

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

ANDREA M. PICARD,

Appellant,

v.

JONATHAN R. PICARD,

Appellee.

No. 2D21-3500

December 21, 2022

Appeal from the Circuit Court for Manatee County; Kevin R. Bruning,
Judge.

Margaret H. White-Small, Longboat Key, for Appellant.

Jorge Martinez and Peter J. Mackey, of Mackey Law Group, P.A.,
Bradenton, for Appellee.

ROTHSTEIN-YOUAKIM, Judge.

Andrea Picard (the mother) appeals the trial court's final judgment on parenting plan and timesharing. She contends that the court erred by (i) adopting a timesharing schedule that gives Jonathan Picard (the father) weekends with their four children during the school year; (ii) awarding the father ultimate decision-making authority over the children's extracurricular activities; and (iii) failing to attach a copy of the parenting plan to the final judgment.

Because competent substantial evidence supported the trial court's timesharing schedule, we affirm with regard to that schedule without

further comment. The mother's two other contentions, however, have merit.

First, as the father concedes, because he did not ask for ultimate decision-making authority over the children's extracurricular activities, it should not have been awarded to him. *See Booth v. Hicks*, 301 So. 3d 369, 371 (Fla. 2d DCA 2020) ("By granting the Father relief he did not request in his petition, the trial court violated the Mother's due process rights and abused its discretion."); *Stover v. Stover*, 287 So. 3d 1277, 1279 (Fla. 2d DCA 2020) (concluding that the trial court erred by awarding exclusive timesharing to a mother who only requested partial timesharing). Second, although the final judgment adopts the mother's parenting plan, it incorporates that plan only by reference to its trial exhibit number and also includes several modifications to that plan's provisions. Thus, as it stands, there is no single document the parties can look to that comprises the entire approved plan.

Accordingly, we reverse and remand for the trial court to award the parties shared decision-making authority as to extracurriculars and to approve and attach to the final judgment a copy of a parenting plan consistent with this opinion. *See Sadlak v. Trujillo*, 336 So. 3d 1275, 1280 (Fla. 3d DCA 2022) (directing the trial court to approve and attach the parenting plan to the final judgment); *Magdziak v. Sullivan*, 185 So. 3d 1292, 1293 (Fla. 5th DCA 2016) (reversing final judgment that adopted the father's recommended parenting plan without attaching it). In all other respects, the final judgment is affirmed.

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

NORTHCUTT and VILLANTI, JJ., Concur.

Opinion subject to revision prior to official publication.