DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Dorsett v. Ferguson

No. 2D2024-0917 (Fla. 2d DCA Apr. 23, 2025) · No. 2D2024-0917 · Decided April 23, 2025

SUMMARY

The Florida Second District Court of Appeal reviewed a supplemental final judgment modifying the parties' divorce judgment. The court held that the trial court erred by sua sponte modifying the appellant's right to claim the federal income tax exemption for the parties' child because neither party requested that relief, while affirming the judgment in all other respects.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Silberman; Morris; Atkinson
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	April 23, 2025
DOCKET	2D2024-0917
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a supplemental final judgment entered after an evidentiary hearing in a post-dissolution modification and contempt proceeding.
STANDARD OF REVIEW	Abuse of discretion as to the trial court's award of relief not requested in the pleadings.
PRECEDENTIAL VALUE	Published
PARTIES	Clyde Powers Dorsett, III v. Mary Schexnayder Ferguson

TOPICS

family law procedure · income tax · appellate procedure · family law

PRACTICE AREAS

family law · income tax · appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by sua sponte modifying Dorsett's right to claim the federal income tax exemption for the parties' child when neither party requested that relief.
2. Whether the remaining issues raised by Dorsett required reversal of the supplemental final judgment.

HOLDINGS

1. The trial court abused its discretion by modifying Dorsett's right to claim the federal income tax exemption for the child because neither party requested that modification.
2. The remaining issues raised by Dorsett did not warrant reversal, and the supplemental final judgment was affirmed in all other respects.

KEY QUOTATIONS

> *"[C]ourts are not authorized to award relief not requested in the pleadings. To grant unrequested relief is an abuse of discretion and reversible error."* (1279)

FACTUAL BACKGROUND

Dorsett and Ferguson were divorced in 2014, and the original final judgment gave Dorsett the right to claim their child as a federal income tax dependency exemption. Several years later, Dorsett sought modification of the final judgment and contempt relief, while Ferguson filed a counterpetition for modification. Neither party requested a change to Dorsett's tax-exemption benefit, but the trial court sua sponte modified it in the supplemental final judgment.

PROCEDURAL HISTORY

The parties were divorced in 2014. Dorsett later filed a supplemental petition to modify the final judgment and a motion for contempt, while Ferguson filed an answer and counterpetition for modification. After an evidentiary hearing, the circuit court entered a supplemental final judgment and later granted in part and denied in part Dorsett's motion for clarification or amendment and rehearing. Dorsett appealed, and the district court affirmed in part, reversed in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must amend the supplemental final judgment to allow Dorsett to claim the federal income tax exemption for the child. The judgment is affirmed in all other respects.

CASES CITED

- Stover v. Stover, 287 So. 3d 1277, 1279 (Fla. 2d DCA 2020)
- Abbott v. Abbott, 98 So. 3d 616, 617-18 (Fla. 2d DCA 2012)

OPINION

Dorsett v. Ferguson

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

CLYDE POWERS DORSETT, III,

Appellant, v.

MARY SCHEXNAYDER FERGUSON,

Appellee. No. 2D2024-0917 April 23, 2025 Appeal from the Circuit Court for Hillsborough County; Thomas N. Palermo, Judge. Matthew E. Thatcher and Alexa A. Rodriguez of The Solomon Law Group, P.A., Tampa, for Appellant. Allison M. Perry of Florida Appeals, P.A., Tampa, for Appellee. SILBERMAN, Judge. Clyde Powers Dorsett, III, and Mary Schexnayder Ferguson were divorced in 2014. Several years later, Mr. Dorsett filed a supplemental petition seeking to modify the final judgment and a motion for contempt. Ms. Ferguson filed an answer and counterpetition for modification. Following an evidentiary hearing, the trial court entered a supplemental final judgment. Mr. Dorsett then filed a motion and an amended motion for clarification or amendment of the final judgment and for rehearing, which the trial court granted in part and denied in part. In this appeal, Mr. Dorsett raises several issues, only one of which requires reversal. He argues, and Ms. Ferguson correctly concedes, that the trial court erred by sua sponte modifying his right to claim the federal income tax exemption for their child. Thus, we reverse the final judgment as to that issue. We do not find merit in the other issues Mr. Dorsett raises on appeal and therefore affirm the supplemental final judgment in all other respects. The original final judgment dissolving the parties' marriage gave Mr. Dorsett the right to claim the child as a federal tax dependency exemption. Mr. Dorsett did not request to change this benefit in his supplemental petition to modify the final judgment, and Ms. Ferguson did not do so in her counterpetition. Because neither party requested this modification, it was an abuse of discretion to alter this tax benefit. "[C]ourts are not authorized to award relief not requested in the pleadings. To grant unrequested relief is an abuse of discretion and reversible error." Stover v. Stover, 287 So. 3d 1277, 1279 (Fla. 2d DCA 2020) (alteration in original) (quoting Abbott v. Abbott, 98 So. 3d 616, 617-18 (Fla. 2d DCA 2012)). Accordingly, we reverse the supplemental final judgment with directions to the trial court to amend the judgment to allow Mr. Dorsett to claim the federal income tax exemption for the child. The supplemental final judgment is affirmed in all other respects. Affirmed in part; reversed in part; remanded. MORRIS and ATKINSON, JJ., Concur. Opinion subject to revision prior to official publication. 2