

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. 2005

LARRY ZUCKERMAN AND BETH
ZUCKERMAN,

**

Petitioners,

**

vs.

** CASE NO. 3D04-2891

**

A & B WINDOW AND GLASS, INC., et
al.,

**

LOWER
TRIBUNAL NO. 02-331AP

Respondents.

**

Opinion filed March 9, 2005.

A Writ of Certiorari to the Circuit Court Appellate
Division for Miami-Dade County, Bernard S. Shapiro, Gisela
Cardonne Ely and Ronald Dresnick, Judges.

Alan R. Soven, for petitioners.

Randall L. Leshin, for respondents.

Before SHEPHERD, SUAREZ, JJ. and SCHWARTZ, Senior Judge.

PER CURIAM.

We grant certiorari, reverse the decision of the Circuit
Court Appellate Division and remand for consideration of the
issue of the entitlement to attorney's fees. The sole issue

presented for consideration by the Circuit Court Appellate Division was the issue of entitlement to attorney's fees, which is a legal issue for which a transcript of the lower proceedings is not required. Somerset Village Ltd. v. Carlton, Fields, Ward, Emmanuel, Smith, & Cutler, P.A., 782 So. 2d 414 (Fla. 3d DCA 2001); Seal Products v. Mansfield, 705 So. 2d 973 (Fla. 3d DCA 1998); Gaebe, Murphy, Mullen & Antonelli v. Bradt, 704 So. 2d 618 (Fla. 4th DCA 1997).

Certiorari is granted and remanded with instructions.