

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

TERRY LYNN ROUTON, as the )  
Personal Representative of the Estate )  
of Jay Kip Routon, )  
 )  
Appellant, )  
 )  
v. )  
 )  
PBS&J CONSTRUCTION SERVICES, )  
INC.; HUBBARD CONSTRUCTION )  
CO.; and J.W. CONNER & SONS, INC., )  
 )  
Appellees. )  
\_\_\_\_\_ )

Case No. 2D05-4249

Opinion filed January 4, 2008.

Appeal from the Circuit Court for Hillsborough  
County; James M. Barton, II, Judge.

Richard C. Alvarez and Anthony Garcia of  
Alvarez Garcia, Tampa, for Appellant.

Michael G. Tanner and Dominic C.  
MacKenzie of Holland & Knight LLP,  
Jacksonville, for Appellee PBS&J  
Construction.

No appearance for Appellees Hubbard  
Construction Co. and J.W. Conner & Sons,  
Inc.

SALCINES, Judge.

Terry Lynn Routon, as personal representative of the Estate of Jay Kip  
Routon, appeals the trial court order which entered a final summary judgment in favor of

PBS&J Construction Services, Inc. The trial court concluded that PBS&J Construction was an agent of the Florida Department of Transportation and was entitled to sovereign immunity pursuant to section 768.28, Florida Statutes (2001, 2003). After a thorough review of the entire record before us in this tragic case, we are compelled to agree with the circuit court that there is no material issue of fact that PBS&J was an agent of the Department, and there is no evidence of intentional misconduct or gross negligence. Accordingly, we affirm the trial court's final judgment.

Affirmed.

KELLY and WALLACE, JJ., Concur.