

Third District Court of Appeal

State of Florida

Opinion filed June 10, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-0760
Lower Tribunal No. 22-5406-CA-01

Wilfredo A. Diaz,
Appellant,

vs.

RAM Investments of South Florida, Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Vivianne del Rio, Judge.

Holland & Knight LLP, Christopher N. Bellows, Jose A. Casal and Christine Fuqua Gay, for appellant.

Fente & Fente, and Manuel G. Fente, for appellee.

Before SCALES, C.J., and FERNANDEZ and BOKOR, JJ.

PER CURIAM.

Appellant Wilfredo A. Diaz appeals the trial court's March 27, 2025 Final Judgment and Order Denying Defendant's Entitlement to Attorneys' Fees and Costs. Appellee RAM Investments of South Florida, Inc. ("RAM") sued Diaz in a single-count complaint seeking an injunction to enforce the terms of a non-competition agreement. The agreement contained a provision entitling the prevailing party to attorney's fees.

The trial court denied RAM's motion for a temporary injunction¹ and ultimately entered a final judgment in Diaz's favor. In the final judgment, the trial court denied Diaz's motion seeking prevailing party attorney's fees and costs.

Because Diaz was the prevailing party in the underlying litigation brought on the contract, we reverse those portions of the final judgment denying Diaz's claim for entitlement to prevailing party attorney's fees, see Fed. Vending, Inc. v. Steak & Ale of Fla., Inc., 687 So. 2d 1366, 1368 (Fla. 4th DCA 1997), and claim for costs, see § 57.041(1), Fla. Stat. (2025).

We remand with instructions to the trial court to determine the amount of fees and costs to which Diaz, as the prevailing party in the underlying action, is entitled.

¹ We affirmed the trial court's denial of RAM's motion for temporary injunction. RAM Invs. of S. Fla., Inc. v. Diaz, 387 So. 3d 1214 (Fla. 3d DCA 2024).

Reversed and remanded with instructions.