

FLORIDA THIRD DISTRICT COURT OF APPEAL

Arista Floral Corporation v. HP Inc.

No. 3D25-1699 · No. No. 3D25-1699 · Decided April 1, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the county court's ruling in an appeal involving an award of costs and attorney's fees. The court explained that pro se non-attorneys are not entitled to attorney's fees and that various attorney and administrative expenses are not recoverable as taxable costs.

CASE DETAILS

|                       |                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Florida Third District Court of Appeal                                                                                                                                                                |
| WRITING FOR THE COURT | Gordo; Bokor; Gooden                                                                                                                                                                                  |
| JURISDICTION          | Florida Third District Court of Appeal                                                                                                                                                                |
| DECIDED               | April 1, 2026                                                                                                                                                                                         |
| DOCKET                | No. 3D25-1699                                                                                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Appeal from a County Court for Miami-Dade County order concerning costs and attorney's fees.                                                                                                          |
| STANDARD OF REVIEW    | A trial court's award of costs is reviewed for abuse of discretion. Issues involving statutory construction or the legal determination of whether and what costs may be awarded are reviewed de novo. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                     |
| PARTIES               | Arista Floral Corporation v. HP Inc.                                                                                                                                                                  |

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Costs and attorney's fees
- Commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court properly resolved the issues concerning the award of taxable costs and attorney's fees.
2. What standard of review applies to a trial court's cost award and to legal questions concerning the availability and classification of costs.
3. Whether non-attorneys proceeding pro se may recover attorney's fees.

#### **HOLDINGS**

1. The trial court's ruling was affirmed; the appellate court found no basis to grant relief on the issues concerning costs and attorney's fees.
2. A non-attorney proceeding pro se is not entitled to an award of attorney's fees.

#### **KEY QUOTATIONS**

*“[A] trial court’s award of costs is reviewed by appellate courts for an abuse of discretion. However, to the extent the issues involve statutory construction or the legal determination of whether and what costs may be awarded at all, our standard of review is de novo.”*

*“It goes without saying that non-attorneys proceeding pro se are not entitled to an award of attorney's fees.”*

#### **FACTUAL BACKGROUND**

The opinion does not describe the underlying transaction or the specific costs and fees sought in detail. It addresses an appellate challenge involving the distinction between taxable costs and attorney's fees, including whether expenses such as legal research, postage, parking, mileage, meals, and other administrative expenses may be recovered as costs.

#### **PROCEDURAL HISTORY**

Arista Floral Corporation appealed a County Court for Miami-Dade County ruling. The Third District Court of Appeal affirmed the ruling in a per curiam opinion.

#### **DISPOSITION**

affirmed

#### **CASES CITED**

- Cornfeld v. Plaza of the Americas Club, Inc., 306 So. 3d 1136, 1139 (Fla. 3d DCA 2020)
- Lee v. Animal Aid, Inc., 388 So. 3d 25, 31 (Fla. 4th DCA 2024)
- Kay v. Ehrler, 499 U.S. 432, 435 (1991)
- Schultheis v. Schultheis, No. 3D23-1250, 2026 WL 516519, at \*1 (Fla. 3d DCA Feb. 25, 2026)
- Short v. State, 579 So. 2d 163, 164 (Fla. 2d DCA 1991)
- Flopro v. EOX Tech. Sol., Inc., FLOPRO, LLC v. EOX Tech. Sols., Inc., 375 So. 3d 904, 905 (Fla. 4th DCA 2023)

- Centex-Rooney Construction Co., Inc. v. Martin County, 725 So. 2d 1255, 1261 (Fla. 4th DCA 1999)

## OPINION

### PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 1, 2026. Not final until disposition of timely filed motion for rehearing. \_\_\_\_\_ No. 3D25-1699 Lower Tribunal No. 25-54352-SP-26 \_\_\_\_\_ Arista Floral Corporation, Appellant, vs. HP Inc., Appellee. An Appeal from the County Court for Miami-Dade County, Lawrence D. King, Judge.

Birnbaum, Lippman & Gregoire, PLLC, and Nancy W. Gregoire Stamper (Ft. Lauderdale), for appellant. Morgan, Lewis & Bockius LLP, and Brian M. Ercole and Melissa Marie Coates, for appellee. Before, GORDO, BOKOR and GOODEN, JJ. PER CURIAM. Affirmed. See Cornfeld v. Plaza of the Americas Club, Inc., 306 So. 3d 1136, 1139 (Fla. 3d DCA 2020) (“[A] trial court’s award of costs is reviewed by appellate courts for an abuse of discretion.

However, to the extent the issues involve statutory construction or the legal determination of whether and what costs may be awarded at all, our standard of review is de novo.” (citations omitted)); Lee v. Animal Aid, Inc., 388 So. 3d 25, 31 (Fla. 4th DCA 2024) (“It goes without saying that non-attorneys proceeding pro se are not entitled to an award of attorney’s fees.” (citing Kay v. Ehrler, 499 U.S. 432, 435 (1991))); Schultheis v. Schultheis, No. 3D23-1250, 2026 WL 516519, at \*1 (Fla.

3d DCA February 25, 2026) (“[Costs are] an allowance to a party of expenses incurred in the successful transaction or defense of a suit. [Attorney’s fees are] compensation to an officer for services rendered in the progress of the cause.” (citations omitted)); Short v. State, 579 So. 2d 163, 164 (Fla. 2d DCA 1991) (“The fact that the defendant requested reimbursement of his attorneys’ fees as ‘taxable costs’ does not transform fees into costs.”); FLOPRO, LLC v. EOX Tech.

Sols., Inc., 375 So. 3d 904, 905 (Fla. 4th DCA 2023) (“[L]egal research is not recoverable as a taxable cost. Nor is postage, which is an office expense. Parking, mileage, and meals should also be deducted from the cost award.” (citations omitted)); Centex-Rooney Const. Co., Inc. v. Martin Cnty., 725 So. 2d 1255, 1261 (Fla. 2 4th DCA 1999) (“[M]eals (other than business meals), equipment, postage and freight, equipment maintenance, printing, communication charges, temporary help, documents processing, graphics and similar administrative expenses were improperly taxed as costs.”).