

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SANDRA FROSTI,)
)
 Appellant,)
)
 v.)
)
 LaVERNE CREEL, as Personal)
 Representative of the Estate of)
 WILLIAM H. HOUK, deceased,)
)
 Appellee.)
 _____)

Case No. 2D05-3270

Opinion filed

Appeal from the Circuit Court for Pinellas
County; Anthony Rondolino, Judge.

William J. Capito of Law Offices of William J.
Capito, Lutz, for Appellant.

Scot E. Samis and Jeffrey M. Adams of
Abbey, Adams, Byelick, Kiernan, Mueller &
Lancaster, L.L.P., St. Petersburg, for
Appellee.

SALCINES, Judge.

Sandra Frosti appeals the trial court's order entered after final
judgment which denied her motion for attorney's fees and costs pursuant to
Florida Rule of Civil Procedure 1.442 and section 768.79(1), Florida Statutes

(1995), because her proposals for settlement had been filed prematurely. We affirm. See Bottcher v. Walsh, 834 So. 2d 183 (Fla. 2d DCA 2002). In Mills v. Martinez, 909 So. 2d 340, 344 (Fla. 5th DCA 2005), the Fifth District certified conflict with Bottcher; accordingly, we certify conflict with Mills.

Affirmed; conflict certified.

NORTHCUTT and SILBERMAN, JJ., Concur.