

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

J.S., FATHER OF L.S., A CHILD,

Appellant,

v.

Case No. 5D14-882

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee.

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Opinion filed August 13, 2014

Appeal from the Circuit Court
for Osceola County,
Keith A. Carsten, Judge.

David B. Falstad, Winter Park,
for Appellant.

Rosemarie Farrell, Department of Children
and Families, Orlando, for Appellee.

Jennifer S. Paullin, of Guardian ad Litem
Program, Sanford, for Appellee.

PER CURIAM.

J.S., father of L.S., appeals the order terminating his parental rights as to L.S. We affirm the order of termination. However, we strike the finding of termination based on section 39.806(1)(f), Florida Statutes (2013), because this ground was never alleged in

the petition for termination as to the father.¹ *J.S. v. Dep't of Children & Families*, 44 So. 3d 660 (Fla. 5th DCA 2010). We remand for modification of the order. See *S.L. v. Dep't of Children & Families*, 120 So. 3d 75, 77 (Fla. 4th DCA 2013).

AFFIRMED in part; REVERSED in part; and REMANDED.

TORPY, C.J., WALLIS and LAMBERT, JJ., concur.

¹ This ground was alleged against the mother only. She is not a party, as she voluntarily surrendered her parental rights.