

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-3480

FLOYD MARLAND TYSON,

Appellant/Cross-Appellee,

v.

TONYA P. TYSON,

Appellee/Cross-Appellant.

On appeal from the Circuit Court for Santa Rosa County.
Marci L. Goodman, Judge.

February 17, 2021

PER CURIAM.

Appellant Floyd Marland Tyson appeals the final judgment dissolving his marriage to Appellee Tonya P. Tyson and asserts error in the trial court's classification of assets for the purpose of equitable distribution. Appellee cross-appeals and challenges the trial court's award of attorney's fees to Appellant. With respect to the issue raised by Appellant, we affirm the final judgment without further discussion. We, however, dismiss Appellee's cross-appeal because the judgment determines entitlement to attorneys' fees, but not amount. That portion of the judgment is non-final and non-appealable, and we lack jurisdiction to review it. *Miller v. Miller*, 801 So. 2d 1056, 1057 (Fla. 1st DCA 2001); *see also Sunrise Air, Inc. v. U.S. Bancorp Equip. Fin., Inc.*, 132 So. 3d 298, 299 (Fla. 4th DCA 2014) ("To the extent appellate review of entitlement to

attorneys' fees is sought, the appeal is dismissed for lack of jurisdiction." (citing *GEICO Gen. Ins. Co. v. Williams*, 111 So. 3d 240, 246 (Fla. 4th DCA 2013) (“[T]he attorney’s fee issue is not finally resolved or ripe for appellate review until both entitlement and amount have been determined.”)).

AFFIRMED in part; DISMISSED in part.

OSTERHAUS, KELSEY, and NORDBY, JJ., concur.

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

Mark A. Bednar, Mark A. Bednar, P.A., Pensacola, for Appellant/Cross-Appellee.

Laura E. Keene, Beronet & Keene, Pensacola, for Appellee/Cross-Appellant.