

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D23-2426
Lower Tribunal No. 21-CA-003790

RUBEN FUENTES and YAIMET MURO,

Appellants,

v.

YUHI LANDHOLDINGS, LLC, YUHI INVESTMENTS LLC, LEE COUNTY, CITY OF FORT
MYERS, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,

Appellees.

Appeal from the Circuit Court for Lee County.
James Shenko, Judge.

May 10, 2024

ON MOTION FOR REHEARING

On consideration of Appellants' motion for rehearing, the Court grants the motion for rehearing, withdraws its prior opinion, and substitutes the following opinion.

PER CURIAM.

We have for review a final judgment for Appellee Yuhi Landholdings, LLC. We dismiss for lack of jurisdiction, however, that portion of the appeal seeking review of the trial court's determination that Appellee is entitled to recover attorneys' fees and costs from Appellants but reserving jurisdiction to determine the

amount thereof. *See, e.g., Yampol v. Turnberry Isle S. Condo. Ass’n, Inc.*, 250 So. 3d 835, 837 (Fla. 3d DCA 2018) (“An order granting entitlement to attorney’s fees but not determining the amount of fees or costs is a non-final, non-appealable order, and such an order is subject to dismissal for lack of jurisdiction.”). This partial dismissal is without prejudice to Appellants’ separate appeal from the trial court’s subsequent order determining the amount of such fees and costs (Case No. 6D23-3594).

In all other respects, the final judgment is affirmed.

AFFIRMED in part; DISMISSED in part.

MIZE, BROWNLEE and GANNAM, JJ., concur.

Richard F. DeVall, of ZinnLaw PLLC, Fort Myers, for Appellants.

Rachel A. Kerlek, of Woods, Weidenmiller, Michetti & Rudnick, LLP, Naples, for Appellee, Yuhi Landholdings, LLC.

No Appearance for Appellees, Yuhi Investments LLC, Lee County, City of Fort Myers, and Mortgage Electronic Registration Systems, Inc.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED