

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 502018AP000023CAXXMB
L.T. No.: 502015SC008656XXXXNB

ANNETTE SCHIRMACHER,
Appellant,

v.

NAPLETON'S NORTH PALM
AUTO PARK, INC.,
Appellee.

Opinion filed: **OCT 26 2018**

Appeal from the County Court in and for Palm Beach County,
Judge Sandra Bosso-Pardo

✓ For Appellant: Raymond Ingalsbe, Esq.
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PER CURIAM.

AFFIRMED.

As the prevailing party, Napleton's North Palm Auto Park is entitled to appellate costs taxed by the lower tribunal upon a motion served within 45 days of this opinion, but is not entitled to appellate attorney's fees. Fla. R. App. P. 9.400(a) ("Costs shall be taxed by the lower tribunal on a motion served no later than 45 days after rendition of the court's order."); *McCreary v. Fla. Residential Prop. & Cas. Joint Underwriting Ass'n*, 758 So. 2d 692, 696 (Fla. 4th DCA 1999) (attorney's fees must be requested by filing a separate motion). Napleton's North Palm Auto Park

requested appellate attorney's fees in its Answer Brief, but did not file a separate motion for appellate attorney's fees. Because Napleton Auto has not filed such a motion, this Court finds that Napleton's North Palm Auto Park's claim for appellate attorney's fees is waived.

NUTT, CURLEY, and SASSER, JJ., concur.