IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

CASE NO. 1D14-2892

MARIAH CHEEK, Former Wife,

Appellant,

v.

BRIAN R. HESIK, Former Husband,

Appellee.

_____/

Opinion filed March 9, 2015.

An appeal from the Circuit Court for Duval County.
A. C. Soud, Jr., Judge.

William S. Graessle and Jonathan W. Graessle of William S. Graessle, P.A., Jacksonville, for Appellant.

Brian R. Hesik, pro se, Appellee.

PER CURIAM.

Mariah Cheek, the former wife, appeals the Final Judgment on Former Wife's Amended Supplemental Petition to Modify Judgment and Order on Pending Matters, filed June 4, 2014. We reverse the order on appeal to the extent

that it temporarily suspends the former husband's one-half obligation toward travel costs and orders that all timesharing less than four days in duration occur in the vicinity of the former husband's residence, and we remand with instructions to vacate those portions of the order. See Hunter v. Booker, 133 So. 3d 623, 628 (Fla. 1st DCA 2014) ("An order adjudicating an issue not presented by the parties or the pleadings denies due process, and therefore, departs from the essential requirements of law."); Chaphe v. Chaphe, 19 So. 3d 1019, 1024 (Fla. 1st DCA 2009) ("[A] modification of a judgment constitutes a jurisdictional defect where there has been no pleading requesting modification."); Swanson v. Swanson, 888 So. 2d 117, 118-19 (Fla. 4th DCA 2004) ("[T]he court reached an issue that was neither raised by the pleadings nor set for hearing. In doing so, the former wife's due process rights were violated."). In all other respects, the final judgment is affirmed.

Affirmed in part, reversed in part, and remanded with instructions.

BENTON, WETHERELL, and SWANSON, JJ., CONCUR.