

Third District Court of Appeal

State of Florida

Opinion filed September 2, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-0453
Lower Tribunal No. 2017-13320-CA-01

Amnon Bensimon,
Appellant,

vs.

Trust Real Estate Ventures, LLC, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Spencer Eig,
Judge.

The D'Apuzzo Law Firm, and Theodore D'Apuzzo (Fort Lauderdale),
for appellant.

Matthew Estevez, P.A., and Matthew Estevez, for appellees.

Before LINDSEY, GORDO and BOKOR, JJ.

BOKOR, J.

Amnon Bensimon appeals an order granting summary judgment in his favor but denying reconsideration of a prior partial summary judgment rejecting additional claims. He concedes that he did not appeal the order granting final summary judgment within 30 days of rendition; rather, he appealed after the trial court denied reconsideration of a subsequent order granting final judgment. Because the original order granting summary judgment was a final, appealable order, this appeal was untimely filed and is therefore dismissed.

I.

Bensimon asserted 11 counts against both Trust Real Estate Ventures, LLC, and its individual owner, Gideon Gratsiani, stemming from the alleged breach of a promissory note. In response to Bensimon's prior motion for summary judgment, Trust Real Estate conceded liability for the \$1,200,000 value of the note but denied that Gratsiani could be individually liable. After a hearing, the trial court entered a partial summary judgment denying all claims against Gratsiani individually, leaving only the claims against Trust Real Estate. Bensimon later moved for entry of summary judgment on the claims for \$1,200,000, as well as for reconsideration of the partial judgment rejecting the individual claims.

In a December 10, 2024 “Final Summary Judgment” order, the trial court found Trust Real Estate liable for \$1,200,000, denied reconsideration of the claims for individual liability, and concluded by stating that execution shall issue. The court later entered another order on February 10, 2025, titled “Final Judgment,” which was substantively identical to the December 10, 2024 order except for stating that the court retained jurisdiction to determine attorney fees and costs. Bensimon moved for rehearing after the February 10, 2025 order, and appealed after rehearing was denied on March 11, 2025.

II.

Appellees argue, and we agree, that the December 10, 2024 order was final and appealable. We have jurisdiction to review only “final judgments or orders” of the circuit courts, which must typically be appealed within 30 days of rendition. Art. V, § 4(b)(1), Fla. Const.; Fla. R. App. P. 9.110(a)–(b). An order is “final” when “the order in question constitutes an end to the judicial labor in the cause, and nothing further remains to be done by the court to effectuate a termination of the cause as between the parties directly affected.” S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97, 99 (Fla. 1974); see also Hoffman v. Hall, 817 So. 2d 1057, 1058 (Fla. 1st DCA 2002) (“The traditional test for finality is whether the decree disposes of the cause on its merits leaving no questions open for judicial determination except for

execution and enforcement of the decree if necessary.”). We review the finality of an order de novo. Coral Gables Imports, Inc. v. Suarez, 306 So. 3d 348, 350 (Fla. 3d DCA 2020).

An order granting summary judgment is generally not an appealable final order where the order merely establishes entitlement to a final judgment. Id. at 351. But it can be an appealable final order if it also contains “unequivocal language of finality.” Id. at 350 (quotation omitted); see also Lidsky Vaccaro & Montes, P.A. v. Morejon, 813 So. 2d 146, 149 (Fla. 3d DCA 2002) (“[T]he law is settled that an order which merely grants a motion for summary judgment and does not otherwise contain the traditional words of finality is not a final order subject to appellate review.”). Language directing execution of the judgment has repeatedly been held as language of finality sufficient to find an order final when the order also fully disposes of the causes of action between the parties. See McGurn v. Scott, 596 So. 2d 1042, 1045 (Fla. 1992) (“[B]ecause the order issued in this case appeared final in most respects and stated that execution could issue, the order will be deemed a final order requiring review by immediate appeal.”); Westgate Miami Beach, Ltd. v. Newport Operating Corp., 55 So. 3d 567, 575 (Fla. 2010) (“[W]e do not recede from McGurn’s holding that a final judgment that authorizes execution but reserves jurisdiction to award prejudgment interest

will be considered final for purposes of appeal.”); see also Rothermel v. BXL Assocs., 24 So. 3d 664, 665 (Fla. 3d DCA 2009) (reversing and remanding partial summary judgment with instructions to strike erroneously-included finality phrase “for which sum let execution issue forthwith”).

Here, the trial court’s December 10, 2024 “Final Summary Judgment” order fully disposed of all remaining claims between the parties, denied reconsideration as to claims previously resolved, and directed execution of the judgment. It was a final, appealable order. The timely appeal of the materially identical subsequent order “does not toll the time within which review must be sought. The notice of appeal having been filed more than thirty days after rendition of the original final order, we lack jurisdiction over it.” Thermoplastic & Signs, Inc. v. Metro. Dade Cnty., 746 So. 2d 1140, 1141 (Fla. 3d DCA 1999) (citation omitted).

Appeal dismissed.