

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

JOHN BALDWIN,

Appellant,

v.

Case No. 5D15-2933

DOMENICO M. IDONI,

Appellee.

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Opinion filed January 27, 2017

Appeal from the Circuit Court  
for Brevard County,  
George B. Turner, Judge.

Marjorie G. Graham, of Marjorie Gadarian  
Graham, P.A., Palm Beach Gardens, and  
Douglas R. Beam, of Douglas R. Beam,  
P.A., Melbourne, for Appellant.

No Appearance for Appellee.

PER CURIAM.

Appellant John Baldwin appeals the order denying his motion for attorney's fees and costs. The trial court denied the motion, concluding that the case was an action for equitable relief. We disagree. The essence of the suit was an action for damages. See DiPompeo Constr. Corp. v. Kimmel & Assocs., Inc., 916 So. 2d 17, 19 (Fla. 4th DCA 2005). Therefore, the trial court erred in denying the motion. Thus, we reverse the order

under review and remand with instructions to determine the amount of attorney's fees to which Baldwin is entitled pursuant to section 768.79, Florida Statutes (2015).

REVERSED and REMANDED.

SAWAYA and EDWARDS, JJ. and JACOBUS, B.W., Senior Judge, concur.