

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

In the Interest of K.L., P.L., and N.L.,
Children.

DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,
Appellant,
v.
M.L.,
Appellee.

Case No. 2D05-4870

Opinion filed July 7, 2006.

Appeal from the Circuit Court for Polk
County; Ellen S. Masters, Judge.

Douglas Sherman, Lakeland, for Appellant.

No appearance for Appellee.

VILLANTI, Judge.

The Department of Children and Family Services appeals a final order directing it to pay the grandmother's attorney's fees in a foster care proceeding. The Department correctly argues that there was no authority for the award of fees. While we

are not unsympathetic to the trial judge's frustration with the Department's delay in conducting a home study, it was error for the trial judge to order the fee payment absent a legal basis. See Dep't of Children & Family Servs. v. J.B., 898 So. 2d 980 (Fla. 5th DCA 2005). Accordingly, we reverse and remand with directions to the trial court to strike the fee award.

Reversed and remanded with directions.

FULMER, C.J., and THREADGILL, EDWARD F., SENIOR JUDGE, Concur.