FLORIDA BUSINESS INSIGHT

JAN. FEB. 1999

The Magazine Of Free Enterprise & Public Policy

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PLUS:

Litigation In The New Millennium

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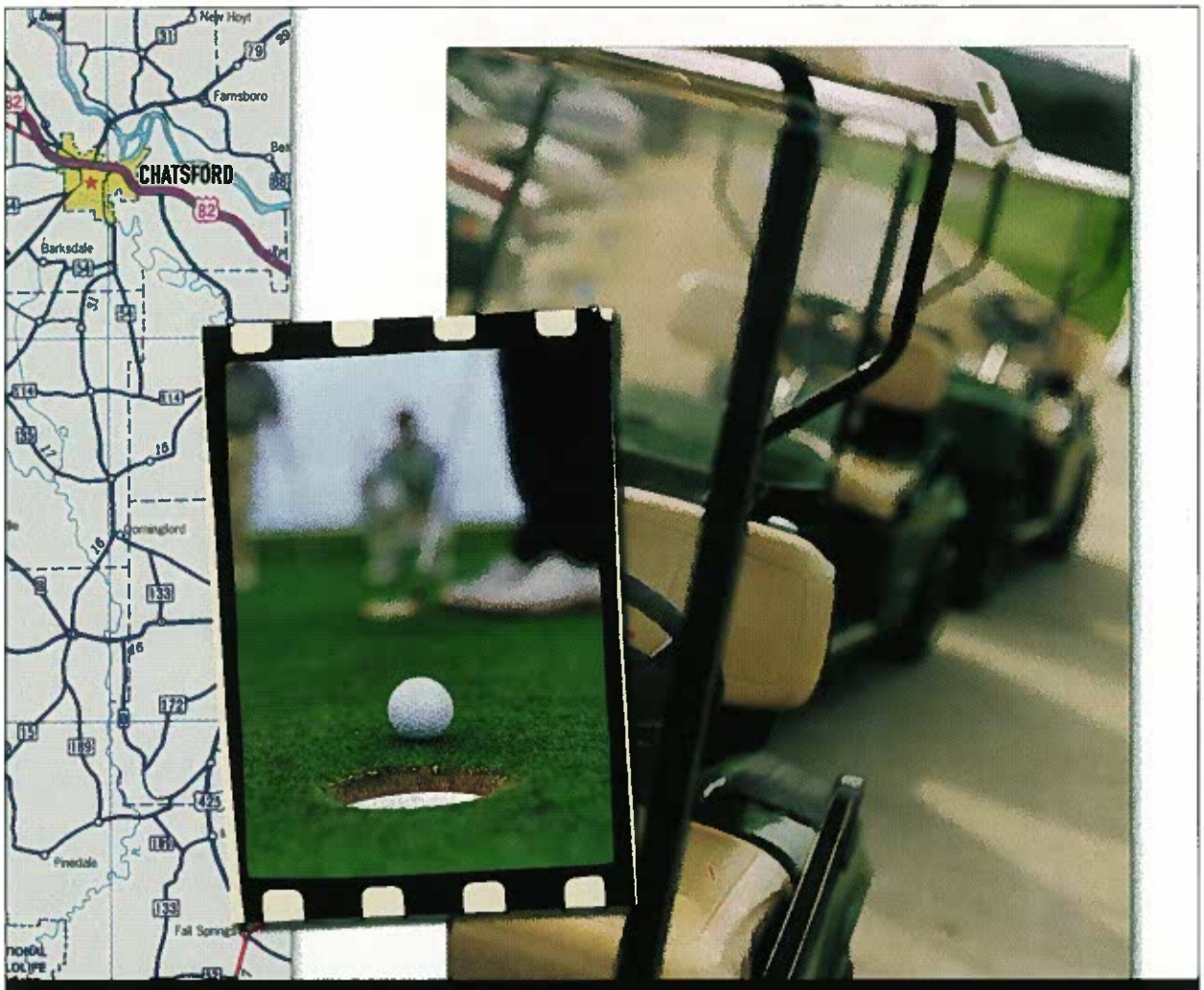
Employed For Life?

Raising The Dead (Heads)

The Voice Of Florida Business

A Publication Of Associated Industries Of Florida Service Corporation



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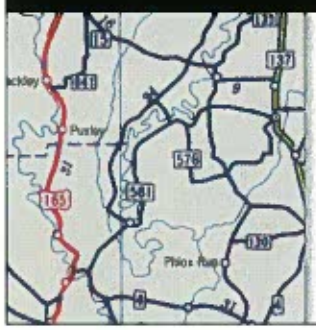

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FLORIDA BUSINESS INSIGHT
The Magazine of Free Enterprise & Public Policy

January/February 1999
Volume 3, Issue 1

ON THE COVER:
A log raft floats to the sawmill, circa 1875.
COVER PHOTO: FLORIDA STATE ARCHIVES

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by jon l. shebel, publisher

The End Of Representation?

Who hasn't, in the heat of the moment, said or done something later regretted. The universality of the experience renders familiar such sentiments as, "Married in haste, we repent at leisure."

But marriages are more easily dissolved than laws — which seem to gain immortality once enacted. That same sage advice of patience and caution when passions run high informs the American blueprint for governance. The mechanism itself is chock-full of roadblocks to the kind of impetuous actions that lose their luster in the light of dispassionate reflection.

The system of checks and balances infuriates those who prefer quickly done to correctly done. Slowly, they wear away at the lining in the brakes that prevent precipitous (read tyrannical) action. That erosion project is embodied by Constitutional Amendment 5, creating a constitutional agency to manage the state's fish and wildlife, approved by Florida's voters in the November general election.

Two days before the election *Miami Herald* outdoors columnist Susan Cocking joined the ranks of those who promised that "Amendment 5 gives power to the people." How so? It "would keep politicians with no clue about hunting and fishing from interfering in the regulatory process." All decisions would be snatched from those the people elect — the politicians — and entrusted with those they do not elect — the bureaucrats.

How can a transfer of authority to unhindered bureaucrats result in an increase of power to the people? It can't. But empowering citizens is just a thin stain over the flat surface of the true purpose of the proposal. As Cocking explains it, "The state *should not be hampered* in efforts to preserve woods and waters for hunters, anglers, bikers, and everyone else who enjoys the outdoors" (emphasis added).

"The state should not be hampered." Not by constitutional property rights? Not by the need for jobs and products and services that spring from economic activity? Not by the need to provide for the arts, education, infrastructure? Is preserving woods and waters really to become the supreme obligation of the state, to the neglect of all others including the protection of civil rights?

The attempt to depoliticize politics and governing leads inevitably to the people's forfeiture of representation by those they elect. But politics and governing coexist because of the intractable truth that we have a hard time agreeing about what is desirable, what is necessary, and what is possible.

Replacing political decision-making with bureaucratic decision-making won't remove friction from the process. Nor will it eliminate foolishness or featherbedding. It will simply destroy the brakes that help avert bad choices and the outlet (elections) for public anger over those choices.

On page 28, you'll find an article by Ron Weaver, the land-use attorney that land-use attorneys listen to, about the evolution of Florida's growth management process over the next ten years. He makes no recommendations, merely predictions based on his insight as well as the historical patterns of Florida's response to the pressures of growth. His article is a canary in a mine shaft, a warning that the Growth Management Act and Florida's planning regime are nearing a fork in the road.

Where will our political navigators take us? Will they follow the route of Amendment 5 and the comrades of Susan Cocking who fecklessly dream of a people ruled by efficient and punctual bureaucrats, unencumbered by the bustle and commotion of a representative democracy? ■

Jon L. Shebel is president and CEO of Associated Industries of Florida and affiliated companies.

PHOTO: MICHEL TCHEREVKOFF LTD.

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PUBLISHER
Jon L. Shebel

EXECUTIVE EDITOR/ CREATIVE DIRECTOR
Dwight M. Sumners

EDITOR
Jacquelyn Horkan

GRAPHIC DESIGNER
Gregory Vowell

EDITORIAL & ADVERTISING OFFICES
516 North Adams Street
Post Office Box 784
Tallahassee, FL 32302-0784
Phone: (850) 224-7173
Fax: (850) 224-6532
E-mail: insight@aif.com
Internet: http://aif.com

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by david p. yon

Documenting Business Expenses

Figuring out what the IRS will allow you to deduct as a business expense can get pretty tricky when you enter the territory of travel and gifts. Whether a claimed expense is really business related or personal has been the subject of many a court case, with business people coming out as both winners and losers.

The key is to document *how* each expense is business related. An IRS auditor will demand documentation on the amount of the expense, when and where it was incurred, a description of the expense, and the business purpose or relationship that caused the expense. Generally, amounts should be compiled by type of expense. For example, travel expenses should be accumulated in categories such as airfare, taxis, automobile rentals, telephone calls, meals, etc.

Amounts should be totaled on a daily basis. However, the total amount of some expenses is acceptable. For example, a weekly automobile rental can be reported as one amount if the bill covers the whole week, rather than dividing it by the number of days rented.

The date the expense was incurred must be reported. Some expenses are better documented by providing the timing of the expense in addition to the date. For example, for a lunch to be deductible, a business discussion must occur directly before, during, or after the lunch.

The name and address or location of where the expense was incurred should be provided. For travel expenses, the name of the city or other information that identifies the place is needed.

When a personal vehicle is used for travel, the mileage for business use multiplied by the allowable IRS mileage rate can be used in lieu of actual automobile expenses. When using actual expenses, the cost of the vehicle (subject to limitations for luxury vehicles) can be depreciated and added to the actual cost of gas, oil, vehicle upkeep, insurance, etc. The mileage method is much simpler, but often results in lower expenses.

Whenever the nature of the expense does not lend itself to a description (a cash-register receipt may not provide this), a written description should be provided. This especially applies to gifts.

The description of the business purpose or business relationship is the most subjective part of the documentation process. The business purpose or expected benefit should be documented along with the nature of the business discussion or activity. Documenting the business relationship involves recording the names of persons entertained, their titles, and their business relationship to what you are doing. An explanation of how this furthers your corporate objectives is of particular benefit.

Documenting this information should be done as soon as possible after the expense is incurred — the IRS deems this as more credible evidence and you are less likely to forget important details. Waiting until you are audited never works. Most of the required information is provided on credit-card slips, so you need only record the person or persons involved and the business purpose or relationship.

Receipts, invoices, or bills from vendors are preferable to documents generated internally. Where there is no documentation or corroboration from a third party source, a detailed account (with both descriptions and amounts) is essential. In this case, the more detail and description included the better. ■

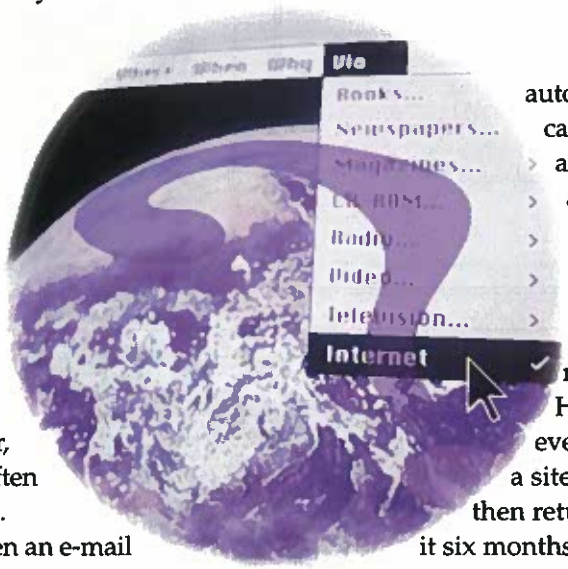
David P. Yon is executive vice president and CFO for Associated Industries of Florida and affiliated companies.

PHOTO: PAT CROSS

by robert d. mcrae

Internet Mysteries

The Internet may be the most complicated piece of equipment used by average people with little or no training. The complexity of computers and the Internet makes them ripe for the creation of myths and the manipulation of unwary users.



One of the most common of these myths is the e-mail warning. These are similar to chain letters sent through the postal system (known as snail mail in cyber world). Instead of promising great wealth, however, e-mail chain letters often contain dire warnings.

Have you ever gotten an e-mail alerting you not to open a message about a certain subject because it will infect your computer with a virus? If you forwarded that e-mail, you fell for one of the most popular Internet pranks.

Simply opening an e-mail won't cause your system to self-destruct. Usually these messages originate as hoaxes designed to flood networks with traffic, causing them to crash. An infected e-mail attachment can cause harm, however, if extracted and run. You should always check e-mail attachments for viruses before opening them. If you operate an e-mail system in-house, there are software packages that can work in conjunction with your server software to screen for viruses automatically in any files attached to your e-mail.

Here's another mystery. Have you ever visited a site once, then returned to it six months later and gotten a "Welcome Back" message? Wondering how that computer recognized you? By your cookies, that's how.

On the Internet, cookies aren't snack food; rather they are bits of information that a remote computer stores on your computer so that it can identify you. Cookies in and of themselves aren't damaging but they do allow a remote computer to write a file to your hard drive. Most browser software will let you decline to accept cookies if you desire. On Microsoft's Explorer, for example, you simply select Internet Options from the View button on the menu bar. From there you click on the Advanced tab, scroll down the list until you reach the Security section, then click the "disable all cookies use" option.

Perhaps the biggest Internet mystery of all is how to make money off of it. On the last Monday of November, Sharper Image share prices doubled, partly on the news that its Web sales had tripled in the past year. The bad news is, Web sales account for only a measly 2 percent of the company's revenues.

On the Web, making the sale is just half the battle; first you have to get people to your site. One of the easiest ways to increase traffic at your site is to register it with search engines such as WebCrawler and Yahoo. Most search engines include a link (usually at the bottom of the page in tiny type) that allows you to list your site with the search engine. Every so often, do a search to make sure your site shows up.

Search engines and other sites sell advertising space on their pages. If you are serious about increasing sales through the Internet, advertise on sites frequently visited by the customers you are trying to reach. The software used to display your ad is also smart enough to determine which types of users would be interested in your products (if the surfer hasn't disabled all cookies).

Change your content regularly. A stale site generates no interest. Some browsers actually watch for changes in content and alert the user that a page has changed. ■

Robert D. McRae is senior vice president and information services director for Associated Industries of Florida.

PHOTO: CHRISTIAN MICHAELS

Meet our latest Lottery Winners.

These kids may not be old enough to play the Florida Lottery, but they're already winners. Next year, they will attend West Navarre Elementary, a new school being built for them with the help of Lottery dollars.

They live in Santa Rosa County, a rapidly growing county in Florida's Panhandle. Like many Florida counties, Santa Rosa's population will continue to grow.

To avoid overcrowded classrooms, the Florida Lottery is helping to fund the construction of new schools over the next twenty years. That way, while Florida is growing, class sizes will be shrinking.

So, keep playing the Florida Lottery because for kids like Brittany, Laura and Jessica, every ticket is a winner.

Florida Lottery

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Visit our website at www.flalottery.com.

i n b o x

compiled by jacquelyn horkan, editor

Cyber Squatters

Executives at Exxon Corp. and Mobil Corp. forgot one little detail when planning their $81 billion merger — and it's going to cost them.

When S.H. Moon, a Korean entrepreneur with no ties to either company, read about the proposed merger, he paid a small fee to register his ownership of the Web addresses "ExxonMobil.com" and "Exxon-Mobil.com." Now, if the two oil giants want to use their company name for their Web address, they'll have to call on Mr. Moon. His asking price? He's not telling, but earlier this year, Compaq Computer Corp. paid a cyber squatter a reported $3 million to buy the rights to the address "Altavista.com," named after its search engine. ■

ILLUSTRATION: TODD DAVIDSON

Silk Purses And Sows' Ears

Did you hear the one about the proposed settlement in the class action lawsuit involving the thyroid drug Synthroid? The one where the plaintiffs' lawyers are supposed to get $28 million in fees while the individual clients' recovery averages about $19.60?

Ours is a misshapen legal system where plaintiffs' lawyers get multi-million dollar fees and all the clients get — if they're lucky — is a coupon for $50, $75, $100 off their next purchase from the manufacturer they just sued for selling them defective products.

The majority of these clients don't even know that they're part of a class action lawsuit alleging that some possession with which they are perfectly happy is defective. Then one day in the mail comes a densely worded legal document telling them to gather together their receipts, a letter from the dealer, and heaven only knows what else. They mail the package off to the court and in a few months (or years), they'll get a piece of scrip (with an expiration date of course) to use at the company store.

Most plaintiffs don't bother to take the steps necessary to receive their prize. Either the rewards are too small for the trouble involved or they are not planning to buy furniture, a water heater, a new car, or whatever it is the coupon entitles them to.

Whenever something of value exists, however, a market will arise. Companies such as Chicago-based Certificate Clearing Corp. (CCC) have formed to create markets for the coupons. CCC becomes a part of selected settlements, buying coupons from plaintiffs who don't want them and selling them to others who do.

The secondary-market movement exposes one of the nasty secrets of the class action game: Lawsuits aren't really filed on behalf of the claimants at all. A group of plaintiffs' lawyers cobble together a bunch of insignificant claims until they reach critical mass, forcing a manufacturer to the bargaining table. The defendant company, seeking to avoid the expense and uncertainty of a trial, reaches a settlement with the plaintiffs' lawyers who, armed with a weak case, never really wanted to go to trial anyway. The settlements operate on the assumption that few class members will use the coupons, making the proposition a lucrative one for the plaintiffs' lawyers and a relatively painless one for the defendant corporation.

The creation of secondary markets is good news for consumers, and even for their class action attorneys who will suddenly, through no fault of their own, be providing something of value to the nameless masses they call their clients. The real losers here will be businesses. As those meaningless coupons suddenly gain value, settlement costs increase.

As settlements become more attractive for consumers, plaintiffs' lawyers lose some of their stink, but corporations are left with a bad taste in their mouth. ■

O Gun, Where Is Thy Sting?

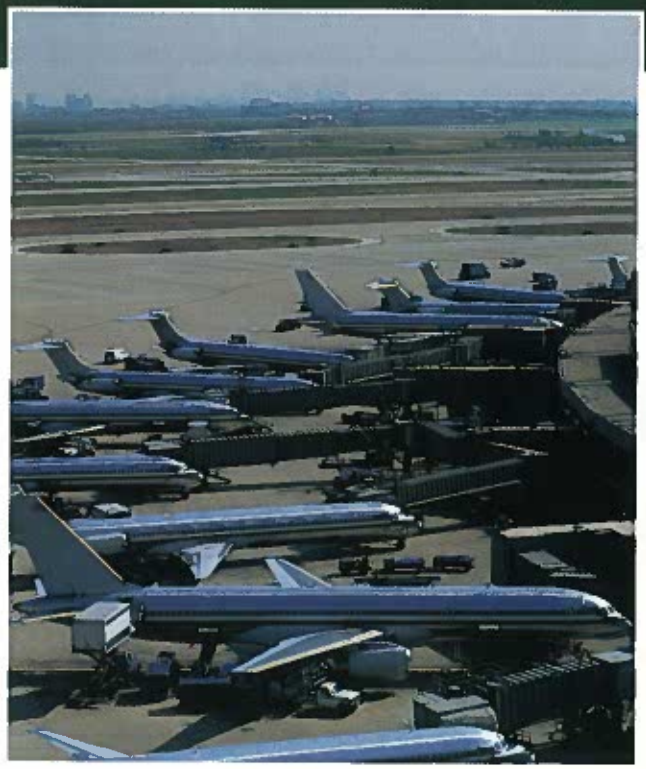
As each day passes, more and more cities join the mass tobacco-style action against gun makers. If the anti-gun cities win, is it really possible that gun-related violence and accidents could increase?

Guns brings benefits as well as costs. John R. Lott Jr., the John M. Olin Law and Economics fellow at the University of Chicago School of Law, has studied the issue extensively, finding a correlation between high rates of gun ownership and low rates of crimes. Owning a gun particularly benefits the poor who live in high-crime areas.

Lott notes that some lawsuits, including Chicago's, accuse gun manufacturers of making guns that appeal to gang members. Among the gang-desired characteristics: small size and light weight; corrosion resistance; accurate firing; and high firepower. Gang members, like other consumers, are apparently drawn to quality and affordability.

The lawsuits also charge the gun makers with manufacturing defective products because they have not included certain safety mechanisms on the firearms. Guns are inherently dangerous, however, and safety mechanisms may not bring the desired results. Gun locks, for example, require the gun to be unloaded, making it far less effective against an intruder. So why not rely on another favored safety mechanism, a device that indicates when the chamber is loaded? Because such a solution relaxes owner diligence. "Always check the chamber" is the first lesson instructors teach new gun owners. This simple precaution promotes safety more surely than a mechanical device that may malfunction.

Guns cannot be made truly safe, but just how dangerous are they? In 1996, there were 1,400 accidental gun deaths in the United States, 200 involving children under the age of 15. As Lott warns, people in the cities filing the gun lawsuits should ask their politicians, "How many of those 200 children will this lawsuit save?" as well as, "How many more will become victims of crimes because guns cost too much?" ■



Go The Distance

After 20 years' experience with deregulation, America's airlines offer more flights at lower rates with better safety records. But with more crowding at airports and fewer flights to smaller markets, is it really time to call deregulation a failure?

A resounding "No" is the answer emanating from a recent study published by the Los Angeles-based Reason Foundation and written by Robert W. Poole Jr. and Viggo Butler.

According to Poole and Butler, the problem with the nation's air travel system arises not from too much deregulation, but from too little. "In deregulating the airlines in 1978," they write, "Congress unleashed market forces on one segment of the air-travel system—but failed to free up the critical infrastructure on which the airlines depend, namely the airports and the air traffic control (ATC) system. ... Not surprisingly, problems emerged when a consumer-responsive airline industry placed demands on a still bureaucratically controlled infrastructure."

The authors point to what they call "the regional jet revolution" (the advent of commercial jets that seat 35 to 70 passengers, allowing cost-effective jet service to smaller markets), as evidence of the dynamic, flexible nature of the deregulated part of the airline market. They contrast it to the government-run air traffic control system that still hasn't invested in existing technology that would ease congestion at the nation's largest airports.

Poole and Butler's recommendation? Finish deregulation. They suggest three policy changes.

- Commercialize the air traffic control system.
- Eliminate federal restrictions on airport access.
- Permit congested airports to levy access charges during peak hours. ■

by kathleen "kelly" bergeron

The Modern Killer: Stress

Stress is a modern-day epidemic that infects the majority of us and killing many. In fact, according to Dr. Robert S. Eliot and Dennis L. Breo in their book, *Is It Worth Dying For?*, "stress may be the greatest single contributor to illness in the industrialized world."

But why should you concern yourself with your employees' stress levels? Because stress and stress-related illnesses have an adverse impact on the workforce. Overstressed employees have higher rates of absenteeism, poor performance, and job dissatisfaction.

Sometimes stress can be attributed to unhealthy lifestyles. The technology of mass media bombards people with information and data. Their lives are filled with more commitments than they have time to fulfill. They feel stretched to the limits, rushing everywhere and forever falling short of expectations.

Eliot and Breo write, "Stress is only a burden when you respond to it with the feeling that you have lost control. Most of the time, this happens when there is a mismatch between your expectations and your environment. In other words, what you hope will happen doesn't, and you begin to think it never will."

When a person becomes overwhelmed with stress, he might become apathetic or disinterested. You might observe unexplained irritability or constant fatigue.

He might begin avoiding work and responsibility, not wanting to be held accountable, repeatedly coming in late to work or appearing unkempt. Illness and unexcused absences increase. As an employer, you need to monitor these types of behaviors throughout your workforce in order to be proactive and minimize stress and its effects on your employees.

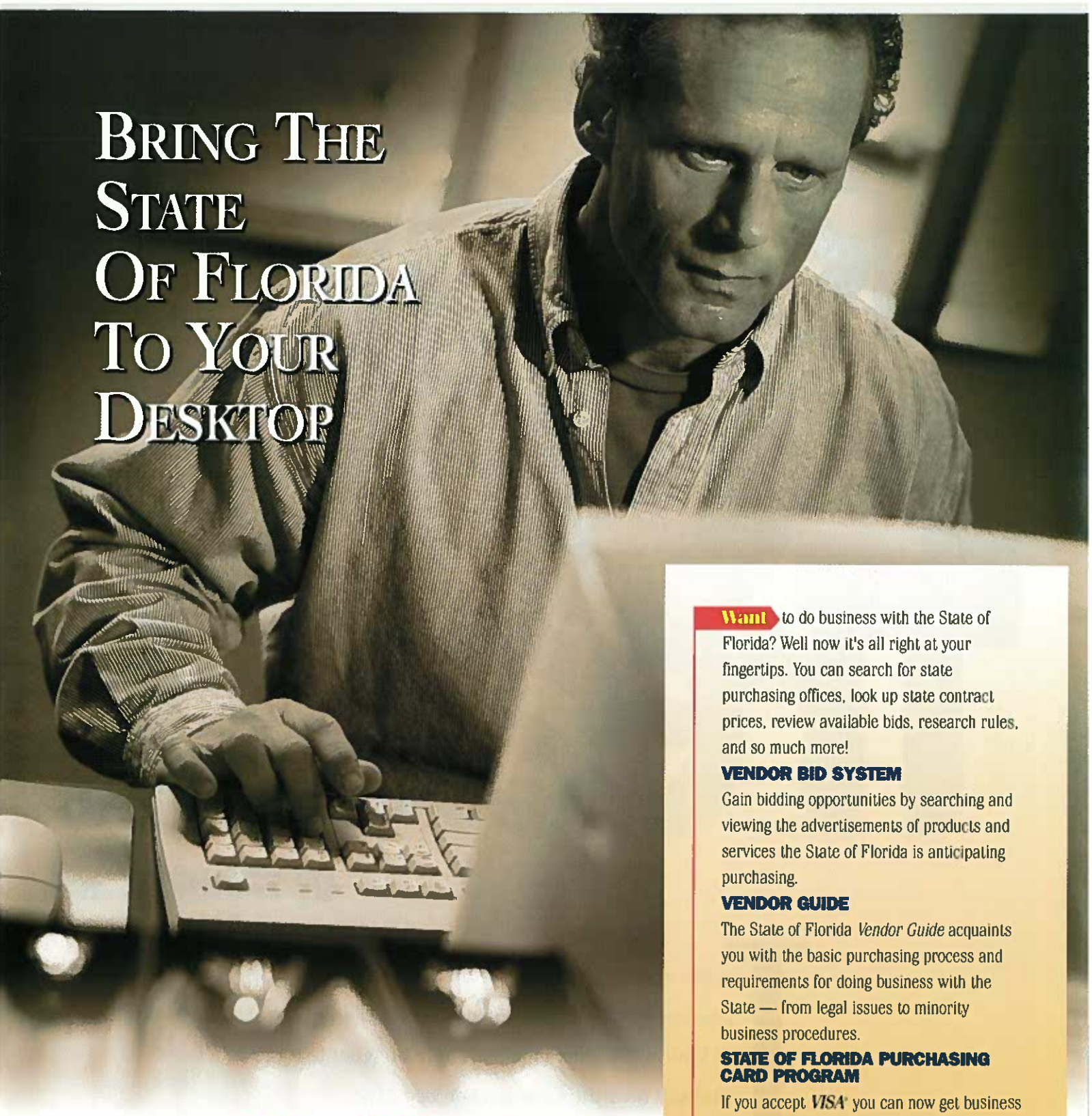
There are positive steps you can take to combat the effects of stress in the workplace. First, watch your use of overtime. Don't work your people to the point of mental/physical exhaustion (no sweatshop mentality). Insist that your employees use their vacation and holiday time off. Plan and schedule vacations to cover operational requirements adequately while affording employees vacation time. Make sure your daily routine allows for 10-minute breaks in the morning and afternoon, in addition to a lunch period of at least 30 minutes. If possible, allow staggered starting/quitting times to accommodate individual schedules and traffic patterns. Ensure that your managers are well trained and that their expectations and goals for employees are reasonable and attainable.

Stress is a killer. Americans tend to mask the symptoms of stress with over-the-counter treatments for headaches, stomach problems, and muscle tension. Alcoholism and illegal drug usage are prevalent among the overstressed. Studies have shown that heart disease, the number one American killer, is aggravated if not directly caused by stress.

We eat fast food while driving in our cars and talking on cellular phones. As an employer, be aware of the environment you create for your employees while at work, but equally important, be aware of the modern world in which they live—and die. ■

Kathleen "Kelly" Bergeron is executive vice president and chief of staff of Associated Industries of Florida and affiliated companies.

PHOTO: PAUL THOMAS SIMCOCK



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Recoveri LOST Treasur

by samual j. ard

In the mid-1880s, Adlee Bruner's great-great uncle packed his few possessions and walked from north Alabama to Point Washington in Walton County, Florida. There he went to work at a large sawmill near the Choctawhatchee River.

A century later, the 38-year-old Bruner follows in that family tradition as the owner of Riverbend Lumber Company, also located on the banks of the Choctawhatchee River. The Riverbend Lumber Company specializes in the recovery and milling of deadheads, the cypress and heart pine logs that sank to the bottom of Florida rivers in the final years of the 19th century and into the early decades of the 20th century.

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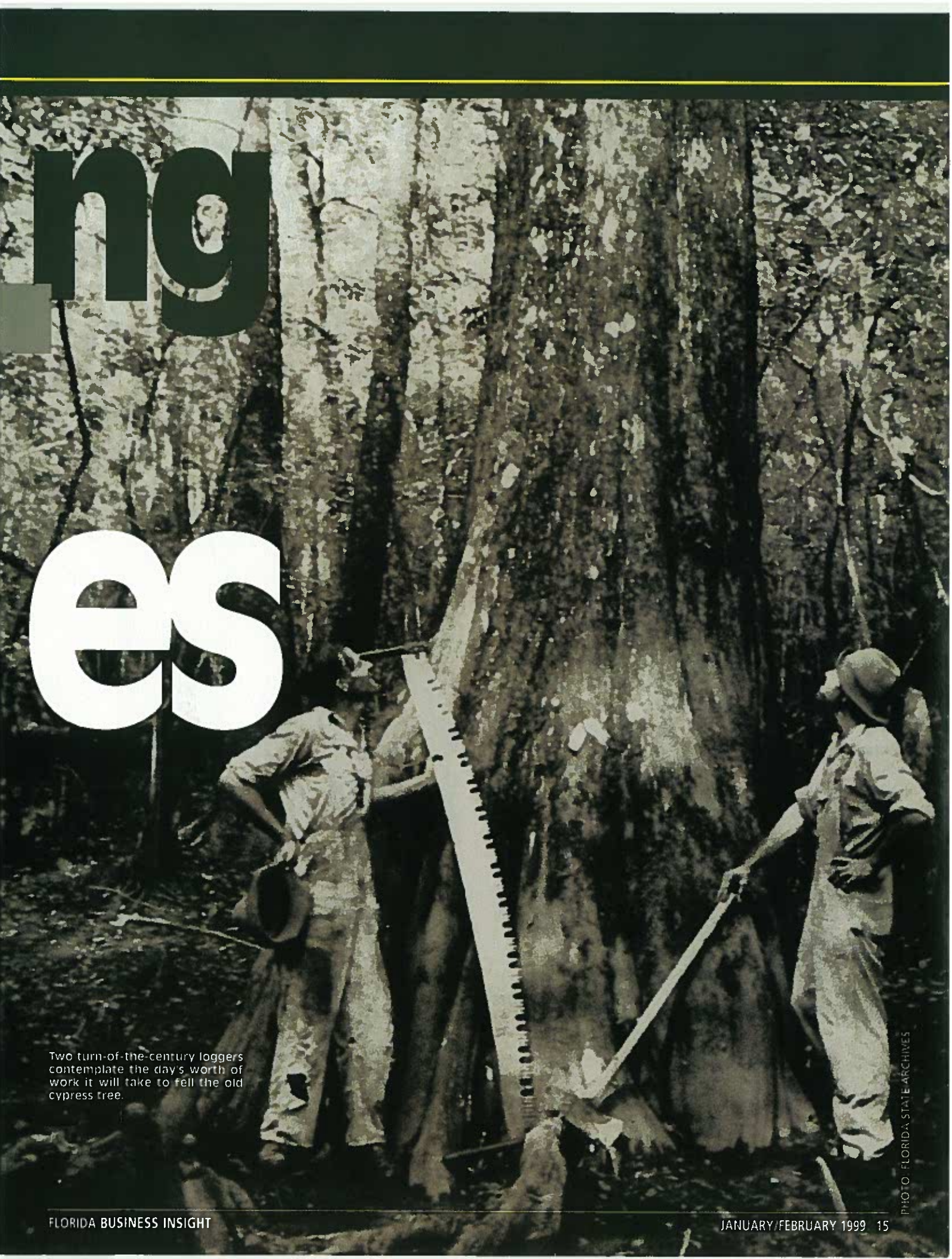


Two turn-of-the-century loggers contemplate the day's worth of work it will take to fell the old cypress tree.

PHOTO: FLORIDA STATE ARCHIVES

PHOTOS: DWIGHT M. SUMNERS/FLORIDA STATE ARCHIVES

Milling cypress at Riverbend Lumber Company.

Timber fueled Florida's economy in the early years of statehood. The state's virgin forests were home to enormous trees that yielded high-quality woods, the likes of which can't be found today. The deadhead logs are the remnants of those forests.

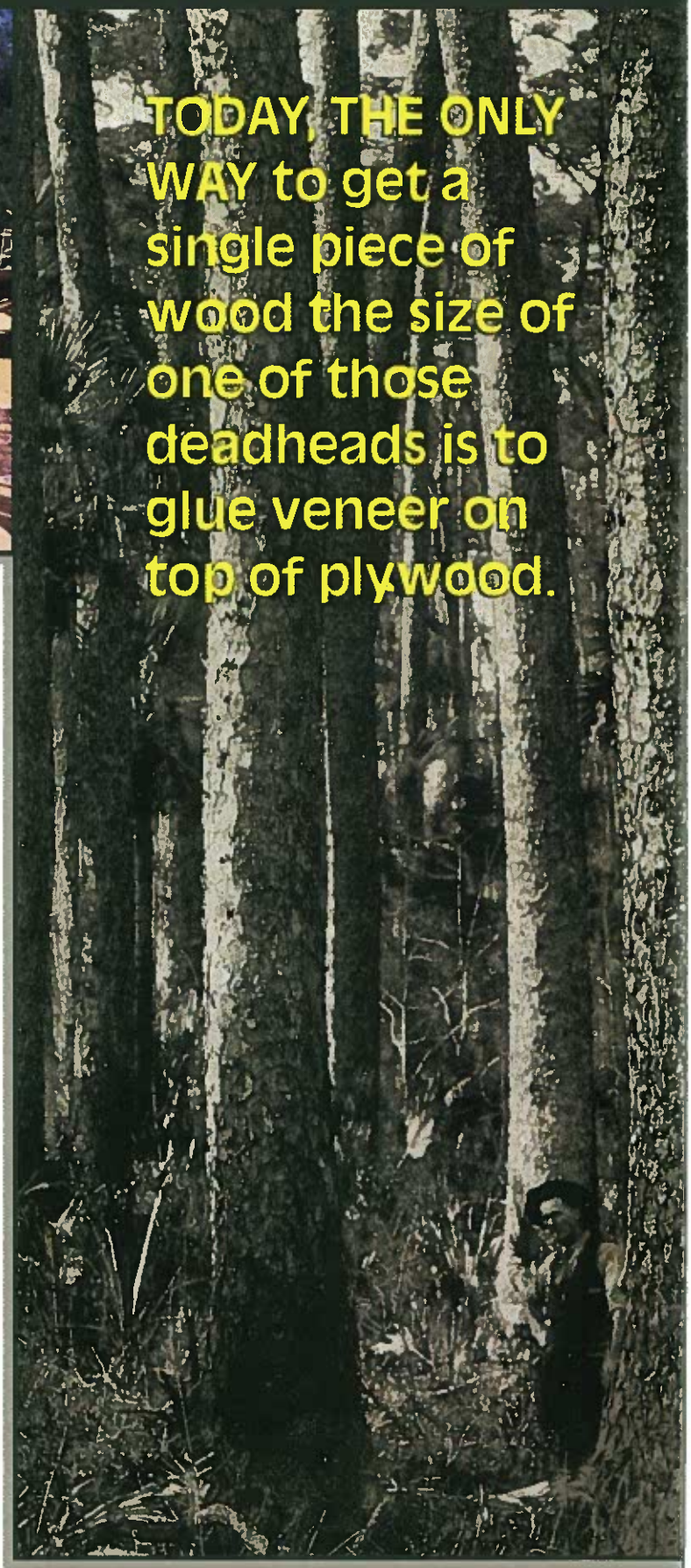
In one of his final acts as governor, Lawton Chiles presided over a Dec. 10, 1998, meeting where the Cabinet gave its approval to a process for recovering deadheads from Florida's rivers.

Bruner estimates that up to 300,000 board feet of high-grade lumber rests at the bottom of the Blackwater and Yellow rivers alone. Retailed at $4.50 to $8.00 per board foot, the deadheads are bringing sawmills along north Florida's rivers to life with the promise of much-needed jobs and prosperity.

BUILDING ON A SWAMP

When Florida was accepted into the Union in 1845, the federal government surveyed the entire state and classified almost 20 million of Florida's 34 million acres as "swamp and overflowed lands." The federal government transferred ownership of those 20 million acres to the state of Florida. They were lands considered unproductive until someone went to the considerable expense to drain them.

Soon, Florida's government began selling the property to a few Northern industrial magnates and the small number of settlers who chose to make Florida their home. If you own any piece of Florida property there's a good chance you can trace the chain of title back to those 19th century transactions since they involved more than half the land in the state.



A late 19th century logger stands dwarfed by giant longleaf pines in one of Florida's virgin forests.

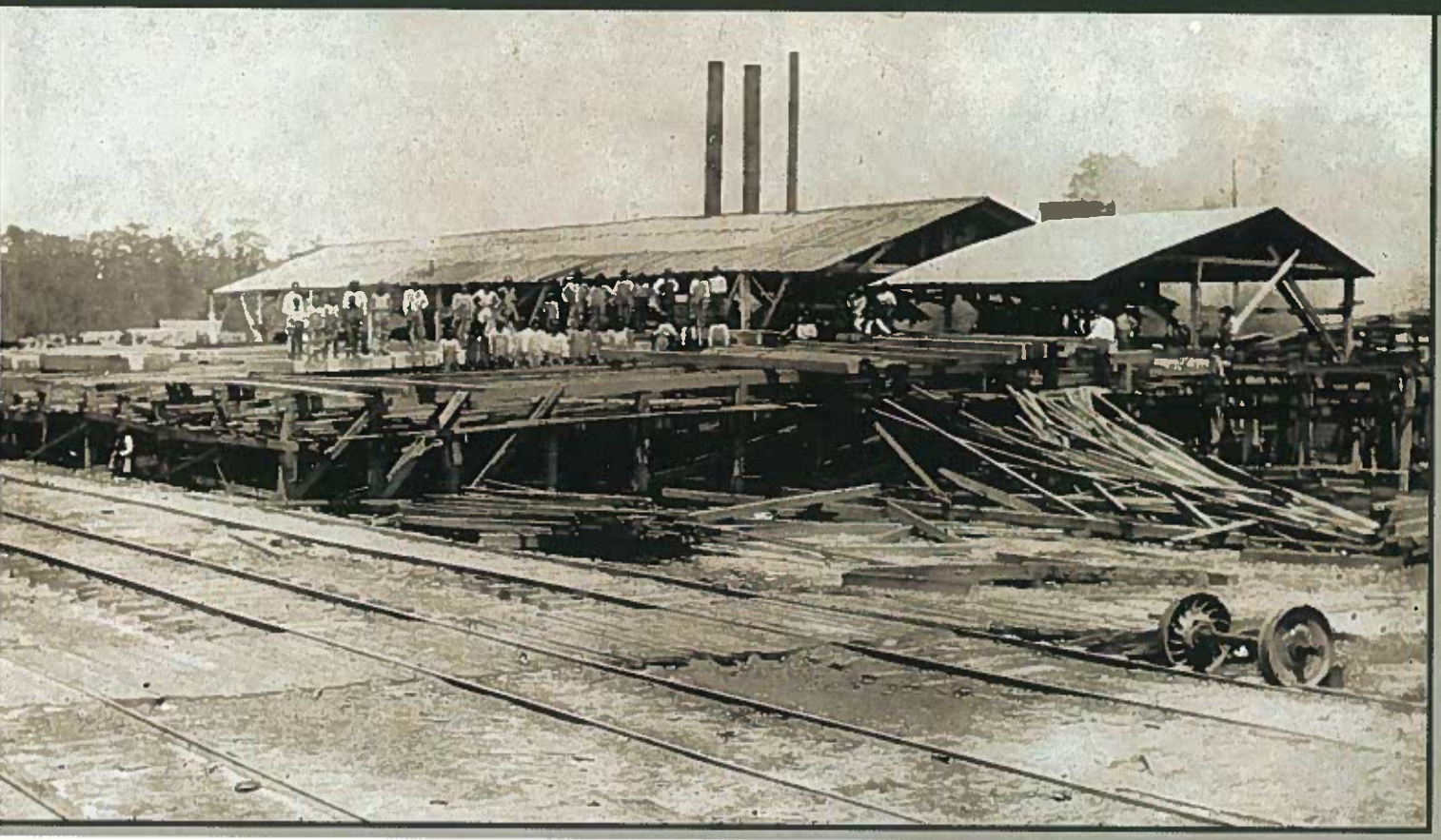


PHOTO: FLORIDA STATE ARCHIVES

Early 20th century milling crew gathers for the camera at the Weaver Loughridge Sawmill in Boyd, Florida.

The sale of the land gave the fledgling state a tax base to provide for the health, safety, and welfare of its citizens. That tax base was narrow, however, because about the only thing undeveloped, under-populated, non-industrial Florida had to offer was its timber, but thankfully there was a plenty of that. Florida's economy remained heavily dependent on timber well into the early 1900s when, according to a U.S. Department of Agriculture report, over 6 billion board feet of lumber was sold each year.

In short, wood was to Florida what gold was to California. Florida's lumber fed the industrial revolution in the northeastern United States, the Caribbean, and much of Europe. The virgin forests were harvested into logs that were then chained together in rafts and floated downriver to mills where they were prepared for shipment around the globe.

Along the way, however, log jams and saturation of the wood sank some of the timber in almost every river in the northern part of Florida, from Pensacola to Jacksonville. The Florida Department of Environmental Protection (DEP) estimates that as much as 10 percent of the lumber was lost on the way to a mill. Those logs can still be found in the riverbeds, in mint condition and of superior quality.

Cypress, with natural characteristics that prevent rotting, and pine heartwood, equally resistant to decay, are now in great demand from the home-building industry.

The durability of heart pine is unquestioned. Floors, beams, and other products made from this wood are still in use more than 100 years after being installed. Much of it is recycled from old structures to build new homes. The supply in old buildings isn't enough to meet the demand, however; that scarcity fuels the race to recover deadhead logs.

The wood in the deadheads is clear, meaning knots and defects are absent. Some boards measure up to 12 inches wide. Once milled for use they command a price of up to $8 per board foot (one board foot equals the volume of one inch by 12 inches by 12 inches of wood).

The value of the wood lies mainly in its size, stability, and the beauty of its grain. Some logs are so large they can be milled into single boards, four inches thick, four feet wide, and up to 14 feet in length. How rare is that? Take a look at the hardwood floors now being installed in new homes—the boards are in the two to three-inch category. Today, the only way to get a single piece of wood the size of one of those deadheads is to glue veneer on top of plywood.

PHOTOS: DWIGHT M. SUMNERS

Adlee Bruner in the woodyard at Riverbend Lumber Company.

A deadhead log marked with the Bruner family's brand.

Timber of this size and grade is unavailable because there are no virgin or old growth forests remaining in Florida. Most of the United States was timbered during a 50-year period beginning around 1880. One Florida company, the Putnam Lumber Company, harvested over 350,000 acres in a 20-year period. The Florida Depart-ment of Agriculture estimates that, because of reforesting, Florida is now on its fourth-generation forest. Modern corporate and private landowners typically place their timber holdings in rotations of 25 to 50 years, depending on the type of product they market from the wood. The deadheads found in the rivers are aged anywhere from 100 to as much as 2,500 years old.

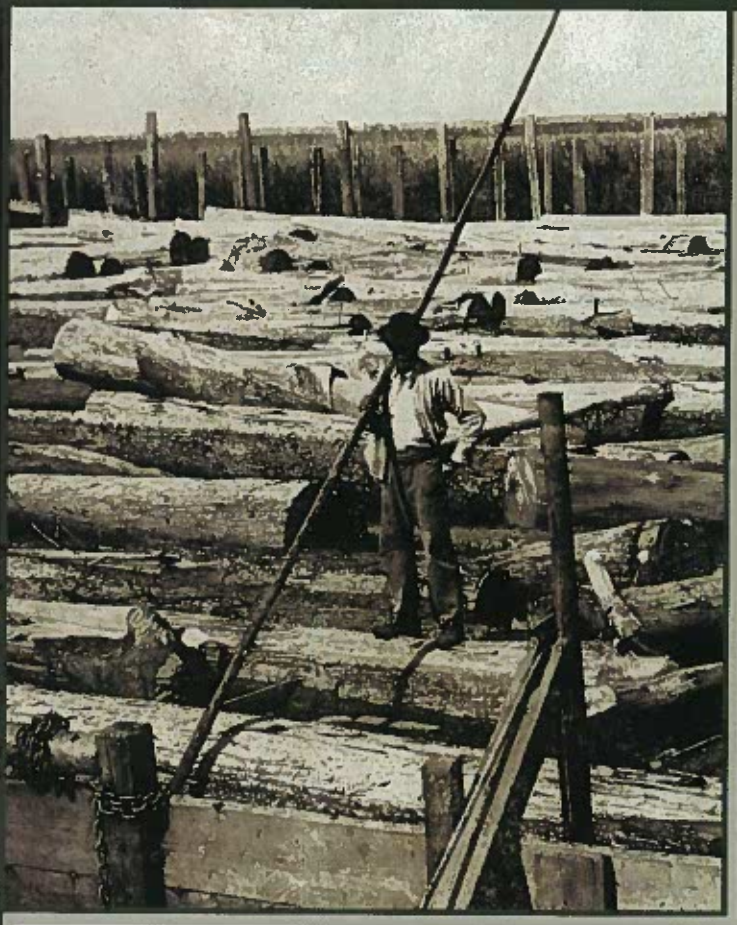
BACK IN BUSINESS

The Bruner family recovered deadheads from riverbeds for years until the practice was declared illegal in 1974 because of concerns that it would disrupt fish habitats. With a booming economy, demand for high-quality wood convinced Bruner to embark on a fight to regain permission to recover the logs.

Earlier this year, the environmental impact of recovering deadheads was studied by the Florida Game and Fresh Water Fish Commission, as well as other environmental regulators and experts. They discovered the logs contributed little, if any, environmental benefit to the rivers.

Attorney General Bob Butterworth, at the request of DEP, then investigated the issue of the legality of recovering the timber. The attorney general determined that since the river bottoms are state property, the state owns the title to unbranded logs. All branded logs are the property of the owner of the brand. Anyone recovering a branded log must report his find to a law enforcement officer, who then notifies the brand holder or advertises the find for 90 days. If no one comes forward with a valid claim, the property can be returned to the finder.

A team of loggers measures the girth of a 1,000-year-old cypress tree before cutting it down for lumber.



A logger stands on a boom constructed in the Apalachicola River to trap lumber rafts, circa 1896.

PHOTOS: FLORIDA STATE ARCHIVES

As a result of the Dec. 10 Cabinet decision, a deadheader can obtain a permit to recover the logs by applying for a "use agreement" with DEP. The agreement covers a two-person recovery team and costs $5,500. Liability insurance must also be secured. The applicant must provide DEP with information on recovery locations and the amount of logs recovered.

The combination of demand and technological innovation now makes it economically feasible to recover the lost timber and take it to market. Bruner, along with a few other North Florida entrepreneurs, have invested in the sophisticated depth finders, scuba diving equipment, power-driven winches, and modern boats that are necessary to find the logs and transport them to the mills.

For the past three months, Bruner has been scouring the rivers to locate deadheads. He marks the location of each log with a Global Positioning System device, and records it in a book so that he can return to retrieve the logs once he gets his DEP permit. "It will keep me busy for quite a while," he says.

With modern sawmill technology the logs can be processed with little waste. In the past, circular saws were used to cut logs into boards. The blades often measured up to one-quarter of an inch wide, meaning that by the fourth cut a full inch of wood had been wasted. Now, narrow band saws are available at a width of less than one-tenth of an inch. These saws are also portable, letting the logger carry the saw to the woods to do the initial milling.

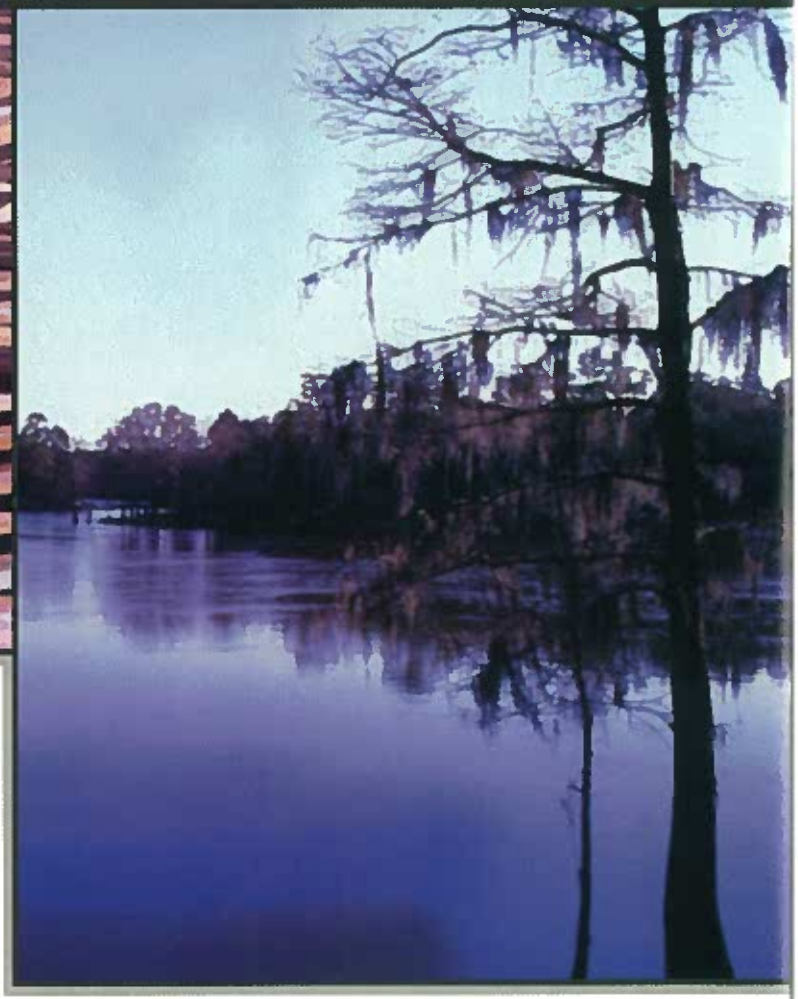
GRATEFUL DEADHEADERS

Bruner's Riverbend Lumber Company deals in specialty wood products for the upper end of the housing market. Bruner has several deadheads in his wood yard that were recovered legally from private lands (no permit is needed if the log drifts onto private property), and he is ready to begin expanding his inventory.

Bruner has already invested $50,000 in the equipment and facilities necessary to recover, mill, and market the wood. Another $10,000 a year will supply him with the permits and liability insurance he needs to recover the logs from state-owned lands.

PHOTOS: DWIGHT M. SUMNERS

Milled cypress awaits shipment from Riverbend Lumber Company.



The Choctawhatchee River as it flows past Riverbend Lumber Company: an ancient river waits to surrender its treasures from Florida's past.

His lowest-priced product is air-dried, rough cut lumber, which sells for about $3 per board foot. The price rises if the customer wants the wood milled, planed, or dried to other specifications. For example, wood three-quarters of an inch thick, tongue and grooved for flooring or paneling, and kiln dried to less than 5 percent moisture content is worth about $4.50 per board foot.

Bruner estimates that in less than two years he will have recouped his investment and begun to make a profit. "This business is not for just anybody." Bruner warns. "Groping around on the bottom of a cold, dark river isn't for the faint of heart. But it's fun, it's creative, and my customers are thrilled to learn the history behind the construction of their home."

To increase his potential inventory, Bruner has researched the laws on timber brands. He negotiates leases with the heirs of the brand owners, and can now claim title to many of the logs he locates.

"I pay the brand owners a flat fee," says Bruner, "around $200 per thousand board feet. I've seen logs that contained as much as 1,500 board feet. It's a good way for them to make some easy money on something they gave up on as lost many years ago."

William Rosasco III is another Floridian with a vested interest in recovering the logs. His family owned one of Florida's largest sawmills in the tiny northwest Florida town of Bagdad at the turn of the century. Rosasco still owns title to over 250 brands that can be found on logs in the Blackwater, Yellow, and Shoal rivers in Santa Rosa and Okaloosa counties.

The Rosascos were among the most successful and prominent business people in the early years of statehood. The family came to Florida from Italy in 1840. They harvested and milled their Genoa Select brand heart pine from their lands, and exported most of it to Italy.

"Just knowing I've got a lot of family history on the bottoms of these rivers," says Rosasco, "I'm elated that the business my grandfather helped start over 100 years ago is actually still alive and well. I can't wait to see the first house, or library, or conference facility built with this wood."

Rosasco also notes, "Since the net ban, our coastal counties have been struggling for economic development. This industry could put a lot of families back to work." ■

Samual J. Ard is an attorney and sole practitioner in Tallahassee. He worked with Adlee Bruner and William Rosasco as a consultant in the effort to gain permission to resume the salvaging of deadheads.

The Land of the Wood

The year is 1898. With winter coming on, the walk through the swamp is a little more pleasant than it was the last time Dallas Peaden made the trek. Just under a year ago, he had swatted at mosquitoes until both arms were tired and swollen from bites.

Deep into the heart of his 5,000-acre tract on the Yellow River in north Santa Rosa County, he finally comes to the object of his search: a bald cypress tree over 150 feet tall and so large at the base that he can see neither head nor tail of his horse when it stands on the other side of the tree. Almost a year ago, he and his farm-hand had chopped a ring around its girth causing the sap to drain slowly from the branches and trunk. Now the massive tree, over 2,000 years old, is dead.

Durell Peaden Jr., Dallas Peaden's great-great grandson, still lives near the ancestral home in the district he serves as a member of the Florida Legislature. Living so close to his roots connects him to the legacy of his family history.

"It's one thing to explain to my children the times and trials of their relatives in the 1800s," says Peaden. "It's quite another to show them a log with the Peaden brand stamped into the bottom. It's a tangible piece of history we can get our hands on."

Peaden's great-great grandfather supported his family by farming, by extracting turpentine from the piney woods, and by harvesting the timber of his forests. As a pioneer in an unsettled wilderness, the elder Peaden scratched out a living from the bounty of the land.

"I look back at my grandfather, the life he lived, the work he had to do to earn a dollar, and I am totally amazed he made it," says Peaden. "He was one of a small group of people responsible for the entire economy of northwest Florida. There was no tourism economy, no manufacturing tax base, and no system of transportation except for the rivers."

There were also none of the mechanical marvels of the modern age to ease the work. Two men would need a full day to cut down that 2,000- year-old bald cypress. Once felled, they would trim away the limbs and cut the tree into 14-foot lengths.

Peaden would then stamp his brand (the letters "DP") into the butt end of each log. His oxen would drag the huge logs through the swamp to the banks of the river. The logs had to be dragged to the river because, unlike the Pacific Northwest where loggers built miles of wooden flumes to carry the logs to the rivers, the terrain of the Florida panhandle was flat.

More than one hundred other cypress and longleaf pine trees, would be chained together to form a raft. Cypress was buoyant but the longleaf pines needed help to stay afloat. Adding some bay trees into the mix when constructing of the raft would keep it from sinking. Then the loggers waited for a good flood to raise the raft and send it on its way downstream.

When the floods came, the raft headed for its final destination, the Rosasco mill at Bay Point, south of Milton, Florida. Not every log would complete the journey; some would sink along the way. Peaden's loggers would be paid 7 cents per board foot for each log that did make it to the mill. Peaden would get 25 cents per board foot, enough to keep his wife Mary and their three children fed, clothed, and safe in a warm, comfortable home until the next timber harvest. ■

"Let the capacity of our courage and caring be the

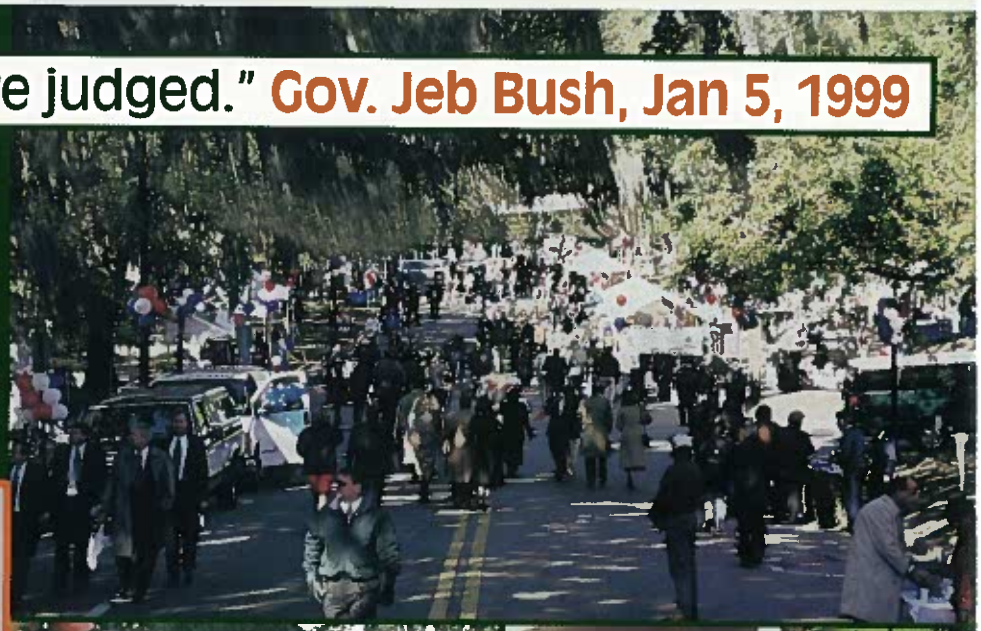
INAUGURAT

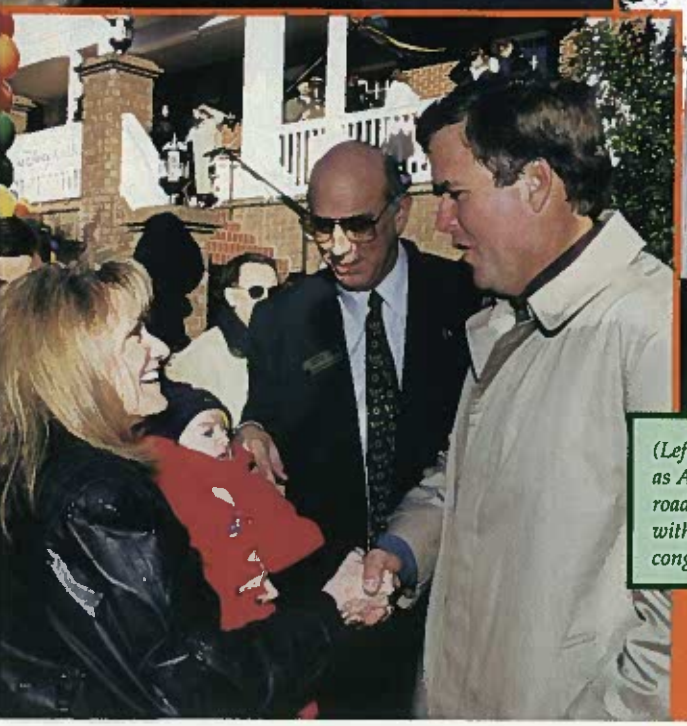
Under frigid, 17-degree blue Tallahassee skies, Gov. Jeb Bush pledged himself to the service of the people of Florida, capping three days of festivities in four cities. Joining in the inauguration day festivities, Associated Industries of Florida (AIF) and Disney World welcomed Florida's 43rd governor to his new home, two blocks north of AIF's headquarters.

(Below): Mary Brogan watches as her husband Lt. Gov. Frank Brogan is sworn into office by Circuit Court Judge John E. Finelly; (Top right): Former President George Bush watches as Florida Supreme Court Justice Major Harding administers the oath of office to Gov. Bush; (Bottom right): The inaugural parade proceeds down Monroe Street to the Capitol.

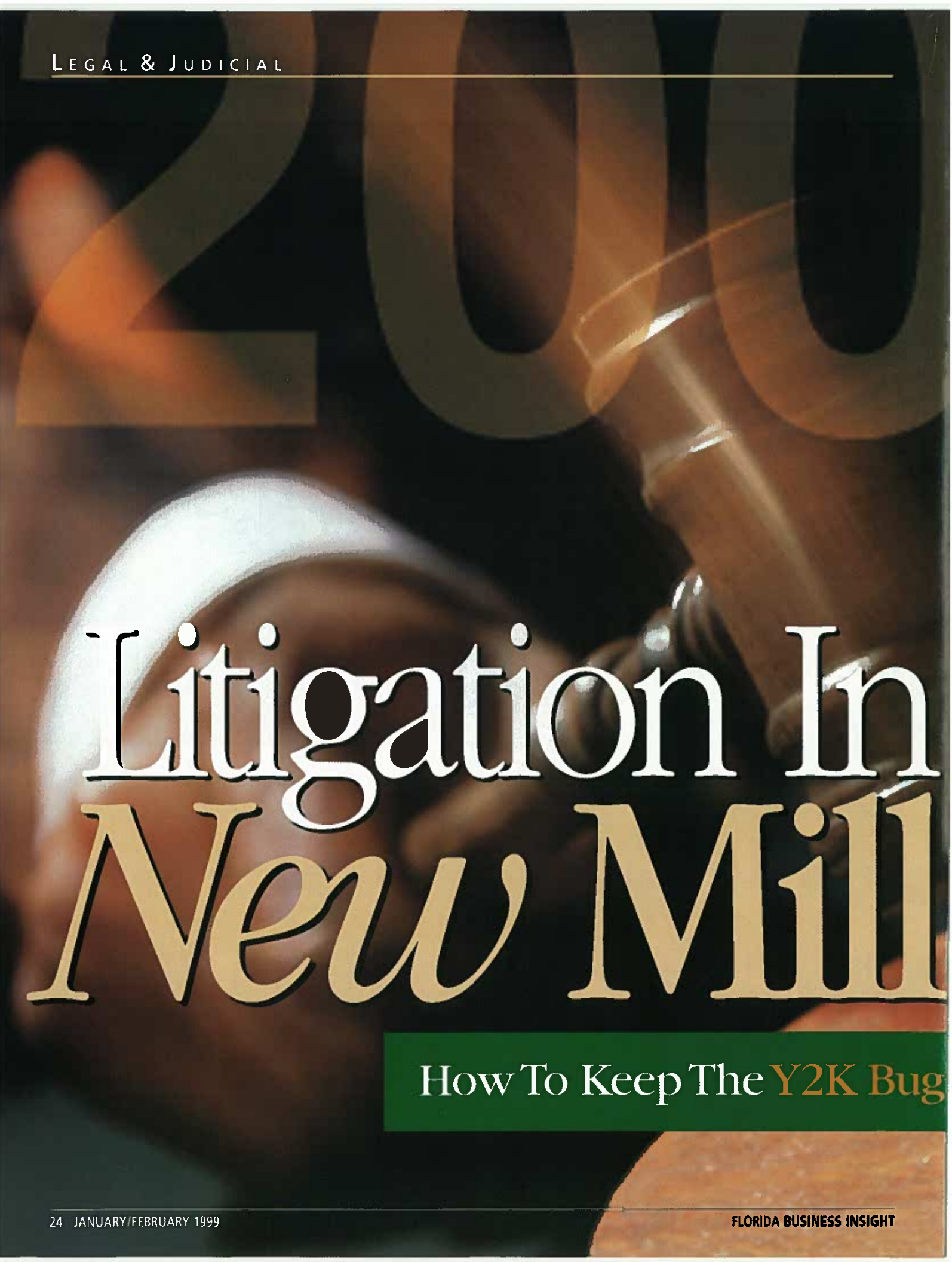
measure by which we are judged." **Gov. Jeb Bush, Jan 5, 1999**

I O N





(Left): Gov. Bush greets AIF vice president-operations Patti deAnda and her grandson, Bradley, as AIF president & CEO Jon Shebel looks on; (Top): Inauguration day festivities on oak-canopied road between governor's mansion and AIF headquarters; (Middle): Disney characters mingle with their fans in the AIF garden; (Bottom): AIF headquarters draped with banners congratulating the new administration and Cabinet officials.



Litigation In *New* Mill

How To Keep The Y2K Bug

by jose rojas

The ennium

From Sending You To The Courtroom

While survivalists prepare for the end of life as we know it when the new millenium arrives, business owners and operators must concern themselves with the more mundane consequences of the so-called millennium bug. No one knows for sure what computers programmed only to record the last two digits of the year will do when the year '99 revolves to the year '00.

Will supplies that you need right after the turn of the century make it to you on time? Will your assembly line shut down because its computers think that you have never performed key maintenance chores? What if your landlord's heating system fails to work properly in the new year, rendering your factory inoperable? What if your financial records are wiped out or scrambled as a result of the date glitch? What if you cannot meet your contractual obligations to your customers? What if you and your board of directors failed to take prudent steps to avert these events?

The Gartner Group, a leading industry consulting group, estimates a 70-percent probability that approximately 50 percent of all companies with latent millennium bug defects will experience computer failure on Jan. 1, 2000. At least one major airline has announced that it will ground a portion of its fleet so that none of its planes will be in the air at midnight on Dec. 31, 1999.

The U.S. General Accounting Office (GAO) has concluded that several federal agencies will not have their systems ready in time to meet the millennium challenge. A leading economist has predicted a greater than 70 percent likelihood of recession resulting from Year 2000 issues. Adding to the economic pain will be the fallout from litigation arising out of computer failures, a cost that Lloyd's of London predicts will likely reach upwards of $1 trillion.

Much of the problem with Y2K (shorthand for "Year 2 Kilo," meaning Year 2000), derives from a failure to plan for a problem that everyone knew was coming. Litigation is the new Y2K threat looming on the horizon. Guarding your company against the potential Y2K lawsuits is becoming just as important as fixing the date glitch in your company's computers.

PAYING FOR A LACK OF READINESS

In a UPI report from last November, General Motors Corp. announced that it was spending over half a billion dollars to address its millennium bug issues. The company announced that it has studied embedded systems in 7,600 business information systems and 1.7 million infrastructure items to weed out the glitch.

Although GM did not expect a "significant disruption" of its business as a result, it cautioned of the "uncertainty about the broader scope of the Year 2000 issue as it may affect GM and third parties that are critical to GM's operations." Specifically, GM warned—as will likely many other companies filing their latest Securities and Exchange Commission (SEC) reports—that "lack of readiness by electrical and water utilities, financial institutions, government agencies, or other providers of general infrastructure could, in some geographic areas, pose significant impediments to GM's ability to carry on its normal operations in the area or areas so affected."

Some computers susceptible to Y2K problems may crash and some equipment with embedded chips may malfunction. Of particular concern are inventory control and accounting systems, security and climate control systems, medical equipment, and systems used for air traffic control, but the list of potentially affected systems is much longer.

Confirming that your own systems are Year-2000-compatible is not enough. The readiness of the systems used by your vendors, suppliers, and others with whom you do business is also of concern. This is why you may have recently received inquiries from your clients or customers as to the readiness of your systems.

The SEC now requires public companies to make certain worst-case disclosures about the Y2K issues. They must also consider the Y2K readiness of others with whom they conduct business. CPAs will soon be insisting on adequate disclosure before issuing a qualified opinion. For multinational businesses or those dependent on vendors or suppliers from abroad, the risk may be magnified as some foreign countries are not adequately addressing the Y2K problems. Here in the United States some government agencies will not have their mission-critical systems ready in time; just imagine the situation in developing countries.

AVOIDING EXPOSURE

You might be surprised to learn that the obvious targets of litigation over Y2K failures—software vendors and computer suppliers—may be protected by standard disclaimers in their agreements, by statutes of limitation, by legislation under consideration, or by their inability to respond in money damages. That means plaintiffs' lawyers must look elsewhere for deep pockets. Officers and directors of public companies, consultants, and accountants are especially likely targets of future suits. Everyone in those categories should immediately consider appropriate risk management steps.

Even if you own a small, privately held business without any mainframe systems, you may be exposed. You should consider what actions you can take now to help protect your business from the impact of the Y2K issues. Among the things to be considered are reviewing existing computer and software agreements, seeking representations from key vendors and suppliers as to their Year 2000 readiness, planning for litigation both as a potential plaintiff and as a potential defendant, and organizing trade and industry groups to monitor and lobby for or against particular state and federal legislation.

Acquaint yourself with legislative remedies that are already available. One of these is the Year 2000 Information Readiness and Disclosure Act signed into law on Oct. 19, 1998, by President Bill Clinton. Among other provisions, the law provides a safe harbor from litigation over certain Year 2000-related disclosures and allows for protection of certain statements made before enactment of the law, provided certain steps were taken by Dec. 3, 1998.

Much Y2K litigation will come in a chain reaction. For example, a company that cannot fulfill its obligations because of Y2K-related failures, whether of its own systems or those of others on whom the company is dependent, will likely be sued for damages. It will also suffer a loss of goodwill that, if sufficiently severe, could result in business failure or mandate bankruptcy protection. That company, in turn, will look to others who may be responsible for the failures and seek indemnification and damages. If its own systems failed, its computer hardware and software providers, as well as systems integrators and any consultants involved in recommending the systems, are likely targets. If the failures stem from the failures of the company's vendors or suppliers, claims for indemnity or separate actions may be pursued against them.

HERE IN THE UNITED STATES some government agencies will not have their mission-critical systems ready in time; just imagine the situation in developing countries.

EVEN IF YOU OWN A SMALL, privately held business without any mainframe systems, you may be exposed.

Claims will be made on whatever insurance policies the company may have. But what if the policies are inadequate or exclude coverage for the Y2K-related failures?

What if the computer vendors provided standard disclaimers and warranty and damages limitations in their agreements with the company, or the claims against them exceed the deadline in the statute of limitations? What if the suppliers had the standard limitations on consequential damages in their agreements with the company, or are judgment-proof?

What if corporate executives and the board of directors did not take prudent steps to anticipate and mitigate these exposures? A shareholder class action may be lurking in the shadows.

LITIGATION INOCULATION

So what can be done to avoid, or at least reduce, the likelihood of your New Year's Eve 1999 celebration becoming a nasty New Millennium hangover?

Address the issues now. Each company's situation is unique and individualized legal advice should be sought from your qualified legal advisors. One approach might be to assemble a "Year 2000 Team" immediately. That team should include the following (at a minimum):

- a lawyer with appropriate background in these issues
- a certified public accountant
- an information systems specialist
- members of your finance and accounting departments
- a member of upper management.

The Y2K team should report directly and regularly to the company's CEO and board of directors. It should assess your company's own systems. An audit of all existing software and systems agreements for Y2K compliance and warranties should be completed and affirmative statements obtained from vendors and suppliers as to their Year 2000 readiness. With the assistance of legal counsel, prepare a disclosure strategy as to the company's own Y2K readiness—or lack thereof—that takes advantage of the provisions of the recently enacted federal legislation. Review all insurance policies to determine available coverage and applicable exclusions. Consider appropriate risk management steps that might be advisable on a case-by-case basis.

Your company may also wish to join up with trade associations or manufacturing groups to lobby for appropriate legislation to keep the first year of the new millennium from becoming the "Year of the Plaintiff's Lawyer." Recently, a number of bills have been introduced in various jurisdictions including Florida. Some of these bills seek to limit exposure but others, such as the one proposed in Florida, actually create liability, including liability for punitive damages.

For more information on the Year 2000 issue and possible disclosure language and defensive strategies, you may want to check the Internet. One word of caution, however: the Internet is like a wild frontier where you will find all extremes from the survivalist sites urging you to set up your bunker now, to the conspiracy skeptics who say this is all some government scare tactic.

There are trustworthy sites, however, including the SEC's site, (*http://www.sec.gov*) and the Web page of the American Institute of CPAs (*http://www.aicpa.org*). There are private sites with reliable information (such as *http://www.year2000.com* and *http://www.y2k.com*) that you may wish to check out. As with any Internet site, exercise common sense and due caution.

There are just over 30 Y2K-related lawsuits that have been filed as of this writing. As the critical dates approach, the number is expected to mushroom. The first critical date is April 9, 1999, (the 99th day of the 99th year) because some programs may have "9999" coded as a "junk" or "filler" code. The next likely "problem" date will be Sept. 9, 1999.

The big deadline, of course, is New Year's Day 2000. The bulk of the problems—and the suits—will come after that date. This allows very little time to attempt to get your systems ready and to reduce your exposure for the ones you cannot control. The time to act is now. ■

Jose Rojas is a partner in the Miami office of the law firm of Broad and Cassel where he concentrates his practice in business-related litigation, professional liability defense, and intellectual property matters.

Caren Snead IS BUILDING A BETTER TOMORROW

Doris Harrell, right, president of Positive Images, shows Caren Snead some of the clothing donations available for clients entering the workforce.

Caren Snead, associate counsel at JM Family Enterprises, frequently shares her time to benefit community organizations like the YMCA, Women in Distress and Florida Rural Legal Services. Recently, she helped Positive Images of Broward County, Inc. establish its by-laws. Because of her knowledge and expertise in the legal profession, Positive Images will continue to follow its mission to assist women in the transition from welfare to work by enhancing their image through professional dress and promoting personal and career skills development. Caren is preparing Florida for a brighter future. A part of Florida for 29 years, JM Family Enterprises, Inc. is a diversified automotive corporation. Beginning as a distributor of Toyota cars and trucks, we have grown to include vehicle distribution, finance, warranty and insurance services, and retail car sales. With nearly 3,000 associates, like Caren Snead, JM Family Enterprises is committed to building a better tomorrow.

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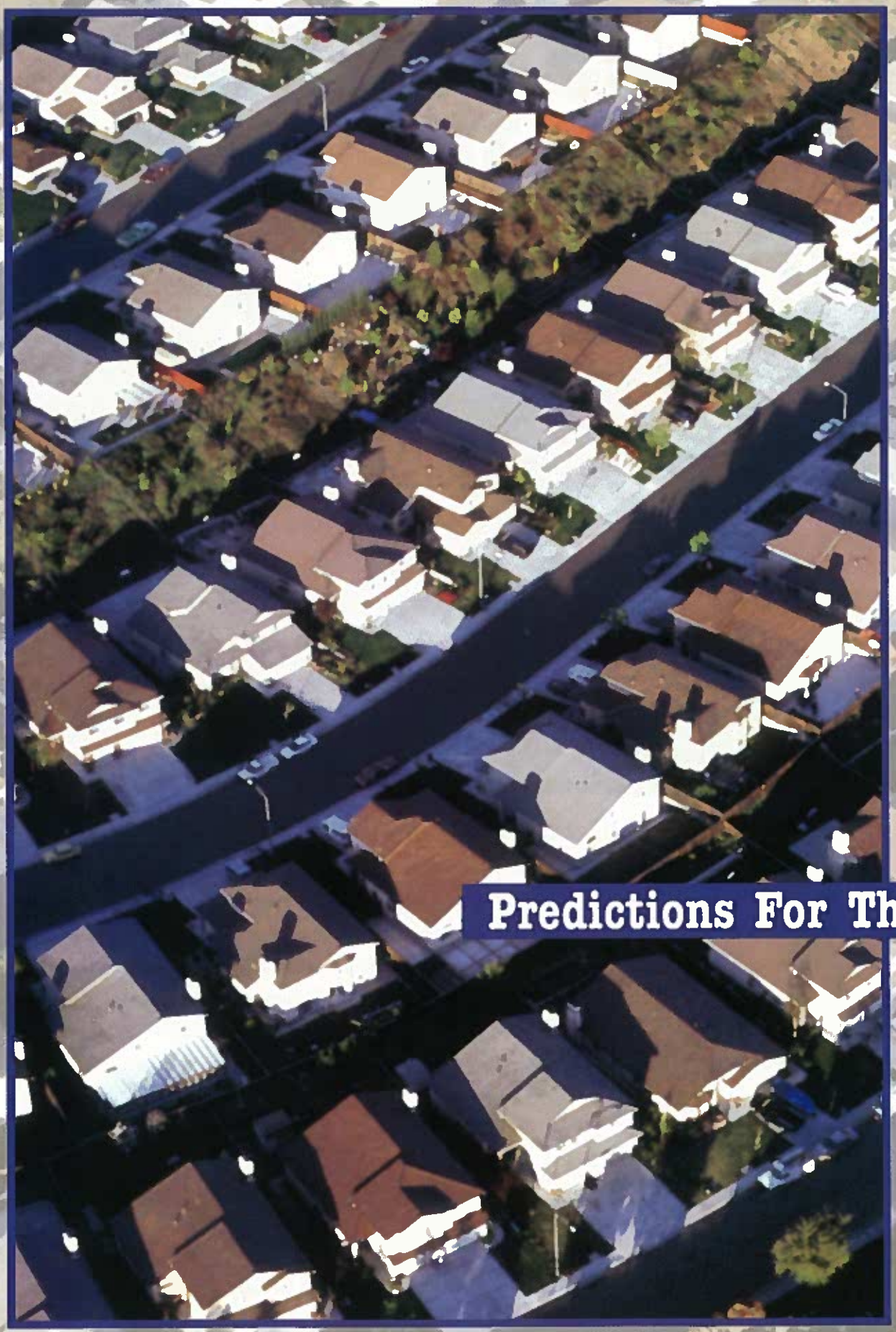

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Predictions For The Future

PHOTO: ROGER ALLYN LEE

...and Case In 10 Years

Of Growth Management And Planning In Florida

by ronald l. weaver

In 1985, the Florida Legislature enacted the Growth Management Act to help local communities ease their way into a future with more of everything—except limited resources like roads and water. That future is close at hand.

Ten years from now, in 2009, 20 million Floridians will spend $980 billion in retail stores across the state. Our state government will spend about $60 billion on us and the nearly 60 million tourists who will travel here. The average worker will earn a salary of $41,000, and 300,000 new jobs will be created each year. The value of Florida real estate will approach $3 trillion. Developers will build 300,000 new houses that year.

According to estimates, more than $60 billion is needed over the next ten years to fund the management of that looming growth, but only about half that amount is available from existing sources. Are we soon to find that the Growth Management Act has only taken us from failing to plan, to planning to fail?

My prediction? The ticking time bomb of the infrastructure deficit, combined with the Internet's development of an instantaneous plebiscite, will lead to a new way of governing. Based on Florida's historic response to its growing pains, the crystal ball shows that within 10 years, we will see the creation of six new regional governments and 1,800 local ones, with boundaries determined by the practical limits of how far police and fire-protection services can reach.

THE GROWTH GENERATIONS

In 1960, Florida spent 3 percent of its gross income on infrastructure. By 1985 the total had fallen to less than 1 percent. In that span of 25 years, Florida's population jumped from just under 5 million to just over 11 million, an increase of 220 percent. The falling rate of spending on public facilities, combined with the population explosion, understandably put a strain on the public's sense of wellbeing.

The 1985 Growth Management Act was the Legislature's response. The idea of making local governments plan and manage their growth first received legislative sanction in the early 1970s with the Local Government Comprehensive Planning Act. Prior to that time, local governments had the authority to take whatever actions they deemed necessary to manage growth, but few did. In 1974, only 29 of Florida's 67 counties even had zoning ordinances.

Under the 1985 law, each of Florida's municipalities and counties was required to develop and enforce a comprehensive plan for future growth. The goal of the act was to keep growth from outstripping the capacity of public facilities; secondary goals were protecting the environment and preventing urban sprawl.

The 1985 act injected the concept of concurrency into planning. Concurrency meant that local governments could not permit development in an area unless existing or planned roads, water, sewer lines, etc., were sufficient to meet the increased demand. Unfortunately, it had unintended consequences that undermined the goals of the Growth Management Act. Roads in urban centers and older neighborhoods were often crowded, meaning the sufficient capacity demanded by concurrency could only be found in rural, undeveloped neighborhoods.

In their comprehensive plans, local governments had to outline which kind of development could take place where, based on population projections. According to one study, the counties' comprehensive plans projected Florida's maximum population at 91 million.

Floridians have many successes to their credit, such as attracting, absorbing, and then melding together millions of newcomers since World War II. Florida's entrepreneurs have formed more new corporations (more than 300,000) over the last few decades than any other state, including California. Florida now commands a $500 billion economy; if it were a separate country, Florida's would be the 15th largest economy in the world. Yet the state still has not found adequate means to pay for many necessary public facilities.

The 1987 penny increase in the sales tax has added $15 billion to state coffers over the last decade; along with continued economic growth it enabled the state to build a small surplus in the 1998 state budget. Sales tax revenue, however, is an income stream highly vulnerable to both state and national economic slowdowns. In Florida the sales tax accounts for 62.5 percent of state revenues, double the national average, further heightening the sensitivity of state government to recession. In 1990 the Legislature increased the gas tax by four cents, adding over half a billion additional dollars in revenue each year. About half of Florida's 67 counties have local option sales taxes. However, several large counties estimate a $1.4 billion infrastructure deficit each by 2008—$1 billion of it in roads.

The resulting road, water, sewer, stormwater, and other public-facility needs will demand creative structures for problem-solving, as well as integration of revenue sources.

Growing In Focus

Concurrency is a legislatively enacted growth management tool for ensuring the availability of adequate public facilities and services to accommodate development. The foundation of concurrency is a comprehensive plan developed by each local government to prepare for delivering essential public facilities in a timely manner. Concurrency links the approval of new development to the current and future availability of those public facilities.

Concurrency regulations can lead to a moratorium on development unless the following existing and planned public facilities are available or funded:

- roads
- sanitary sewer
- solid waste
- drainage
- potable water
- parks
- mass transit, if applicable

Over the last five years, a few communities, such as Broward County, have added schools and classrooms to the list of triggers for concurrency moratoria. ■

FINDING THE VISION

Planning is not the only way to preserve community values, and planning beyond a community's resources may actually bring more harm than good to a community.

Citizens in each community must acquaint themselves with what is at stake in planning to fulfill the vision outlined in the comprehensive plan. They must also be willing to fund and support that vision. A community's comprehensive plan is more than a mere wish list. It is an invoice for those services and policies the citizens will support as their vision of the community.

Communities will continue to confront certain problems that have origins and cures beyond the jurisdiction of the local governments. Water resources, transportation, facilities planning, resource and capacity rationing, crime prevention, health care, economic development, tourism, higher education, and technological challenges and opportunities are among the regional concerns that require a broader approach.

In the late 1960s, Florida began developing what would become a system of 11 regional planning councils to address some cross-jurisdictional issues. From the start the power of the councils was strictly limited, and it was further weakened by subsequent legislation. Thus the need for some workable mechanism to address regional issues still exists. To fulfill that need, I predict that within 10 years the Legislature will create six new regional governing bodies, with powers and responsibilities expanded beyond those of the 11 existing regional planning councils. The councils will probably cease to exist as their functions are absorbed by the stronger regional governments.

The boundaries of new regional governments will be drawn around areas connected by culture, environment, infrastructure, and, most importantly, the political will to fund that region's unique points of excellence. The new regional governments will cross existing political boundaries, similar in manner to the new water utility created for Hillsborough, Pinellas, and Pasco counties in 1998. A working geographical model for the six new governing bodies already exists in the Department of Environmental Protection's regional offices.

Along with the new regional governments will come new forms and sources of funding so as to spread the costs of these solutions to regional problems over the appropriate base of new and existing users.

RATIONED ENTITLEMENT

The focus of growth management will shift from what can be built where to what must be provided to build here now and at what cost capacities can be reserved for however many years. New tools for managing growth and providing public facilities will be fashioned out of the tools currently used to meet the Growth Management Act's objectives of concurrency, compact growth, and environmental protection.

Concurrency moratoria are now imposed when road, water, sewer, drainage, and other mandatory public facilities are deemed inadequate. This will evolve into a system of concurrency-proof zones where facilities are being improved or renewed. Development will be focused where capacity still exists or can be inexpensively expanded.

Over the next decade, growth management will evolve into development-rights rationing on a point system until limited resources that can be renewed are renewed. For example, a developer in an area with inadequate water resources may donate a water desalination facility to gain approval of his project. If road capacity is blocking development, a builder may add a mass-transit terminal.

To discourage urban sprawl and encourage efficiently priced services, governments will pay developers in cash and kind, transferring to them development rights and expedited approval of their permits. There is already a precedent for this in the environmentally valuable Green Swamp area, where the state paid the owners $33 million to purchase some development rights two years ago. In addition, Florida already has a few expedited permit programs for companies bringing a large number of new high-paying jobs to the state.

Within the next 10 years, developers may also be awarded rationing points based on a system of integrated exactions, that is charges based on the real costs and benefits of a development. For instance, the developer of a shopping center will get points based on how close the center will be to existing residential areas that will use it. Impact fees will be based on the true costs of development to the community, rather than on formulas that do not take into consideration the peculiar circumstances of each project. A similar system is already used in the area of affordable housing, where developers receive tax credits determined by a 200-point performance list of provisions and concessions.

In addition to paying for new facilities, developers will have to buy rights to existing capacity. Local governments will implement use-it-or-lose-it safeguards against hoarding remaining traffic and other capacities. If a developer does not take advantage of his entitlement within a pre-determined amount of time, the capacity will go back into a pool for purchase by other builders.

One-stop permitting will finally come, but at the price of phased development. Pinellas County already stops some developments at 50 percent of allowed use if a

concurrency problem arises in the annual concurrency test statement. Transition to development rationing will require the compensation of transition victims who lose vested rights. What a community is willing to pay for will drive its resource allocation and pricing of entitlements until new renewable resources are generated with the proceeds.

In the wake of new standards, courts will find ways to award disproportionately affected owners with either cash or viable, marketable development rights. Government will still pay for its compensable takings and inordinate burdens whenever the costs of benefits for the many fall disproportionately on the few.

The Legislature and the Department of Community Affairs will face their limitations and ally with local governments to empower the six new regional governments with oversight of integrated resource and performance standards. The state will intervene in regions only when intrastate public-facility provisions or cross-regional resources fall below standards negotiated by the state with each region. The regional governments will develop price charts identifying where, when, and at what price development can occur. With a computer and a click of a mouse, those with the right software will be able to obtain information for any locale in the state, then electronically transfer funds to reserve capacity that exists there.

Creativity, technology, and risk-taking will still enable traditional profit levels for development, but regional land-use czars and pricing and steerage officers will program the computers that make the decisions about where development will go, and at what price.

No matter what, development will go on in Florida. The question is how. Is the Growth Management Act a ticking time bomb that will stunt Florida's economic growth, or will it provoke discipline and force Florida's leaders to provide new revenue sources and pricing of rationed remaining facilities? Is growth management in Florida a brilliant framework for making growth pay its own way, or is it going to become an even more complex mechanism, stopping growth even by those who are willing to pay the full real share of their impact on facilities and resources?

In the next decade, we will learn the answers to those and other unanswered questions as the 1985 Growth Management Act reaches maturity. ■

Ronald L. Weaver, a partner in the law firm of Stearns Weaver Miller Weissler Alhadeff & Sitterson, PA, practices in Tampa where he heads the firm's land-use department.

Correcting Florida's Vision

Thirteen years of experience with comprehensive planning under the 1985 Growth Management Act have taught us lessons in developing a vision for the future.

Lesson One If the people of a community want to preserve its special character, they must begin now to participate in creating a vision for their community and pricing of the remaining development rights.

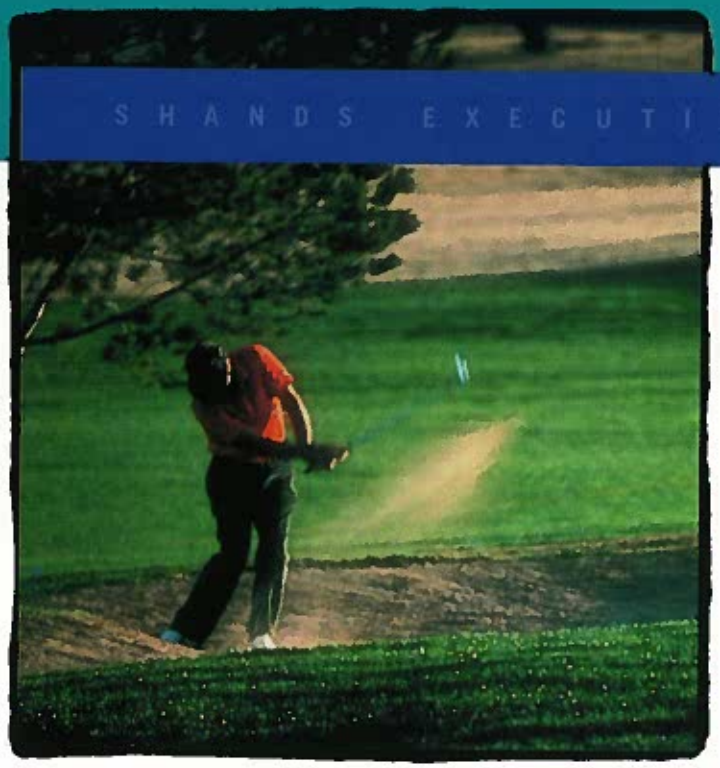
Lesson Two Comprehensive plans must be understandable and streamlined to bring into focus the goals that shape the community vision.

Lesson Three Comprehensive plans should come with price tags. The costs of planning must be clearly defined to assist citizens in making informed choices about whether the costs of their vision are affordable and result in benefits to the community.

Lesson Four Planning cannot be conducted in a vacuum. Planning must occur within the boundaries of the constitutional property rights of individual landowners. When a community's planners refuse to respect individual property rights, its citizens should be prepared for lawsuits filed by the victims of those efforts. As U.S. Supreme Court Justice William Brennan once observed, if policemen have to know the Constitution for split-second decisions made in the field, shouldn't planners know it for decisions made over a span of weeks and months?

Lesson Five Market forces must be acknowledged. Planning should work in harmony with market forces rather than against them (by trying to force people and businesses into places they do not want to be or will not be welcomed). Many planners promote urbanization as a means to optimizing utilization of government services and promoting cost-effective mass transit. Their pursuit of compact growth must be backed by a readiness to pay for its consequences, namely closely situated residential and commercial development, higher densities, more multi-family dwellings, and smaller lots for single-family dwellings. ■

SHANDS EXECUTIVE HEALTH CENTER



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Tax-Based

Using Tax Laws To *Increase* Your Returns

It's time to update Benjamin Franklin's old adage: "Nothing is certain but death and taxes—but Congress doesn't meet once a year to change death." Recent changes in the tax laws may have a significant effect on how you should invest your taxable dollars, because those changes created different capital gains tax rates based on when the investment was liquidated.

Rather than regarding taxes as a "return killer," it would be wise to view them as a cost of doing business. Most investors are concerned about commissions and fees; often the first question when investing is, "How much is it going to cost me?" Some investors are also aware of the impact of inflation and procrastination upon investment returns. Every investor should now be at least as concerned about the consequences of taxes as he is about commissions, inflation, and procrastination. The painful reality is that taxes will decrease investment performance, but the new tax rates offer an opportunity to lessen the severity of the bite.

Under the new tax laws, if you hold an investment for less than a year and realize a gain when you sell, you will be taxed on the gain at your ordinary income tax rate—up to 39.6 percent. If you sell *after* 12 months, however, you will be taxed at the long-term capital gains tax rate of 20 percent. If you are in a high tax bracket, the possible reduction of your capital gains tax to 20 percent is a powerful incentive to pay close attention to when the investment is sold. When you calculate the effect of the long-term capital gains rate on returns, clearly most taxable dollars should be targeted for that rate. No one can predict what the return on an investment will be, but if you invest taxable dollars and control the holding period, you can control the percentage of your gain, if any, that you retain after taxes.

The reduction of the capital gains tax rate to 20 percent on a 12-month holding gives high-tax-bracket investors the opportunity to cut their taxes nearly in half. Here's an example.

An investor in the 39.6-percent tax bracket earns a 10-percent return on a $100,000 investment of taxable dollars, producing a $10,000 gain. Depending on how long he held the investment, he would pay the following taxes:

- *$3,960 in taxes if the investment was held for less than a year (39.6 percent income tax)*
- *$2,000 in taxes if the investment was held longer than 12 months (20 percent capital gains tax)*

The effect of compounding these savings over five, 10, or 20 years is considerable. Investors should be as concerned about minimizing the "tax bite" as they are about maximizing portfolio returns.

Tax law changes indicate the need to review carefully the investments you choose with your taxable dollars. For the past decade or so, enormous amounts of capital have flowed into two popular wealth-generating investments: mutual funds and variable annuities. The mutual fund industry alone accounts for over $2.4 trillion in investment assets, with billions flowing in and out of funds each month. Both of these investment vehicles are excellent choices for new investors or for those who have a relatively small amount of capital to invest. In mutual funds and variable annuities, investment assets are pooled together so investors are able to diversify and take advantage of professional management.

by john h. chason III

Investing

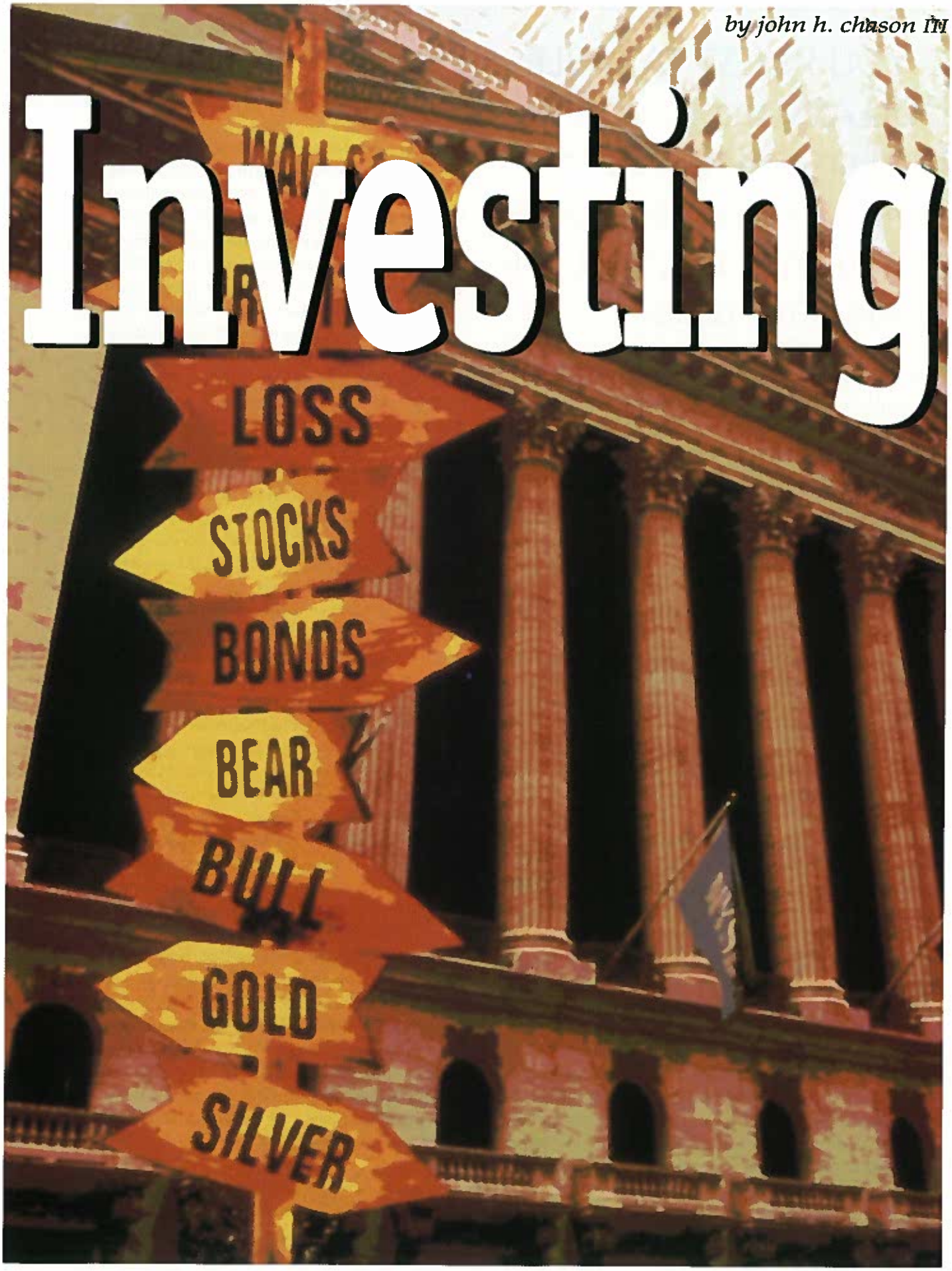

PHOTO: GARRY GAY

IF YOU INVEST TAXABLE DOLLARS and control the holding period, you can control the percentage of your gain, if any, that you retain after taxes.

The new capital gains tax rates might render some mutual funds and variable annuities less attractive for a number of investors because they might not enable you to manage your investments in terms of minimizing taxes by controlling the holding period of those investments.

Many mutual fund managers employ active, short-term trading in pursuit of total return. While this approach offers some advantages to investors, it could deny the benefit of the lower capital gains tax rate and could expose some of the return to federal income tax rates of nearly 40 percent.

It is also possible that a fund may generate a negative return for the year and still distribute a large taxable gain to the investor. Mutual funds are required to distribute to each fund shareholder capital gains realized from selling stocks. The investor must pay the taxes on this shared liability. Funds that buy and sell a lot throughout the year will create what is known as high turnover. The higher the turnover within the fund, the higher the potential for generating capital gains distributions. The average turnover rate in the mutual fund industry is about 85 percent, and some funds run as high as 275 percent. Variable annuities will grow on a tax-deferred basis as long as the money remains in the annuity. Money withdrawn before age 59-and-a-half is assessed a 10-percent penalty, and withdrawals are taxed as ordinary income no matter how long the investment is held.

Individually managed accounts also could be considered for investing taxable assets in an attempt to maximize returns and minimize taxes. Although this investment alternative, like most others, carries a degree of risk that varies from portfolio to portfolio, it enables you to retain the benefits of professional management and diversification. This type of investment offers a degree of control over the timing of buy/sell decisions that could help you retain more of your gains. Investors have different strategies for risk tolerance, time parameters, cash flow, tax treatment, etc. Each of these considerations affects the resulting uniquely designed portfolio.

Money invested in individually managed accounts is not pooled with the assets of other investors. Each stock in the account is invested in the name of the individual investor and thus avoids the pooled tax liability. When it is time to build a portfolio, each manager will select stocks that have been thoroughly researched and analyzed to find the best buying opportunity at that specific time. In mutual funds and wrap accounts, managers often will purchase the same stocks for all investors regardless of each investor's objectives. Individually managed account investors can work closely with the investment manager to customize a portfolio. Investors can interact with the manager to balance gains and losses at the end of the year.

Another benefit of the individually managed account involves the difficulty in liquidating significant holdings in low-cost basis stocks. When your best option was to invest in a mutual fund, which accepts only cash to fund an account, you were faced with the need to liquidate holdings, pay capital gains taxes, and reinvest cash in the fund. However, those who manage individual accounts, however, will generally accept securities in addition to cash to fund an account. If you hold low-cost basis stocks and are concerned with the tax consequences of liquidating them all at once, some managers will orchestrate a gradual transition to soften the tax burden. Over time, they will be able to match gains and losses to lessen taxes from the sale of low-cost basis stocks while striving to achieve superior after-tax returns.

Ignoring tax issues when investing is like omitting a critical variable in a mathematical equation. After-tax return is the bottom line when investing. There are some tax-managed mutual funds that aim to keep turnover low and fund distributions to a minimum, but they cannot effectively tame the taxable consequences the way an individually managed account might. Individually managed accounts combine tax sensitivity, professional management, diversification, and customization that will give investors another choice in using the 1997 tax act to their own advantage. Check with your financial advisor to determine which method would be most appropriate given your unique situation.

Remember: It's not what you make that counts. It's what you keep. ■

John H. Chason III is a member of the board of directors of Tallahassee-based Wealth Management Corporation, a registered investment advisory firm.

Because Political Action Is More Important Now Than Ever Before

Associated Industries of Florida (AIF) began expanding its **Political Operations Program** in 1993 by intensifying its involvement in election campaigns. This strategy was designed to shape the direction and philosophy of the Florida Legislature through the recruitment, assessment, and financial support of only those candidates who will best represent the interests and concerns of Florida's business community.

The result: since 1994, **contributions** made by the AIFPAC and AIF affiliated companies to pro-business candidates have totaled more than **$1.5 million**, including $249,274 in 1994; $449,126 in 1996; and $821,125 in 1998. Additionally, members of AIF's Florida Business United contributed more than **$6 million** during the 1998 election cycle. Our **success ratio** has been equally impressive since 1994 — more than **91 percent** of the candidates supported by AIF **have won election**, including 92 percent in 1994; 92 percent in 1996; and 90 percent in 1998.

But now, our efforts are more important than ever before due to **eight-year term limits**. Beginning with the 2000 election cycle, there will be **68 open seats** because of term limits, which means many experienced, pro-business lawmakers will be replaced by less experienced legislators.

We encourage you to join our efforts today to help ensure that when the 2000 election rolls around, Florida's business community is represented by **pro-business legislators** who understand and advocate public policies that promote economic freedom and prosperity.

For more information on AIF's Political Operations, Florida Business United, or the AIFPAC, contact Marian Johnson, senior vice president - political operations, at (850) 224-7173, or e-mail her at mjohnson@aif.com.

AIF POLITICAL ACTIVITIES

Political operations at AIF is not just an election-year effort; rather, it's a full-time, year-round continuing operation with the purpose of electing pro-business candidates.

Political Operations

- Electorial district analysis
- Candidate recruitment and assessment
- Campaign evaluation and technical assistance
- Polling and get out the vote phone banks
- Campaign expenditure analysis

Florida Business United

FBU, a membership-based group comprised of Florida business people, keeps its members current on the state's political environment through extensive research and analysis.

AIF Political Action Committee

AIFPAC financially supports those candidates who understand and embrace our free-enterprise system. Contributions to candidates are determined by a board of directors, with input from AIFPAC members.

Associated Industries of Florida

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Employed For Life?

Workers' Compensation Retaliation Claims

In 1980, over a three-week span of time, William E. Scott hurt his leg at work, was arrested for assaulting another worker with a gun, and lost his job because of the assault, customer complaints, absenteeism, and tardiness.

Ten years later, David E. Kimbrough, a store manager for Sears, was held hostage during an armed robbery. The police shot and killed the robber as he held a gun to Kimbrough's head. A year later, Kimbrough filed a workers' compensation claim for psychological problems arising from the incident. One year after that he was terminated for poor job performance.

These two cases have more in common than violence in the workplace. Both gave rise to civil lawsuits filed under Florida's workers' compensation law. With so much attention focused on recent changes in federal laws governing employer liability for employee harassment or discrimination, one might easily overlook the threat of lawsuits based on state law.

William Scott and David Kimbrough based their claims for damages on the prohibition in state law against discharging an employee for filing a claim for workers' compensation benefits. Although most workers' compensation disputes are settled by judges of compensation claims through the system's administrative courts, retaliation claims are decided in the state's civil justice system.

Wrongful discharge actions, such as retaliation claims, that are filed in state courts pose a special danger for employers. Unlike a federal discrimination case or a typical workers' compensation claim, a retaliation suit is more likely to be heard by a jury. An employer is often at a disadvantage in front of a jury because jurors tend to sympathize with employees, even when the employer has what appears to be a strong legal defense. Jurors are simply more likely to give the employee the benefit of the doubt if he claims to have been unfairly treated by his employer.

by john-edward alley, amy littrell, & tammie rattray

Workers' compensation retaliatory discharge claims are generally brought pursuant to section 440.205 of the *Florida Statutes*. This provision makes it unlawful for an employer to "discharge, threaten to discharge, intimidate, or coerce" any employee as a result of the employee's "valid claim for compensation or attempt to claim compensation" under the workers' compensation law. The Legislature, however, did not specifically grant to employees the ability to file a lawsuit outside of the workers' compensation administrative process; rather, the civil cause of action for retaliatory discharge was created by the Florida Supreme Court.

The standard of proof an employee must meet to prevail on a workers' compensation retaliation claim is not high. The employee must simply draw a link between the action taken against him and his pursuit of workers' compensation benefits. An employee does not have to show that the pursuit of benefits was the singular reason for the discharge, only that it was a reason. Thus even if the employer had other reasonable grounds for the discharge, it could be ordered to pay damages to the employee.

Furthermore, even though courts have characterized these as retaliatory discharge claims, the employee is not required to prove that the employer specifically intended to retaliate against him for pursuing workers' compensation benefits.

Losing one of these lawsuits can be extremely costly, with possible awards of economic damages such as back pay, and compensatory damages such as pain and suffering. In the cases of William Scott and David Kimbrough, set forth at the beginning of this article, juries awarded the employees damages of $300,000 and $850,000 respectively.

David Kimbrough's award included $350,000 for pain and suffering. Kimbrough was a sympathetic plaintiff. His workers' compensation claim arose from the trauma of being held at gunpoint during an armed robbery. Two months after filing his claim for benefits, he received his first poor job evaluation in more than 20 years of employment with the company. He claimed that he was fired after a year of criticism and harassment by company officials.

Although one can easily understand how a jury could side with Kimbrough, an award of damages to William Scott is harder to imagine. His assault on another worker would strike most people as a nondiscriminatory reason for the termination, but obviously the jury felt otherwise. There is no record of why the jury made the

PHOTO: HIRODA SUZUKI

decision it did, but the most likely factor was the employer's failure to report Scott's leg injury properly. According to his own testimony, Scott's supervisor knew that he was required to report the injury when Scott told him about it, but he took no action because Scott said it was an aggravation of an old injury that was not work related.

This simple breakdown in procedure could have been all that was necessary to create suspicion of the employer's motives among the jurors. And that was all it took to override the employer's legitimate reasons for terminating William Scott.

So does this mean that every problem employee who files a workers' compensation claim is automatically employed for life? Not if the employer is careful.

Florida judges infrequently issue written orders, so there are only a few recorded cases of workers' compensation retaliation claims here. Thus little case law exists to help an employer determine what it can do to protect itself against such a claim. A review of retaliation cases in other states, however, reveals that courts generally look at several factors to determine whether the termination of the employee had a causal relationship to the workers' compensation claim. These factors include the following:

- length of time between the pursuit of workers' compensation benefits and the adverse action
- negative comments made by decision-makers regarding the filing of a workers' compensation claim
- lower ratings in performance evaluations after the workers' compensation claim was filed

The anti-retaliation provision of the workers' compensation statute only prohibits termination of an employee because he filed or attempted to file a valid workers' compensation claim. It does not guarantee employment to anyone who otherwise would be discharged because of poor performance or for any other legitimate nondiscriminatory reason.

The employer will need to exercise care in discharging an employee who has filed or tried to file a workers' compensation claim. Remember: Any time such an employee is discharged, the employer's actions in discharging him may be scrutinized by a jury.

There are steps employers can take and processes they can implement to help prevent such lawsuits, or help ensure a strong defense should a suit be filed. Treating the employee fairly is not enough, however. The employer must also be able to convince the members of a jury that the employee was treated fairly.

Thus extra caution should be exercised to ensure that these actions both *are fair* and *appear fair.*

APPEARANCES THAT DON'T DECEIVE

To help ensure that action taken against an employee who has filed a workers' compensation claim can be regarded as fair, employers may consider implementing a program of progressive discipline. Such a program may enable employers to neutralize one common and powerful basis for juror sympathy: an employee who was discharged without warning.

An employer can provide the employee with a succession of oral and written warnings. Doing so will make a jury less likely to sympathize with the employee and maybe more likely to regard the employer's termination decision as fair.

Prior to discharging an employee who has filed a workers' compensation claim, consider suspending the employee while conducting an investigation and deciding whether to discharge the employee. Suspension allows the employer to avoid mistakes and irrational decisions while providing time to gather corroborative evidence to support the impending termination. It also gives the employer an opportunity to evaluate whether the severity of the discipline proposed is reasonably related to the seriousness of the misconduct. The time can be spent considering any other relevant or mitigating factors, such as the employee's service record. It can also give supervisors an opportunity to obtain input from upper-level management and legal counsel prior to discharging an employee, and to review company policies to ensure they support the termination decision.

All counseling of the employee, whether oral or written, should be witnessed and documented. If a particular course of conduct consistently leads to disciplinary counseling, all employees who engage in such conduct should receive similar treatment. This includes both those employees who have filed workers' compensation claims and those who have not. Otherwise it may appear to a jury that an employer is building a case against a particular employee or against only those employees who have filed workers' compensation claims.

Employers should also document all steps taken to investigate the employee's situation prior to discharge. Employers should interview everyone who possesses information relevant to the investigation and should obtain signed statements from those interviewed. Additionally, consider having the key decision-makers prepare affidavits or written statements that set forth their recommendations and the reasons for those recommendations.

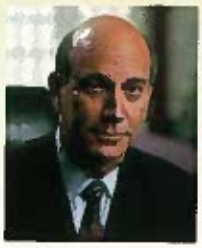
It's Your BUSINESS

An Invitation

I welcome the opportunity to invite you into the membership of Associated Industries of Florida (AIF).

For most of this century, AIF has represented the interests of Florida's private sector before all three branches of government.

Our mission is to protect and promote the business community so that Floridians may enjoy the jobs it creates, and the goods and services it provides. Florida's employers are the very base of our economy. AIF works to keep that foundation strong. Join us and become a partner in our "Action Team."



Jon L. Shebel
President & CEO

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- Opportunity to participate in the "Politics of Business" — AIFPAC and Florida Business United.

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"If business leaders fail to speak up in our legislative halls, Florida business will be but one short step away from economic chaos. There must be a strong, effective voice for Florida business in Tallahassee. Associated Industries of Florida provides that voice."

Mark C. Hollis, President (Retired)
Publix Super Markets, Inc.

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Travis Bowden, President
Gulf Power Co.

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An Anti-Litigation Strategy

- Progressive discipline—evidence of fair treatment
- Documentation—create a paper trail
- Consistency—the key to defending against a retaliation complaint
- Compare the workforce—treatment of other workers' compensation claimants
- Performance appraisals—the smoking gun?

Finally, it is also important to give the employee who is being discharged an opportunity to respond, preferably in writing, to the reasons for the discharge. This allows the employee to relate his side of the story (possibly disclosing pertinent facts), and will help demonstrate to a jury that the employee was treated fairly and that the employer considered both sides of the story. Taking steps to ensure that the reasons for the employment decision and the steps taken to arrive at this decision are well documented is essential, since this documentation could be key evidence should the dis-charge of the employee result in any type of litigation.

FAIR APPRAISALS

While investigation and documentation are important factors in helping to prevent or to defend against workers' compensation retaliation lawsuits, performance appraisals can help support an employer's decision. Unfortunately, performance appraisals can also be "smoking gun" evidence supporting the employee's case.

The employer should ensure that these documents provide key evidence that benefits itself, not the employee who filed suit. All performance appraisals should be honest, including notation of both the employee's weak and strong points, citing specific examples. Overcoming the prejudicial effect of glowing (or even merely good) performance appraisals prior to an injury can be difficult if they are followed by a poor performance appraisal after the injury. Thus it is essential that all problems with employees be documented as soon as those problems become apparent. Never wait until an employee has filed a claim for workers' compensation benefits to document such problems.

Consistent treatment of employees is another one of the important factors in defending a claim of retaliatory discharge. The employer strengthens its case if it can demonstrate that its disciplinary actions were consistent with those directed toward other employees who engaged in similar misconduct but who did not file claims for workers' compensation benefits.

To help ensure consistency, an employer should not simply accept a supervisor's recommendation on the premise that the supervisor is the person most familiar with the employee's work record or habits. Instead, the employer should question the person recommending discharge about the reasons for the recommendation and request specific examples of misconduct to support the decision. Consistency in both supervision and discipline decreases the likelihood that an employee will file a retaliation complaint, supports an employer's defense against future complaints, and helps ensure that a jury will find that the employer treated the employee fairly.

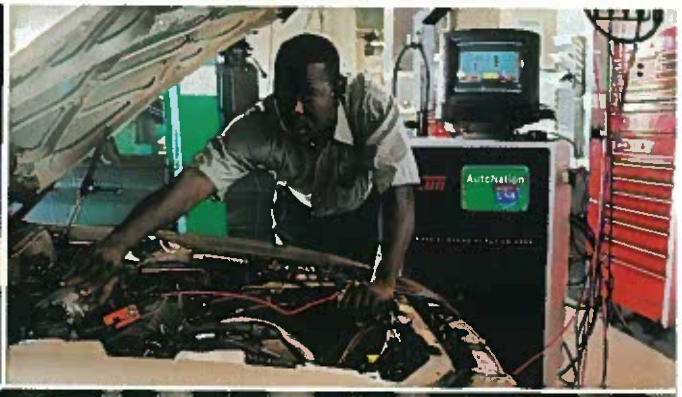
Finally, employers should be aware of employment actions directed toward other employees who have filed workers' compensation claims. If a retaliation complaint is filed, evidence that other employees have filed workers' compensation claims and have not been subjected to adverse action can help establish the employer's good faith in discharging this employee. Conversely, evidence that numerous other employees who have filed workers' compensation claims have also been discharged may be viewed as circumstantial evidence that the employer did in fact discharge this employee because he filed a workers' compensation claim.

While there is no guarantee that following the suggestions in this article would have stopped William Scott or David Kimbrough from suing their employers, their employers might have been able to avoid adverse jury verdicts had they paid more attention to the process surrounding the terminations.

There is no way this article can address all the issues that may arise in something as complex as discharging an employee who has recently filed a workers' compensation claim. Thus, any time an employer has questions or concerns about discharging such an employee, it should contact experienced labor-and-employment-law counsel for advice. ■

John-Edward Alley, Amy W. Littrell, and Tammie Rattray are with the law firm of Ford & Harrison, LLP, where Alley is a partner.

We are Republic Industries.



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by jacquelyn horkan, editor

Pursuit of Happiness

"We have not made much money, but I believe we have proven that the airplane can be successfully used as a regular means of transportation."
Thomas W. Benoist

Moments before the inaugural flight of the world's first regularly scheduled passenger airline, Percival E. Fansler, general manager of the air boat line (left), Abe Pheil (center), and Tony Jannus (right) pose for a parting shot.

At 5 a.m. on the morning of Dec. 31, 1913, the freight car carrying Benoist airboat #43 arrived in St. Petersburg. In just over 24 hours ace pilot Tony Jannus would fly the plane across Tampa Bay in the inaugural flight of the Tampa-St. Petersburg Air Boat Line, the world's first passenger airline with regularly scheduled service.

As Jan. 1, 1914, dawned, 3,000 onlookers gathered at the St. Petersburg yacht basin. The first ticket was auctioned off within 10 minutes when Abe Pheil shouted his winning bid, "Four hundred dollars." An Italian band played *Dixie* as Pheil donned an overcoat and joined the dashing 25-year old Jannus in the open cockpit of the two-seater airboat and off they took across the bay.

Watchers dashed off to the telegraph office to await word of the plane's safe arrival in Tampa. The big moment was delayed as the tiny craft ran into headwinds and then developed engine trouble. Jannus landed the plane in the bay, fixed the trouble, and took off again. After a 23-minute flight, he and his passenger safely landed in Tampa to the cheers of the impatient crowd.

The fledgling airline would only fly for three months before folding. But, as Thomas W. Benoist, the pioneer plane manufacturer and part-owner of the airline, observed, the setback for air travel was only temporary. For once mankind touched the skies, the lure of flight would prove irrestible. ■

PHOTO: FLORIDA STATE ARCHIVES

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Other companies can only offer dividend promises. Associated Industries Insurance Company is approved by the Department of Insurance to *guarantee* a return of premium.

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Workers' Compensation Insurance Return Premium Plan

Premium Range	Incurred Loss Ratio: Less Than 10%	10% to 19%	20% to 29%	30% to 39%	40% to 49%	50% +
	Percentage of Return Premium					
Less than $5,000	5%	3%	3%			
$5,000 to $10,000	6%	5%	3%	3%		
$10,000 to $20,000	8%	6%	5%	3%		
$20,000 to $30,000	10%	8%	6%	5%	3%	
$30,000 to $50,000	12%	9%	7%	5%	3%	
$50,000 to $75,000	15%	12%	9%	6%	3%	
$75,000 to $100,000	17%	13%	10%	6%	3%	
Greater than $100,000	20%	15%	10%	6%	3%	

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AIIC

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Whether it's assisting with a new business venture or representing clients before state government, our multi-disciplined law practice is experienced in developing strategies that help our clients achieve their objectives.

By basing our services on the principles of knowledge, commitment, dedication and skill, we keep the focus of our efforts on our clients and provide them with comprehensive support through aggressive representation and plain hard work.

For more information on how we can help you achieve your full business potential, contact our primary office in Tampa or one of our other offices throughout Florida.

Stiles, Taylor, & Grace, PA, Attorneys and Counselors at Law

Corporate & Business Law • Legislative & Administrative Agency Representation
Employment & Labor Law • Insurance & Personal Injury Defense • Workers' Compensation

BOCA RATON	MIAMI	ORLANDO	TALLAHASSEE	TAMPA
980 North Federal Highway Suite 305 Boca Raton, FL 33432 Phone: (561) 393-7600 Fax: (561) 393-7038	1101 Brickell Avenue Suite 403, North Tower Miami, FL 33131 Phone: (305) 358-3556 Fax: (305) 358-7210	111 N. Orange Avenue Suite 850 Orlando, FL 32801 Phone: (407) 843-9900 Fax: (407) 843-9808	Markham-Stiles House 317 North Calhoun Street Tallahassee, FL 32301 Phone: (850) 222-2229 Fax: (850) 561-3642	Spafford-Stiles House 315 Plant Avenue Tampa, FL 33606 Phone: (813) 251-2880 Fax: (813) 254-9073

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.