

FLORIDA THIRD DISTRICT COURT OF APPEAL

Gary Leman v. Orit Tal

Leman · No. 3D24-2238 · Decided December 31, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the county court’s judgment in an appeal concerning the preservation of a challenge to the trial court’s failure to make required factual findings and an attorney-fee award. The court held that the issues were not preserved through a timely motion for rehearing and cited the competent, substantial evidence standard for reviewing attorney-fee awards.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez; Miller; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 31, 2025
DOCKET	3D24-2238
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the County Court for Miami-Dade County; the District Court of Appeal affirmed.
STANDARD OF REVIEW	An attorney-fee award is upheld on appeal when supported by competent, substantial evidence.
PRECEDENTIAL VALUE	published
PARTIES	Gary Leman, et al. v. Orit Tal

TOPICS

- preservation of error
- appellate procedure
- attorney fees
- standard of review
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- attorney fees
- remedies

QUESTIONS PRESENTED

1. Whether the appellants preserved a challenge to the trial court's failure to make required findings of fact by raising the issue in a motion for rehearing.
2. Whether the attorney-fee award was supported by competent, substantial evidence.

HOLDINGS

1. A challenge to the trial court's failure to make required findings of fact in the final judgment must be raised in a motion for rehearing to be preserved for appeal.
2. An attorney-fee award will be upheld on appeal when supported by competent, substantial evidence.

KEY QUOTATIONS

“To preserve for appeal a challenge to the failure of the trial court to make required findings of fact in the final judgment, a party must raise that issue in a motion for rehearing under this rule.” (at 2)

“The key to preservation is whether the trial court had an opportunity to correct the purported error.” (at 2)

“An award of attorney’s fees will be upheld on appeal so long as it is supported by competent, substantial evidence.” (at 2)

FACTUAL BACKGROUND

The opinion contains no substantive factual background beyond the existence of an appeal from a county court judgment. The issues referenced by the court concern the preservation of a challenge to required findings of fact and the evidentiary support for an attorney-fee award.

PROCEDURAL HISTORY

The appellants appealed a County Court for Miami-Dade County judgment. The Third District Court of Appeal affirmed, citing preservation requirements for challenges to required findings of fact and the competent-substantial-evidence standard applicable to attorney-fee awards.

DISPOSITION

affirmed

CASES CITED

- *Schneider v. Tirikian*, 397 So. 3d 1070, 1074 (Fla. 3d DCA 2024)
- *Forte v. All Cnty. Towing Inc.*, 336 So. 3d 316, 319 (Fla. 4th DCA 2022)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 31, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-2238 Lower

Tribunal No. 22-31850-SP-05 _____ Gary Leman, et al., Appellants, vs. Orit Tal, Appellee. An Appeal from the County Court for Miami-Dade County, Diana Gonzalez-Whyte, Judge.

Solnick Law P.A., and Peter J. Solnick, for appellants. The Scharf Appellate Group, and Erik W. Scharf, for appellee. Before FERNANDEZ, MILLER and GOODEN, JJ. PER CURIAM. Affirmed. See Fla. R. Civ. P. 1.530(a) (“To preserve for appeal a challenge to the failure of the trial court to make required findings of fact in the final judgment, a party must raise that issue in a motion for rehearing under this rule.”); *Schneider v. Tirikian*, 397 So.

3d 1070, 1074 (Fla. 3d DCA 2024) (“The key to preservation is whether the trial court had an opportunity to correct the purported error.”); *Forte v. All Cnty. Towing Inc.*, 336 So. 3d 316, 319 (Fla. 4th DCA 2022) (“An award of attorney’s fees will be upheld on appeal so long as it is supported by competent, substantial evidence.”). 2