

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-2073

ESCAMBIA COUNTY BOARD OF
COUNTY COMMISSIONERS,

Appellant,

v.

DOUGLAS UNDERHILL,

Appellee.

On appeal from the Circuit Court for Escambia County.
Jan Shackelford, Judge.

May 3, 2023

PER CURIAM.

AFFIRMED. *See Thornber v. City of Fort Walton Beach*, 568 So. 2d 914 (Fla. 1990) (recognizing common-law right of public officials to obtain payment of their legal fees incurred in defending actions arising out of their official position or duties); *Miller v. Underhill*, 301 So. 3d 906 (Fla. 1st DCA 2020) (affirming final summary judgment for Appellee on grounds of absolute immunity).

LEWIS, BILBREY, and KELSEY, JJ., concur.

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

Erik M. Figlio and Alexandra E. Akre of Ausley McMullen, P.A.,
Tallahassee, for Appellant.

Edward P. Fleming and Aaron T. McCurdy of McDonald Fleming,
LLP, Pensacola, for Appellee.