

Third District Court of Appeal

State of Florida

Opinion filed November 18, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-0264
Lower Tribunal No. 14-29304

James S. Lavold, Inc., etc.,
Appellant,

vs.

Oracle Elevator Company, etc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Veronica A. Diaz,
Judge.

Law Offices of Orrin R. Beilly, LLC, and Orrin R. Beilly (Palm Beach
Gardens), for appellant.

Sheldon R. Rosenthal, for appellee.

Before FERNANDEZ, LOGUE, and LINDSEY, JJ.

PER CURIAM.

Because the order on appeal awarding attorney's fees pursuant to section 57.105, Florida Statutes (2020), fails to set forth the requisite findings that the claim was frivolous and completely untenable, we reverse and remand for proceedings consistent herewith. See MC Liberty Express, Inc. v. All Points Servs., Inc., 252 So. 3d 397, 403 (Fla. 3d DCA 2018) and cases cited therein ("The law is clear, in order to grant such fees, the trial court *must* find that the action was frivolous or so devoid of merit both on the facts and the law as to be completely untenable." (citations and internal quotation marks omitted)).

Reversed and remanded.