

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

J. M., FATHER OF T. D. M., D.  
J. M., C. L. M., AND J.I.M.,  
MINOR CHILDREN,

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

Appellant,

v.

CASE NO. 1D10-0201

FLORIDA DEPARTMENT OF  
CHILDREN AND FAMILIES,

Appellee.

/

Opinion filed July 1, 2010.

An appeal from the Circuit Court for Alachua County.  
William E. Davis, Judge.

Doris Rompf, Jacksonville, for Appellant.

Ward L. Metzger, Appellate Counsel, Jacksonville, and Kelley Schaeffer,  
Guardian ad Litem Program, Tavares, for Appellee.

PER CURIAM.

J.M. appeals an order terminating his parental rights to his minor children.

He challenges the sufficiency of the evidence produced at the termination hearing  
by the Department of Children and Families (“Department”). J.M. has not

preserved this issue for appellate review, however, for he failed to move for judgment of dismissal at the close of the Department's case. *See K.J. ex rel. A.J. v. Dep't of Children & Families*, 33 So. 3d 88, 89 (Fla. 1st DCA 2010); *J.D. v. Dep't of Children & Families*, 825 So. 2d 447, 447 (Fla. 1st DCA 2002). *But see H.D. v. Dep't of Children & Families*, 964 So. 2d 818, 819 (Fla. 4th DCA 2007) (holding that in termination of parental rights cases, a motion for judgment of dismissal is not necessary to preserve for appellate review issues of sufficiency of the evidence), *rev. dismissed*, 985 So. 2d 1059 (Fla. 2008). Even had the issue been properly preserved, there is competent, substantial evidence in the record to support the termination order.

AFFIRMED.

THOMAS, ROBERTS, and MARSTILLER, JJ., CONCUR.