

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

BRIAN DOUGLAS COOPER,

Appellant,

v.

Case No. 5D20-1905

KATIE GOEDERT COOPER,

Appellee.

Opinion filed June 25, 2021

Appeal from the Circuit Court
for St. Johns County,
Bryan Rendzio, Judge.

J. Stephen Alexander, of Alexander Law Firm
LLC, St. Augustine, for Appellant.

Douglas N. Burnett and Hillary Mesa, of St.
Johns Law Group, P.A., St. Augustine Beach,
for Appellee.

PER CURIAM.

The former husband, Brian Cooper, appeals a final judgment of dissolution of marriage to the former wife, Katie Cooper. As it relates to timesharing and parental responsibility, we affirm. The trial court properly

addressed the minor child's best interests, and it did not abuse its discretion by adopting the partial marital settlement agreement the parties executed without the assistance or knowledge of counsel. See *Vinson v. Vinson*, 282 So. 3d 122, 134 (Fla. 1st DCA 2019).

We reverse in part, however, based on the trial court's mathematical miscalculation involving the former husband's overnight visitations. We review this issue de novo. See *Kareff v. Kareff*, 943 So. 2d 890, 892 (Fla. 4th DCA 2006).

The trial court incorporated the parties' partial agreement into the final dissolution judgment, which unambiguously provides that former husband has at least seventy-eight overnight visits per year. Nevertheless, the trial court credited the former husband with only seventy-two.¹ Because the parties' agreement was clear and unambiguous, its provisions relating to overnight visitations, and therefore child support calculations, must be

¹ The parties agreed the former husband will see the minor child "one overnight a week and every other weekend from Saturday at 8:00am to Sunday at 5:00pm." If the former husband receives one night a week and one Saturday overnight every other weekend, the total is fifty-two weekday overnight visits plus twenty-six weekend overnight visits. Former husband also argued on rehearing and appeal that he is entitled to an additional day of timesharing relating to Christmas Eve or Christmas. Our calculation of seventy-eight days' timesharing does not account for any additional day relating to these holidays. On remand, the trial court shall consider whether the parties' agreement requires that former husband receive seventy-nine days of timesharing.

enforced as written. *See Avellone v. Avellone*, 951 So. 2d 80, 83 (Fla. 1st DCA 2007) (citing *Delissio v. Delissio*, 821 So. 2d 350, 353 (Fla. 1st DCA 2002)). On remand, the trial court shall recalculate the number of overnights awarded to the former husband and the corresponding child support award. *See Murphy v. Murphy*, 313 So. 3d 237, 239–40 (Fla. 2d DCA 2021).

AFFIRMED in part, REVERSED in part, and REMANDED.

EVANDER, C.J., EISNAUGLE and TRAVER, JJ., concur.