shall file the original notice with the clerk of the lower administrative tribunal within 30 days of rendition of the order to be reviewed, and also file a copy of the notice, accompanied by any filing fees, with the clerk of the court.

• **Who Creates and Files the Appellate Record?** - If the appeal follows a hearing or similar procedure based on F.S. Ch. 120, then the specific documents in the administrative record from that proceeding, including the evidence and the legal filings with the administrative law judge will serve as the appellate record, and the clerk of the agency will transmit the record.[23] For appeals of administrative action not based on the Florida APA, the filing of the appellate record is the responsibility of the appellant, who must file an index of the record.[24] In some circumstances, the record may be supplemented or otherwise amended.[25]

• **Can I Stay the Final Agency Action Pending Appeal?** - Except when otherwise provided by law, the filing of a notice of administrative appeal or a petition seeking review of administrative action does not operate as an automatic stay of the final administrative agency action.[26] Instead, an appellant may file a motion either with the lower tribunal or, for good cause shown, with the appellate court, and again, the filing of the motion shall not operate as a stay.[27]

## Conclusion

Before the process of arguing an appeal can begin, experienced administrative lawyers should give careful thought to numerous questions. Was the client's standing adequately addressed in the administrative hearings? Is a judicial appeal truly in the client's best interest, or should the client try to get the agency to reverse itself? If the client does appeal, are the issues truly winnable, and is the client willing to live with the precedential consequences, for better and for worse? And finally, has the whole record been provided, or does it need to be supplemented? Only after those threshold matters are all carefully considered can and should the briefing and argument begin.

**Endnotes:**

1 Legal Envtl. Assistance Found. Inc. v. Clark, 668 So. 2d 982, 986 (Fla. 1996).

2 See, e.g., Fla. Stat. §120.569(1) (providing administrative review of final agency action to be sought by any substantially affected person).

3 Compare Martin County Conservation Alliance v. Martin County, 73 So. 3d 856 (Fla. 1st DCA 2011), with Peace River/Manasota Regional Water Supply Auth. v. IMC Phosphates Co., 18 So. 3d 1079 (Fla. 2d DCA 2009).

4 See Martin County, 73 So. 3d 856. For a thorough discussion of Martin County, Peace River, standing, and fees exposure, see Gary K. Hunter, Jr. & Julie M. Murphy, Standing to Appeal an Administrative Order: Cautions from Martin County Conservation Alliance v. Martin County, 88 Fla. B. J. 20 (Mar. 2014).

5 Fla. Dept. of Law Enforcement v. Dukes, 484 So. 2d 645, 647 (Fla. 4th DCA 1986).

6 AGO 88-40 (Real Estate Commission).

7 McConville v. Fort Pierce Bank & Trust Co., 135 So. 392, 395 (Fla. 1931).

8 Fla. Stat. §120.68(7)(e)3.

9 Fla. Stat. §120.68(7)(b) (2012) ("The agency's action depends on any finding of fact that is not supported by competent, substantial evidence in the record of a hearing conducted pursuant to §§120.569 and 120.57.").

*continued, next page*

## APPEALING ADMINISTRATIVE ACTION, *from page 7*

10 Fla. Stat. §120.57(j) (2012) (findings of fact "shall be based on a preponderance of the evidence…and shall be based exclusively on the evidence of the record and on matters officially recognized").

11 Fla. Stat. §120.569(2)(m) (2012) (findings of fact "must be accompanied by a concise and explicit statement of the underlying facts of the record which support the findings.").

12 See generally Katz v. Florida State Board of Medical Examiners, 405 So. 2d 465 (Fla. 1st DCA 1981)(discussing due process); see also City of Winter Park v. Metropolitan Planning Organization, 765 So. 2d 797 (Fla. 1st DCA 2000); and Leis v. Florida Dept. of Prof. Reg., 410 So. 2d 593, 594 (Fla. 2d DCA 1982) (discussing the facilitation of judicial review).

13 Id.

14 See, e.g., Chevron v. NRDC, 467 U.S. 837 (1984),

15 See generally. Fla. Stat. §120.68(c) (2012) (governing appeals of procedural errors); Fla. Stat. §120.68(d) (appeals asserting that an agency "erroneously interpreted a provision of law"); and Fla. Stat. §120.68(e) (2012) (appeals involving an improper or inconsistent exercise of discretion, but noting that "the court shall not substitute its judgment for that of the agency on an issue of discretion.").

16 See Brannon v. State, 850 So. 2d 452, 458 n.4 (Fla. 2003) ("If there is no controlling decision by this [c]ourt or the district court having jurisdiction over the trial court on a point of law, a decision by another district court is binding.") (citing Pardo v. State, 596 So. 2d 665, 667 (Fla. 1992)) (stating that when the only case on point on a district level is from a district other than the one in which the trial court is located, the trial court is required to follow that decision).

17 Fla. Stat. §120.68(e)3 (2012) (providing for judicial review of an agency's exercise of discretion that was "[i]nconsistent with officially stated agency policy or a prior agency practice, if deviation therefrom is not explained by the agency").

18 See Highsmith v. State, 843 So. 2d 369 (Fla. 2d DCA 2003).

19 See, e.g., Askew v. Sonson, 409 So. 2d 7 (Fla. 1981) (substantive rules governing real property are peculiarly subject to stare decisis) (citing U.S. v. Title Insurance and Trust Company, 265 U.S. 472 (1924)).

20 See, e.g., Della-Donna v. Nova University, 512 So. 2d 1051 (Fla. 4th DCA 1987) ("Since the same facts that gave rise to the Della Donna v. Gore dispute are the factual foundation of this lawsuit, stare decisis, in the form of Della-Donna v. Gore, compels our decision…."); see also McGregor v. Provident Trust, 162 So. 323, 328 (Fla. 1935) (discussing the distinctions between law of the case, res judicata, and stare decisis).

21 While an appeal can clarify and establish precedents on factual matters and the application of facts to a statutory scheme, in federal administrative law, an agency still retains discretion to reverse its policies, even after a federal court has ruled. A court's prior interpretation may be reversed by a subsequent administrative agency decision if it represents a well-explained and reasonable construction of a statute. See Nat'l Cable v. Brand X, 545 U.S. 967 (2005) ("A court's prior judicial construction of a statute trumps an agency construction otherwise entitled to Chevron deference only if the prior court decision holds that its construction follows from the unambiguous terms of the statute and thus leaves no room for agency discretion."). See also Ronald M. Levin, Hard Look Review, Policy Change, and Fox Television, 65 U. Miami L. Rev. 555 (2011). No published Florida case has addressed this precise issue, but the Florida APA's instruction that a court "shall not substitute its judgment for that of the agency on an issue of discretion," in Fla. Stat. §120.68(e) (2012) suggests that the analysis in Brand X would also apply when a Florida judicial opinion encroaches on a policy judgment involving agency discretion.

22 Fla. R. App. P. 9.100(b) and (c) (governing original proceedings).

23 See generally Fla. R. App. P. 9.190(c)(2).

24 Fla. R. App. P. 9.190(c)(4).

25 See, e.g., Fla. R. App. P. 9.190(c)(6), 9.200, and 9.220.

26 Fla. R. App. P. 9.190(e)(1).

27 Fla. R. App. P. 9.190(e)(2).

***Keith W. Rizzardi*** *is a law professor at St. Thomas University in Miami Gardens where he teaches administrative law. He also practices law as special counsel to Jones Foster Johnston & Stubbs, P.A., in West Palm Beach, and previously served as chair of The Florida Bar Government Lawyer Section.*

# UPCOMING MEETINGS

**Executive Council Meeting**
Friday, October 24, 2014
2:00-5:00pm – The Florida Bar Annex
Tallahassee

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**Executive Council Meeting**
**In conjunction with Winter Meetings**
January 23, 2015
Hilton Orlando
Lake Buena Vista

**Long Range Planning Meeting/CLE**
**Lunch/Executive Council Meeting**
May 16, 2015
The Florida Bar Annex Room 114, Tallahassee

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**Executive Council Meeting**
**In conjunction with Annual Convention**
June 26, 2015
Boca Raton Resort & Club

# THE FLORIDA BAR - GOVERNMENT LAWYER SECTION
# APPLICATION FOR MEMBERSHIP

The law relating to government is constantly changing, and the Government Lawyer Section of The Florida Bar seeks to keep its members abreast of all the recent developments in the area through communication. Membership in the Section provides access to the Section's newsletter, *The Voice,* sponsored continuing legal education programs and section meetings.

**Purpose and Mission Statement**

The Government Lawyer Section is dedicated to promoting the professionalism and competence of its members; improving the delivery of legal services to all governmental entities; improving the administration of the legal system, and enhancing The Florida Bar's and the public's understanding of the unique needs of the government attorney.

**To join the section**: Please complete this application and enclose a check made payable to The Florida Bar. Mail the application to: The Florida Bar, Government Lawyer Section, 651 E. Jefferson St., Tallahassee, FL, 32399.

Check One:

Member of The Florida Bar: $30 [] (Item number: 8121001)

Affiliate Member of the Section: $25 [] (Item number: 8121002)

NAME:_____

FIRM OR AGENCY NAME:_____

OFFICE ADDRESS:_____

CITY/STATE:_____

PHONE_____Email: _____

PROFESSIONAL SPECIALTY(IES):_____

_____

MEMBERSHIP IN PROFESSIONAL ORGANIZATION(S):_____

_____

_____

What legal areas most affect you or your profession?

_____

_____

SIGNATURE:_____

FLORIDA BAR ATTORNEY #:_____

DATE:_____