

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH
DISTRICT**

**Jose Anthony Hernandez and Safeco Insurance Company of Illinois
a/k/a Safeco Insurance Company of Illinois, Inc. v. Rebecca L.
Heikka**

No. 4D17-0905 · No. No. 4D17-0905 · Decided April 4, 2018

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT JOSE ANTHONY HERNANDEZ and SAFECO INSURANCE COMPANY OF ILLINOIS a/k/a SAFECO INSURANCE COMPANY OF ILLINOIS, INC., Appellants, v. REBECCA L. HEIKKA, Appellee. No. 4D17-0905 [April 4, 2018] Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Carlos A. Rodriguez, Judge; L.T.

Case No. CACE-09- 039965-14. J. Pablo Cáceres and Hudson Jones of Butler Weihmuller Katz Craig LLP, Tampa, for appellant Safeco Insurance Company of Illinois a/k/a Safeco Insurance Company of Illinois, Inc. Kenneth D. Cooper, Fort Lauderdale, for appellee. DAMOORGIAN, J. Safeco Insurance Company of Illinois appeals from a final judgment awarding Rebecca Heikka \$361,775 in attorney's fees and costs pursuant to section 627.428, Florida Statutes (2017) and as a sanction under section 57.105, Florida Statutes (2017).

Although we agree with Appellant that the trial court erred in awarding fees under section 627.428, the error was harmless because the trial court properly awarded fees under section 57.105. We accordingly affirm without further comment. Affirmed. GERBER, C.J., and MAY, J., concur. * * * Not final until disposition of timely filed motion for rehearing.