

Third District Court of Appeal
State of Florida

Opinion filed January 7, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D13-3203
Lower Tribunal No. 10-19696

Mario Chalmers,
Appellant,

vs.

Brittany Burrough,
Appellee.

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

Nancy A. Hass (Hallandale Beach), for appellant.

Simon, Schindler & Sandberg, LLP and Roger J. Schindler, for appellee.

Before SALTER, EMAS and LOGUE, JJ.

EMAS, J.

Appellant, Mario Chalmers appeals the trial court's supplemental final judgment which modified child support and parental responsibility as to the parties' minor child, Q.E.C.

We affirm the supplemental final judgment in all respects, with one exception. We reverse and remand for the trial court to clarify whether the supplemental final judgment maintained the parents' shared parental responsibility (with Appellee given ultimate decision-making on medical, health and educational issues¹, or whether the supplemental final judgment modified the final judgment by awarding Appellee sole parental responsibility, requiring a determination that maintaining shared parental responsibility would be detrimental to the child. See § 61.13(2)(c)2., Fla. Stat. (2012); Hunter v. Hunter, 540 So. 2d 235 (Fla. 3d DCA 1989).²

We therefore reverse in part the supplemental final judgment and remand for further proceedings as may be necessary on this limited issue, and for entry of an amended supplemental final judgment. In all other respects, the supplemental final judgment is affirmed.

¹ See § 61.13(2)(c)2.a., Fla. Stat. (2012).

² Appellee conceded at oral argument that there was not competent substantial evidence to support a finding that shared parental responsibility would be detrimental to the child.

Case Docket

Case Number: 3D13-3203

Final Family Other Notice from Dade County

MARIO CHALMERS, vs. BRITTANY BURROUGH,

Lower Tribunal Case(s): 10-19606

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[List of Abbreviations](#)[Printer Friendly View](#)

Date Docketed	Description	Date Due	Filed By	Notes
12/20/2013	Notice of Transmittal--NOA		Miami-Dade Clerk	
12/20/2013	Notice of Appeal Filed		Nancy A. Hass 881635	
12/20/2013	Acknowledgement Letter			Acknowledgement of new case with attachments. ** The \$300 filing fee is due immediately.
12/24/2013	Case Filing Fee			FILING FEE FOR NOTICE OF APPEAL
02/20/2014	Motion For Review		Nancy A. Hass 881635	of l.t. order denying father's motion for stay pending
02/21/2014	Order Response: Motion (OR23)	02/28/2014		Appellee is ordered to file a response within seven (7) days from the date of this order to appellant's motion for review of lower tribunal's order denying father's motion for stay pending review.
02/28/2014	RESPONSE		Roger J. Schindler 124726	
02/28/2014	RESPONSE		Roger J. Schindler 124726	
02/28/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
02/28/2014	Clerk's notice granting eot (CLKEX)	03/28/2014		IB- 30 days to 3/28/14

04/28/2014	Clerk's notice granting eot (CLKEX)	04/28/2014		IB-30 days to 4/28/14
04/25/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
04/29/2014	Clerk's notice granting eot (CLKEX)	06/02/2014		IB- 30 days to 6/2/14
05/30/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
06/02/2014	Clerk's notice granting eot (CLKEX)	07/02/2014		IB-30 days to 7/2/14
07/01/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
07/02/2014	Clerk's notice granting eot (CLKEX)	08/15/2014		IB-45 days to 8/15/14
08/15/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
08/18/2014	Clerk's notice granting eot (CLKEX)	09/15/2014		IB-31 days to 9/15/14.
09/12/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	
09/15/2014	Mot. for Extension of time to file Initial Brief		Nancy A. Hass 881635	CORRECTED
09/17/2014	Ext-gr initial brief no further extensions (OG03B)	09/29/2014		Appellant's motion for brief extension of time to file the initial brief is granted to and including September 29, 2014, with no further extensions allowed. If said brief is not timely filed in accordance with this order, the appeal will be subject to dismissal.
09/24/2014	Received Records			1 volume.
09/29/2014	Appendix		Nancy A. Hass 881635	
09/29/2014	Initial Brief on Merits		Nancy A. Hass 881635	
10/17/2014	Mot. for Extension of time to file Answer Brief		Roger J. Schindler 124726	
10/20/2014	Clerk's notice granting eot (CLKEX)	11/09/2014		AE-20 days to 11/9/14.
10/28/2014	Motion to Supplement the Record		Roger J. Schindler 124726	
10/30/2014	Mot to Supplement Rec w/attachment Granted (OG13)			Appellee's October 28, 2014 motion to supplement the record is granted, and the record on appeal is supplemented to include the transcript which is attached to said motion.
11/03/2014	Request for Oral Argument		Roger J. Schindler 124726	
11/03/2014	Motion For Attorney's Fees		Roger J. Schindler 124726	
11/03/2014	Request for Oral Argument		Nancy A. Hass 881635	
11/06/2014	Appellee's Answer Brief		Roger J. Schindler 124726	
11/06/2014	Appendix		Roger J. Schindler 124726	to the answer brief
11/12/2014	Notice of Oral Argument		Not Entered	
11/25/2014	Mot. for Extension of Time to File Reply Brief		Nancy A. Hass 881635	
11/25/2014	Notice of Oral Argument		Not Entered	Revised (Time Change)
11/26/2014	Clerk's notice granting eot (CLKEX)	12/02/2014		RB- 6 days to 12/2/14
12/02/2014	Appellant's Reply Brief		Nancy A. Hass 881635	
12/09/2014	Oral Argument Date Set			3rd DCA
12/09/2014	Oral Argument Date Set			3rd DCA
01/07/2015	Affirmed in Part/Reversed in Part - Authored Opinion			Remanded for further proceedings
01/12/2015	Attorney Fees Granted (OG47)			Upon consideration of the request for appellate attorney's fees and costs filed by appellee, it is ordered that said motion is granted and remanded to the trial court for determination of need, ability to pay, and amount. SALTER, EMAS and LOGUE, JJ., concur.