FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-1159

AMBER CHANTELLE LYLES, n/k/a
AMBER C. BURTON,

Appellant,

v.

MICHAEL SCOTT GUFFEY, JR.,

Appellee.

On appeal from the Circuit Court for Escambia County.
John L. Miller, Judge.

November 20, 2020

PER CURIAM.

In June 2014, the parties on appeal entered a stipulated final judgment of paternity, whereby the parties shared parental responsibility over their child, M.C.G-L. Ultimate decision-making authority rested with Appellant, as she was remaining in Florida with the child and Appellee was moving to Virginia. Appellee subsequently filed a petition for modification of the final judgment in 2019 when he returned to Florida, seeking majority time-sharing. The trial court found that Appellee's return from Virginia to Florida was a substantial change in circumstances that neither party reasonably anticipated at the time the final judgment was entered in 2014. We disagree and reverse.

A party seeking to modify a parenting plan must show (1) circumstances have substantially and materially changed[*] since the original time-sharing determination, (2) the change was not reasonably contemplated by the parties, and (3) the child's best interests justify changing the time-sharing plan. *Garcia v. Guiles*, 254 So. 3d 637, 640 (Fla. 1st DCA 2018). Demonstrating to the court that there has been a sufficient substantial change in circumstances places an "extraordinary burden" on the party seeking modification. *Korkmaz v. Korkmaz*, 200 So. 3d 263, 265 (Fla. 1st DCA 2016) (quoting *Chamberlain v. Eisinger*, 159 So. 3d 185, 189 (Fla. 4th DCA 2015)). The record in this case establishes that Appellee failed to meet the "extraordinary burden" required of him as the party seeking modification of a final judgment of paternity because the evidence does not support the trial court's finding that Appellee's return to Florida was not reasonably contemplated. *Korkmaz*, 200 So. 3d at 265. Accordingly, we reverse.

REVERSED.

MAKAR, OSTERHAUS, and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Ross A. Keene of Ross Keene Law, P.A., Pensacola, for Appellant.

Michael L. Guttmann, E. Jane Thorsen of E. Jane Brehany, P.A., and Justin T. Holman of The Holman Law Firm, Pensacola, for Appellee.

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[*] *See Bryan v. Wheels*, 295 So. 3d 889, 891 (Fla. 1st DCA 2020) (collecting cases and explaining that relocation to or from Florida is not recognized by Florida law as a material change in circumstances justifying modification).