

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Florida Recovery Solutions, Inc. v. Westport Recovery Corporation

No. 3D25-0356 · No. No. 3D25-0356 · Decided October 1, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a final judgment awarding attorney’s fees under section 57.105, Florida Statutes, to Westport Recovery Corporation. The court held that the trial court did not abuse its discretion in finding Westport entitled to fees and that competent substantial evidence supported the amount awarded.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Gordo, J.; Lindsey, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 1, 2025
DOCKET	No. 3D25-0356
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final judgment awarding attorney's fees under section 57.105, Florida Statutes.
STANDARD OF REVIEW	The entitlement determination under section 57.105(1), Florida Statutes, is reviewed for abuse of discretion, except that legal issues underlying a fee motion are reviewed de novo. The amount of an attorney's-fee award is upheld when supported by competent substantial evidence.
PRECEDENTIAL VALUE	published
PARTIES	Florida Recovery Solutions, Inc., Cheyenne Whitfield v. Westport Recovery Corporation

TOPICS

- attorney fees
- sanctions
- standard of review
- appellate procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- appellate procedure
- attorney fees
- sanctions
- commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in determining that Westport was entitled to attorney's fees under section 57.105(1), Florida Statutes.
2. Whether competent substantial evidence supported the amount of attorney's fees awarded to Westport.

HOLDINGS

1. The trial court did not abuse its discretion in determining that Westport was entitled to attorney's fees under section 57.105(1).
2. Competent substantial evidence supported the amount of attorney's fees awarded to Westport.

KEY QUOTATIONS

“The purpose of sanctions is to deter frivolous pleadings.” (at 2)

“To support a fee award, there must be evidence detailing the services performed and expert testimony as to the reasonableness of the fee.” (at 3)

FACTUAL BACKGROUND

Westport Recovery Corporation, formerly known as First Union National Bank of Florida, obtained a final judgment awarding it attorney's fees against Florida Recovery Solutions, Inc. and Cheyenne Whitfield under section 57.105, Florida Statutes. The appellants disputed both whether Westport was entitled to fees and whether the evidentiary support established the reasonableness of the amount awarded. The appellate court concluded that the trial court's entitlement determination and fee amount were supported by the record.

PROCEDURAL HISTORY

The County Court for Miami-Dade County entered a final judgment awarding Westport Recovery Corporation attorney's fees against Florida Recovery Solutions, Inc. and Cheyenne Whitfield. The appellants challenged both Westport's entitlement to fees and the sufficiency of the evidence supporting the amount awarded. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Paul v. Avrahami, 216 So. 3d 647, 649-650 (Fla. 4th DCA 2017)
- Preferred Gov't Ins. Tr. v. Aelion, 307 So. 3d 129, 130 (Fla. 3d DCA 2020)
- Effective Teleservices, Inc. v. Smith, 132 So. 3d 335, 341 (Fla. 4th DCA 2014)
- Nants v. Griffin, 783 So. 2d 363, 366 (Fla. 5th DCA 2001)
- Saussy v. Saussy, 560 So. 2d 1385, 1386 (Fla. 2d DCA 1990)

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