

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Common Wealth Trust Services, LLC, as Trustee of the 0 Polk Parkway Land Trust v. Polk County, a political subdivision of the State of Florida

No. 6D2024-0161; Lower Tribunal No. 22-CA-3090 · No. 6D2024-0161 · Decided September 19, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed the circuit court's order in favor of Polk County. The court held, citing Florida appellate authority, that an alleged error appearing for the first time on the face of an order must be raised through a motion for rehearing or another appropriate motion to be preserved for appeal.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Wozniak; Mize; Gannam
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	September 19, 2025
DOCKET	6D2024-0161
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a decision of the Circuit Court for Polk County.
PRECEDENTIAL VALUE	published
PARTIES	Common Wealth Trust Services, LLC, as Trustee of the 0 Polk Parkway Land Trust v. Polk County, a political subdivision of the State of Florida

TOPICS

- preservation of error
- appellate procedure
- civil procedure
- trusts

PRACTICE AREAS

- appellate procedure
- civil procedure
- trusts

QUESTIONS PRESENTED

1. Whether an alleged error appearing for the first time on the face of the circuit court's final order was preserved for appellate review without the filing of a motion for rehearing or other appropriate motion.

HOLDINGS

1. When a court's error appears for the first time on the face of a final order, the party must alert the trial court to the error through a motion for rehearing or another appropriate motion in order to preserve the issue for appellate review.

KEY QUOTATIONS

“[W]hen an error appears for the first time on the face of the order, it is well settled that parties can preserve the issue by filing a motion for rehearing.”

“[W]here an error by the court appears for the first time on the face of a final order, a party must alert the court of the error via a motion for rehearing or some other appropriate motion in order to preserve it for appeal.”

FACTUAL BACKGROUND

The opinion provides no substantive factual discussion concerning the underlying dispute. It identifies the appeal as arising from the Polk County Circuit Court and resolves the appeal by applying a preservation-of-error rule concerning an error appearing for the first time on the face of a final order.

PROCEDURAL HISTORY

Common Wealth Trust Services appealed from the Polk County Circuit Court. The Sixth District Court of Appeal affirmed without discussing the underlying merits in detail, citing Florida preservation-of-error authority.

DISPOSITION

affirmed

CASES CITED

- Melrose Ventures, LLC v. Uptempo Mktg. Corp., No. 6D2023-3824, 2025 WL 2088722, at *2 n.3 (Fla. 6th DCA July 25, 2025)
- Williams v. Williams, 152 So. 3d 702, 704 (Fla. 1st DCA 2014)

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