

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM A.D. 2004

DALE M. CARSRUD, et al.

Appellant,

vs.

ALPHA & OMEGA CONSTRUCTION  
COMPANY, CORP., and ALPHA &  
OMEGA CONSTRUCTION SERVICES,  
INC.,

Appellees.

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\*\* CASE NO. 3D03-1260

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\*\* LOWER  
TRIBUNAL NO. 01-24684

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Opinion filed June 23, 2004.

An Appeal from the Circuit Court for Dade County, Jon  
Gordon, Judge.

Hoffman, Larin, Agnetti & Karas and David L. Perkins, for  
appellant.

Kubicki Draper and Sharon C. Degnan, for appellees.

Before SCHWARTZ, C.J., and GODERICH, J., and DELL, John W.,  
Senior Judge.

PER CURIAM.

Affirmed. See §§440.10(1)(b), 440.11, Fla. Stat. (2003);  
Aerovias Colombianas, Ltd. v. Paiz, 695 So. 2d 822 (Fla. 3d DCA

1997), review denied, 700 So. 2d 687 (Fla. 1997); Broward County v. Rodrigues, 686 So. 2d 774 (Fla. 4<sup>th</sup> DCA 1997), cause dismissed, 690 So. 2d 1300 (Fla. 1997); Delta Air Lines, Inc. v. Cunningham, 658 So. 2d 556 (Fla. 3d DCA 1995), review denied, 668 So. 2d 602 (Fla. 1996). Compare § 713.01(19), Fla. Stat. (2003) ("Materialman' means any person who furnishes materials under contract to the owner . . . who performs no labor in the installation thereof."[e.s.]); Goldstein v. Acme Concrete Corp., 103 So. 2d 202 (Fla. 1958).