

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Nos. 1D16-4972
1D17-3532

MOLLY A. BRUNSON,

Appellant,

v.

ADRIENNE ASHLEY, individually
and CATHY ASHLEY LANE, her
parent and natural guardian
during her minority,

Appellee.

On appeal from the Circuit Court for Okaloosa County.
John T. Brown, Judge.

May 2, 2019

PER CURIAM.

The trial court ordered that defendant Molly Brunson was not entitled to attorney's fees and costs because her proposals for settlement were invalid as they failed to address punitive damages, even though punitive damages were not pled by the plaintiffs, Ashley and Lane. This was error under *Aguado v. Miller*, 219 So. 3d 216, 217-18 (Fla. 1st DCA 2017) (finding that failure to include a statement that the proposal for settlement did not include punitive damages did not make the proposal invalid where the plaintiff did not seek punitive damages in the complaint). We,

therefore, reverse the trial court's order denying Brunson's motion to tax attorney's fees and costs and remand for a determination of the proper award. We also reverse the trial court's final judgment in favor of Ashley and Lane, and remand to the trial court for determination of recoverable taxable costs in favor of Brunson. As to the cross-appeal, we affirm.

AFFIRMED in part, REVERSED in part, and REMANDED for further proceedings.

B.L. THOMAS, C.J., and MAKAR and WINSOR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Rhonda B. Boggess of Taylor, Day, Grimm & Boyd, Jacksonville, and James A. McGhee of Kirkland McGhee & Gann, P.A., Pensacola, for Appellant.

Charles F. Beall, Jr., of Moore, Hill & Westmoreland, P.A., Pensacola, and David A. Simpson and Jonathan D. Simpson of Simpson Law Firm, Fort Walton Beach, for Appellee.