

Third District Court of Appeal

State of Florida

Opinion filed December 4, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1729
Lower Tribunal No. 09-32934

R&I Shipping Line, LLC,
Appellant,

vs.

Hempstead Marine, Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Jr., Judge.

Xander Law Group, P.A., and Wayne R. Atkins, for appellant.

Boldt Law Firm, P.A., Ryan C. Tyler and Kimberly L. Boldt (Boca Raton); Hoffman & Hoffman, P.A., and John D. Hoffman, for appellee.

Before FERNANDEZ, MILLER, and GORDO, JJ.

PER CURIAM.

Affirmed. See Harbor Cmtys., LLC v. Jerue, 81 So. 3d 568, 571 (Fla. 4th DCA 2012) (“[A]lthough a trial court is allowed to reserve jurisdiction in a final judgment to award prejudgment interest, see Westgate Miami Beach, Ltd. v. Newport Operating Corp., 55 So. 3d 567, 574-75 (Fla. 2010), in this case the first final judgment did not reserve jurisdiction to award prejudgment interest.”); Hi-Shear Tech. Corp. v. United Space All., LLC, 1 So. 3d 195, 204 (Fla. 5th DCA 2008) (“Hi-Shear challenges the trial court's refusal to award it pre-judgment interest. Hi-Shear first raised its entitlement to pre-judgment interest in a motion to correct the final judgment, nunc pro tunc, filed over nine months after the final judgment was entered. By failing to raise this issue in a motion for rehearing within the time set forth in Florida Rule of Civil Procedure 1.530(b), Hi-Shear waived its claim to pre-judgment interest.”); see also Bothwell v. State, 450 So. 2d 1150, 1152 (Fla. 2d DCA 1984) (“The state attempts to avoid the [fifteen-day] limit by arguing that its consent to the costs requested by defendant was an inadvertent mistake. . . . We find no merit in the state's argument. The state did not present its motion below on the grounds of inadvertence or neglect. Further, its decision to raise no objection is not the kind of mistake or excusable neglect contemplated by the rule.”).