

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

COMPASS CONSTRUCTION, INC.,)

Appellant,)

v.)

FIRST BAPTIST CHURCH OF CAPE)
CORAL, FLORIDA, INC.,)

Appellee.)
_____)

Case No. 2D09-5455

Opinion filed May 27, 2011.

Appeal from the Circuit Court for Lee
County; Lynn Gerald, Jr., Judge.

Curtright C. Truitt of Curtright C. Truitt, P.A.,
Fort Myers, for Appellant.

W. Gus Belcher, II, of Nuckolls, Johnson,
Belcher & Ferrante, P.A., Fort Myers, for
Appellee.

WALLACE, Judge.

We reverse the final judgment for attorney's fees and remand for the entry
of an amended final judgment for attorney's fees to be calculated in accordance with the
agreed hourly rate stated in the applicable fee agreement. See Compass Constr., Inc.

v. First Baptist Church of Cape Coral, Fla., Inc., No. 2D09-5444 (Fla. 2d DCA May 27, 2011). We certify that our decision is in direct conflict with the Fourth District's decision in Wolfe v. Nazaire, 758 So. 2d 730 (Fla. 4th DCA 2000).

Reversed and remanded with directions.

NORTHCUTT and DAVIS, JJ., Concur.