

# Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed March 9, 2011.

Not final until disposition of timely filed motion for rehearing.

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No. 3D10-848

Consolidated: 3D09-3102

Lower Tribunal No. 09-25070

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**United Automobile Insurance Company, a Florida corporation,**  
Appellant,

vs.

**Miami Dade County MRI Corp., Health Diagnostic of Miami, LLC.,  
d/b/a Stand Up MRI of Miami Hallandale Open MRI, LLC., and  
Open MRI of Miami Dade,**  
Appellees.

Appeals from the Circuit Court for Miami-Dade County, John Schlesinger,  
Judge.

Michael J. Neimand, for appellant.

Buchalter, Hoffman & Dorchak, and Kenneth Dorchak, for appellees.

Before WELLS, SALTER and EMAS, JJ.

WELLS, Judge.

Affirmed. § 86.011, Fla. Stat. (2010) (“The circuit and county courts have jurisdiction within their respective jurisdictional amounts to declare rights . . . .”); United Auto. Ins. Co. v. Kendall S. Med. Ctr., 36 Fla. L. Weekly D142 (Fla. 3d DCA Jan. 19, 2011) (“[T]he Miami-Dade Circuit Court has jurisdiction of a declaratory action only if the amount in controversy exceeds \$15,000 and only the county court has jurisdiction of any amount in controversy less than \$15,000.”); Canonico v. Devine, 130 So. 2d 319, 321 (Fla. 3d DCA 1961) (“Separate and unrelated demands cannot be joined to give jurisdiction to a court which does not have jurisdiction of any one of the claims because each is below the amount required to give jurisdiction to the court.”); see also § 627.428, Fla. Stat. (2010) (“Upon the rendition of a judgment or decree . . . against an insurer and in favor of any named or omnibus insured . . . the trial court . . . shall adjudge . . . in favor of the insured . . . a reasonable sum as fees.”); Dawson v. Aetna Cas. & Sur. Co., 233 So. 2d 860, 861 (Fla. 3d DCA 1970) (insured entitled to a fee award upon dismissal of an action brought by insurer even though the same issue was then pending in an administrative proceeding).