

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

JOHNATHAN D. ROGERS,

Appellant,

v.

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

CASE NO. 1D10-0790

STATE, DEPARTMENT OF  
REVENUE, CHILD SUPPORT  
ENFORCEMENT PROGRAM, o/b/o  
Rachel H. Brewer,

Appellee.

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Opinion filed June 9, 2010.

An appeal from an order of the Department of Revenue, Child Support Enforcement.

Johnathan D. Rogers, pro se, Appellant.

Bill McCollum, Attorney General, and William H. Branch, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Johnathan D. Rogers appeals an order of the circuit court which denied his motion to abate child support. This order was entered after a hearing on the

motion where Rogers did not appear. Appellee confesses error, conceding that Rogers did not have proper notice of the hearing. We find this confession to be proper and accordingly vacate the order on appeal and remand to the trial court for a properly noticed hearing on appellant's motion.

REVERSED and REMANDED.

WOLF, BENTON, and PADOVANO, JJ., CONCUR.