

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

J. F. S., NATURAL FATHER OF
H. S. AND H. S.,

Appellant,

v.

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

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

CASE NO. 1D12-3883

CORRECTED PAGES: pg 2
CORRECTION IS UNDERLINED IN RED
MAILED: November 26, 2012
BY: SDE

Opinion filed November 21, 2012.

An appeal from the Circuit Court for Bay County.
Hon Brantley S. Clark, Jr., Judge.

Sandra Atkins Painter, Southport, for Appellant.

Kelley Schaeffer, Guardian Ad Litem, Tavares, and Ward L. Metzger, Department
of Children and Families, Jacksonville, for Appellee.

PER CURIAM.

J.F.S. appeals the termination of his parental rights. Because he failed to
move for a judgment of dismissal after the presentation of the State's evidence, or

at any other time during the termination hearing, we affirm. K.J. ex rel. A.J. v. Dep't of Children & Families, 33 So. 3d 88, 89 (Fla. 1st DCA 2010); J.D. v. Dep't of Children & Families, 825 So. 2d 477 (Fla. 1st DCA 2002). We recognize, as we did in K.J., that our holding requiring preservation of an evidentiary sufficiency issue under Florida Rule of Juvenile Procedure 8.525(h) conflicts with decisions of the Fourth and Fifth District Courts of Appeal in R.P. v. Dep't of Children & Families, 49 So. 3d 339 (Fla. 5th DCA 2010) and H.D. v. Dep't of Children & Families, 964 So. 2d 818 (Fla. 4th DCA 2007). We certify conflict with these decisions.

AFFIRMED.

CLARK, WETHERELL, and MAKAR, JJ., CONCUR.