

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

February 18, 2009

CLAY WINDSOR MANLEY,)
)
 Appellant,)
)
 v.)
)
 TINA MARIE TEDESCO,)
)
 Appellee.)
 _____)

Case No. 2D08-312

BY ORDER OF THE COURT:

The Appellant's motion for rehearing filed January 8, 2009, is granted. We withdraw our previously issued opinion dated December 24, 2008, and substitute the attached opinion in its place. The Appellant's motion for rehearing en banc is denied as moot.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES R. BIRK HOLD, CLERK

Department of Revenue (DOR) potentially reflected a different arrearage amount from that testified to by Tedesco.

The continuance requested by Manley to allow a DOR representative to testify should have been granted.

We reverse and remand for a new hearing to determine the proper child support arrearage as due on November 20, 2007, and to enter an order that is appropriate based on that calculation.

Reversed and remanded.

WHATLEY, and LaROSE JJ., and CASE, JAMES R., ASSOCIATE SENIOR JUDGE,
Concur.