

Third District Court of Appeal

State of Florida, January Term, A.D. 2012

Opinion filed March 7, 2012.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-3214
Lower Tribunal No. 08-14465

Solangel Bello-Alfonso,
Appellant,

vs.

Lazaro M. Alfonso,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Antonio Marin,
Judge.

Stok Folk + Kon and Robert A. Stok, for appellant.

Martinez & Sordo and Blanca R. Sordo, for appellee.

Before CORTIÑAS, EMAS and FERNANDEZ, JJ.

PER CURIAM.

Affirmed. See Fla. R. Civ. P. 1.190(b) (“When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.”); C.J. v. Dep’t of Children & Family Servs., 9 So. 3d 750 (Fla. 2d DCA 2009) (holding when an issue is tried by implied consent, due process concerns are alleviated); Robinson v. Robinson, 340 So. 2d 935 (Fla. 4th DCA 1976) (holding an issue not raised in the pleadings is tried by implied consent where the issue is presented, considered, and ruled upon by the trial court without objection).