

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

TITUSVILLE CONSTRUCTION, LLC,

Appellant,

v.

Case No. 5D19-3001

THE WENDY C. BUTCHER REVOCABLE
LIVING TRUST DATED JANUARY 19, 2000,
A FLORIDA TRUST,

Appellee.

_____ /

Opinion filed October 30, 2020

Appeal from the Circuit Court
for Brevard County,
Jeffrey Mahl, Judge.

Richard N. Asfar, Brian K. Oblow and Virgil
Tray Batcher, of Cotney Construction Law,
LLP, Tampa, for Appellant.

Allyson B. Currie, of Upchurch, Bailey &
Upchurch, P.A., St. Augustine, for Appellee.

WHITE, K., Associate Judge.

Titusville Construction, LLC (the "Contractor") appeals a Final Judgment entered against it and in favor of The Wendy C. Butcher Revocable Living Trust Dated January 19, 2000, a Florida Trust (the "Trust"), and raises several issues on appeal. We affirm

the Final Judgment in all respects, except we reverse, in part, the amount of the compensatory damages award.

The Final Judgment awarded the Trust compensatory damages in the total amount of \$8,952.05, which included the amount of “\$1,928.00 for overcharge for Tempstar 1600 Unit.” We reverse the \$1,928.00 compensatory damages award against the Contractor because it is not supported by competent substantial evidence. We affirm the remainder of the compensatory damages award against the Contractor in the total amount of \$7,024.05.

We remand to the trial court to enter a corrected final judgment in accordance with this opinion.

AFFIRMED in part; REVERSED in part; REMANDED with directions.

ORFINGER and EDWARDS, JJ., concur.