IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

February 18, 2009

CLAY WINDSOR MANLEY,

Appellant,

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Case No. 2D08-312

TINA MARIE TEDESCO,

Appellee.

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. BIRKHOLD, CLERK

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

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

CLAY WINDSOR MANLEY,

Appellant,

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TINA MARIE TEDESCO,

Appellee.

Case No. 2D08-312

Opinion filed February 18, 2009.

Appeal from the Circuit Court for Hillsborough County; Chet A. Tharpe, Judge.

Virgina R. Vetter, Tampa, for Appellant.

No appearance for Appellee.

PER CURIAM.

Manley appeals an order entered by the trial court establishing an

arrearage amount of \$45,877.28. We reverse. We also note that other motions were

heard which were not noticed for hearing.

The hearing on the amount of the child support arrearage was inadequate

for a number of reasons. The most obvious was the fact that the records of the

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.