

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY  
CASE NO.: 502011AP000042XXXXMB  
L.T. No.: 502009CC011200XXXXMB

DONALD MARK REILLY,  
Appellant,

v.

RIC BRADSHAW, in his official capacity  
As Sheriff of Palm Beach County, Florida,  
Appellee.

---

Opinion filed: **MAY 12 2014**

Appeal from the County Court in and for Palm Beach County,  
Judge Laura Johnson.

For Appellant: Fredrick W. Ford, Esq.  
2801 PGA Blvd., Ste. 110  
Palm Beach Gardens, FL 33410  
ffordpa@aol.com

For Appellee: Peter L. Sampo, Esq.  
121 Majorca Ave., Ste. 300  
Coral Gables, FL 33134  
lsavage@anblaw.com

PER CURIAM.

AFFIRMED. Appellant's Motion for Appellate Attorney's Fees and Costs is DENIED. The lower court granted attorneys fees below to Defendant/Appellee pursuant to Florida Statutes, section 57.105. It did so without conducting an evidentiary hearing and failed to make an express finding as to whether Appellant's attorney was not acting in good faith based upon the representations of his client. *See Ferdie v. Isaacson*, 8 So. 3d 1246, 1250 (Fla. 4th DCA 2009). Such a finding is required in order to award attorney's fees under this statute. *Id.* Therefore, this case is REMANDED for determination of this issue. Additionally, the lower court is directed to determine and specify (1) from what date Appellee may recover attorney's fees and (2) against whom the fees are recoverable.

HAFELE, COX and BROWN, JJ., concur.