

# Third District Court of Appeal

State of Florida, July Term, A.D. 2013

Opinion filed December 18, 2013.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D12-3263  
Lower Tribunal No. 06-538-K

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**Heather Fowler,**  
Appellant,

vs.

**Vincent Walton,**  
Appellee.

An Appeal from the Circuit Court for Monroe County, Tegan Slaton, Judge.

Abramowitz and Associates and Evan L. Abramowitz, for appellant.

Cheri A. Shapiro (Key West); Sheri Smallwood (Key West), for appellee.

Before SHEPHERD, C.J., and EMAS and FERNANDEZ, JJ.

SHEPHERD, C.J.

On the authority of Cole v. Cole, No. 3D13–2157, 2013 WL 5989825 (Fla. 3d DCA Nov. 13, 2013), we reverse the order on appeal denying Heather Fowler’s

petition for modification and remand for retrial or, if the parties stipulate to a ruling based on the record of the prior proceedings, continuation of the evidentiary hearing.

Reversed and remanded with instructions.