

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2012

SIBONI, HAMER & BUCHANAN, P.A.,

Appellant,

v.

Case No. 5D11-2814

N.W. THIRD STREET PARTNERSHIP, INC.,

Appellee.

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Opinion filed April 13, 2012

Appeal from the Circuit Court
for Marion County,
Frances S. King, Judge.

Russell W. LaPeer of Landt, Wiechens,
LaPeer, & Ayres, LLP, Ocala,
for Appellant.

Daniel C. Hicks of Daniel Hicks, P.A.,
Ocala, and Stephanie Jackson, Palatka,
for Appellee.

PER CURIAM.

Appellant challenges the final judgment for damages based upon the breach of a commercial lease. We reverse and remand the judgment for the limited purpose of resolving a factual dispute regarding the payment of the rent due for the month of September 2010. We further instruct the trial court to reserve jurisdiction to address any post-judgment accounting if Appellee is able to relet the premises within the term of

the lease. See *Horizon Med. Grp., P.A. v. City Ctr. of Charlotte Cnty., Ltd.*, 779 So. 2d 545 (Fla. 2d DCA 2001). In all other respects, the judgment is affirmed.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED.

GRIFFIN, PALMER and TORPY, JJ., concur.