

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

RULA I. ABUROUMI,

Appellant,

v.

Case No. 5D19-3032

JAIME ESPINOSA,

Appellee.

_____ /

Opinion filed November 6, 2020

Appeal from the Circuit Court
for Orange County,
Tanya Davis Wilson, Judge.

Carlton Pierce, of Carlton Pierce, P.A.,
West Palm Beach, for Appellant.

Michele A. Lebron, of Lebron Law, PLLC,
Kissimmee, for Appellee.

PER CURIAM.

We affirm the final judgment with one exception. Appellant correctly argues that the issue of retroactive child support was tried by consent, and the trial court therefore erred when it concluded it was without authority to consider the issue.¹ See, e.g., Fla. R. Civ. P. 1.190(b) (“When issues not raised by the pleadings are tried by express or implied

¹ Appellee concedes on appeal that retroactive child support was tried by consent.

consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.”); *Johnson v. Johnson*, 979 So. 2d 350, 352 (Fla. 5th DCA 2008) (holding trial court had authority to decide unpled issue where issue was tried by consent, relying in part on rule 1.190(b)).

We therefore reverse the trial court’s denial of retroactive child support and remand for consideration of that issue. We otherwise affirm.

AFFIRMED in part; REVERSED in part; REMANDED.

WALLIS, LAMBERT, and EISNAUGLE, JJ., concur.