

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-1277

ANNA LOPEZ WOODEN and
JAMES WOODEN, JR., in their
individual capacities as personal
representatives of THE ESTATE
OF KETURAH WOODEN, decedent;
and ISAIAH WOODEN,

Appellants,

v.

CITY OF PANAMA CITY BEACH,
FLORIDA,

Appellee.

On appeal from the Circuit Court for Bay County.
John L. Fishel, II, Judge.

August 9, 2021

PER CURIAM.

AFFIRMED. *Cf. Dep't of Transp. v. Neilson*, 419 So. 2d 1071, 1073 (Fla. 1982) (holding that “failure to install traffic control devices and the failure to upgrade an existing road or intersection, as well as the decision to build a road or roads with a particular alignment, are judgmental, planning-level functions and absolute immunity attaches”); *Payne v. Broward County*, 461 So. 2d 63, 66 (Fla. 1984) (holding that as a matter of law, “hidden trap”

exception to immunity not triggered in case where girl killed by pickup truck as she crossed two-lane road after sidewalk ended mid-block a short distance from a controlled intersection, because “the danger created was no greater than that existing anywhere it is possible to cross a road in midblock” and there is no duty to warn pedestrians of “readily apparent” dangers like “crossing the street in midblock”); *see Com. Carrier Corp. v. Indian River County*, 371 So. 2d 1010, 1020 (Fla. 1979) (explaining that “certain policy-making, planning or judgmental governmental functions cannot be the subject of traditional tort liability”); *Payne*, 461 So. 2d at 65 (explaining that state and local governmental entities are always immune for a decision to build or change a road, even when “unwise,” in order “to prevent judicial intrusion into planning-level decisions”).

B.L. THOMAS, KELSEY, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Anna Lopez Wooden, James Wooden, Jr., and Isaiah Wooden, pro se, Appellants.

Scott J. Seagle, of Coppins Monroe, P.A., Tallahassee, for Appellee.