

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

JONATHAN RAYMOND
NEWMAN, FORMER
HUSBAND,

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

Appellant,

CASE NO. 1D12-5998

v.

CHARLOTTE LEE NEWMAN,
WIFE,

Appellee.

Opinion filed September 18, 2013.

An appeal from the Circuit Court for Nassau County.
Brian J. Davis, Judge.

Alexa K. Alvarez of Alvarez & Wallace, P.A., Fernandina Beach, for Appellant.

Arthur I. Jacobs of Jacobs Scholz & Associates, LLC, Fernandina Beach, for Appellee.

PER CURIAM.

Appellant, the former husband, appeals a final judgment of dissolution of marriage and raises four issues on appeal, only one of which warrants reversal and remand. Although we reject Appellant's argument that the trial court erred in

determining that Appellee, the former wife, was entitled to attorney's fees, we agree that the trial court, which found that the hourly rate and number of hours claimed by Appellee's attorney were reasonable, erred in awarding fees and costs without conducting a hearing and giving Appellant the opportunity to dispute the reasonableness of the attorney's hourly rate and time claimed. See Giovanini v. Giovanini, 89 So. 3d 280, 282 (Fla. 1st DCA 2012) (noting in part that absent a stipulation, a party seeking attorney's fees must prove with evidence at an evidentiary hearing the reasonableness of the fee sought); Duncan v. Duncan, 642 So. 2d 1167, 1169 (Fla. 4th DCA 1994) (holding that the trial court erroneously awarded temporary attorney's fees and costs without determining that the amounts sought were reasonable and without giving the appellant an opportunity to challenge their reasonableness); Broyles v. Broyles, 573 So. 2d 357, 361 (Fla. 5th DCA 1990) (noting that a trial court must give notice to a party against whom an attorney's fee award will be made and afford an opportunity to review and rebut the reasonableness of any amount claimed).

Accordingly, we AFFIRM in part, REVERSE in part, and REMAND for further proceedings.

LEWIS, C.J., MARSTILLER and OSTERHAUS, JJ., CONCUR.