

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Leda Loynaz Pacific v. Peninsula Association Inc.

Loynaz Pacific · No. No. 3D25-1055 · Decided February 18, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed a trial court ruling in favor of Peninsula Association Inc. The opinion addresses entitlement to attorney’s fees under section 718.303(1), Florida Statutes, following a voluntary dismissal and discusses the prevailing-party rule.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	SCALES, C.J.; EMAS, J.; LOGUE, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	February 18, 2026
DOCKET	No. 3D25-1055
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order or judgment of the Circuit Court for Miami-Dade County involving an award of attorney's fees under section 718.303(1), Florida Statutes.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review. It applies the principle that, without a transcript of relevant trial proceedings, an appellate court cannot resolve underlying factual issues or conclude that the trial court's judgment lacks evidentiary support.
PRECEDENTIAL VALUE	published
PARTIES	Leda Loynaz Pacific v. Peninsula Association Inc.

TOPICS

- attorney fees
- appellate procedure
- standard of review
- civil procedure
- real estate

PRACTICE AREAS

- appellate procedure
- civil procedure
- attorney fees
- real estate

QUESTIONS PRESENTED

1. Whether the prevailing-party attorney's-fee provision in section 718.303(1), Florida Statutes, permits an award of reasonable attorney's fees to the association after the action was voluntarily dismissed.
2. Whether the appellate court could disturb the lower court's attorney's-fee disposition on the record presented.

HOLDINGS

1. Under section 718.303(1), Florida Statutes, the prevailing party in an action concerning noncompliance with the Condominium Act is entitled to recover reasonable attorney's fees, and a defendant may qualify as the prevailing party after the plaintiff voluntarily dismisses the action even without an adjudication on the merits.
2. The appellate court would not disturb the fee disposition where the record did not provide a sufficient basis to resolve the underlying factual issues or demonstrate error.

KEY QUOTATIONS

"Affirmed." (1)

"The general rule in Florida is that when a plaintiff voluntarily dismisses an action, the defendant is the prevailing party. It is not necessary for there to be an adjudication on the merits in order to be entitled to fees as a prevailing party." (1)

"After entry of a voluntary dismissal, attorney's fees can be awarded to the so-called prevailing party under [a] statutory provision where the case was not resolved on the merits." (1)

"Because Wellness Center has not provided us a transcript of the evidentiary hearing where the lower court addressed attorney's fees, and the face of the record reveals no error in the court's calculation of the fee amount awarded to [appellee], we must affirm the fee award." (2)

"Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or an alternate theory." (3)

FACTUAL BACKGROUND

The opinion concerns an attorney's-fee dispute between a condominium unit owner and a condominium association under section 718.303(1), Florida Statutes. The cited authorities indicate that the underlying action was voluntarily dismissed and that the association was treated as the prevailing party despite the absence of an adjudication on the merits. The appellate court affirmed the lower court's disposition.

PROCEDURAL HISTORY

Leda Loynaz Pacific appealed from the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed, relying on section 718.303(1), Florida Statutes, and Florida cases recognizing a prevailing party's entitlement to attorney's fees after a voluntary dismissal and the need for an adequate appellate record to challenge a fee award.

DISPOSITION

affirmed

CASES CITED

- Mack v. Univ. Prop. & Cas. Ins. Co., 321 So. 3d 901, 903 (Fla. 2d DCA 2021)
- Catamaran B.Y., Inc. v. Giordano, 337 So. 3d 439, 441 (Fla. 3d DCA 2022)
- Viler v. Univ. Prop. & Cas. Ins. Co., 386 So. 3d 941, 943 (Fla. 4th DCA 2024)
- Wellness Ctr. of London Square, Inc. v. DHL Express (USA), Inc., 393 So. 3d 752, 753 (Fla. 3d DCA 2024)
- Myret, LLC v. Grp. LX, Inc., 245 So. 3d 1024, 1024 (Fla. 3d DCA 2018)
- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/florida-third-district-court-of-appeal-district-court-of-appeal-of-florida-third-district/2026/leda-loynaz-pacific-v-peninsula-association-inc-jl2quka0>