



# DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## Division of Florida Land Sales, Condominiums, and Mobile Homes Arbitration Section

Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399-1029  
Email: [arbitration.ctmh@myfloridalicense.com](mailto:arbitration.ctmh@myfloridalicense.com)  
Web Address: [http://www.myfloridalicense.com/dbpr/lsc/arbitration/  
index.shtml](http://www.myfloridalicense.com/dbpr/lsc/arbitration/index.shtml)

# ATTORNEY'S FEES FINAL ORDER INDEX SUPPLEMENT

**September 2007**

Note: This interim supplement contains summaries of final orders entered by division arbitrators in the arbitration program described by Section 718.1255, Florida Statutes, from January 1, 2006 through September 10, 2007. The final order summaries are organized by subject matter.

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**Costs**[Sorrento Villas, Section 3, Association, Inc. v. Minkley,](#)

Case No. 2006-04-9638 (Chavis / Final Order on Motion for Attorney's Fees and Costs / September 12, 2007)

- Petitioner sought costs for filing fee, postage (certified mail), photocopies, and service of process. The filing fee is a necessary expense and is awarded. The service of process on respondents was ordered by the arbitrator and is awarded. The petitioner provided no explanation as to why it was necessary to send the item(s) by certified mail and, therefore, will not be reimbursed. Costs of copies of documents filed with the arbitration section, which are reasonably necessary to assist the arbitrator in reaching a conclusion, are awardable, however, petitioner has not identified the photocopies as being filed with the division and, therefore, will not be awarded.

[The Moorings of Pinellas County Condominium Association, Inc. v. Judy Blackwood and Kevin Blackwood,](#)

Case No. 2007-05-6781 (Golen / Final Order on Attorney's Fees and Costs / November 26, 2007)

- Costs of photocopies, postage and fax charges are not normally awarded as they are normal overhead expenses.

[Coral Ridge East Condominium Association, Inc. v. Keith Lopez,](#)

Case No. 2007-04-4472 (Bembry / Final Order on Motion for Attorney's Fees and Costs / December 6, 2007)

- Filing fees are awardable, as are copying costs associated with the preparation and filing of the petition for arbitration.
- Cost of postage and delivery fees are not recoverable.

[Royal Arms Condo. Assn, Inc. v. Mitchell,](#)

Case No. 2007-05-6839 (Lang / Final Order on Motion for Attorney's Fees and Costs / January 4, 2008)

- Cost of a title search was not awarded where association did not demonstrate it was necessary.

[Oak Park Villas Condo. Assn, Inc. v. Crisafulli,](#)

Case No. 2007-05-5978 (Lang / Final Order on Motion for Attorney's Fees and Costs / January 7, 2008)

- \$52.00 for personal service on respondents was reasonable and necessary and was awarded.

- Cost for court reporter at final hearing is not a recoverable cost when court reporter was not required by arbitrator.

[Palm Bay Condo. , Inc. v. Palmbayph 2000, LLC, et al,](#)

Case Number 2007-05-9847 (Earl / Final Order on Motions Attorney's Fees and Costs / January 16, 2008)

- Since expert testimony was not necessary in the underlying case, such cost was not awarded.

[Isle of Sandalfoot Condo., Inc., 6 v . De Silva,](#)

Case No. 2007-06-4575 (Earl / Final Order On Motion for Attorney's Fees and Costs / January 24, 2008).

- Costs for mail and messenger services are not recoverable, as they are routine overhead expenses that should be incorporated into the attorney's hourly rate.

[Palm Court Yacht Club Owners Ass'n, Inc. v. Lewan,](#)

Case No. 2008-00-2177 (Lang / Final Order Denying Attorney's Fees and Costs / March 14, 2008)

- "File Review Fee" of \$100.00 for affidavit of reviewing attorney was not a cost in arbitration case and was not awarded.

[Mediterranea on Hillsboro Mile Condo. Assn, Inc. v. Verdino,](#)

Case No. 2008-01-1466 (Lang / Final Order on Motion for Attorney's Fees and Costs / March 25, 2008)

- Costs specified for copies of condominium documents awarded where reasonably necessary to assist court.
- "UPS" shipping costs for documents not recoverable as they are routine overhead expenses that should be incorporated into the attorney's hourly rate.

[Lakeside Manor Condominium Association, Inc. v. Freeman,](#)

Case No. 2008-00-2118 (Lang / Final Order for Attorney's Fees and Costs / April 25, 2008)

- Cost of recording *lis pendens* not awarded where Association did not demonstrate necessity.
- \$94.50 service of process charge awarded, since it was a necessary expense.

[Denber v. Tidy Island Condo. Assn, Inc.,](#)

Case No. 2008-01-1470 (Lang / Final Order on Motion for Attorney's Fees and Costs / June 11, 2008)

- No award for cost of copies where insufficient description of nature of copies.
- Costs could not be awarded for postage, photocopies, fax charges, Federal Express, long distance charges, disbursement for certain mileage, and computer assisted legal research.

[La Riviere Ass'n No. 1, Inc. v. Skawinski,](#)

Case No. 2008-02-9800 (Earl / Final Order on Motion for Attorney's Fees and Costs / July 21, 2008)

- Costs for mail and messenger services are not recoverable, as they are routine overhead expenses that should be incorporated into the attorney's hourly rate.
- Pursuant to the Statewide Uniform Guidelines for Taxation of Costs, the costs of copies of documents filed with the court, which are reasonably necessary to assist the court in reaching a conclusion, are recoverable; however, the association was not awarded the costs of copies because the association failed to sufficiently describe the nature of the documents for which it sought reimbursement, in order for the arbitrator to determine if the copies are a recoverable cost.

[The Villas at Indian River Condo. Ass'n, inc. v. Perez,](#)

Case No. 2008-03-4529 (Earl / Final Order on Motion for Attorney's Fees and Costs / August 21, 2008)

- The association was not compensated for the services of a legal assistant where the association failed to provide the assistant's qualifications and experience.

## **Defenses**

### ***Failure to time file/request fees***

[Bay Ridge Condo. Assn, Inc. v. Lee,](#)

Case No. 2007-05-9783 (Lang / Final Order Denying Attorney's Fees and Costs / December 10, 2007)

- Motion for attorney's fees was denied when filed nearly one month after deadline in Rule 61B-45.048(1), Florida Administrative Code.

### ***General defenses***

[John Tinney and Nick Lazzara v. The Grand Bellagio at Baywatch Condominium Association, Inc.,](#)

Case No. 2008-01-5915 (Chavis / Final Order on Motion for Attorney's Fees and Costs / July 8, 2008)

- Due to complexity of the case, petitioners were reimbursed for two hours for the preparation of the petition for arbitration.

- Fees request was deficient where petitioners failed to adequately detail each activity and the date and time spent on each activity, such that the arbitrator was unable to determine if the time undertaken for each activity was reasonable.
- The \$50.00 filing fee was a necessary expense and was awarded.

**Excessive / Reasonable**[Hillcrest East No 27, Inc. v. Cole,](#)

Case No. 2007-04-1538 (Campbell / Final Order on Fees and Costs / September 7, 2007)

- Requested hourly rate of \$195 was reasonable for attorney who has been practicing law for 12 years.

[Sea Monarch Condominium v. Hitchcock,](#)

Case No. 2007-03-9824 (Campbell / Final Order on Fees and Costs / September 7, 2007)

- Requested hourly rate of \$250 was excessive for attorney who has been practicing law for 3 years. Rate of \$185 was reasonable for case in which no answer was filed.

[Lake Forest Condominium Association of Pinellas County, Inc. v Turner,](#)

Case No. 2007-04-4767 (Campbell / Final Order on Fees and Costs / October 1, 2007)

- Requested hourly rates of \$220 and \$175 was reasonable for attorneys who have been practicing law for 22 years and 4 years respectively.

[The South Beach Bayside II Condominium Association, Inc. v. Carman,](#)

Case No. 2007-04-5271 (Campbell / Final Order on Fees and Costs / October 7, 2007)

- Requested hourly rate of \$200 was reasonable for attorney who had been practicing law for 12 years.

[Hill-Crest-By-The-Sea Associates, Inc. v. Lenahan,](#)

Case No. 2007-04-6333 (Earl / Final Order on Motion for Award of Attorney's Fees and Costs / October 22, 2007)

- Requested rate of \$195.00 per hour for an attorney admitted to practice law in Florida since 1995 and whose practice primarily involves community association law was reasonable.

[The Laurels of Margate Condo. Ass'n, Inc. v. Singh,](#)

Case No. 2007-04-9584 (Earl / Final Order on Motion for Determination of Attorneys Fees and Costs / October 23, 2007)

- Requested rates of \$185.00 and \$225.00 per hour for attorney who has been practicing law in the State of Florida for approximately nine years was reasonable.

- Requested rate of \$155.00 for a legal assistant found to be excessive. \$75.00 was a reasonable rate.

[Provincetown Condo. Assn, Inc. v. Estate of Szmaida,](#)

Case No. 2007-04-4592 (Golen / Final Order on Attorney's Fees and Costs / October 31, 2007)

- \$200.00 per hour excessive for attorney practicing for four years and \$185.00 per hour was excessive for attorney practicing for two years, \$185.00 and \$150.00, respectively, was reasonable.

[Laurel Lake Condo. Ass'n, Inc. v. Majette,](#)

Case No. 2007-05-4153 (Earl / Final Order On Motion For Attorney's Fees / November 5, 2007)

- Requested rate of \$240.00 per hour for an attorney licensed to practice in Florida since 1977 was reasonable. Rate of \$200.00 per hour for attorneys licensed in Florida since 2002 and 2004, respectively, was reasonable. Petitioner was awarded \$175.00 per hour for attorneys licensed in Florida since April 2007.
- Requested rate of \$110.00 per hour for legal assistant was excessive. \$85.00 per hour was a reasonable rate.

[Coach Homes at Dover Village Condo. Assn v. Symbold,](#)

Case No. 2007-05-6484 (Golen / Final Order on Attorney's Fees and Costs / November 8, 2007)

- \$165.00 per hour reasonable for attorney practicing for 17 years. Where case disposed of by Final Order on Default, 6.3 hours was excessive and 5.0 hours awarded.

[The Moorings of Pinellas Co. Condo. Assn v. Blackwood,](#)

Case No. 2007-05-6781 (Golen / Final Order on Attorney's Fees and Costs / November 15, 2007)

- \$240.00 per hour reasonable for attorney practicing since 1977. \$110.00 per hour excessive for paralegal, \$85 per hour awarded.

[The Pines of Clearwater Condo. Assn v. Hrstka and Bisogno,](#)

Case No. 2007-05-6752 (Golen / Final Order on Attorney's Fees and Costs / November 15, 2007)

- \$210.00 per hour and \$190.00 per hour reasonable for attorney practicing for 25 years.

[The Waverly on Lake Eola Condo. Assn v. Medvec,](#)

Case No. 2007-04-7612 (Golen / Final Order on Attorney's Fees and Costs / November 21, 2007)

- \$165.00 per hour reasonable for attorney practicing for four years. Where case disposed of by Final Order on Default, 7.3 hours was excessive and 3.4 hours awarded.

[The Moorings of Pinellas County Condominium Association, Inc. v. Judy Blackwood and Kevin Blackwood.](#)

Case No. 2007-05-6781 (Golen / Final Order on Attorney's Fees and Costs / November 26, 2007)

- Requested rate of \$240.00 per hour for an attorney who has been practicing 30 years was reasonable.
- Considering the attorney's experience in the field of association law and the simplicity of the case 6 hours for attorney's time was reasonable.

[Quail Run Condominium Association of Hillsborough County, Inc. v. Annetta M. Austin.](#)

Case No. 2007-05-9815 (Golen / Final Order on Attorney's Fees and Costs / November 28, 2007)

- Requested rate of \$240.00 per hour for an attorney who has been practicing for more than 30 years was reasonable.
- Considering the attorney's experience in the field of association law and the simplicity of the case 9.9 hours for attorney's times was excessive and was reduced to 6 hours.

[Palm Colony Club Condominium Association v. Concetta Scollo, Richard Leroux and Nancy Leroux.](#)

Case No. 2007-05-9864 (Golen / Final Order on Attorney's Fees and Costs / December 4, 2007)

- Hourly rate of \$175.00 was considered unreasonable for attorney practicing 1.5 years. \$125.00 was a reasonable rate.
- Where the underlying arbitration case resulted in a final order dismissing the case as moot as the tenants had been evicted, the Association's request for 12 hours was unreasonable and was reduced to an award of 6.5 hours.

[Southpoint Condominium Association v. Clair Iny.](#)

Case No. 2007-05-9880 (Golen / Final Order On Attorney's Fees and Costs / December 4, 2007)

- Hourly rate of \$225.00 was unreasonable for attorney practicing 6.5 years. \$200.00 was a reasonable rate.



- Where the underlying arbitration case resulted in a final order on default and only minimal pleadings were filed by the association, its request for 3.3 hours for legal fees was deemed excessive and reduced to 2.7 hours.

[Southpoint Condo. Ass'n, Inc. v. Israel.](#)

Case No. 2007-05-9858 (Golen / Amended Final Order on Attorney's Fees and Costs / December 4, 2007)

- Hourly rate of \$225.00 for an attorney with 2.5 years of experience was excessive. \$175.00 per hour was a reasonable rate.

[Macarthur Beach & Racquet Club, Inc. v. Charlotte McGowen.](#)

Case No. 2007-06-5039 (Golen / Final Order on Attorney's Fees and Costs / December 5, 2007)

- Hourly rate of \$275.00 was reasonable for attorney practicing over 40 years with experience in community association law.

[Majestic Gardens Condominium Association, Inc. v. Motely.](#)

Case No. 2007-06-4562 (Golen / Final Order on Fees and Costs / December 27, 2007)

- Requested hourly rate of \$175 was reasonable for attorney who has been practicing law for 27 years.

[The Setai Resort and Residences Condominium Association v. Papadopoulos.](#)

Case No. 2007-05-9877 (Campbell / Final Order on Fees and Costs / January 2, 2008).

- Requested hourly rate of \$300 was excessive for attorney services that were attributed to two attorneys, without detailing which attorney performed specified tasks listed on time records. One attorney has been practicing law for 37 years, while the second has been practicing only 6 years. Rate of \$225 was reasonable based upon work product compared to time records.

[Boca Country Estates Condo. Assn v. v. Ribeiro.](#)

Case No. 2007-05-9872 (Golen / Final Order on Attorney's Fees and Costs / December 10, 2007)

- \$200.00 per hour excessive for attorney practicing for one year, \$125.00 was reasonable. Where case disposed of by Final Order on Default, 4.5 hours requested was reasonable.

[Royal Arms Condo. Assn, Inc. v. Mitchell.](#)

Case No. 2007-05-6839 (Lang / Final Order on Motion for Attorney's Fees and Costs / January 4, 2008)

- Attorney's fees and legal assistant's fees incurred prior to the drafting of the petition for arbitration were not fees incurred "in the arbitration proceeding" and were therefore not awarded.
- Attorney fees sought based upon an effective average blended hourly rate of \$210.53 for attorneys and an effective average blended hourly rate of \$97.00 for legal assistants were not used. Schedule of legal services by activity and charge was used to determine attorney fees awarded.
- \$225.00 per hour and \$200.00 per hour reasonable for attorneys practicing since 1980 and 1982 respectively. \$200.00 per hour excessive for attorney practicing for approximately three years; \$185.00 per hour was reasonable.
- Legal assistant rate of \$100.00 per hour excessive and reduced to \$85.00 per hour.
- 5.7 hours of attorney time reasonable for case disposed of by final order dismissing case as moot when Respondent cured violation after petition filed.
- 7.5 hours of legal assistant billable hours reduced to 2.1 hours after time spent on clerical duties was excluded.

[Oak Park Villas Condo. Assn, Inc. v. Crisafulli,](#)

Case No. 2007-05-5978 (Lang / Final Order on Motion for Attorney's Fees and Costs / January 7, 2008)

- Where attorney practicing approximately nine years sought hourly rate ranging from \$215 to \$275, \$200.00 per hour was reasonable and was applied to all hours where attorney did associate specific hourly rate to specific activities.
- 38.5 hours of attorney time excessive for case of this complexity taken to final hearing and hours reduced to 25.

[Boca Bayou Ass'n, Inc. v. Schiffman,](#)

Case No. 2007-06-4577 (Golen / Final Order on Attorney's Fees and Costs / January 9, 2008)

- Requested rate of \$200.00 per hour for an attorney with more than 26 years experience was reasonable. However, considering that the underlying case ended in a default and the experience level of the attorney, the request for 12 hours of attorney was unreasonable. 3.5 hours was a reasonable amount of time to litigate the underlying case.

[Boca Linda West Condo. Ass'n, Inc. v. Wadler,](#)

Case No. 2007-06-5472 (Golen / Final Order on Attorney's Fees and Costs / January 9, 2008)

- Requested rate of \$200.00 per hour for an attorney who has been practicing law for 23 years was reasonable.

[Pineda Ocean Club Condominium Association, Inc. v. Nowak,](#)

Case No. 2007-06-4572 (Campbell / Final Order on Fees and Costs / January 14, 2008).

- Requested hourly rate of \$225 was excessive for attorney who has been practicing law for 9 years. Rate of \$200 was reasonable for representing the association.

[Palm Bay Condo. , Inc. v. Palmbayph 2000, LLC, et al,](#)

Case Number 2007-05-9847 (Earl / Final Order on Motions Attorney's Fees and Costs / January 16, 2008)

- Rate of \$275.00 per hour for an attorney with 27 years experience was reasonable. However, rate of \$250.00 per hour for attorney with 12 years experience was excessive. Rate of \$225.00 per hour was reasonable for this attorney.

[Condo. Ass'n of Parker Plaza East , Inc. v. Felipe,](#)

Case No. 2007-05-9855 (Earl / Final Order on Motion for Attorney's Fees and Costs / January 16, 2008).

- Requested rates of \$225.00 per hour for attorneys with three and two years experience was excessive. Reasonable rates were \$200.00 and \$195.00 per hour, respectively.

[EI-Ad Residences at Miramar Condominium Association, Inc. v. Alphonso,](#)

Case No. 2007-06-5016 (Golen / Final Order on Fees and Costs / January 16, 2008)

- Requested hourly rates of \$245 and \$225 was excessive for attorney who has been practicing law for 9 years. Rate of \$200 was reasonable for case in which no answer was filed.

[Isle of Sandalfoot Condo., Inc., 6 v. Medina,](#)

Case No. 2007-06-5011 (Earl / Final Order On Motion for Attorney's Fees and Costs / January 16, 2008).

- Requested rate of \$200.00 per hour for an attorney with 14 years experience was reasonable.

[Boca Country Estates Condominium Association, Inc. v. Sutherland,](#)

Case No. 2007-06-5963 (Golen / Final Order on Fees and Costs / January 17, 2008)

- Requested hourly rate of \$200 was excessive for attorney who has been practicing law for 2 years. Rate of \$170 was reasonable for case in which no answer was filed.

[Lake Tarpon Villas Condominium Association, Inc. v. Williams,](#)

Case No. 2007-06-5473 (Golen / Final Order on Fees and Costs / January 22, 2008)

- Requested hourly rates of \$190 and \$210, was reasonable for attorney who has been practicing law for 25 years.

[Isle of Sandalfoot Condo., Inc., 6 v. De Silva.](#)

Case No. 2007-06-4575 (Earl / Motion for Attorney's Fees and Costs / January 24, 2008).

- Requested rate of \$200.00 per hour for an attorney with 14 years experience was reasonable.

[The Treasury Condominium Association, Inc. v. Murolas.](#)

Case No. 2007-06-4324 (Campbell / Final Order on Fees and Costs / January 24, 2008).

- Requested hourly rate of \$225 was excessive for attorney who has been practicing law for 4 years. Rate of \$195 was reasonable for representing the association.

[Venetia Condominium Association, Inc. v. Bennetti.](#)

Case No. 2007-06-5475 (Golen / Final Order on Fees and Costs / January 28, 2008)

- Requested hourly rate of \$200 was excessive for attorney who has been practicing law for 3 years. Rate of \$175 was reasonable for case in which no answer was filed.

[Quail Run Condo. Assn of Hillsborough Co., Inc. v. Lieberman.](#)

Case No. 2008-00-2121 (Lang / Final Order for Attorney's Fees and Costs / February 25, 2008)

- \$240.00 per hour reasonable for attorney practicing for 20 years. \$175.00 per hour reasonable for attorney practicing for less than one year.
- Where case disposed of by Final Order on Default, 2.3 hours rather than 5.1 hours was reasonable.
- Paralegal rate of \$85.00 per hour was reasonable rather than \$110.00 per hour.

[Palm Court Yacht Club Owners Assn, Inc. v. Lewan.](#)

Case No. 2008-00-2177 (Lang / Final Order Denying Attorney's Fees and Costs / March 14, 2008)

- \$250.00 reasonable hourly rate for attorney in practice total of 29 years even though licensed to practice in Florida for only one year.
- No award for the time spent after entry of final order, except for one hour for preparation of motion for attorney's fees.

[Timber Lakes Estates, Inc. v. Kennedy,](#)

Case No. 2007-02-4144 (Bembry / Final Order on Fees and Costs / March 19, 2008)

- Requested hourly rates from \$180 to \$210, varying according to specific services provided, were reasonable for attorney who has been practicing law for 25 years.

[Mediterranea on Hillsboro Mile Condo. Assn, Inc. v. Verdino,](#)

Case No. 2008-01-1466 (Lang / Final Order on Motion for Attorney's Fees and Costs / March 26, 2008)

- \$175.00 per hour reasonable for one attorney who has been member of Florida Bar since 1974. \$200 per hour reasonable for other attorney who has been member of Florida Bar since 1996.
- 51 hours spent on case by first attorney and 19.10 hours by second attorney were excessive for the case and reduced to 14.77 hours and 7.4 hours, respectively.
- 10 hours of legal research at \$175.00 per hour was excessive and reduced to 3.6 hours at paralegal rate of \$85.00 per hour.

[Lakeside Manor Condominium Association, Inc. v. Freeman,](#)

Case No. 2008-00-2118 (Lang / Final Order for Attorney's Fees and Costs / April 25, 2008)

- \$165.00 per hour reasonable for attorney practicing since 1995.

[Boca Country Estates Condo. Ass'n, Inc. v. Dubisky,](#)

Case No. 2008-00-2138 (Earl / Final Order On Motion for Attorney's Fees and Costs / April 24, 2008)

- Requested of rate of \$200.00 per hour for attorney with less than two years experience was unreasonable. Rate of \$175.00 per hour awarded.

[Paradise Shores Apartments, Inc. v. Campo,](#)

Case No. 2007-05-6490 (Bembry / Final Order on Fees and Costs / May 8, 2008)

- Requested hourly rates from \$175 to \$210, varying according to specific services provided, were reasonable for attorney who has been practicing law for 25 years.

[The Brazilian of Palm Beach Association, Inc., v. James S. DePeyster, Jr.,](#)

Case No. 2008-02-6205 (Campbell / Final Order on Fees and Costs / May 15, 2008)

- Legislative direction as to cost efficiency and reducing attorney fees requires arbitrator to limit taxation of fees. In simple case using the approved form petition for arbitration it is not necessary to include legal research and argument to initiate the

arbitration. Attorney's fees incurred for that extra effort will not be taxed against the opposing party. Similarly, fees will not be taxed for a complex pleading and argument in response to an order to show cause why a case should not be dismissed because of compliance by the respondent. Party requested award based on 29.2 hours, but order taxed 14.3 hours at rate of \$250.00 for experienced association attorney in West Palm Beach.

[Deerfield Pines Association, Inc. v. Katz,](#)

Case No. 2008-02-6309 (Campbell / Final Order on Fees and Costs / May 28, 2008)

- Requested hourly rate of \$195 was reasonable for attorney who has been practicing law for 21 years.

[Biltmore II Condominium Association v. Solares,](#)

Case No. 2008-02-1587 (Campbell / Final Order on Fees and Costs / June 9, 2008)

- Requested hourly rate of \$300 was reasonable for attorney who has been practicing law for 26 years.

[SouthPoint Condominium Association, Inc. v. Capin,](#)

Case No. 2008-01-9302 (Campbell / Final Order on Fees and Costs / June 9, 2008).

- Requested hourly rate of \$225 was excessive for attorney who has been practicing law for 11 years. Rate of \$200 was reasonable for representing the unit owner in a difficult case.

[Southpoint Condominium Ass'n, Inc. v. Kourkkoumelis,](#)

Case No. 2008-01-7743 (Earl / Final Order on Motion for Determination as to Attorneys' Fees and Costs / June 10, 2008)

- Requested rate of \$225.00 for attorney who has been practicing law for seven years was reasonable.
- Petitioner was not awarded the costs of efforts of individuals who were not identified in its motion or attachments.

[Denber v. Tidy Island Condo. Assn, Inc.,](#)

Case No. 2008-01-1470 (Lang / Final Order on Motion for Attorney's Fees and Costs / June 11, 2008)

- Hourly rate ranging from \$175.00 to \$200.00 per hour reasonable for attorney with 11 years experience.
- Time spent by persons identified only by initials with no indication of education or work experience could not be awarded.

- Entries on time sheets identified only as “Work in file” not awarded because no description of work performed.

Champlain Towers South Condo. Ass'n, Inc. v. La Font,

Case No. 2008-01-7747 (Bembry / Corrected Final Order on Motion for Attorney's Fees and Costs / June 23, 2008)

- Requested rates of \$200.00 and \$225 .00 per hour for attorneys with five and four years of experience, respectively, were excessive. A reasonable rate for all the attorneys was \$195.00 per hour.

TSB Bayou Grande LLC, et al., v. Bayou Grande Villa Association, Inc.,

Case No. 2008-02-9922 (Campbell / Final Order on Fees and Costs / July 2, 2008)

- Requested hourly rate of \$250 was reasonable for attorney who has been practicing law for 25 years.

John Tinney and Nick Lazzara v. The Grand Bellagio at Baywatch Condominium Association, Inc.,

Case No. 2008-01-5915 (Chavis / Final Order on Motion for Attorney's Fees and Costs / July 8, 2008)

- Hourly rate of \$300.00 deemed reasonable for attorney having practiced law for 60 years at the time of his services.
- Hourly rate of \$250.00 deemed reasonable for attorney having practiced law for 42 years at the time of his services.

4000 Island Boulevard Condominium Association, Inc., v. Garbin,

Case No. 2008-02-9916 (Campbell / Final Order on Fees and Costs / July 10, 2008)

- Requested hourly rates of \$250 and \$225 were excessive for attorneys who have been practicing law 9 years and 3 years, respectively. Rates of \$200 and \$170 were reasonable for simple case in which no answer was filed.

4000 Island Boulevard Condominium Association, Inc., v. Porcu,

Case No. 2008-02-9787 (Campbell / Final Order on Fees and Costs / July 10, 2008)

- Requested hourly rates of \$250 and \$225 were excessive for attorneys who have been practicing law 9 years and 3 years, respectively. Rates of \$200 and \$170 were reasonable for simple case in which no answer was filed.

4000 Island Boulevard Condominium Association, Inc., v. Weissman,

Case No. 2008-03-0265 (Campbell / Final Order on Fees and Costs / July 10, 2008)

- Requested hourly rates of \$250 and \$225 were excessive for attorneys who have been practicing law 9 years and 3 years, respectively. Rates of \$200 and \$170 were reasonable for simple case in which no answer was filed.

[Fourth Gulfstream Garden Apartments Condominium, Inc. v. Sandman,](#)

Case No. 2008-03-0259 (Campbell / Final Order on Fees and Costs / July 10, 2008)

- Requested hourly rate of \$300 was reasonable for attorney who has been practicing law for 38 years.

[La Riviere Ass'n No. 1, Inc. v. Skawinski,](#)

Case No. 2008-02-9800 (Earl / Final Order on Motion for Attorney's Fees and Costs / July 21, 2008)

- Requested rate of \$250.00 per hour for an attorney was excessive. Rate of \$190.00 per hour was reasonable.

[4000 Island Boulevard Condominium Association, Inc., v. Santos-Molina,](#)

Case No. 2008-03-2465 (Campbell / Final Order on Fees and Costs / July 29, 2008)

- Requested hourly rates of \$250 and \$225 was excessive for attorneys who have been practicing law 9 years and 3 years, respectively. Rates of \$200 and \$170 was reasonable for simple case in which no answer was filed.

[One Island Place Condominium Association, Inc. v. Attia,](#)

Case No. 2008-03-2461 (Campbell / Final Order on Fees and Costs / July 29, 2008).

- Requested hourly rate of \$350 was excessive for attorney who has been practicing law for 25 years. Rate of \$300 was reasonable for representing the unit owner in a difficult case.

[One Island Place Condominium Association, Inc. v. Engel,](#)

Case No. 2008-03-2448 (Campbell / Final Order on Fees and Costs / July 29, 2008).

- Requested hourly rate of \$350 was excessive for attorney who has been practicing law for 25 years. Rate of \$300 was reasonable for representing the unit owner in a difficult case.

[One Island Place Condominium Association, Inc. v. Bricourt,](#)

Case No. 2008-03-2438 (Campbell / Final Order on Fees and Costs / July 29, 2008).

- Requested hourly rate of \$250 was excessive for attorney who has been practicing law for 9 years. Rate of \$200 was reasonable for representing the association in a simple case.

[The Villas at Indian River Condo. Ass'n, inc. v. Perez,](#)



Case No. 2008-03-4529 (Earl / Final Order on Motion for Attorney's Fees and Costs / August 21, 2008)

- Request rates of \$250.00 and \$300.00 per hour for attorneys licensed in Florida since 2001 and 1984, respectively, were excessive. Reasonable rates were \$225.00 and \$275.00 per hour.

[Oceania III Condominium Association, Inc. v. Moya,](#)

Case No. 2008-03-0262 (Campbell / Final Order on Fees and Costs / September 2, 2008).

- Requested hourly rate of \$250 was reasonable for attorney who has been practicing law for 18 years.

[Lochmoor On-the-Green Condominium Association, Inc. v. Travis,](#)

Case No. 2008-03-6548 (Campbell / Final Order on Fees and Costs / September 4, 2008).

- Requested hourly rate of \$265 was excessive for attorney who has been practicing law for 17 years. Rate of \$225 was reasonable for simple case in which no answer was filed.

[Omega Condominium No. 1, Inc. v. Goldman,](#)

Case No. 2008-03-6544 (Campbell / Final Order on Fees and Costs / September 4 2008).

- Requested hourly rate of \$275 was excessive for attorney who has been practicing law for 7 years. Rate of \$200 was reasonable for simple case in which no answer was filed.

**Generally**

[Richard W. Huffman and Carol Huffman, v. Emmy-Lou, Inc. of Naples a/k/a The Billows,](#)

Case No. 2005-03-6527(Campbell / Final Order on Fees and Costs / September 10, 2007)

- Arbitrator is without authority to award fees to an individual who is not a member of the Florida Bar. Fees denied to unit owner who represents himself and is an attorney in another state, but is not licensed in Florida.

[TSB Bayou Grande LLC, et al., v. Bayou Grande Villa Association, Inc.,](#)

Case No. 2008-02-9922 (Campbell / Final Order on Fees and Costs / July 2, 2008).

- Fees will not be awarded to attorney who represented some of the petitioners in pre-arbitration stages and document production before he referred dispute to another attorney to file petition for arbitration. Although referring attorney may have provided valuable services to some of the petitioners as a liaison with arbitration attorney, and for concurrent disputes between petitioners and the association, it cannot be concluded his services were reasonable and necessary in the arbitration case. Also, no reimbursement awarded for paralegal services because those efforts were not more

substantial than clerical work, and the qualifications of the paralegal were not submitted with the motion for fees.

[Bermuda Club Management Counsel, Inc. and Bermuda Club Four Association, Inc. v. Mireya Zurita,](#)

Case No. 2006-06-7768 (Chavis / Amended Final Order on Motion for Attorney's Fees and Costs / July 6, 2007)

- Time spent by an unidentified individual, who did not submit an affidavit as to whether he or she was an attorney or paralegal, and stating the number of years the attorney has been in practice, will not be compensated.

[La Riviere Ass'n No. 1, Inc. v. Skawinski,](#)

Case No. 2008-02-9800 (Earl / Final Order on Motion for Attorney's Fees and Costs / July 21, 2008)

- Unit owners' attempt to raise the defense of medical necessity for the first time during the fees case was rejected as untimely.

[Plaza Del Prado Condo. Ass'n, Inc. v. Paskin,](#)

Case No. 2008-03-7376 (Earl / Final Order of Dismissal / August 7, 2008)

- A party may not recover attorney's fees for the services of a person who is not a licensed attorney in the State of Florida.

### **Prevailing Party**

[Quatraine Condo. IV Assn, Inc. v. Borges,](#)

Case No. 2007-04-9618 (Golen / Order Denying Petitioner's Motion for Award of Attorney's Fees and Costs / Oct. 9, 2007)

- Where underlying case was sent to mediation and petition was dismissed when neither party filed a notice of election to continue with arbitration, neither party is prevailing party and motion for attorney's was denied.

[Andrew Vasey v. Lakeside Manor Association, Inc.,](#)

Case No. 2007-04-1532, (Chavis / Final Order on Motion for Attorney's Fees and Costs / September 19, 2007)

- In the underlying case, the arbitrator granted Petitioner's request for voluntary dismissal. As neither party achieved any benefit from the dispute, neither party will be considered the prevailing party in the litigation.

[Daytona Beach Club Condo. Ass'n, Inc. v. Miller,](#)

Case No. 2007-05-6842 (Earl / Final Order on Motion for Attorney's Fees and Costs / October 24, 2007)

- Where the petition were dismissed due to lack of jurisdiction, respondent was not the prevailing party.

[Kadrie v. Harbor Watch Condo. Ass'n, Inc.,](#)

Case No. 2007-05-4187 (Earl / Final Order on Motion to Determine and Tax Attorney's Fees and Costs / October 24, 2007)

- Where the petition was dismissed due to lack of jurisdiction, respondent was not the prevailing party.

[Oak Park Villas Condo. Assn, Inc. v. Crisafulli,](#)

Case No. 2007-05-5978 (Lang / Final Order on Motion for Attorney's Fees and Costs / Jan. 7, 2008)

- Where Association did not break down its attorney's fees request by issue and association prevailed on one-half of issues and respondents prevailed on one half of issues, association awarded one half of fees requested.

[Harbor Villas at Dunedin Association, Inc. v. Brian Jarl,](#)

Case No. 2007-05-9710 (Chavis / Final Order on Motion for Attorney's Fees and Costs / December 27, 2007)

- A party is a "prevailing party" if it succeeds on a significant issue in the arbitration and achieves some of the benefit sought in bringing the case. Respondent acquiesced to the relief requested by the Petitioner. Therefore, respondent was not the prevailing party and was not entitled to recover his attorney's fees.

[Palm Bay Condo. , Inc. v. Palmbayph 2000, LLC, et al,](#)

Case Number 2007-05-9847 (Earl / Final Order on Motions Attorney's Fees and Costs / January 16, 2008)

- Where the condominium was owned by the corporate respondent and not the individual respondent, arbitrator lacked jurisdiction to award attorney fees and costs as to the individual respondent. Since the underlying case was rendered moot due to the corporate respondent's compliance, the association was presumed to be the prevailing party for the purpose of awarding costs and attorney's fees since the respondent's compliance was motivated by the filing and receipt of the petition. Rule 61B-45.048(7), Florida Administrative Code.

[Condo. Ass'n of Parker Plaza East , Inc. v. Felipe,](#)

Case No. 2007-05-9855 (Earl / Final Order on Motion for Attorney's Fees and Costs / January 16, 2008).

- Where the underlying case is rendered moot due to the unit owner's compliance, the association is presumed to be the prevailing party for the purpose of awarding costs and

attorney's fees if the unit owner's compliance was motivated by the filing and receipt of the petition. Rule 61B-45.048(7), Florida Administrative Code.

[Isle of Sandalfoot Condo., Inc., 6 v . Medina.](#)

Case No. 2007-06-5011 (Earl / Final Order On Motion for Attorney's Fees and Costs / January 16, 2008).

- Where the underlying case is rendered moot due to the unit owner's compliance, the association is presumed to be the prevailing party for the purpose of awarding costs and attorney's fees if the unit owner's compliance was motivated by the filing and receipt of the petition. Rule 61B-45.048(7), Florida Administrative Code.

[Denber v. Tidy Island Condo. Assn, Inc.](#)

Case No. 2008-01-1470 (Lang / Final Order on Motion for Attorney's Fees and Costs / June 11, 2008)

- Petitioners' were prevailing party where Association did not offer anything to rebut presumption of prevailing party status where Petitioners' requested as relief replacement of the windows in their unit, and the petition was dismissed as moot because the windows in Petitioners' unit were replaced after the filing of the petition.

[Galera v. Parkway Tower Condo. Ass'n, Inc.,](#)

Case No. 2008-00-6555 (Earl / Final Order on Motion for Award of Attorney Fees and Costs / April 21, 2008)

- Neither party was found to be the prevailing party where the petitioner dismissed the underlying case. The pleadings filed in the underlying case did not establish sufficient undisputed facts to permit the arbitrator to determine whether the petitioner or respondent would have prevailed in the underlying dispute.

[The Nancy Lane Ass'n, Inc. v. Gerola.](#)

Case No. 2008-00-6544 (Earl / Final Order on Motion for Attorney's Fees and Costs / April 22, 2008)

- The unit owner's argument that association's counsel lacked authorization to pursue recovery of fees and costs was rejected because the unit owner had not filed any proof that counsel lacked authorization.
- Where the underlying case is rendered moot due to the unit owner's compliance, the association was presumed to be the prevailing party for the purpose of awarding costs and attorney's fees if the unit owner's compliance was motivated by the filing and receipt of the petition. Substantial compliance with the association's demands did not occur until after the unit owner received the petition. Therefore, the association is deemed to be the prevailing party.

[Southpoint Condominium Ass'n, Inc. v. Kourkkoumelis,](#)

Case No. 2008-01-7743 (Earl / Final Order on Motion for Determination as to Attorneys' Fees and Costs / June 10, 2008)

- Where the underlying case is rendered moot due to the unit owner's compliance, the association is presumed to be the prevailing party for the purpose of awarding costs and attorney's fees if the unit owner's compliance was motivated by the filing and receipt of the petition.

[Plaza Del Prado Condo. Ass'n, Inc. v. Paskin,](#)

Case No. 2008-03-7376 (Earl / Final Order of Dismissal / August 7, 2008)

- Where a case is dismissed due to a party's election not to continue with arbitration after mediation fails, neither party is deemed to have prevailed in the arbitration case.