

NOT FINAL UNTIL TIME EXPIRES FOR REHEARING AND, IF FILED, DETERMINED

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
APPELLATE DIVISION**

**LATOSHIA JENNINGS,
Appellant,**

**Case No.: 13-000002AP-88A
UCN: 522013AP000002XXXXCV**

v.

**ADVANCED USED AUTO & TRUCK
SALES, INC. and WAYNE BOWMAN
Appellees.**

Opinion Filed _____/

Appeal from Final Judgment
Pinellas County Court
Judge Myra Scott McNary

Tanya P. O'Connor, Esquire
Attorney for Appellant

Thomas J. Dandar, Esquire.
Attorney for Appellee

PER CURIAM.

Latoshia Jennings, Appellant, appeals the Amended Final Judgment entered in favor of Advanced Used Auto & Truck Sales, Inc. and Wayne Bowman, Appellees, on February 22, 2013. We affirm.

Appellant filed an action in the County Court demanding a hearing under section 713.585(5), Florida Statutes (2012), in response to the Appellees' Notice of Claim of Lien and Proposed Sale of Motor Vehicle, in relation to repairs performed by Appellees on her vehicle. On appeal, Appellant argues that the trial court erred in entering judgment for Appellees on a claim under the Florida Motor Vehicle Repair Act, section 559.901-559.9221, Florida Statutes (2012). Appellant did not file an action under

Chapter 559 and did not present argument to the trial court under that statute. This issue is being raised for the first time on appeal.

Further, the issue of the propriety of the attorney's fees, costs, interest, and storage fees awarded by the trial court was raised in Appellant's "Motion for Rehearing and Motion for Relief from Judgment" filed on December 7, 2012. In the motion, Jennings states that she never received a copy of the "ORDER IN SEPT GRANTING ATTORNEY'S FEES" and she "refutes" these fees. On appeal Appellant contests the award of attorney's fees, costs, interest, and storage fees based on Appellees alleged failure to serve her with the affidavits evidencing these fees and costs. This argument is being raised for the first time on appeal.

This Court is not authorized to consider an issue raised for the first time on appeal unless it constitutes fundamental error. See W. Fla. Reg'l Med. Ctr., Inc. v. See, 79 So. 3d 1, 13 (Fla. 2012). Appellant has not demonstrated fundamental error.

Affirmed.

DONE AND ORDERED in Chambers in Clearwater, Pinellas County, Florida, this 25th day of February, 2015.

Original Order entered on February 25, 2015, by Circuit Judges Linda R. Allan, Jack R. St. Arnold, and Keith Meyer.

Copies furnished to:

Tanya P. O'Connor, Esquire
2130 W. Brandon Blvd., Ste. 100
Brandon, FL 33511

Thomas J. Dandar, Esquire
P.O. Box 24597
Tampa, FL 33623

Hon. Myra Scott McNary