

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA

Dina Hess v. Sutton Specialty Insurance Company

No. 2:24-cv-514-JES-DNF (M.D. Fla. Feb. 6, 2026) · No. 2:24-cv-514-JES-DNF · Decided February 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Dina Hess’s request for attorney’s fees and prejudgment statutory interest after confirming an arbitration award in her insurance dispute with Sutton Specialty Insurance Company. The Court held that the Florida attorney-fee statute for surplus lines insurers had been repealed before the action was filed and that the statutory interest provision did not apply absent a contractual basis or bad-faith claim. The Court allowed taxable costs under Federal Rule of Civil Procedure 54(d) and post-judgment interest under federal law.

CASE DETAILS

|                       |                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida                                                                                                                                           |
| WRITING FOR THE COURT | E. Steele                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Middle District of Florida                                                                                                                                           |
| DECIDED               | February 6, 2026                                                                                                                                                                                          |
| DOCKET                | 2:24-cv-514-JES-DNF                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiff moved for attorney's fees, taxable costs, and statutory interest after the Court confirmed an arbitration award and entered judgment in plaintiff's favor on her insurance-policy breach claim. |
| STANDARD OF REVIEW    | The Court applied the governing statutory and procedural standards to plaintiff's post-judgment motion; no separate standard of review was expressly stated.                                              |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                           |
| PARTIES               | Dina Hess v. Sutton Specialty Insurance Company                                                                                                                                                           |

TOPICS

- insurance coverage
- arbitration
- attorney fees
- costs
- prejudgment interest

## PRACTICE AREAS

insurance coverage

insurance litigation

arbitration

attorney's fees and costs

interest on judgments

## QUESTIONS PRESENTED

1. Whether Hess was entitled to attorney's fees under former Florida Statutes section 626.9373 when she filed suit after the statute's repeal.
2. Whether Hess was entitled to taxable costs under Florida Statutes section 57.041 or Federal Rule of Civil Procedure 54(d).
3. Whether Hess was entitled to prejudgment statutory interest under Florida Statutes section 627.70131(7)(a).
4. Whether a federal judgment confirming an arbitration award bears post-judgment interest under 28 U.S.C. section 1961.

## HOLDINGS

1. Hess was not entitled to attorney's fees under section 626.9373 because the Florida Legislature repealed the statute effective March 24, 2023, and the repeal applies to causes of action filed after that date; Hess filed her complaint on May 9, 2024.
2. Hess, as the prevailing party, was entitled to taxable costs under Federal Rule of Civil Procedure 54(d), and she could submit a proposed Bill of Costs for taxation by the Clerk.
3. Hess was not entitled to prejudgment statutory interest under Florida Statutes section 627.70131(7)(a).
4. A federal judgment confirming an arbitration award is entitled to statutory post-judgment interest under 28 U.S.C. section 1961, and Hess's motion was granted to the extent an amount remained unpaid.

## KEY QUOTATIONS

*“Unless a federal statute, these rules, or a court order provides otherwise, costs--other than attorney's fees--should be allowed to the prevailing party.” (Section III)*

*“We therefore conclude that a district court judgment affirming an arbitration award is governed by statutory post-judgment interest rates.” (Section IV.B)*

## FACTUAL BACKGROUND

Following Hurricane Ian, Dina Hess submitted a claim to Sutton Specialty Insurance Company for damages, and Sutton partially denied coverage for flood damage on December 14, 2022. Hess sued for breach of the insurance policy, and the dispute was ultimately resolved through arbitration. The arbitration award did not address attorney's fees, interest, or taxable costs, and the Court confirmed the award and entered judgment for Hess.

## PROCEDURAL HISTORY

After Hurricane Ian, Hess filed an insurance claim concerning flood damage. She filed suit in Florida state court on May 9, 2024, and Sutton removed the case to federal court on May 31, 2024. The Court compelled

arbitration, an arbitration award issued on September 10, 2025, and the Court later confirmed the award and entered judgment for Hess. Hess then moved for attorney's fees, taxable costs, and statutory interest. The Court denied attorney's fees and prejudgment statutory interest, allowed taxable costs under Federal Rule of Civil Procedure 54(d), and granted post-judgment interest to the extent any judgment balance remained unpaid.

## DISPOSITION

other

## CASES CITED

- Shop Teks Equip. Specialists, Inc. v. NorAm, Inc., No. 1:12-CV-02378-CC, 2014 WL 12699274, at \*3 (N.D. Ga. Oct. 27, 2014)
- Tony v. Evanston Ins. Co., No. 0:22-CV-62076, 2024 WL 4189699, at \*2 (S.D. Fla. Aug. 20, 2024)
- Sheriff of Broward Cnty. v. Evanston Ins. Co., 159 F.4th 792 (11th Cir. 2025)
- LM Gen. Ins. Co. v. Blackwell, No. 8:22-CV-1750-CPT, 2024 WL 1283694, at \*2 n.2 (M.D. Fla. Mar. 26, 2024)
- Collazo v. Progressive Select Ins. Co., No. 20-CV-25302, 2022 WL 18144067, at \*5-\*6 (S.D. Fla. Dec. 19, 2022)
- McMahan v. Toto, 256 F.3d 1120, 1131 (11th Cir. 2001), amended on reh'g, 311 F.3d 1077 (11th Cir. 2002)
- Erie R.R. Co. v. Tompkins, 304 U.S. 64 (1938)
- Marx v. Gen. Revenue Corp., 568 U.S. 371, 377 (2013)
- Berkower v. USAA Cas. Ins. Co., No. 15-23947-CIV, 2016 WL 4574919, at \*4 (S.D. Fla. Sept. 1, 2016)
- Newman v. Am. Home Assurance Co., Inc., No. 22-CV-20979-JB, 2024 WL 1209801, at \*6 (S.D. Fla. Mar. 20, 2024)
- Taylor v. State Farm Florida Ins. Co., 388 So. 3d 307, 311 & n.3 (Fla. 5th DCA 2024)
- Riley v. Heritage Prop. & Cas. Ins. Co., No. 23-11678, 2025 WL 574244, at \*3 (11th Cir. Feb. 21, 2025)
- AIG Baker Sterling Heights, LLC v. Am. Multi-Cinema, Inc., 508 F.3d 995, 1001 (11th Cir. 2007)
- G.M. Brod & Co. v. U.S. Home Corp., 759 F.2d 1526, 1542 (11th Cir. 1985)
- Parsons & Whittemore Alabama Mach. & Servs. Corp. v. Yeargin Const. Co., 744 F.2d 1482, 1484 (11th Cir. 1984)