

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D., 2002

THE CLARK CONSTRUCTION
GROUP INC.,

**

Appellant,

**

**

vs.

CASE NO. 3D01-2231

**

THE CITY OF MIAMI BEACH,

LOWER

**

TRIBUNAL NO. 96-22139

Appellee.

**

Opinion filed July 17, 2002.

An Appeal from the Circuit Court for Miami-Dade County, Ronald
M. Friedman, Judge.

George, Hartz, Lundeen, Fulmer, Johnstone, King & Stevens, and
Charles M.P. George, and Mitchell L. Lundeen, and Michael L. Glass,
for appellant.

Butler Burnette Pappas, and Scott J. Frank, for appellee.

Before GERSTEN, SHEVIN, and SORONDO, JJ.

PER CURIAM.

Affirmed. See Dr. Phillips, Inc. v. L & W Supply Corp., 790
So. 2d 539, 545 (Fla. 5th DCA 2001); Hoskins v. Midland Insurance
Co., 395 So. 2d 1159, 1161 (Fla. 3d DCA 1981).

