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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

HARBIYA K. ABU-KHADIER,)
Appellant,))
V.	Case No. 2D19-1072
CITY OF FORT MYERS, a Florida municipal corporation,)))
Appellee.))

Opinion filed November 25, 2020.

Appeal from the Circuit Court for Lee County; James R. Shenko, Judge.

John N. Bogdanoff of The Carlyle Appellate Law Firm, Orlando; and William M. Powell of Powell, Jackman, Stevens & Ricciardi, P.A., Cape Coral, for Appellant.

Theodore L. Tripp, Jr., Joel W. Hyatt, and Jeffrey S. Haut of Hahn Loeser & Parks LLP, Fort Myers; and Grant W. Alley of City of Fort Myers, Fort Myers, for Appellee.

PER CURIAM.

Affirmed. <u>See Abu-Khadier v. City of Fort Myers</u>, 2D18-3068; <u>City of Pompano Beach v. Yardarm Rest., Inc.</u>, 834 So. 2d 861, 865-66 (Fla. 4th DCA 2002) (noting same result required in claim for taking under Florida Constitution as under U.S. Constitution).

NORTHCUTT and CASANUEVA, JJ., Concur. ATKINSON, J., Dissents.