

Third District Court of Appeal

State of Florida

Opinion filed April 27, 2022.

No. 3D21-824
Lower Tribunal No. 19-262 SP

United Automobile Insurance Company,
Appellant,

vs.

Health Care Family Rehabilitation Center Corp., a/a/o
Anthony Roman,
Appellee.

An Appeal from the County Court for Miami-Dade County, Stephanie Silver, Judge.

Michael J. Neimand, for appellant.

Fleites Law, P.A., and Katiana B. Fleites, for appellee.

Before EMAS, MILLER and BOKOR, JJ.

PER CURIAM.

ON CONFESSION OF ERROR

United Automobile Insurance Company appeals the trial court's February 25, 2021, final judgment awarding attorney's fees and costs in favor of appellee.

United Auto disputed, in material respects, appellee's motion for attorney's fees and costs, including a dispute as to the reasonable number of hours expended by appellee's attorney. The trial court's order provided that nine hours were reasonably expended by appellee's counsel. However, and as appellee has properly and commendably conceded, the trial court failed to make written findings to support such a determination, as required by section 627.736(8), Florida Statutes (2021).¹

¹ That subsection provides in pertinent part:

With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, or between an assignee of an insured's rights and the insurer, the provisions of ss. 627.428 and 768.79 apply, except as provided in subsections (10) and (15), and except that any attorney fees recovered must:

- (a) Comply with prevailing professional standards;
- (b) Not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity; and
- (c) Represent legal services that are reasonable and necessary to achieve the result obtained.

Upon request by either party, a judge must make written findings, substantiated by evidence presented at trial or any hearings

We therefore vacate the order on appeal and remand the cause for entry of an order that complies with section 627.736(8), Florida Statutes.

Order vacated and cause remanded.²

associated therewith, that any award of attorney fees complies with this subsection.

² Given our disposition on appellee's confession of error, we do not reach the other claims raised by United Auto.