

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

O. T., Father of R. T., O. T. and S. T.,
minor children,

Appellant,

v.

FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES,

Appellee.

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

CASE NO. 1D13-1234

Opinion filed July 24, 2013.

An appeal from the Circuit Court for Duval County.
David M. Gooding, Judge.

Jeffrey L. Barrett, Jacksonville, for Appellant.

Ward L. Metzger, Appellate Counsel, Children's Legal Services, Department of
Children and Families, Jacksonville; Kelley Schaeffer, Appellate Counsel
Guardian ad Litem Program, Sanford, for Appellee.

PER CURIAM.

The Appellant did not preserve any issues for appeal of the order terminating
his parental rights, because he did not move for a judgment of dismissal below,
either at the close of the Department's case or at the close of his own. See J.F.S. v.
Dep't of Children & Families, 100 So. 3d 784 (Fla. 1st DCA 2012); J.M. v. Dep't

of Children & Families, 38 So. 3d 236 (Fla. 1st DCA 2010); K.J. v. Dep't of Children & Families, 33 So. 3d 88 (Fla. 1st DCA 2010); J.D. v. Dep't of Children & Families, 825 So. 2d 447 (Fla. 1st DCA 2002).

Because the Fourth and Fifth District Courts of Appeal disagree that a parent must preserve issues for appellate review via motion for judgment of dismissal, we certify conflict with 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), review dismissed, 985 So. 2d 1059 (Fla. 2008).

AFFIRMED.

PADOVANO, MARSTILLER, and MAKAR, JJ., CONCUR.