

Third District Court of Appeal

State of Florida

Opinion filed October 18, 2023.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-1187
Lower Tribunal No. 17-28414

Citizens Property Insurance Corporation,
Appellant,

vs.

Maria Cruz,
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Reemberto Diaz, Judge.

Traub Lieberman Straus & Shrewsberry LLP, C. Ryan Jones, and Scot E. Samis (St. Petersburg), for appellant.

Law Offices of Geoffrey B. Marks, and Geoffrey B. Marks, for appellee.

Before FERNANDEZ, SCALES, and MILLER, JJ.

PER CURIAM.

Affirmed. See § 627.428(1), Fla. Stat. (2022) (“Upon the rendition of a judgment or decree by any of the courts of this state against an insurer and in favor of any named or omnibus insured . . . the trial court . . . shall adjudge or decree against the insurer and in favor of the insured or beneficiary a reasonable sum as fees or compensation for the insured’s or beneficiary’s attorney prosecuting the suit in which the recovery is had.”); see also Citizens Prop. Ins. Corp. v. Delgado, 337 So. 3d 475, 476 (Fla. 3d DCA 2022) (affirming trial court’s award of attorney’s fees when lawsuit was “necessary catalyst to effectuate payment of the claim”); Lewis v. Universal Prop. & Cas. Ins. Co., 13 So. 3d 1079, 1082 (Fla. 4th DCA 2009) (“[W]hether suit is filed before or after the invocation of the appraisal process is not determinative of the insured’s right to fees; rather, the right to fees turns upon whether the filing of the suit served a legitimate purpose.”).