DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

TAPLIN FALLS, LTD., and
TAPLIN MEADOWS DEVELOPMENT CORPORATION,
Appellants,

v.

JASON BROWN and **GENELLE GORDON,**
Appellees.

No. 4D2025-3894

[October 28, 2026]

Appeal from the County Court for the Seventeenth Judicial Circuit, Broward County; Kathleen E. Angione, Judge; L.T. Case No. 062025CC016224AXXXNO.

Warren E. Friedman of Friedman Sklar PLLC, Boca Raton, for appellant Taplin Falls, Ltd.

No appearance for appellees.

KLINGENSMITH, J.

Appellant Taplin Falls, Ltd., appeals from orders striking a provision of a final judgment and denying its motion for attorney's fees and costs against Appellees Jason Brown and Genelle Gordon. The trial court struck the provision from the final judgment on its own initiative nearly three months after entering the final judgment, concluding that the provision allowing extended time for filing the attorney's fees motion was legally erroneous. Because a perceived error of law did not authorize the trial court to revise the final judgment after the time for rehearing had expired, we reverse and remand for reinstatement of the provision and consideration of Taplin Falls's request for attorney's fees and costs on the merits.

The underlying proceeding was an uncontested landlord-tenant action. In August 2025, the trial court entered a final judgment awarding Taplin Falls $10,233. The judgment expressly reserved jurisdiction to award attorney's fees and costs. Paragraph 4 of the final judgment further provided that Taplin Falls had "forty-five (45) days from the date of this

Final Judgment to pursue attorney's fees and costs." Taplin Falls filed its motion seeking attorney's fees and costs on the forty-fifth day after entry of the final judgment.

In November 2025, three months after the entry of the final judgment, the trial court held a hearing on that motion. At that hearing, the court sua sponte entered an order striking paragraph 4. As a result, the trial court denied the attorney's fees motion as untimely in a separate order, citing Florida Rule of Civil Procedure 1.525 and *Barco v. School Board of Pinellas County*, 975 So. 2d 1116 (Fla. 2008).

Taplin Falls sought rehearing or reconsideration, arguing that the trial court lacked authority to substantively modify the final judgment months after its entry and that they were entitled to rely on the forty-five-day period expressly stated in the judgment to file their motion. The trial court denied relief, reasoning that the issue was "very well established black letter law, and all parties to this action should well have been aware of the state of the law on the timing for filing a motion for attorney's fees and costs." This appeal followed.

Whether the trial court had authority to modify the final judgment presents a question of law reviewed de novo. *See Fetchick v. Fetchick*, 346 So. 3d 209, 211 (Fla. 5th DCA 2022); *see also Perez v. Maldonato*, 324 So. 3d 1011, 1013 (Fla. 3d DCA 2021) ("A trial court's interpretation and application of Florida law is reviewed *de novo*." (citation omitted)). The issue presented here is not whether the trial court correctly selected the time period stated in paragraph 4 when the trial court entered the final judgment. The issue is whether the trial court could later strike that substantive provision through the procedure which it used.

"When a trial court renders a final judgment in an action, its jurisdiction over that action is terminated, except that it retains continuing jurisdiction to enforce its judgment." *Fetchick*, 346 So. 3d at 211 (quoting *Kozel v. Kozel*, 302 So. 3d 939, 945 (Fla. 2d DCA 2019)). A trial court's authority to revise a final judgment is governed by Florida Rules of Civil Procedure 1.530 and 1.540. Thus, "[e]xcept as provided by Rules 1.530 and 1.540, Florida Rules of Civil Procedure, the trial court has no authority to alter, modify or vacate an order or judgment." *Shelby Mut. Ins. Co. of Shelby, Ohio v. Pearson*, 236 So. 2d 1, 3 (Fla. 1970). The reservation of jurisdiction to decide attorney's fees and costs only allowed the trial court to resolve that remaining matter. The reservation did not confer continuing authority to rewrite substantive terms of the final judgment.

The trial court's sua sponte November order that revised the final judgment was entered well beyond rule 1.530's period for relief. Rule 1.530 provides that motions and petitions for correction of error by the trial court must be made within ten days after rendition of the final judgment or order. *Id.* "Unless a proper motion or petition is filed within the allotted time, the judgment or order of the trial court becomes absolute." *Id.* Because rule 1.530's time limit had expired after ten days, the substantive amendment required a basis under rule 1.540.

Rule 1.540(a) permits a trial court to correct clerical mistakes and errors arising from oversight or omission, including on its own initiative. However, nothing in the record here supported the trial court's action under rule 1.540(a) either. The order did not identify a clerical mistake, nor did the order merely correct the written expression of a ruling. The trial court's only stated concern was the provision's legal correctness. The trial court's revision eliminated the then-existing provision granting Taplin Falls forty-five days to pursue attorney's fees and costs. As a result, the trial treated the attorney's fees motion filed within that forty-five day period as untimely. That change was not ministerial. It substantively and materially altered the final judgment's legal effect.

Likewise, rule 1.540(b)(1) also did not authorize the amendment. Although rule 1.540(b)(1) permits relief for mistake, inadvertence, surprise, or excusable neglect, rule 1.540(b)(1) does not permit correction of judicial error arising from a trial court's mistaken view of the law. *See Curbelo v. Ullman*, 571 So. 2d 443, 445 (Fla. 1990) ("[J]udicial error such as a 'mistaken view of the law' is not one of the circumstances contemplated by the rule." (citing *Fiber Crete Homes, Inc. v. Div. of Admin*, 315 So. 2d 492, 493 (Fla. 4th DCA 1975)). Any such error must be addressed through timely rehearing or appellate review, rather than by sua sponte using rule 1.540 as a substitute for those procedures. *Id.* at 444–45. Thus, even if the trial court erred by including the forty-five-day provision in the judgment, the trial court's later acknowledgement about the flawed legal basis for that provision did not supply proper grounds to strike the provision.

The trial court's order denying Taplin Falls's motion for attorney's fees and costs followed the unauthorized deletion of paragraph 4 and denied effect to the time period which paragraph 4 expressly provided. Taplin Falls timely filed its motion within that period. Therefore, the denial of the motion cannot stand on the premise that the trial court could retroactively remove the provision from the final judgment.

We reverse the order striking paragraph 4 from the final judgment, as well as the order denying Taplin Falls's motion for attorney's fees and costs. On remand, the trial court shall reinstate paragraph 4, determine entitlement to attorney's fees and costs pursuant to Taplin Falls' motion and, if entitlement is established, the amount to be awarded. We express no view on either entitlement or amount.

Reversed and remanded with instructions.

GERBER, C.J., and WHITE, REBECCA, Associate Judge, concur.

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Not final until disposition of timely-filed motion for rehearing.