

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

BOCA VIEW CONDOMINIUM ASSOCIATION, INC.,
Appellant,

v.

ELEANOR LEPSALTER and EDWARD LEPSALTER,
Appellees.

No. 4D2025-2228

[September 2, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Carolyn Bell, Judge; L.T. Case No. 502020CA000251XXXXMB.

Scott J. Edwards of Scott J. Edwards, P.A., Boca Raton, for appellant.

Christopher S. Salivar of Christopher S. Salivar, P.L.L.C., Delray Beach, for appellees.

GERBER, C.J.

The condominium association appeals from the circuit court's final judgment awarding attorney's fees and costs to the unit owners. The association argues the circuit court erred in calculating prejudgment interest on the attorney's fees award by applying an annually adjusting interest rate, rather than the interest rate existing when the unit owners established their entitlement to attorney's fees.

We are compelled to affirm, because the association waived the prejudgment interest argument by failing to raise the argument in the association's earlier appeal. *See Campbell v. State*, 9 So. 3d 59, 61 (Fla. 1st DCA 2009) ("[A] party's failure to raise an issue on appeal that was the subject of the trial court's ruling precludes reconsideration of the issue, not because the trial court's ruling has become the law of the case, but because the failure to raise that issue on appeal has effectuated a waiver of future arguments regarding that issue.") (citation and internal quotation marks omitted); *Johnson v. Women's Health Ctr., Inc.*, 714 So. 2d 580, 584 (Fla. 5th DCA 1998) ("We do not address the merits of [the appellants' challenge to the injunction provision restricting their protesting activities]

because, by failing to raise [that issue] in the earlier appeal, the appellants have waived it.”).

Based on the foregoing, we do not reach the merits of this appeal.

Affirmed.

MAY and SHAW, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.