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IN THE SUPREME COURT OF FLORIDA

Case No.: SC13-2082
LT# 1D12-3639
DOAH: 09-027890GCC

MARVIN CASTELLANOS,

Petitioner,

vs.

NEXT DOOR COMPANY and
AMERISURE INSURANCE COMPANY,

Respondents.
_____/

AMENDED BRIEF OF AMICUS CURIAE, FRATERNAL ORDER OF POLICE (FOP), POLICE BENEVOLENT ASSOCIATION (PBA), AND INTERNATIONAL UNION OF POLICE ASSOCIATIONS (IUPA) IN SUPPORT OF PETITIONER'S POSITION

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PRELIMINARY STATEMENT

Amicus Curiae, the Florida Fraternal Order of Police, the Florida Police Benevolent Association, and the International Union of Police Associations may be referred to by either their full names or by the abbreviations "FOP", "PBA", and "IUPA" respectively. Marvin Castellanos, Appellant, will be referred to as "Claimant" in this brief, and the Appellees, Next Door Company and Amerisure Insurance Co., as the "Employer/Carrier" or "E/C". References to the record on appeal will be abbreviated by the "R" followed by the applicable page number in parentheses, while the Judge of Compensation Claims will be referred to by the abbreviation "JCC".

INTRODUCTION

This brief is filed on behalf of the Florida Police Benevolent Association (PBA), the Florida Fraternal Order of Police (FOP), and the International Union of Police Associations, AFL-CIO (IUPA), amicus curiae for Petitioner Marvin Castellanos. By Order dated April 4, 2014, this Court granted the Motion of these three organizations seeking leave to appear as amicus curiae.

STATEMENT OF INTEREST

The PBA, FOP, and IUPA all represent the interests of law enforcement officers through legal, legislative, and political action. They also assist members with legal issues including workers' compensation disputes. Thus, all three

organizations have a substantial interest in the outcome of this matter and can assist the Court in understanding the issues before it.

As this Honorable Court is aware, law enforcement is among the most dangerous of professions with an ever present possibility of severe injury or death. In Florida, compensation for work related injuries or deaths are essentially limited to workers' compensation benefits under Chapter 440, Fla. Stat., also known as the Workers' Compensation Act (hereinafter "The Act"). Compensation under the Act has become increasingly difficult to obtain due to the ever increasing complexity and burdensome nature of the statutory scheme. As a consequence, law enforcement officers are routinely faced with legal issues related to workers' compensation benefits that require them to seek counsel. In fact, it is nearly universally understood in the law enforcement community that law enforcement officers, and all injured workers, depend on the ability to hire competent counsel when they are denied workers' compensation benefits; without representation, benefits promised under the Act become largely, if not entirely, illusory. To protect the interests of its members, the FOP, PBA, and IUPA take an active role in educating members about their legal rights to workers' compensation benefits and, where necessary, referring members to competent counsel for representation.

In recent years, and in particular since July 1, 2009 when the Florida Legislature struck "reasonable" fees from the Act, Amicus has seen governmental

employers in the State of Florida aggressively deny workers' compensation benefits to many of its members. At the same time, law enforcement officers have found it increasingly difficult to secure representation from competent counsel due to the attorney fee restrictions contained in F.S. §440.34 (2009). This difficulty stems from the Orwellian web of one-sided procedural hurdles, and attorney fee limitations, which are the subject of the present appeal, and which have made representation of injured officers financially impossible in many instances for attorneys doing this work. Between the mandatory fee schedule and the restrictions prohibiting injured workers, or their unions, from contracting with attorneys for a reasonable fee, many injured and disabled law enforcement officers have been left to navigate the complex workers' compensation system without the legal assistance they require. This is a herculean if not hopeless task. Amicus has an interest in making certain that law enforcement officers can secure competent representation in workers' compensation matters, and will highlight the negative impact the current version of The Act has on the law enforcement community. The impact seems particularly arbitrary and capricious in light of the fact that officers risk their lives every day for the benefit of the public.

The brief of Amicus supports the arguments made in Petitioner's Initial Brief to the extent he asserts that the attorney fee restrictions contained in Chapter 440 are unconstitutional infringements on Article I, Section 21 of the Florida

Constitution (Access to Courts) and the First Amendment right to freedom of speech.

SUMMARY OF ARGUMENT

It is the position of Amicus that this Court should decide that the fee statute, Section 440.34(1), Fla. Stat. (2009), and the entire Workers' Compensation Act, is unconstitutional as it eliminates the ability of the injured worker to recover, or pay, "reasonable fees" to compensate counsel. "Reasonable fees" were historically available under the fee shifting provisions of the Act and were a critical part of the Act in 1968 when the Declaration of Rights was approved by the citizens of Florida. Thus, the current statute violates Article I, Section 21 of the Florida Constitution and is in contravention of this Court's ruling in *Kluger v. White*, 281 So. 2d 1 (Fla. 1973). Additionally, the mandatory fee schedule has eliminated alternative fee arrangements, such as reasonable fees, thereby trapping injured workers in an adversarial system where they face an extreme disadvantage, and where their First Amendment rights are violated.

ARGUMENT

I. THE ONE-SIDED FEE RESTRICTIONS CONTAINED IN THE ACT VIOLATE ARTICLE I, SECTION 21 OF THE FLORIDA CONSTITUTION BY ELIMINATING A RIGHT THAT EXISTED FOR INJURED WORKERS IN 1968, THEREBY RENDERING THE ENTIRE ACT UNCONSTITUTIONAL UNDER *KLUGER V. WHITE*, 281 SO. 2D 1 (FLA. 1973)

Standard of Review: Because the above issue involves a constitutional challenge, it is governed by the de novo review standard. See *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006).

The Florida Legislature passed sweeping amendments to the Florida Workers' Compensation Act ("The Act") in 2003. Nearly every amendment either reduced benefits to injured and disabled workers, or made it more difficult for injured workers to receive workers' compensation benefits. The amendment of Section 440.34, Fla. Stat., although ostensibly aimed at restricting attorney fees, had the impact of making it more difficult for injured workers to secure representation when seeking the largely diminished benefits the new Act provided.

Specifically, the 2003 amendment to Section 440.34(1) removed the factors that allowed a Judge of Compensation Claims (JCC) to deviate from the statutory guideline fee. In a series of decisions, the First District Court of Appeal held that the statutory fee schedule was the sole basis for determining fees awarded to claimants' attorneys under the Workers' Compensation Act. For roughly five (5) years, the workers' compensation system strained under the onerous yoke of mandatory fee restrictions until this Court decided *Murray v. Mariner Health*, 994 So. 2d 1051 (Fla. 2008).[1]

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[1] The decisions by the 1st DCA upholding the fee schedule were Campbell v. Aramark, 933 So. 2d 1255 (Fla. 1st DCA 2006); Lundy v. Four Seasons Ocean Grand Palm Beach, 932 So. 2d 506 (Fla. 1st DCA 2006); and Wood v. Florida Rock Industries, 929 So. 2d 542 (Fla. 1st DCA 2006). Remarkably, these cases have been inexplicably

In *Murray*, supra, this Court ruled that because the Legislature had not removed the word "reasonable" from the portion The Act dealing with attorney's fees, the JCC could depart from the fee schedule in appropriate cases and award reasonable fees. The Florida Legislature wasted no time and amended Section 440.34 in 2009, just months after the *Murray* decision. The amendment in question simply excised the word "reasonable" from the Section, thereby eliminating any ambiguity and mandating strict adherence to the restrictive fee schedule.

Since July 1, 2009, the law has restricted JCCs from deviating from the statutory guideline regardless of the circumstance and mandated "unreasonable" attorneys' fees in cases such as the present appeal. This substantive change in the law eliminated a right that all injured workers have enjoyed under the fee shifting provisions of the Act since before 1968 when voters in Florida approved the Declaration of Rights. Consequently, not only the attorney fee provisions but the entire Act must be analyzed under *Kluger*, supra.

Reasonable attorneys' fees, through a fee shifting provision, have been a part of the Act since 1941. See Ch. 20672, Section 11, Laws of Fla. (1941), *Great*

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plucked from the dustbin of history by the decision below since Murray was decided on statutory construction grounds and because this Court "did not cast any doubt on the reasoning used in Lundy, Campbell, and Wood, in rejecting constitutional claims."

American Indemnity Co. v. Smith, 24 So. 2d 42 (Fla. 1945). Additionally, the right to recover "reasonable" attorneys' fees has historically been an entitlement of the injured worker under the Act. See *Pilon v. Okeelanta Corp. and National Employers Co.*, 574 So. 2d 1200, 1203 ("the payment of a fee...by the employer/carrier is, in effect, a benefit."). Thus, in 1968 when the Declaration of Rights was passed by the citizens of Florida, the right to recovery of "reasonable" attorneys' fees was codified as part of the Act and remained so until 2009. This right was an essential part of the quid pro quo underlying the workers' compensation system (i.e. the mutual renunciation of common law rights and defenses in exchange for what was supposed to be a predictable and efficient mechanism for dealing with workplace injuries). While the fee shifting provision remains intact, the removal of any assessment as to "reasonableness", and the mandating of "unreasonable" fees as in cases such as the one at bar, renders the entire Act unworkable and unconstitutional under *Kluger*, supra.

The major purpose of fee-shifting statutes is to provide an incentive for the private enforcement of statutory policy. See *Standard Guaranty Insurance Co. v. Quanstrom*, 555 So. 2d 828, 832 (Fla. 1990). In *First Baptist Church of Cape Coral v. Compass Construction*, 113 So. 3d 978 (Fla. 2013), Justice Lewis, dissenting, noted that:

> "the historical and foundational congressional purpose behind statutory provisions that directed an award of statutory attorney fees to

> a prevailing party was to afford individuals who have been aggrieved by a violation of the statute to vindicate their rights, both for themselves and, acting as a private attorneys general, for others similarly situated."

Id. @ 986, citing Samuel R. Berger, Court Awarded Attorneys' Fees: What is Reasonable?, 126 U. Pa. L. Rev. 281 @ 309. Thus, the statutory award of attorneys' fees, regardless of the area of substantive law, allows the parties bringing actions to act both on their own behalf and on the public's behalf, in promoting public policy, **but only if that fee is reasonable.** Conversely, mandatory fees that are strictly and solely based on the amount of benefits secured will often provide a disincentive for the private enforcement of statutory rights which will negatively impact the public at large. Furthermore, "unreasonable" attorneys' fees undermine the confidence of the public in the civil justice system and the ability of the court system to perform the function for which it was created. *Baruch v. Giblen*, 122 Fla. 59; 164 So. 831 (Fla. 1935). Under the current scheme, "fee shifting" in workers' compensation litigation has come to represent something fundamentally unfair because it is part of a system where "reasonableness" is no longer part of the equation; and injured workers are prohibited even from contracting to pay a reasonable fee. Fee shifting with a mandatory fee schedule that allows the non-prevailing party to pay an "unreasonable" fee clearly flips the policy recognized by the *Quanstrom* court on its head.

Certainly no one would contend that the fee awarded in the case at bar (less than $2.00 per hour) was reasonable, but under the current statute no alternative was available. The Judge of Compensation Claims could not deviate from the mandatory fee schedule and the Claimant could not agree to pay a reasonable fee or enhance the awarded fee. The Claimant is, in fact, trapped by the limited fee he can use to entice counsel. There is little question that the current system undermines public confidence in both the bench and bar, and it calls into question the very notion that justice is achievable in workers' compensation disputes. This Honorable Court has previously noted that lawyers, as officers of the court, are a critical instrument in the administration of justice and that:

> "the attorneys fee is...an important factor in the administration of justice and if it is not determined with proper relation to the fact it results in a species of social malpractice that undermines the confidence of the public in the bench and bar. It does more than that. It brings the court into disrepute and destroys its power to perform adequately the function of its creation."

Baruch, supra, @ 833. This is precisely the situation that exists under the current Act: injured workers in dire need of representation are incapable of bringing meritorious claims that might advance the common good due to fee restrictions that mandate, in many instances, "unreasonable" compensation for attorneys assisting with such claims. It is hard to imagine a system more damaging to public confidence in both the bench and bar.

At the core, workers' compensation is social legislation intended to strike a reasonable balance between competing economic interests. Workers give up time and perform labor in exchange for wages, and they sacrifice their bodies and physical wellbeing, when they are injured, in exchange for workers' compensation benefits. In order to protect their rights, and to preserve the balance of the competing interests, injured workers require competent counsel. See *Davis v. Keeto*, 463 So. 2d 368, 371 (Fla. 1st DCA 1985). Injured workers without competent counsel are simply at the mercy of employer/carriers to provide compensation in direct conflict with their own economic self interest.

The economic incentive for employers and carriers is solely and exclusively to pay as little as possible on each claim, or to pay nothing at all. Without the sting of a "reasonable" attorney fee award for a wrongfully denied claim, the impact of poor claims handling decisions are horribly distorted and the entire statutory scheme begins to warp inexorably away from the very purpose for which it was created: "to assure the quick and efficient delivery of disability and medical benefits to an injured worker and to facilitate the worker's return to gainful reemployment." See F.S. 440.015 (2009). Ultimately, when attorneys' fees are limited to a small percentage of benefits secured, they become simply a marginal factor for an insurance company in evaluating whether to pay a claim—a marginal factor easily quantified and so de minimis in many cases that companies know

their decisions will go unchallenged. Paltry and predictable attorneys' fees become simply a cost of doing business without creating any incentive to change bad behavior.

In the workers' compensation system, injured workers, employers, insurance carriers, and a whole industry of interested stakeholders are forced to adjust to judicial pronouncements as to the meaning of particular provisions regardless of how insignificant the issue may appear on the surface; an injured worker pursuing benefits through the legal process will often profoundly impact the rights of others similarly situated, even though the amount in controversy may be very small. With this understanding, it becomes clear why "fee shifting" makes sense, and will only be effective, so long as a "reasonable" fee is provided for. Quite simply, however, without "reasonable" attorneys' fees against the non-prevailing party, the whole idea of fee shifting is nonsensical. Where fee shifting mandates an "unreasonable" fee, as in this case, without the ability to deviate from same, the result is plainly unconstitutional on multiple grounds. Further, since "reasonable" fees were available to injured workers at the time of the passage of the Declaration of Rights in 1968, the elimination of that right violates Article I, Section 21 of the Florida Constitution. See *Kluger* supra. Based on *Kluger*, the Court must determine not only whether the attorney fee restrictions in the Act are unconstitutional, but whether the entire Act, writ large, remains an adequate replacement for common

law rights and remedies. Amicus submits that the 2009 fee restrictions were the final "nail in the coffin" as to the constitutional viability of the workers' compensation system under *Kluger*, supra and that the Act is no longer an adequate alternative to common law rights and remedies otherwise available to injured workers.

II. §440.34 IS UNCONSTITUTIONAL AS IT IMPERMISSIBLY VIOLATES THE FIRST AMENDMENT GUARANTEES OF FREEDOM OF SPEECH

The First Amendment of the United States Constitution states in full:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

U.S. Const., amend. I.[2]

Freedom of speech is "among the fundamental personal rights and liberties which are secured to all persons by the Fourteenth Amendment against abridgement by a State." *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940); *Burson v. Freeman*, 504 U.S. 191 (1992). Included in the First Amendment's fundamental guarantee of freedom of speech, association, and petition is the right to hire and

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[2] Similarly, Florida's Constitution provides that "[n]o law shall be passed to restrain or abridge the liberty of speech.: Art. I, §4, Fla. Const. The Florida Supreme Court has held that the scope of the Florida Constitution's protection of freedom of speech is the same as that required under the First Amendment. *Department of Education v. Lewis*, 416 So. 2d 455 (Fla. 1982). Thus Florida courts must apply the principles of freedom of speech announced in the decisions of the United States Supreme Court. Id. at 461.

consult an attorney.[3] See *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977). Further, although the wording of the amendment specifies the right to petition is "to petition the Government for a redress of grievances," jurisprudence is clear that the right includes petitions of private actors seeking personal gain. See, e.g., *E. R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 138-39, 81 S.Ct. 523, 5 L.Ed.2d 464 (1961).

In *Brotherhood of R.R. Trainmen v. Virginia*, 377 U.S. 1 (1964), *United Mine Workers of Am. v. Illinois State Bar Ass'n*, 389 U.S. 217 (1967), and *United Transp. Union v. State Bar of Mich.*, 401 U.S. 576 (1971), the United States Supreme Court recognized that the First Amendment prohibits the State from interfering with the rights of unions and its members to consult with and retain counsel of their choice in order to engage in collective activity and obtain meaningful access to the courts. Likewise, the Supreme Court has held that the State is prohibited from impeding an individual's ability to consult with legal counsel of his or her choice, regardless of the purpose for which counsel is sought. See *Bates*, 433 U.S. at 350 ("Underlying [our collective action cases] was the Court's concern that the aggrieved receive information regarding their legal rights

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[3] The right of association and to petition the government for a redress of grievances are inseparable from and thus subject to the same constitutional analysis as the right to free speech. See *Wayte v. United States*, 470 U.S. 598 (1985); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982). The Florida Constitution provides a similar right: "The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances." Art. I, §4, Fla. Const.

and the means of effectuating them. This concern applies with at least as much force to aggrieved individuals as it does to groups."; *Trainmen*, 377 U.S. at 7 ("A State could not...infringe in any way the right of individuals and the public to be fairly represented in lawsuits..."). In sum, the First Amendment protects an individual's right to consult with and retain an attorney on any legal matter.

In all cases, §440.105(3)(c) and §440.34, Fla. Stat. (2009) are unconstitutional as they prohibit claimants from consulting or retaining an attorney for a reasonable fee, at their own expense, for legal services. Mr. Castellanos is not permitted to pay his attorney a dime for his time and effort, as it is a crime under §440.105(3)(c).[4] Further, pursuant to §440.34(1), the JCC is prohibited from approving an agreement between a claimant and his attorney which provides for an attorney's fee in excess of the conclusive fee schedule. The sole method of compensation under these facts is that when benefits are wrongfully denied, the E/C must pay the mandatory fee under the rigid formula. In the instant case, that formula entitled Petitioner's attorney a fee of less than $2.00 per hour. On the other hand, Respondents were free to pay their counsel whatever they deemed fit to defend the case.[5] This disparity, based on one sided fee restrictions, has the effect

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[4] JCCs across the state have only applied this prohibition to claimant attorneys and not to employer or carrier attorneys. C.f. *Altstatt v. Florida Dept. of Agriculture*, 1 So. 3d 1285 (Fla. 1st DCA 2009).

[5] As noted above, counsel for the E/C billed his client for 115.20 hours to defend the case. (R. 18-19)

of favoring the speech of the Employer/Carrier at the expense of the Claimant, implicating additional constitutional concerns.

First, the Act's restrictions on claimant fees are a "prior restraint" on speech in the formal sense: a claimant is prohibited from paying an attorney a reasonable fee to speak for him, and no attorney may receive a reasonable fee to speak for a claimant, that deviates from the rigid fee schedule without breaking the law. Because such speech is illegal "many persons...will choose simply to abstain from protected speech – harming not only themselves but society as a whole, which is deprived of an uninhibited marketplace of ideas." *Virginia v. Hicks*, 539 U.S. 113, 119 (2003). "The ongoing chill upon speech that is beyond all doubt protected makes it necessary...to invoke...precedents that a statute which chills speech can and must be invalidated where its facial invalidity has been demonstrated." *Citizens United v. FEC*, 130 S.Ct. 876, 896 (2010), citing WRTL @ 482-483 (Alito, J., concurring); *Thornhill v. Alabama*, 310 U.S. 88, 97-98 (1940). The Court is confronted here with a statute that, by its own words, purports to punish mere advocacy and to forbid, on pain of criminal punishment, the payment or acceptance of any fee that deviates from the mandatory and rigid fee schedule. Amicus submits that such a statute violates the First Amendment.

In *Citizens*, supra, the law in question was an outright ban on independent corporate expenditures in campaigns for elected office. The prohibition was

backed by criminal penalties similar to the penalties applicable to attorney's fees in workers' compensation. Just as the *Citizens* court found the prohibition on independent corporate expenditures a ban on speech, fee restrictions which prohibit a claimant or labor union from paying a lawyer a reasonable fee to advocate a legal position is a ban on protected speech. In language eerily applicable to onerous and one sided fee restrictions in workers' compensation, the *Citizens* court stated that:

> "Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints. See, e.g., *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 801, 813 (2000) (striking down content-based restrictions). Prohibited, too, are restrictions distinguishing among different speakers, allowing speech by some but not by others. See *First National Bank of Boston v. Bellotti*, 435 U.S. 765, 784 (1978). As instruments to censor, these categories are interrelated: speech restrictions based on the identity of the speaker are all too often simply a means to control content."

Citizens, supra @ 898, 899. Quite simply, the fee restrictions contained in the Act impermissibly favor Employer/Carrier speech at the expense of the speech of the injured worker. This alone is sufficient reason to find the Act facially invalid.

Statutes that abridge fundamental rights, such as the rights to speech, association, and petition, are subject to a strict scrutiny standard of review. See, e.g., *Reno v. Flores*, 507 U.S. 292 (1993); *Mitchell v. Moore*, 786 So. 2d 521 (Fla. 2001). First Amendment rights are undoubtedly fundamental. *State v. J.P.*, 907 So. 2d 1101, 1109 (Fla. 2004); *Jacobson v. Southeast Personnel Leasing*, 113 So. 3d 1042, 1048 (Fla. 1st DCA 2013). This is an exacting scrutiny: the State must

show that the "regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end." *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37 (1983); *J.P.*, 907 So. 2d at 1110.

The speech at issue here is Claimant's own words—given voice through his attorney—spoken or written before the court during litigation. *Jacobson*, at 1048. The statutes at issue in the present case fail to survive this exacting scrutiny and are facially unconstitutional. There simply can be no compelling state interest in limiting claimants, like Petitioner, from securing representation to prosecute their claims or to defend claims of misrepresentation (which carry the threat of criminal prosecution) and the imposition of costs.

Over 40 years ago, in *Lee Engineering*, 209 So. 2d at 457 (Fla. 1968), this Court recognized the necessity of a claimant having representation in a workers' compensation proceeding, noting, "It is obvious that fees should not be so low that capable attorneys will not be attracted." The United States Supreme Court also has recognized the importance of the assistance of counsel to such individuals or groups: "Laymen cannot be expected to know how to protect their rights when dealing with practiced and carefully counseled adversaries..." *Trainmen*, 377 U.S. 1, 7 (1964).

A workers' compensation claimant is precluded, by operation of §440.105(3)(c) and 440.34(1), from consulting with or retaining an attorney of his

choice, at his own expense, for legal services, and his attorney may not receive a fee, from the E/C or the claimant, that exceeds the mandatory fee schedule. This regulation is not necessary to serve a compelling state interest, and even if it was, it is certainly not narrowly drawn to achieve such an end. Amicus, therefore, submits that the Act has impermissibly hindered, and continues to hinder, the First Amendment rights of countless individuals and must be found unconstitutional.

CONCLUSION

Amicus concurs with the constitutional arguments against §440.34 put forth by the Petitioner in this case, as well as those put forth by those serving as amicus curiae on the Petitioner's behalf. As for its own argument, Amicus asserts that the Act is unconstitutional under *Kluger*, supra, as it eliminates a right to recover "reasonable" fees available in 1968, thus rendering the entire statutory scheme unworkable as a fair exchange for common law rights and remedies. Further, the one-sided fee restrictions favoring Employer/Carrier speech at the expense of the speech of the injured worker renders the Act facially invalid as a violation of the First Amendment.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. regular Mail on this 23rd day of April, 2014 to Richard A. Sicking, Esquire at sickingpa@aol.com; Michael J. Winer, Esquire at

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CERTIFICATE OF TYPEFACE COMPLIANCE

I HEREBY CERTIFY that this brief was computer-generated using Times New Roman fourteen point font on Microsoft Word, and hereby complies with the font standards as required by Fla. R. App. P 9.210 for computer-generated briefs.

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