

Supreme Court of Florida

No. 82,329

ORIGINAL

JAMES A. FOWLER, etc.,
Petitioner,

vs.

DEPARTMENT OF TRANSPORTATION,
Respondent.

[June 2, 1994]

PER CURIAM.

We review Department of Transportation v. Fowler, 621 So. 2d 689 (Fla. 5th DCA 1993), because of its conflict with Tampa-Hillsborough County Expressway Authority v. A.G.W.S. Corp., 608 So. 2d 52 (Fla. 2d DCA 1992). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution.

Recently, we quashed the Second District Court of Appeal decision in A.G.W.S. Corp. Tampa-Hillsborough County Expressway

Authority v. A.G.W.S. Corp., 19 Fla. L. Weekly S169 (Fla. Apr. 7, 1994). Accordingly, we approve the decision below.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN and HARDING, JJ., and McDONALD, Senior Justice, concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Direct Conflict of Decisions
Fifth District - Case No. 91-1426

(Osceola County)

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for Petitioner

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