

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

RICARDO ALFREDO VAZQUEZ,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-2117
CITY OF HIALEAH GARDENS,	**	LOWER
Appellee.	**	TRIBUNAL NO. 99-15782
	**	

Opinion filed March 31, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Mercedes A. Bach, Judge.

Arthur Joel Berger, for appellant.

Carlton Fields, and Sylvia H. Walbolt, James R. Wiley, and
Cristina Alonso, for appellee.

Before COPE, LEVY, and RAMIREZ, JJ.

PER CURIAM.

Affirmed. See Webb v. Florida Health Care Mgmt. Corp., 804
So. 2d 422, 424 (Fla. 4th DCA 2001) (explaining that "[i]n order
to prevail on a constructive discharge claim, an employee must

show, under an objective standard, that the employer made working conditions so difficult that a reasonable person would feel compelled to resign.").

LEVY and RAMIREZ, JJ., concur.

COPE, J. (concurring).

For summary judgment purposes I accept the proposition that the changes in the plaintiff-appellant's hours and working conditions, and other limitations imposed by the then-mayor, made working conditions so difficult that a reasonable person would resign. The plaintiff's testimony, however, was that the then-mayor wanted to force the plaintiff out of his position so she could give it to her then-boyfriend. This negates the claim under 42 U.S.C. Section 1983 that these actions were undertaken on account of discrimination on the basis of national origin.