

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2023-3413
LT Case No. 2019-CA-8936

GEICO GENERAL INSURANCE
COMPANY,

Appellant,

v.

BROOKE TSAO and BENJAMIN TSAO,

Appellees.

On appeal from the Circuit Court for Duval County.
Virginia Norton, Judge.

Caryn L. Bellus and Barbara E. Fox, of Kubicki Draper, Miami,
for Appellant.

E. Aaron Sprague, C. Rufus Pennington, III, William C. Gentry,
and Chelsea R. Harris, of Coker Law, Jacksonville, for Appellee,
Brooke Tsao.

No Appearance for Appellee, Benjamin Tsao.

March 28, 2025

MACIVER, J.

GEICO General Insurance Company appeals the trial court's
order awarding attorney's fees and costs to Brooke Tsao, pursuant

to section 768.79, Florida Statutes (2023). The award of attorney's fees and costs was based on the trial court's entry of a final judgment in favor of Tsao. We recently reversed the final judgment in favor of Tsao and remanded for a new trial. *See GEICO Gen. Ins. Co. v. Tsao*, 397 So. 3d 1186, 1191 (Fla. 5th DCA 2024).

Because we reversed the final judgment, we must reverse the trial court's order awarding attorney's fees and costs to Tsao. *See Kempton v. McComb*, 266 So. 3d 272, 273 (Fla. 5th DCA 2019) (reversing order awarding attorney's fees and costs pursuant to section 768.79 where appellate court reversed trial court's final judgment); *Hodge v. Cichon*, 79 So. 3d 950 (Fla. 5th DCA 2012) (reversing order granting attorney's fees pursuant to section 768.79 where appellate court reversed trial court's order granting final summary judgment in favor of appellees).

REVERSED.

EDWARDS, C.J., and HARRIS, J., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
