

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|--------------------|---|--------------------|
| MICHELE J. CLARK, |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | Case No. 2D14-1514 |
| |) | |
| LAWRENCE R. CLARK, |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed November 19, 2014.

Appeal pursuant to Fla. R. App. P. 9.130
from the Circuit Court for Hillsborough
County; Nick Nazaretian, Judge.

Robert M. Tager, Clearwater, for Appellant.

Donald A. Foster of The Foster Law
Group, P.A., Tampa, for Appellee.

SILBERMAN, Judge.

In this dissolution of marriage proceeding, Michele J. Clark (the Wife) appeals a nonfinal order entitled "Order on Wife's Motion for Contempt." In the order, the trial court stated that it was sua sponte reducing the Wife's previously ordered temporary support but did not rule on the Wife's contempt motion. The order resulted from a noticed contempt hearing against Lawrence R. Clark (the Husband), and the Husband had not filed a motion to reduce the temporary support.

Because the Wife had no notice that the issue of a modification of temporary support would be considered at the contempt hearing, the Husband properly concedes error on appeal, citing Wright v. Wright, 654 So. 2d 674, 674 (Fla. 5th DCA 1995), and Dent v. Dent, 851 So. 2d 819, 823 (Fla. 2d DCA 2003) (Stringer, J., concurring specially). Based on the lack of notice and a meaningful opportunity to be heard, see Wright, 654 So. 2d at 674, we reverse the Order on Wife's Motion for Contempt that was rendered on March 17, 2014. We remand for reinstatement of the temporary support obligation ordered on September 24, 2012.¹ See id.

Reversed and remanded.

VILLANTI and CRENSHAW, JJ., Concur.

¹In the Wife's reply brief, counsel suggests that we order the Husband to pay the Wife's attorney's fees incurred in this appeal. We decline to do so because a motion for appellate attorney's fees has not been filed in compliance with Florida Rule of Appellate Procedure 9.400(b).