

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

TYRAND FLOWERS,

Appellant,

v.

Case No. 5D20-2746
LT Case No. 2016-DR-002166

SHERRONTI FLOWERS,

Appellee.

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Decision filed December 3, 2021

Appeal from the Circuit Court
for Orange County,
Alicia Latimore, Judge.

R. Gregory Colvin, of R. Gregory Colvin,
LLC, Orlando, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED.

WALLIS and WOZNIAK, JJ., concur.
COHEN, J., concurs specially, with opinion.

COHEN, J., concurring specially.

Tyrand Flowers (“Father”) appeals the final judgment on his supplemental petition to modify parental responsibility, parenting plan/timesharing schedule and other relief (“supplemental final judgment”). He contends that the supplemental final judgment was entered in error because the trial court: (1) modified child support when neither he nor his former wife, Sherronti Flowers (“Mother”), requested that relief; and (2) modified timesharing without the parties’ request, and in doing so, ignored their mediation agreement.

Because Father has not provided this Court with a transcript of the hearing on his supplemental petition, we are unable to determine whether the child support and timesharing issues were tried by implied consent. See Lightsey v. Davis, 267 So. 3d 12, 14 n.1 (Fla. 4th DCA 2019) (“The father also claims that the court awarded relief not requested in the pleadings; however, without a transcript of the proceedings this issue cannot be decided because it cannot be determined whether issues were tried by implied consent.” (citation omitted)). The lack of a transcript also prevents us from determining whether Mother raised either issue at the hearing, whether any evidence was presented on those issues, or whether Father objected in order

to preserve his arguments for appeal. See Posso v. Sierra, 311 So. 3d 1021, 1025 (Fla. 5th DCA 2021) (explaining that appellate court could not determine whether appellant objected below to relief not requested where transcript of proceeding was unavailable). Having failed to provide this Court with an adequate record, we are compelled to affirm.