

**TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
8 JULY 1999**

Mayor Drabczuk called the regular Town Council Meeting to order at 6:00 P.M.. Following a silent prayer and the Pledge of Allegiance to the Flag, roll call was taken.

Present: Mayor Drabczuk
Councilman Payne
Councilman Skelly
Councilman Williams
Councilwoman Carroll
Councilman Kendrick

ALSO, PRESENT: Attorney Jeff McInnis, Kathleen Reed, Town Manager Turner, Ms. Eli Skelly, Ms. Kim Payne and Ms. Betty Horvath.

1. Council approval of Agenda - Councilman Payne made a motion to approve the Agenda, seconded by Councilwoman Carroll. The motion passed with a unanimous vote.

2. Consent Agenda -

- A. Minutes, Council Meeting of 10 JUNE 1999
- B. Status of Funds, JUNE 1999

Councilman Payne made a motion to approve the consent agenda with Minutes of 10 June 1999 as amended in Paragraph 9 B, with a second by Councilman Skelly. The motion passed with a unanimous vote.

3. Action Items

A. Proposed Budget for YR 2000 w/ assumptions-Town Manager Turner presented the proposed budget and summarized management considerations behind the budget preparation. After some discussion, Councilwoman Carroll made a motion that Town Manager Turner research going out for bids for auditing services for this year and explore alternatives. Seconded by Councilman Payne. The motion passed with a unanimous vote. After further discussion Councilman Skelly made a motion to schedule a work sess on the budget and tax rate for Saturday 31 July 1999 at 9 A.M. Seconded by Councilman Payne. The motion passed with a unanimous vote. Town Manager Turner will remind all councilmembers of the special workshop meeting. Councilwoman Carroll suggested providing questions in advance to Town Manager Turner and Town Manager Turner will provide computer readouts for actual expenditures thru June 1999

5. Engineering Report - Mr. Richard Griswold was not present but Town Manager Turner reported that work was proceeding on the Kidd Street and Yacht Club Intersection.

6. Attorney Report - Attorney McInnis gave a quick update on the Connors file and the proposed

sign ordinance submission.

7. Town Manager's Report-Town Manager Turner discussed keeping the Town hall open at lunch and the cost in time of that requirement for the Maintenance man. The creation of an Assistant Town Manager/Clerk was discussed. Councilman Skelly made a motion to have Town Manager Turner provide a job description for the new proposed position. Seconded by Councilwoman Carroll. The Motion passed by unanimous vote.

Councilman Payne confirmed that the Fall Meeting/dinner of the Okaloosa County League of Cities will be hosted by Cinco Bayou and he is proceeding with the planning. The date is not firm at this time.

8. Public Request - The Beautification Committee made a report of their last meeting. They proposed use of the Cherry Laurel as a tree of choice along Eglin Parkway along with Crepe Myrtles. Town Manager Turner will get back with the Nursery owners and formulate a plan with pricing and initiate a letter to FDOT to seek permission to garden the right of way along Eglin Parkway.

9. Councilmember Reports/Comments

A. Councilman Skelly

1. Requested a breakout of the salaries we are paying now and year to date expenditure to budget statement as of the end of June 1999.

B. Councilman Williams

1. Reviewed the solid waste disposal days and procedures and the effect on small businesses.

C. Councilman Kendrick

1. Asked about the Island for Laguna Landing.
2. Volunteered to meet with the Beautification Committee on an informal basis as a ex officio member, provided the Chairman will remind him of meetings.

D. Councilwoman Carroll

1. Asked about the holes in Kidd Street. Town Manager Turner will check with FWB to find out what they are.
2. Expressed concern about the traffic on Lucile Street to get back onto Yacht Club Drive.
3. Asked if we have an ordinance concerning trash cans being left out all week.

E. Councilman Payne

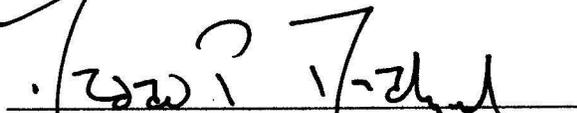
1. Reported on the meeting with the Panhandle League of Cities.
2. Reported that the Okaloosa League of Cities is requesting all the Mayors write letter to the County Commissioners to encourage extension of the one cent sales tax.

10. Correspondence -

- A. Florida Department of Revenue - no action
- B. Sign ordinance information from Attorney McInnis - no action
- C. Sheriff Charlie Morris Letter - no action
- D. Florida Commission on Human Relations Ltr - no action
- E. Florida Department of Labor and Employment Security Ltr - no action

11. Mayor's comments/Announcement - Reminded everyone of the Town Potluck Dinner on Tuesday, 13 July 1999.

12. Adjournment - There being no further business, the meeting was adjourned at 7:32



Randall P. Drabczuk Mayor

Attest:



Charles W. Turner Town Manager/Clerk

MIN- JULY 8 99

BUDGET 2000 ASSUMPTIONS

1. Budget preparation for FY 2000 takes into account:
 - a. Completed budget for FY 1998
 - b. Completed computerized budget figures for first 8 months of FY 1999
 - c. Unusual expenditures applicable to FY 1999 i.e., computers, banners, paving
 - d. Changes in spending patterns and bookkeeping computerized accountability
 - e. Transition to new methodology in collecting for and paying for solid waste disposal
 - f. Audit trail for solid waste disposal funds along with ALL general funds
 - g. All special projects that the council has indicated an interest for FY 2000
2. Ad valorem taxes are dictated by Okaloosa County. Therefore anticipation of completion of Laguna Landing and Larkin Place Town Homes cannot be considered, nor can the taxable value be calculated.
3. Likewise, improvements to the property next door by Ken Riker Enterprises cannot be considered.
4. Two budget worksheets have been prepared:
 - a. Worksheet "A" reflects current estimated income for FY2000 utilizing best available data from our records and county projections and state publications of anticipated revenues. Expenditures are projected considering all Town needs to operate in a frugal fashion involving increased efficiency of operation and maintenance.
 - b. Worksheet "B" reflects a .5 mil increase from 2.3 mils to 2.8 mils (\$14,522 increase) to balance income against expenditures. This increase reflects the funds needed to repay the paving loan without depleting the Town reserve of \$100,000.

Management recommendation: Management recommends adoption of Worksheet "B" as a budget for FY 2000.

Respectfully submitted 7/1/99,


Charles W. Turner

MEMORANDUM:

4 June 1999

MANAGER'S REPORT

From: Charles W. Turner, Town Manager/Clerk 
To: Cinco Bayou Town Council

Subj: Manager's Report for 10 June 1999 Council Meeting

1. **CONTRACT NEGOTIATIONS** – Satisfactorily completed. Contract attached. Approval on Agenda.
2. **FINANCING OF SOLID WASTE** – Memorandum with recommendations attached. On Agenda for final approval of method.
3. **COMMUNITY POLICING** – Our grant for \$75,000 has been approved effective May 1999. Staff is in contact with Okaloosa County Sheriffs office to finalize and implement the plan as soon as practical.
4. **RULES OF ORDER** – It is recommended that by motion and approval, the Town rules of order (in back of your folders) be modified to require a roll call vote on all motions brought before the Council, and to change the name of the “Chairman” to “Chairperson” This is for the purpose of clarity in recording the votes of Council. The Chairperson shall still have the responsibility to declare and record all votes. On Agenda for action
5. **LONG RANGE BEAUTIFICATION PLANS** – Staff has met with Chris Beal of Beal's Nursery. He is designing a long range plan for Cinco Bayou to incorporate a theme tree. The Bradford Pear is recommended along with selections of Wax Myrtles and Oaks where appropriate. The plan includes systematic planting and watering to attain minimum effort and plant loss, maximum effect and minimum future maintenance costs. Mr. Beal will be available to assist us in finalizing and carrying out the plan, plus maintenance on a twenty year schedule. Basic suggested cost for the plan would be \$5,000 per year until we reach saturation or decide to abandon the project. The plan can be accelerated by increasing the annual funded amount. Adequate irrigation systems must be in place prior to plantings for the trees to survive their first three to four years of growth.

It has been recommended that all decorative planting be done in watered and bordered beds with pine straw mulch and that all young trees be mulched to a radius of three feet to eliminate damage from weed-eaters
6. **IRRIGATION** – Scale drawings have now been made of all watering systems and the systems have been repaired and defective parts replaced.

The system in Frances Park is inadequate, the timer does not use the entire system as laid out and we are using city water. Bill Sullivan has volunteered his old well for water but we must design and install a pump system. This should be a top priority this Fall using end of year funds, if available, or the project should be budgeted in FY2000.

The lawn at Town Hall will require extensive weed control this fall if we are preserve our lawn. A professional service provider will be required. We cannot obtain the necessary chemicals.

We are presently planning the rearranging of plants at Town Hall to take advantage of sunlight and irrigation systems already in place. The Indian Hawthorne will be placed in full sun where it belongs and the partial shade azaleas will be so placed. This should beautify the lawn plants and make them healthier and easier to maintain.

Respectfully submitted,

7-1-99
[Handwritten initials]

Bulletin: PTA-99-06
From: John R. Everton
Date: June 25, 1999
To: Property Appraisers
Tax Collectors
Taxing Authorities

**FLORIDA DEPARTMENT OF REVENUE
PROPERTY TAX BULLETIN**

ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER

The 1999 Legislature enacted Chapter 99-341, Laws of Florida, effective July 1, 1999 (see Committee Substitute for Committee Substitute for House Bill 291). This new legislation creates section 196.075, Florida Statutes, in accordance with express authority provided in a recent revision of the State Constitution approved by electors of Florida at the November 3, 1998, general election, which took effect January 1, 1999 (see Section 6(f), Article VII, of the Florida Constitution, and 1998 House Joint Resolution 3151). The law allows both counties and municipalities, through adoption of an ordinance, to each grant an additional homestead tax exemption of up to \$25,000 to resident homeowners who have legal or equitable title to the real estate, who are at least 65 years of age on January 1 of the year for which the application for exemption is made and whose annual household income for the prior year does not exceed \$20,000. The law defines the terms "household" and "household income" and provides for a cost-of-living increase for the income limitation beginning January 1, 2001. *A copy of the new law is attached to this bulletin.*

This new legislation provides that the county or municipal ordinance must be adopted by December 1 pursuant to the procedures contained in section 125.66(2), Florida Statutes, for adoption of a non-emergency ordinance. The exemption can apply only to taxes levied by the unit of government granting the exemption; and, unless otherwise specified, such exemption will apply to all tax levies of the county or municipality granting the exemption, including dependent special districts and municipal service taxing units. The amount of the exemption, which cannot exceed \$25,000, must also be specified in the ordinance. If the unit of government granting the exemption specifies a different amount for dependent special districts or municipal service taxing units, the exemption amount must be a uniform amount in all dependent special districts or municipal service taxing districts within the county or municipality. The ordinance must also require a taxpayer claiming the exemption to annually submit a sworn statement of household income, on a form prescribed by the Department of Revenue, to the property appraiser not later than March 1.

The new law authorizes the Department of Revenue to prescribe rules and forms pertaining to the exemption. The Department is developing forms and rules to implement this new law, which will take effect by January 1, 2000. Interested parties should provide input in the rulemaking process during the summer and fall of 1999.

(Over)

Persons entitled to the regular homestead exemption may apply for the additional homestead exemption provided by the new law. The new law requires the applicant taxpayer to submit to the property appraiser, by March 1, a sworn statement of adjusted gross income of the household for the prior year. Persons applying should be encouraged to file the necessary supporting income documentation, if available, along with the sworn statement of adjusted household income that is required to be filed with the property appraiser no later than March 1. If this required sworn statement is filed timely, the law allows applicants three additional months, until June 1, to provide the required supporting income documentation to the property appraiser if more time is needed.

Persons receiving the additional homestead exemption are subject to the provisions of sections 196.131 and 196.161, Florida Statutes, pertaining to wrongful receipt of a homestead exemption. If title to the property is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

The board of county commissioners or municipal governing authority must notify the property appraiser of the adoption of an ordinance no later than December 1 of the year prior to the year the exemption takes place. Therefore, this exemption will be available for the first time in tax year 2000. If the ordinance is later repealed the board of county commissioners or municipal governing authority must notify the property appraiser of the adoption of an ordinance no later than December 1 of the year prior to the year the exemption expires.

In those counties and municipalities where this additional exemption is granted by local ordinance, the property appraiser will be responsible for receiving applications for the new exemption, evaluating the applications and their supporting documentation, informing citizens if their application was accepted or rejected, and applying the exemption to the tax roll. The property appraiser will have to ascertain which cities, if any, have adopted an exemption ordinance, and for how much, as well as the amount of any county exemption ordinance in existence; and, monitor the repeal of any exemption ordinances.

This information is being furnished by the Department of Revenue to advise interested parties of legislative action taken during the 1999 session. If you have questions regarding the administration of this new law and wish to discuss them, you may call Jeffrey Picker at (850) 488-0712.

JRE/cs

Attachment

196.075 Additional homestead exemption for persons 65 and older. —

(1) As used in this section, the term:

(a) "Household" means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

(b) "Household income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

(2) In accordance with s. 6(f), Art. VII of the State Constitution, the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow an additional homestead exemption of up to \$25,000 for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000.

(3) Beginning January 1, 2001, the \$20,000 income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(4) An ordinance granting additional homestead exemption as authorized by this section must meet the following requirements:

(a) It must be adopted under the procedures for adoption of a nonemergency ordinance specified in chapter 125 by a board of county commissioners, or chapter 166 by a municipal governing authority.

(b) It must specify that the exemption applies only to taxes levied by the unit of government granting the exemption. Unless otherwise specified by the county or municipality, this exemption will apply to all tax levies of the county or municipality granting the exemption, including dependent special districts and municipal service taxing units.

(c) It must specify the amount of the exemption, which may not exceed \$25,000. If the county or municipality specifies a different exemption amount for dependent special districts or municipal service taxing units the exemption amount must be uniform in all dependent special districts or municipal service taxing units within the county or municipality.

(d) It must require that a taxpayer claiming the exemption annually submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Department of Revenue.

(5) The department must require by rule that the filing of the statement be supported by copies of any federal income tax returns for the prior year, any wage and earnings statements (W-2 forms), and any other documents it finds necessary, for each member of the household, to be submitted by June 1. The taxpayer's statement shall attest to the accuracy of such copies. The property appraiser may not grant the exemption without the required documentation.

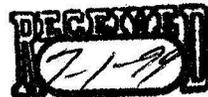
(6) The board of county commissioners or municipal governing authority must deliver a copy of any ordinance adopted under this section to the property appraiser no later than December 1 of the year prior to the year the exemption will take effect. If the ordinance is repealed, the board of county commissioners or municipal governing authority shall notify the property appraiser no later than December 1 of the year prior to the year the exemption expires.

(7) Those persons entitled to the homestead exemption in s. 196.031 may apply for and receive an additional homestead exemption as provided in this section. Receipt of the additional homestead exemption provided for in this section shall be subject to the provisions

s. 196.131 and 196.161, if applicable.

(8) If title is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

Anchors, Foster, Mc Innis & Keeffe, P. A.
Attorneys at Law



WJ

909 MAR WALT DRIVE, SUITE 1014
FT. WALTON BEACH, FLORIDA 32547-6711

C. LEDON ANCHORS
W. SCOTT FOSTER*
C. JEFFREY MCINNIS
LAWRENCE KEEFE
MICHELLE ANCHORS

AREA CODE 850
TELEPHONE 863-4064
FAX 862-1138

E-MAIL: AFMK@CYBERTRON.COM

* ALSO ADMITTED IN ALABAMA

June 22, 1999

Mr. Chuck Turner
Town Manager
35 Kelly Avenue
Cinco Bayou, FL 32547

Dear Chuck:

As you know, the Town Council directed me to gather information concerning the lighting portion of sign ordinances in other communities. Through our contacts with the Florida League of Cities and other nearby towns, and through legal and Internet resources, I have researched the standards for lighting restrictions and the impact of rapidly changing technology on the sign industry.

Based on the council's discussion during the approval process for the Cinco Bayou Baptist Church sign, I believe that the town may be best served by drafting its own regulations on this issue. As a starting point, I have drafted two different options for language that would replace Section 82-12 of the Cinco Bayou Code. The first option essentially prohibits any lighting on a sign other than external lighting. The second option allows external lighting, plus the completely still lighting of any message or border. Both of these options, as set forth below, should eliminate the necessity for interpreting definitions like "flashing" that change as technology changes.

Option 1:

"The only lighting permitted on any part of an outdoor advertising sign is external lighting such as floodlights and thin-line and gooseneck reflectors, provided that the light source is directed on the face of the outdoor advertising sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of any right-of-way."

Option 2:

"External lighting such as floodlights and thin-line and gooseneck reflectors are permitted, provided that the light source is directed on the face of the outdoor advertising sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of any right-of-way. Internal lighting of the sign by any method shall be still at all times. Any mechanical, electrical or other movement of any lighted portion of the sign at any rate of speed or any degree of intensity is strictly prohibited, including but not limited to flashing, scrolling, fading, blinking, twinkling, or

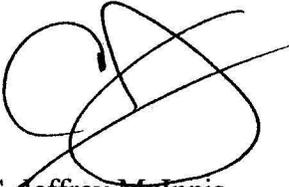
ghosting."

I recommend that these options be referred to the Town Council for their consideration and discussion. This topic may even be an appropriate subject for a workshop sometime this summer.

In the meantime, please let me know if you have any questions, or if I may be helpful in any other way.

Sincerely yours,

ANCHORS, FOSTER, MCINNIS & KEEFE, P.A.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

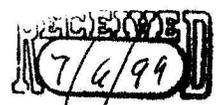
C. Jeffrey McInnis



Jeb Bush, Governor
Ronald M. McElrath, Executive Director

STATE OF FLORIDA

Florida Commission on Human Relations



FCHR No. 99-1282
EEOC No. 15D990235

MR. EDWARDS CONNORS
c/o Cameron D. Simpson, Esquire
Simpson & Simpson
909 Mar Walt Drive, Suite 1024
Ft. Walton Beach, FL 32547

Complainant

TOWN OF CINCO BAYOU
Mr. Charles W, Turner, Town Manager
10 N.E. Yacht Club Drive, Cinco Bayou
Ft. Walton Beach, Florida 32548-4436

Respondent

NOTICE OF DETERMINATION: NO JURISDICTION

PLEASE TAKE NOTICE that a Determination has been made on the above-referenced complaint and there is no jurisdiction. A copy of the Determination is attached.

The parties are advised that the Complainant may request that a formal, post-investigative proceeding be conducted. The Request for Hearing/Petition for Relief must be filed within 35 days of the date of mailing of this Notice and should be in compliance with the provision of Rule 60Y-5.008 and Chapter 60Y-4, Florida Administrative Code. A Petition for Relief form is enclosed. If you elect to file a Petition for Relief, it may be beneficial to seek legal counsel prior to filing the petition.

This action will not become final until time has expired for Complainant to file a Request for Petition for Relief. Failure of Complainant to timely file a petition for relief will result in dismissal of the complaint pursuant to Rule 60Y-5.006, Florida Administrative Code.

NOTICE OF DETERMINATION: NO JURISDICTION

Page Two

FCHR No. 99-1282

FOR THE FLORIDA COMMISSION ON
HUMAN RELATIONS

Sharon Montly ss
Clerk of the Commission

I HEREBY CERTIFY that a copy of the foregoing Notice of Determination was mailed to the
above-named addresses this 1st day of July, 1999 by U.S. Mail.

BY: Sharon Montly ss

Enclosure: Petition for Relief, in blank (Complainant)



Original document is skewed

STATE OF FLORIDA

Florida Commission on Human Relations

Jeb Bush, Governor
Ronald M. McElrath, Executive Director

FCHR No. 99-1282
EEOC No. 15D990235

MR. EDWARD CONNORS
c/o Cameron D. Simpson, Esquire
Simpson & Simpson
909 Mar Walt Drive, Suite 1024
Ft. Walton Beach, Florida 32547

Complainant

TOWN OF CINCO BAYOU
Mr. Charles W. Turner, Town Manager
10 N.E. Yacht Club Drive, Cinco Bayou
Ft. Walton Beach, Florida 32548-4436

Respondent

DETERMINATION: NO JURISDICTION

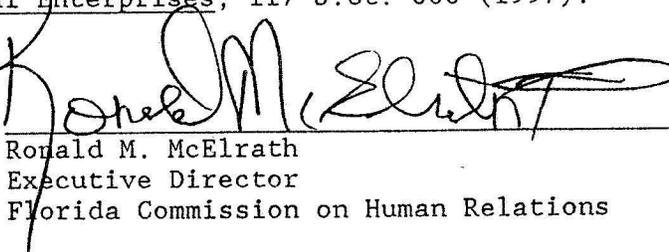
MR. EDWARD CONNORS filed a Complaint of Discrimination alleging that TOWN OF CINCO BAYOU discriminated against him on the basis of handicap in violation of the Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (1997). An investigation of this matter has been conducted and shows the following:

Respondent has not employed 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and is thus not an employer within the meaning of the Florida Civil Rights Act of 1992.

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, an Investigator's Memorandum (report) has been submitted by the Office of Employment Investigations and Enforcement. The Office of the General Counsel has reviewed the report and approved the recommendation made therein.

Pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, it is my determination that the Commission lacks subject matter jurisdiction over the issues raised in the complaint because Respondent is not an employer which is subject to the jurisdiction of the Commission. Sections 760.02(7), and 760.11(1), Florida Statutes (1997); Walters v. Metropolitan Educational Enterprises, 117 S.Ct. 660 (1997).

DATED: July 1, 1999.



Ronald M. McElrath
Executive Director
Florida Commission on Human Relations

FCHR No. 99-1282
Page Two

FILED: 7/1, 1999.

BY: Sharon Moulty DA
Clerk of the Commission

INVESTIGATOR'S MEMORANDUM

DATE: March 31, 1999

TO: Office of the Executive Director

FROM: Office of Employment Investigations and Enforcement
Hilda E. J. Dessommes
Investigation Specialist

RE: Edward Connors v. Town of Cinco Bayou
FCHR No. 99-1282
EEOC No. 15D990235

A. RECOMMENDED DETERMINATION: No Jurisdiction

Respondent is not an employer within the meaning of the Florida Civil Rights Act of 1992, and all jurisdictional requirements have not been met.

a. Records (941, UCT-6, payroll records) show that for all relevant quarters for 1997 and 1998, Respondent failed to employ at least fifteen (15) employees for at least twenty (20) consecutive weeks (Tab D-2, pages 1-47).

b. Affidavits from Respondent attest to the truthfulness of the supplied documents and that the corporation has no other interrelated operations with any other entity (Tab E, pages 1 and 2).

Based on the Foregoing discussion, it is recommended that the Commission lacks subject matter jurisdiction over the issues raised in this complaint because Respondent is not defined as an Employer. Consequently, this claim is barred and the Commission should be divested of jurisdiction in this matter in accordance with Rule 60Y-5.006(11), Florida Administrative Code.

B. INDEX OF INVESTIGATORY MATERIALS

Tab A -Complaint and Intake Material
Tab B -Investigative Notes/Material
Tab C-1 -General Correspondence with Complainant
Tab C-2 -Complainant's Substantive Material
Tab D-1 -General Correspondence with Respondent
Tab D-2 -Respondent's Response to Document Request/Supporting Documentation
Tab E -Affidavits
Tab F -Miscellaneous Material/ Duplicates

/hd

RECEIVED
6-23-99

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STATE OF FLORIDA
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
JUDGE OF COMPENSATION CLAIMS
DISTRICT A-WEST

NOTICE OF MEDIATION CONFERENCE
NOTICE OF PRETRIAL HEARING
NOTICE OF TRIAL (FINAL HEARING)

EMPLOYEE:

Edward Connors
114 Michael Avenue
Ft. Walton Beach, FL 32547

EMPLOYER:

Town of Cinco Bayou
10 NE Yacht Club Dr.
Ft. Walton Beach, FL 32547

CARRIER(SERVICING AGENT):

Fla. League of Cities
P. O. Box 538135
Orlando, FL 32853

ATTORNEY FOR EMPLOYEE:

Cameron Simpson, Esquire
909 Mar Walt Dr., #1024
Ft. Walton Beach, FL 34547

ATTORNEY FOR EMPLOYER/CARRIER:

PLEASE NOTIFY YOUR ATTORNEY!!

CLAIM NUMBER: 020-30-7815

DATE OF ACCIDENT: 11/19/98

TO THE PARTIES ADDRESSED:

As authorized under F.S. 440.25(1), (4)(a) & (b) and Rules 4.080(a), 4.100(b), & 4.350(b) Fla.R.Work.Comp.P., a mediation conference, a pretrial hearing, and a trial (final hearing) will be held on the petition. The mediation conference will be held at:

OFFICE OF THE JUDGE OF COMPENSATION CLAIMS--MEDIATOR'S OFFICE
700 SOUTH PALAFOX STREET, SUITE 100
PENSACOLA, FLORIDA 32501

at 9:30 o'clock a.m., CST, November 4, 1999.

The pretrial hearing will be held at:

OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
700 SOUTH PALAFOX STREET, SUITE 305
PENSACOLA, FLORIDA 32501

at 10:00 o'clock a.m., CST, November 4, 1999.

The trial (final hearing) will be held at:

OKALOOSA COUNTY COURTHOUSE ANNEX
VISITING JUDGE'S CHAMBERS "A"
SHALIMAR, FLORIDA 32579

at 9:00 o'clock a.m., CST., January 25, 2000, # 9 on the docket.

**SUBJECT OF THE MEDIATION CONFERENCE, PRETRIAL HEARING AND TRIAL (FINAL HEARING):
SEE BENEFITS REQUESTED IN ATTACHED COPY OF PETITION.**

These facilities meet all current requirements for handicap accessibility, however, if you require any special additional accommodations, please advise the Mediator's Office at once so that arrangements can be made. Also, if you are unable to clearly communicate in the English language please advise so that arrangements for a translator can be made.

PLEASE NOTE THE FOLLOWING IMPORTANT INSTRUCTIONS:

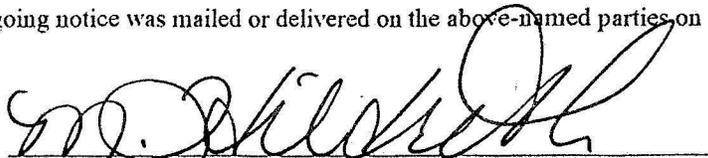
- a. **Notice of mediation conference, pretrial hearing, and trial (final hearing).** Pursuant to the foregoing notices, a mediation conference, pretrial hearing, and trial (final hearing) will be held in this claim.
- b. **Mediation conference.** A mediation conference will be held on all pending, disputed issues in this claim before Patrick Butler, Mediator, District A-West. The carrier representative (adjuster), petitioner, i.e., injured employee or dependents of a deceased employee, petitioner's counsel, if represented by an attorney, and counsel for the employer/carrier, if represented, shall appear in person at the above noticed mediation conference. **Attendance.** RULE 4.360(a), FLA.R.WORK.COMP.P., requires attendance in person unless specifically waived by the Mediator. **Telephone appearances.** RULE 4.361(a)(4), FLA.R.WORK.COMP.P., gives the Mediator discretion to allow any party to appear by telephone. **Sanctions.** RULE 4.360(b), FLA.R.WORK.COMP.P., authorizes the Judge to impose sanctions for failure to appear or on a party who appears without full authority to resolve the petition.
- c. **Changing the Mediation.** Please contact the Mediator's office if you wish to change the mediation date and time, or as soon as the Petition(s) is either resolved, referred to a private mediation, or if the parties have filed a Motion to Waive Mediation with the Chief Judge. The mediation may be rescheduled to a date after the pretrial, but no later than 10 days before the final hearing. Changing the mediation does not change the time, date and place of either the Pretrial or Final Hearing on the pending petition(s). Please contact the office of the presiding judge if you wish to change either of these other dates.
- d. **Pretrial questionnaire and procedure for waiver of pretrial hearing.** A pretrial questionnaire as set forth in FORM 4.910(a) FLA.R.WORK.COMP.P. must be completed, filed and served on all appropriate parties on or before the date of the pretrial conference (hearing) noticed herein. A live pretrial conference may be waived only if all parties are represented by counsel or by express permission of the judge of compensation claims. In the event of such a waiver, the pretrial questionnaire must be completed and filed with the judge of compensation claims on or before the date of the pretrial conference (hearing) noted herein. (FORM 4.910(a) FLA.R.WORK.COMP.P.). Your attention is directed to RULE 4.045 FLA.R.WORK.COMP.P.
- e. **Telephone pretrial hearings.** If a live pretrial hearing is required, a telephone hearing can be held if the party requesting the telephone hearing makes prior arrangements with the office of the judge of compensation claims.
- f. **Witnesses, documentary evidence, and sanctions for non-compliance.** No witnesses will be heard at a pretrial conference. However, all documentary evidence, including medical bills and reports in the possession of the parties must be available at any pretrial conference. Failure to comply in good faith with the pretrial procedure shall result in sanctions as provided under RULE 4.150 FLA.R.WORK.COMP.P.
- g. **Final hearing, witnesses, and subpoenas.** At the final hearing, the parties must arrange to have all witnesses present to promptly testify at the time and place noticed above. Subpoenas will be issued at the request of the parties or their counsel. Your attention is directed to RULE 4.085 FLA.R.WORK.COMP.P.
- h. **Subpoenaed witnesses - failure to appear.** If any party or legally subpoenaed witness fails to appear at the time and place set for this hearing, sanctions under RULE 4.150 cited above may be imposed or punitive actions authorized under SECTION 440.33, FLORIDA STATUTES, may be instigated.

DONE AND ORDERED in Chambers.


MICHAEL J. DeMARKO
JUDGE OF COMPENSATION CLAIMS
DISTRICT A-WEST

I CERTIFY that a copy of the foregoing notice was mailed or delivered on the above-named parties on

JUN 12 1999


ASSISTANT TO THE JUDGE OF COMPENSATION CLAIMS

THIS IS THE ONLY NOTICE OF MEDIATION CONFERENCE, PRETRIAL HEARING AND TRIAL (FINAL HEARING) YOU WILL RECEIVE.



n.b.

STATE OF FLORIDA
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS

SJB 03/10/1999

CASE NUMBER: VDC0002138

INJURED WORKER/PETITIONER

CONNORS EDWARD
114 MICHAEL AVENUE
FT. WALTON BEACH FL 32547

ATTORNEY FOR PETITIONER

SIMPSON CAMERON D
909 MAR WALT DRIVE #1024
FT. WALTON BEACH FL 32547

EMPLOYER

TOWN OF CINCO BAYOU
10 NE YACHT CLUB DRIVE
FT. WALTON BEACH FL 32547

CARRIER/SERVICING AGENT

FLORIDA LEAGUE OF CITIES INC
P.O. BOX 538135
ORLANDO FL 32853

SOCIAL SECURITY NUMBER

020-30-7815

DATE OF ACCIDENT

11/19/1998

DATE OF PETITION

02/18/1999

RECEIVED

MAR 18 1999

DOCKETING ORDER

JUDGE OF COMPENSATION CLAIMS
DISTRICT A-WEST
PENSACOLA, FLORIDA

As required under subsection 440.45(3)*, Florida Statutes, the petition for benefits cause was presented to the undersigned docketing judge for review. After careful consideration, it is hereby ORDERED as follows:

The petition is consistent with all statutory requirements and is referred to the appropriate judge of compensation claims for further review and consideration.

The petition fails to specifically identify or itemize the information required under one or more subsections of F.S. 440.192(2)*: (circle appropriate subsection(s)) (a),(b),(c),(d),(e),(f), (g),(h),(i),(j)

or:
WHEREFORE, the petition is hereby DISMISSED without prejudice with leave to amend within 30 days from the date of this order to the parties.

The petitioner has failed to exhaust the procedures for informal dispute resolution under F.S. 440.191(2)*, before filing the petition. WHEREFORE, the petition is hereby DISMISSED without prejudice.

The petition failed to include a certification by the petitioner or the petitioner's attorney indicating a good faith effort to resolve the dispute as required under F.S. 440.192(4)*. WHEREFORE, the petition is hereby DISMISSED in its entirety without prejudice with leave to amend within 30 days from the date of this order.

As authorized under F.S. 440.192(6)*, the Employee Assistance and Ombudsman Office is requested to assist the unrepresented petitioner with the preparation and filing of an amended petition that meets statutory requirements.

*As amended by Chapter Law Ch. 93-415, Laws of Florida.

Michael J. DeMarco
Docketing Judge

This is to certify that the foregoing order was entered and a copy furnished by U.S. Mail to the parties, or their attorneys as indicated above, at their addresses listed above on this ___ day of MAY 1999 .

RECEIVED
PETITION FOR BENEFITS
CERTIFIED

FEB 18 1999

DIVISION OF WORKERS' COMPENSATION
No. 3

PETITION FOR BENEFITS

AMENDED _____

FOR ACCIDENTS OCCURRING ON OR AFTER 01/01/94

UNDER THE FLORIDA WORKERS' COMPENSATION LAW

FLORIDA DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY CONTROL NUMBER _____

DIVISION OF WORKERS' COMPENSATION-FOR ASSISTANCE CALL 1-800-342-1741

COMPLETE ALL APPLICABLE SECTIONS BEFORE FILING TWO COPIES WITH THE DIVISION

SECTION A - INJURED EMPLOYEE INFORMATION: (IF OCCUPATIONAL DISEASE OR PROLONGED EXPOSURE, USE LAST DATE OF INJURIOUS EXPOSURE, OR DATE DISABILITY BEGAN AS DATE OF ACCIDENT. ONLY ONE ACCIDENT DATE MAY BE ADDRESSED PER PETITION FORM)

1. Edward Connors 2. 020 - 30 - 7815 3. 11/ 19 /98
FIRST M.I. LAST SOCIAL SECURITY NO. DATE OF ACCIDENT

4. ADDRESS 114 Michael Avenue SUITE OR APT. #
NUMBER AND STREET
Ft. Walton Beach FL 32547
CITY STATE ZIP CODE

5. DAY TELEPHONE NUMBER: (850) 862 - 1134 6. DATE FIRST OBTAINED ATTORNEY REPRESENTATION: 12 /10 / 98

SECTION B - PETITIONER INFORMATION - COMPLETE ONLY IF DIFFERENT FROM INJURED EMPLOYEE INFORMATION:

1. PETITIONER - _____
FIRST M.I. LAST

2. SOCIAL SECURITY # _____ 3. DAY TELEPHONE NUMBER () _____

4. ADDRESS _____ SUITE OR APT. #
NUMBER AND STREET

CITY STATE ZIP CODE

SECTION C - EMPLOYER INFORMATION

1. EMPLOYER: Town of Cinco Bayou 2. TELEPHONE # (850)244 - 2712

3. ADDRESS 10 NE Yacht Club Drive SUITE OR APT. #
NUMBER AND STREET
Ft. Walton Beach FL 32547
CITY STATE ZIP CODE

SECTION D - CARRIER INFORMATION

1. INSURANCE CARRIER OR SERVICING AGENT: Florida League of Cities Inc. 2. TELEPHONE # (407) 245 - 0725

3. ADDRESS PO Box 538135 SUITE OR APT. #
NUMBER AND STREET
Orlando FL 32853
CITY STATE ZIP CODE

SECTION E - DESCRIPTION OF INJURY

1. LOCATION WHERE INJURY OCCURRED: Okaloosa Ft. Walton Beach FL
COUNTY CITY STATE

2. DETAILED DESCRIPTION OF INJURY AND CAUSE:

A. WHAT PART OF YOUR BODY WAS INJURED? Back

B. BRIEFLY DESCRIBE THE INJURY MECHANISM. FOR EXAMPLE, WERE YOU STRUCK BY SOME OBJECT? DID YOU FALL? DID YOU STRAIN YOURSELF? WERE YOU EXPOSED TO SOME TOXIC SUBSTANCE OR SOME JOB-RELATED DISEASE?
Setting up banquet tables and pulled muscle in back

SECTION F - DESCRIPTION OF JOB, WORK RESPONSIBILITIES, AND THE WORK BEING PERFORMED WHEN INJURY OCCURRED

1. JOB DESCRIPTION: Maintenance
2. WORK RESPONSIBILITIES: maintenance
3. DESCRIPTION OF WORK BEING PERFORMED WHEN INJURY OCCURRED:
Setting up banquet tables

SECTION G - PETITION FOR BENEFITS: THE ABOVE NAMED (INJURED EMPLOYEE) (SURVIVING SPOUSE, CHILD(REN), (PARENTS, BROTHERS, SISTERS) (MEDICAL PROVIDER) (OR OTHER AFFECTED PARTY) PETITIONS THE JUDGE OF COMPENSATION CLAIMS, APPOINTED UNDER F.S. 440.45, REFERRED TO HEREIN AS THE "JUDGE" FOR AN ORDER REQUIRING THE EMPLOYER/CARRIER/SERVICING AGENT (E/C) (E/SA) TO PROVIDE THE FOLLOWING BENEFITS. **SPECIAL NOTE, IF THE INJURED EMPLOYEE SEEKS MEDICAL BENEFITS ONLY, SO INDICATE, IF THE PETITION IS FOR DEATH BENEFITS UNDER F.S. 440.16, THIS ENTIRE SUBSECTION, ITEMS 1 THROUGH 4, SHOULD BE DISREGARDED. THIS PETITION IS FOR MEDICAL BENEFITS ONLY _____.

1. JURISDICTION - THE JUDGE HAS JURISDICTION OVER THE PARTIES AND THE SUBJECT MATTER OF THIS PETITION.
2. EMPLOYEE ASSISTANCE AND OMBUDSMAN OFFICE UNABLE TO RESOLVE DISPUTE. THE SUBJECT MATTER OF THIS PETITION WAS PRESENTED TO THE EAO OFFICE CREATED UNDER SECTION 440.191, FLORIDA STATUTES, IN A GOOD FAITH EFFORT TO RESOLVE THE DISAGREEMENTS BETWEEN THE PARTIES. THE REQUEST FOR ASSISTANCE WAS DATED 1 /13/97. DESPITE THESE EFFORTS, THE MATTERS WERE NOT RESOLVED BECAUSE:
 - _____ (A) THE INFORMAL DISPUTE RESOLUTION PROCESS HAS BEEN CONCLUDED, OR
 - _____ (B) THE EAOO HAS CONSIDERED THE MATTER AND WAIVED FURTHER ACTION, OR
 - _____ (C) THE PARTIES WERE UNABLE TO RESOLVE THE DISPUTE WITHIN 30 DAYS AFTER THE REQUEST FOR ASSISTANCE WAS MADE TO THE EAOO, OR
 - _____ (D) THE PETITION INCLUDES A CLAIM FOR MEDICAL BENEFITS AND THE EMPLOYER HAS ELECTED TO PROVIDE SUCH BENEFITS UNDER A MANAGED CARE PLAN AND IS EXEMPT FROM EAOO CONSIDERATION, OR
 - _____ (E) THE DISPUTE IS SUBJECT TO THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PETITIONER AND THE EMPLOYER AND IS EXEMPT FOR EAOO CONSIDERATION UNDER F.S. 440.211.
3. MAXIMUM MEDICAL IMPROVEMENT (MMI)-THE INJURED EMPLOYEE (HAS) (HAS NOT) REACHED MMI (CIRCLE ONE)
ACCORDING TO DOCTOR _____ MMI WAS REACHED ON _____ MONTH _____ DAY _____ 19 _____ YEAR
4. CHARACTER OF DISABILITY-THE (INJURY) (INJURIES) OCCASIONED BY THE EVENTS DESCRIBED ABOVE (HAS) (HAVE) ADVERSELY EFFECTED THE INJURED EMPLOYEE'S CAPACITY TO EARN IN THE SAME OR ANY OTHER EMPLOYMENT. THE WAGES WHICH HE OR SHE WAS RECEIVING AT THE TIME OF THE INJURY. SPECIFICALLY THE INJURY PREVENTS THE INJURED EMPLOYEE FROM: _____

(BRIEFLY DESCRIBE ABOVE HOW THE INJURY OR OCCUPATIONAL DISEASE LIMITS OR PREVENTS THE PETITIONER FROM EARNING WAGES EQUAL THE PRE-INJURY WAGES.)

5. BENEFITS CLAIMED DUE AND NOT PROVIDED. THE (EMPLOYER) (E/C) (S/A) (HAS) (HAVE) FAILED TO PROVIDE THE FOLLOWING BENEFITS WHICH ARE IN DEFAULT AND ARE PRESENTLY RIPE, DUE, AND OWING. (CHECK APPROPRIATE ITEMS).
 - XXX (A) 1. TEMPORARY TOTAL DISABILITY, UNDER FS 440.15(2) (a), FROM 11/19/98 TO present AT A COMPENSATION RATE OF \$ 267.73 PER WEEK.
 2. TEMPORARY TOTAL DISABILITY, UNDER FS 440.15(2) (b), FLORIDA STATUTES, (1979) OR (1990) (CIRCLE APPROPRIATE DATE), FROM DATE OF ACCIDENT TO _____ (NOT TO EXCEED 6 MONTHS)
 - _____ (B) TEMPORARY PARTIAL DISABILITY FROM 11/19/98 TO present AT A COMPENSATION RATE OF \$ 267.73 PER WEEK.
 - _____ (C) IMPAIRMENT INCOME BENEFITS DUE UNDER SECTION 440.15(3) (A), FLORIDA STATUTES, FROM _____ TO _____ AT A COMPENSATION RATE OF \$ _____. THESE BENEFITS ARE BASED ON AN IMPAIRMENT RATING OF _____ % OF THE WHOLE BODY AS DETERMINED UNDER SECTION 440.15(3) (A) 2, FLORIDA STATUTES.
 - _____ (D) SUPPLEMENTAL BENEFITS PAYABLE UNDER SECTION 440.15(3) (B), FLORIDA STATUTES, FROM _____ TO _____. THESE BENEFITS ARE BASED ON THE FOLLOWING:
 1. AN IMPAIRMENT RATING OF 20% OR MORE AS DETERMINED UNDER SECTION 440.15(3) (A) 2, FLORIDA STATUTES;
 2. THE FACT THAT THE INJURED EMPLOYEE HAS NOT RETURNED TO WORK, OR HAS RETURNED TO WORK EARNING LESS THAN 80% OF HIS OR HER AVERAGE WEEKLY WAGE; AND

3. THE INJURED EMPLOYEE HAS, IN GOOD FAITH, ATTEMPTED TO OBTAIN EMPLOYMENT COMMENSURATE WITH HIS OR HER ABILITY TO WORK.

(E) PERMANENT TOTAL DISABILITY UNDER F.S. 440.15(1) FROM _____ TO THE PRESENT AND CONTINUING AT A RATE OF \$_____ PER WEEK. THESE BENEFITS ARE IN DEFAULT AND ARE PRESENTLY RIPE, DUE AND OWING.

(F) DEATH BENEFITS PAYABLE UNDER F.S. 440.16.

(G) CORRECTION OF AWW AND RESULTING COMPENSATION RATE. BASIS: _____

(H) MEDICAL EXPENSES INCURRED FOR TREATMENT OF THE EMPLOYEE'S INJURY AS PROVIDED UNDER F.S. 440.13(2). THE EMPLOYEE HAS PREVIOUSLY SPECIFICALLY REQUESTED THE PAYMENT OF THE CHARGES. BUT THE (EMPLOYER) (E/C) (E/SA) (HAS) (HAVE) FAILED, REFUSED, OR NEGLECTED TO DO SO WITHIN A REASONABLE TIME. THE FOLLOWING MEDICAL CHARGES HAVE NOT BEEN PAID (FOR NUMEROUS UNPAID CHARGES, A SCHEDULE IN THE FOLLOWING FORMAT MAY BE ATTACHED):

NAME OF PROVIDER		ADDRESS	
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____

NAME OF PROVIDER		ADDRESS	
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____
<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>	<u>DATE OF TREATMENT</u>	<u>AMOUNT DUE</u>
_____	_____	_____	_____

XXX (I) REMEDIAL OR PALLIATIVE CARE UNDER THE SUPERVISION OF DOCTOR(S):

Authorization and payment of orthopedic surgeon to treat claimant's back

THE EMPLOYEE HAS PREVIOUSLY SPECIFICALLY REQUESTED THE TREATMENT, BUT THE (EMPLOYER) (E/C) (E/SA) (HAVE) (HAS) FAILED, REFUSED, OR NEGLECTED TO PROVIDE THE TREATMENT WITHIN A REASONABLE TIME.

1. THE INJURED EMPLOYEE SEEKS authorization and payment of orthopaedic surgeon to treat claimant's back
TYPE OR NATURE OF MEDICAL TREATMENT SOUGHT

2. THE TREATMENT IS NEEDED BECAUSE Claimant in need of care
JUSTIFICATION FOR SUCH MEDICAL TREATMENT

(J) MEDICALLY NECESSARY (PROFESSIONAL) (NON-PROFESSIONAL) ATTENDANT CARE (PERFORMED) (TO BE PERFORMED) AT THE DIRECTION OF A PHYSICIAN. THE EMPLOYEE HAS PREVIOUSLY SPECIFICALLY REQUESTED THE ATTENDANT CARE, BUT THE (EMPLOYER) (E/C) (E/SA) (HAVE) (HAS) FAILED, REFUSED OR NEGLECTED TO PROVIDE THE CARE WITHIN A REASONABLE TIME.

1. THE INJURED EMPLOYEE SEEKS _____
TYPE OR NATURE OF MEDICALLY NECESSARY ATTENDANT CARE SOUGHT

2. THE TREATMENT IS NEEDED BECAUSE _____
JUSTIFICATION FOR SUCH ATTENDANT CARE

(K) TRANSPORTATION AND/OR MILEAGE COSTS \$ _____

(L) REHABILITATIVE TEMPORARY TOTAL COMPENSATION UNDER F.S.440.491(6) (b) FROM _____ TO _____ AT A RATE OF \$ _____ PER WEEK. IN SUPPORT THEREOF, THE INJURED EMPLOYEE FURTHER STATES AS FOLLOWS:

1. THE EMPLOYEE HAS ATTAINED MMI.
2. AS AUTHORIZED UNDER F.S.440.491(6) (A) THE DIVISION HAS APPROVED THE INJURED EMPLOYEE FOR TRAINING AND EDUCATION TO OBTAIN SUITABLE GAINFUL EMPLOYMENT AND IS RECEIVING SUCH TRAINING AND EDUCATION.
3. (OPTIONAL) IN ADDITION TO THE TEMPORARY TOTAL COMPENSATION REFERENCED ABOVE THE INJURED EMPLOYEE ALSO REQUIRED TEMPORARY RESIDENCE, AT OR NEAR THE FACILITY OR INSTITUTION(S) PROVIDING TRAINING AND EDUCATION WHICH IS LOCATED MORE THAN 50 MILES AWAY FROM THE EMPLOYEE'S CUSTOMARY RESIDENCE.

XXX (M) ATTORNEY'S FEES AND COST UNDER F.S.440.34(3) (a) - (d). THE STATUTORY BASIS FOR A FEE IS: _____
F.S.440.34(3) (a) - (d)

XXX (N) STATUTORY PENALTIES AND INTERESTS:

1. STATUTORY PENALTY ON PAST DUE INDEMNITY BENEFITS: \$ _____ ***
 2. STATUTORY INTEREST ON ALL PAST DUE BENEFITS: \$ _____ ***
- *** TO BE DETERMINED AT A LATER HEARING

SECTION H - TOTAL DENIAL OF COMPENSABILITY OR OTHER ISSUE NOT REFERENCED ABOVE.

1. THE EMPLOYER/CARRIER/SERVICING AGENT HAS DENIED THE COMPENSABILITY OF THE CLAIM.
2. GIVE A SPECIFIC EXPLANATION OF ANY OTHER ISSUES THE JUDGE SHOULD CONSIDER IN CONNECTION WITH THE BENEFITS CLAIMED IN THIS PETITION BUT WERE NOT REFERENCED ABOVE. _____

SECTION I - CERTIFICATE OF PETITIONER OR PETITIONER'S ATTORNEY (F.S. 440.192(4)).

I, _____ OR _____, HEREBY CERTIFY THAT A GOOD FAITH EFFORT WAS MADE
PETITIONER PETITIONER'S ATTORNEY

TO RESOLVE THE DISPUTE AND THAT (HE) (SHE) WAS UNABLE TO RESOLVE THE DISPUTE WITH THE EMPLOYER/CARRIER/SERVICING AGENT. IN ACCORDANCE WITH F.S. 440.192(1), A COPY OF THIS PETITION FOR BENEFITS HAS BEEN SERVED BY CERTIFIED MAIL ON THE INJURED WORKER'S EMPLOYER AND THE EMPLOYERS' CARRIER, AND THE ORIGINAL AND ONE COPY ON THE DIVISION OF WORKERS COMPENSATION IN TALLAHASSEE ON THIS 10 DAY OF February, 1999. THE PETITIONER FURTHER ATTESTS THAT (HE) (SHE) HAS REVIEWED, UNDERSTANDS, AND ACKNOWLEDGES THE FOLLOWING NOTICE: ANY PERSON WHO, KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY EMPLOYER OR EMPLOYEE, INSURANCE COMPANY, OR SELF-INSURED PROGRAM, FILES A STATEMENT OF CLAIM CONTAINING ANY FALSE OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE.

[Signature]
SIGNATURE OF PETITIONER

SIGNATURE OF ATTORNEY FOR PETITIONER

FL BAR NO. 055960 TELEPHONE NUMBER (904) 862-1134

ADDRESS 909 Mar Walt Drive, Suite 1024
Fort Walton Beach, FL 32547

THE ORIGINAL AND ONE COPY OF THIS PETITION MUST BE FILED WITH:
DIVISION OF WORKERS' COMPENSATION
2728 CENTERVIEW DRIVE, SUITE 220 FORREST BUILDING
TALLAHASSEE, FLORIDA 32399-0685