

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CHARMAINE M. BOCARRO,

Appellant,

v.

CASE NO. 1D04-2832

EUGENE C. PINTO,

Appellee.

Opinion filed September 13, 2005.

An appeal from Circuit Court for Duval County.
A.C. Soud, Jr., Judge.

Wesley H. Owens of R. Craig Hemphill & Associates, Jacksonville, for Appellant.

No appearance for Appellee.

PER CURIAM.

The narrow issue presented in this case is whether the appellant's status as a resident of India precluded her from bringing a separate maintenance action against her husband, a Florida resident, for child support pursuant to section 61.09, Florida

Statutes. We conclude that, under the facts of this case, it did not. See Howell v. Howell, 545 So. 2d 933 (Fla. 2d DCA 1989); Wachsmuth v. Wachsmuth, 528 So. 2d 1201 (Fla. 4th DCA 1988); Weinschel v. Weinschel, 368 So. 2d 386 (Fla. 3d DCA 1979); Martin v. Martin, 128 So. 2d 386 (Fla. 1961); Tinsley v. Tinsley, 125 So. 2d 553 (Fla. 1960); Kiplinger v. Kiplinger, 2 So. 2d 870 (Fla. 1941). The order under review is accordingly reversed.

ERVIN, ALLEN and POLSTON, JJ., CONCUR.