

IN THE DISTRICT COURT OF APPEAL,
FIRST DISTRICT, STATE OF FLORIDA

BUDGET RENT-A-CAR SYSTEM,
INC.,

Appellant,

v.

WILLIE L. BRACLET and GLORIA
BRACLET, his wife,

Appellees.

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

CASE NO. 1D04-5087

Opinion filed June 23, 2005.

An appeal from the circuit court for Duval County.
Charles W. Arnold, Jr., Judge.

Kevin Knight, deBeaubien, Knight, Simmons, Mantzaris & Neal LLP, Orlando, for
Appellant.

Michael S. Sharrit, Brown, Terrell, Hogan, Ellis, McClamma & Yegelwel, P.A.,
Jacksonville, for Appellees.

PER CURIAM.

We reverse the trial court's order denying appellant's motion for rehearing and
for new trial in this civil action, and remand for a jury trial on the issue of damages

only. See, e.g., Curbelo v. Ullman, 571 So. 2d 443 (Fla. 1990); Barth v. Fla. State Constructors Serv., Inc., 327 So. 2d 13 (Fla. 1976); Baron Auctioneer, Inc. v. Ball, 674 So. 2d 212 (Fla. 4th DCA 1996); Barge v. Simeton, 460 So. 2d 939 (Fla. 4th DCA 1984). See also Bruce J. Berman, Florida Civil Procedure ¶¶ 430.4, 430.5[3], at 512-14 (2005 ed.).

REVERSED and REMANDED, with directions.

WEBSTER, DAVIS and THOMAS, JJ., CONCUR.