

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

LANDMARK AT HILLSBORO CONDOMINIUM ASSOCIATION, INC.,
Appellant,

v.

SALVATORE CANDELORA and **CATHERINE CANDELORA**, husband
and wife, **PHILIP CUSHMAN** and **COLLEEN CUSHMAN**, husband and
wife, **ALAN BREWARD** and **JOAN BREWARD**, husband and wife, and
BARBARA SULLIVAN, individually,
Appellees.

No. 4D04-3878

[August 10, 2005]

POLEN, J.

Landmark at Hillsboro Condominium Association (“Landmark”) appeals a final order denying its motion for attorneys’ fees and costs as the prevailing party under section 718.303(1), Florida Statutes. We affirm.

Florida Rule of Civil Procedure 1.525, addressing the timeliness of motions for costs and attorney’s fees, provides that “[a]ny party seeking a judgment taxing costs, attorneys’ fees, or both shall serve a motion within 30 days after filing of the judgment, including a judgment of dismissal, or the service of a notice of voluntary dismissal.” The purpose of rule 1.525 is to eliminate the reasonable time rule and establish a time requirement to serve motions for costs and attorney’s fees. *Carter v. Lake County*, 840 So. 2d 1153, 1156 (Fla. 5th DCA 2003). In this case, because Landmark filed its fee motion forty-three days after the trial court entered the order dismissing the original complaint and forty-six days after Candelora filed its amended complaint dropping four counts against Landmark, the motion was untimely under rule 1.525 as a matter of law. See *Green v. Sun Harbor Homeowners’ Ass’n*, 730 So. 2d 1261, 1263 (Fla. 1998) (“Until a rule is approved for cases that are dismissed before the filing of an answer, we require that a defendant’s claim for attorney fees is to be made either in the defendant’s motion to dismiss or by a separate motion which must be filed within thirty days

following a dismissal of the action. If the claim is not made within this time period, the claim is waived.”).

Affirmed.

STEVENSON, C.J., and CROW, DAVID F., Associate Judge, concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Miette K. Burnstein, Judge; L.T. Case No. 03-13109 CACE21.

Jeffrey A. Mowers and Z. Suzanne Arbide of Pyszka, Blackmon, Levy, Mowers & Kelley, Miami Lakes, for appellant.

Annette J. Szorosy of Weiss, Handler, Angelos & Cornwell, P.A., Boca Raton, for appellees.

Not final until disposition of timely filed motion for rehearing.