

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JONATHAN LOCKWOOD, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 NICHOLE LEA LOCKWOOD n/k/a Nichole )  
 Lea Zehms, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D19-1254

Opinion filed December 16, 2020.

Appeal from the Circuit Court for Pasco  
County; Alicia Polk, Judge.

Hannah G. Brannan, Wesley Chapel, for  
Appellant.

Elinor P. Smith of Elinor P. Smith, P.A.,  
Tampa, for Appellee.

BLACK, Judge.

Jonathan Lockwood, the former husband, challenges the final judgment of dissolution. Although he raises multiple issues on appeal, we find merit in only one: the trial court impermissibly modified the child support arrears owed by the former husband to a date preceding the filing of the petition for dissolution of marriage.

The petition for dissolution was filed in July 2015. A temporary child support order was rendered on August 18, 2016, and awarded prospective child support as well as retroactive child support for the period of February 2016 through August 2016. In the final judgment of dissolution, the trial court modified the arrears owed by the former husband for the period of January 2015, the date of the parties' separation, through December 31, 2018. Section 61.14, Florida Statutes (2018), provides the date options to which the modification of a temporary support order may be made retroactive. § 61.14(11)(b) ("The modification of the temporary support order may be retroactive to the date of the initial entry of the temporary support order; to the date of filing of the initial petition for dissolution of marriage, initial petition for support, initial petition determining paternity, or supplemental petition for modification; or to a date prescribed in paragraph (1)(a) or s. 61.30(11)(c) or (17), as applicable."). As applicable to the facts of this case, and as the statute makes clear and the former wife concedes, the trial court could not modify the retroactive child support figures or the arrearage amount owed by the former husband to a date preceding the filing date of the initial petition for dissolution of marriage.

Accordingly, we reverse only that portion of the final judgment that impermissibly modified the former husband's child support arrears; on remand, the trial court shall recalculate the arrears to exclude the period of January 2015 through June 2015. We affirm the final judgment of dissolution in all other respects.

Affirmed in part; reversed in part; remanded with instructions.

KHOUZAM, C.J., and LABRIT, J., Concur.