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

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