

## COURT BATTLE

# Supreme Court weighs workers comp case

By Jim Saunders  
The News Service of Florida

TALLAHASSEE — Florida Supreme Court justices Wednesday tried to sift

## OBITUARIES

### Funeral Notices



**THOMAS, WILBUR FRANKLIN, 79**  
Wilbur Franklin Thomas - 79 - Born to this earth during a beautiful Sunday morning on January 3, 1937, was called home by his heavenly father on April 4, 2016. Wilbur passed away peacefully at his home surrounded by his loving family.

Wilbur was a true son of Alachua County where he lived his entire life. He was born and raised on the Thomas Family Farm outside of LaCrosse, FL to Groover Henry Thomas and Nancy Evelyn Thomas. Wilbur was the youngest of many brothers (Jennings, Ralph, Woodrow, and R.G.) and sisters (Irene, Rosa Lee, Mildred, Lillian, and an infant girl). Wilbur attended grade school in LaCrosse, and later graduated from Alachua High School with the class of 1955.

Wilbur landed his 1st job working for the Gainesville Sun and soon after met the love of his life, Jeanne Wait Thomas. They married in 1958, and after a few brief years living in Gainesville, built their dream home on the family farm outside LaCrosse. Wilbur and Jeanne lived in that home to this day, and raised their 3 children: Steve Thomas (Earlene), Kim Thomas Sullivan, and Kevin Thomas (Janie). He is also survived by grandchildren Lindsey Thomas, Ryan Thomas, Tara Thomas, Julia Thomas, Brooklyn Oliver, Tyler Sullivan, and Brandon Sullivan and siblings R.G. Thomas (Barbara), Rosalee Genovar and Lillian Mattingly.

After working for the Gainesville Sun, Wilbur later worked for Storter Printing Company and General Electric (where he later retired).

Wilbur could always find humor in any situation, and his love for laughter was only outdone by his deep love, caring, and compassion for people. He would truly do anything possible to help anyone in need, and would literally give away his last dollar if someone asked him for it.

Wilbur was an outstanding father who took genuine interest in his children's lives, always told them how proud he was, and made them feel special in so many ways. The only thing that rivaled his love for his children was the love he felt for his grandchildren. He loved them all so deeply, and they returned that love with countless smiles, screams of joy, and laughter till it hurt.

Wilbur loved working in his yard and making beautiful things grow. He was passionate about life, people, and virtually all Gator sports. He and his loving wife Jeanne have been season ticket holders for Gator Football for over 45 years, and would talk to anyone about the "current state of the Gators".

The family would like to extend love and appreciation to Wilbur's blessed caregiver, Ms. Cassandra Burns. Cassandra took such exceptional care of our Dad and Husband that only true love can provide. We will always be indebted to Cassandra for what she provided, and she will always hold a special place in our hearts.

In lieu of flowers, the family requests donations to be made to in Wilbur's name to Alz's Place, 1701 NW 80th Blvd #105, Gainesville, FL 32606

(<https://donate.giving.uthhealth.org/eldercare/>).

There will be a memorial in celebration of Wilbur's life on Friday (4/8/2016) at Forest Meadows Funeral Home (725 NW 23rd Avenue Gainesville, Florida 32609) from 5:30-7:30pm. Funeral services will be held on Saturday (4/9/2016) at New Hope Primitive Baptist Church, 24315 NW CR 1493, LaCrosse, FL 32658 at 11am.

Arrangements are under the care of Forest Meadows Funeral Home (352)378-2528. An online guestbook is at [www.forestmeadowsfh.com](http://www.forestmeadowsfh.com)



through arguments about the constitutionality of the state's workers-compensation insurance system, and whether they should decide the issue.

Justices took up a case, filed by an injured nurse, that is being closely watched by business, insurance, labor and legal groups. Mark Zientz, an attorney for former Hialeah Hospital nurse Daniel Stahl, argued that the state has unfairly stripped benefits from injured workers, with much of the focus on a 2003 overhaul of the workers-compensation system that was designed to reduce employers' insurance rates.

"These benefits get cut over and over and over," Zientz told the court.

But Ken Bell, a former

Supreme Court justice who represented the hospital and Sedgwick Claims Management Services, pointed to a lack of factual evidence in the record of the case that could justify a ruling that the system is unconstitutional. As an example, he said the Legislature made policy decisions in 2003 to revamp the system and address what were the highest insurance rates in the country.

"There's no evidence in the (case) record that that was done arbitrarily, capriciously or without a reasonable basis," Bell said.

The Stahl case is one of three challenges pending in the Supreme Court to parts of the workers-compensation system. Justices heard arguments in the other two

cases more than a year ago but have not ruled.

The decades-old system is set up as something of a tradeoff: Injured workers cannot pursue civil lawsuits, but in exchange they are supposed to receive medical care and other benefits aimed at providing compensation and getting them back on the job.

The Stahl case argues, at least in part, that the system has become unconstitutional because workers are giving up legal rights but aren't receiving adequate benefits in return.

While questioning attorneys Wednesday, justices Barbara Pariente, Peggy Quince and James E.C. Perry made statements that indicated they shared concerns about workers'

benefits being diminished.

"It's hard to deny that what's happened over the last 50 years has not been a diminution in workers-compensation benefits," Pariente said at one point.

But justices, including Pariente and Quince, also appeared to be grappling with issues raised by Bell about the procedural history of the case and an inadequate factual record.

The Supreme Court, which took up the case after the 1st District Court of Appeal ruled against Stahl, typically takes months to issue decisions.

Bell argued that Zientz is making a "kitchen sink" argument to challenge the constitutionality of the system. But Bell said the Supreme Court shouldn't

make such a decision.

"He is asking this court to make a policy decision to declare that entire law ineffectual or ineffective," Bell said. "The court simply doesn't have the power. The issues need to be addressed. The first place to address it is in the Legislature."

But Zientz said the Supreme Court can resolve the constitutional issues.

"This is an important issue. This is something that involves tens of thousands of people who are hurt every day — not hurt on the job, but hurt by the system," Zientz said. "And this is the court that has to make that decision as to whether or not they continue to get hurt or whether or not we can stop that."

## COMMUNICATIONS

# Justices mull tax fight over pay television

By Jim Saunders  
The News Service of Florida

TALLAHASSEE — The Florida Supreme Court on Wednesday waded into a constitutional fight about a higher state tax rate for satellite-television companies than for their cable TV competitors.

The Florida Department of Revenue and a cable industry group asked justices to overturn an appeals-court ruling last year that sided with satellite companies DirecTV and Dish Network. In a 2-1 decision, a panel of the 1st District Court of Appeal found that the differing tax rates were discriminatory and violated the Commerce Clause of the U.S. Constitution.

Supreme Court justices questioned attorneys on both sides Wednesday and, as is customary, did not indicate when they will rule. But along with affecting cable and satellite companies, the outcome of the case could have major financial ramifications for the state — in part because the appeals court raised the prospect of providing refunds to satellite companies.

Jonathan Williams, an attorney for the Department of Revenue, told justices that there is no evidence the Legislature intended to discriminate when it set the tax rates. The issue centers on the state's communications-services tax.

"Florida's communications-services tax does not discriminate against interstate commerce," Williams said, alluding to the federal constitutional issue.

But the satellite industry argues that the difference in tax rates violates what is known as the "dormant" Commerce Clause. The industry, in a brief filed last year, described the tax difference as "economic protectionism"

that benefits cable companies over satellite firms that generate their services out of state.

"We have a situation in which the signal difference between cable and satellite is where they perform this critical activity of assembling and distributing pay TV service," satellite industry attorney Eric Shumsky told the Supreme Court on Wednesday.

The communications-services tax dates to 2000 and is actually paid by customers, though cable and satellite companies collect the money and remit it. The state tax rate for cable services is

4.92 percent, while the rate for satellite services is 9.07 percent.

Cable customers also face local communications-services taxes that do not apply to satellite TV. A Department of Revenue brief in the case said those local tax rates are typically about 5 percent, though they vary.

Williams argued Wednesday that the combined state and local taxes ultimately create higher rates for the cable industry than for satellite providers.

"In every single year examined in this case, satellite providers enjoyed a tax advantage over

the pay-TV competitor cable," he said. "Plainly, satellite is not the victim of discrimination against interstate commerce in this case."

But Shumsky drew a distinction between the state and local taxes, saying that cable companies use

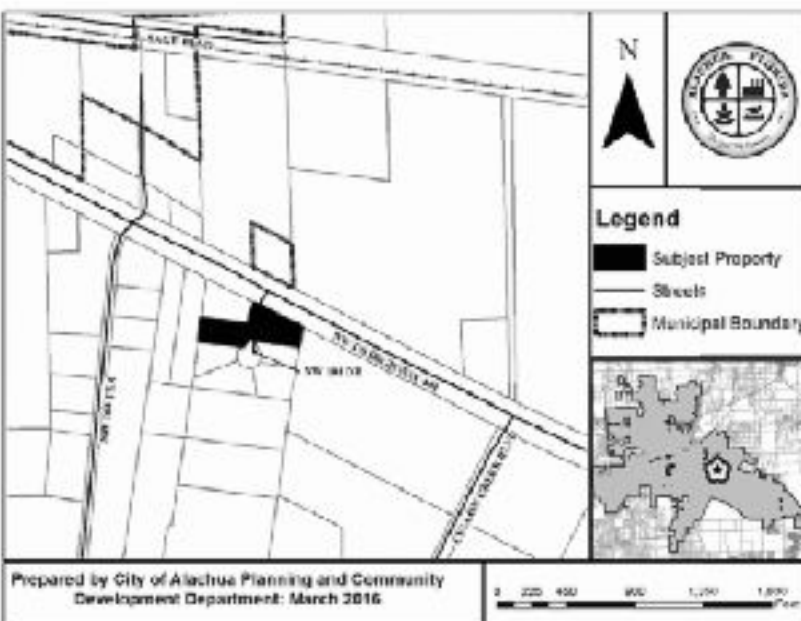
local rights of way for their equipment. He said Congress provided an exemption on local taxes to satellite companies.

"The reason it (Congress) gave is, this is national industry that does not use public rights of way," Shumsky said.

## NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

### NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the Planning & Zoning Board of the City of Alachua will hold a public hearing(s) on April 19th, 2016 at 6:30 p.m. The hearing(s) will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider the following: A request by Ryan Thompson, AICP, of Causseaux, Hewett, & Walpole, Inc., applicant and agent, for Upland Properties of NCF, LLC, property owners, for consideration of a request to amend the City of Alachua Official Zoning Atlas (rezoning) from Light and Warehouse Industrial ("ILW") to Commercial Intensive ("CI"). The ±2.5 acre property subject to the proposed amendment is located south of NW US HWY 441, east of Southern Custom Truck and Auto Accessories, and west of Webster Veterinary Supply, consisting of Tax Parcel Nos. 05964-002-001, 05964-002-006, and portion of 05964-002-00. Existing FLUM: Industrial; Zoning: ILW (Light and Warehouse Industrial).

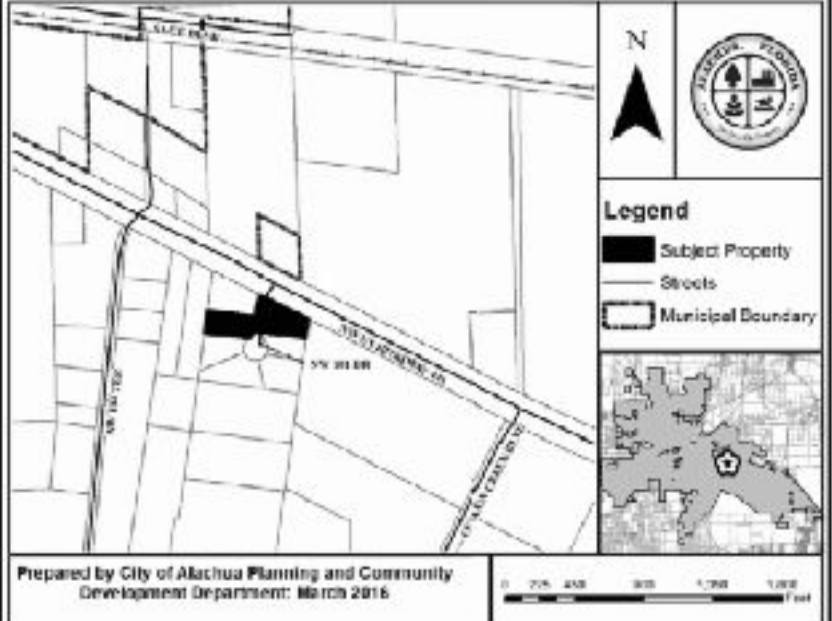


At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

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