

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM A.D., 2005

THE STATE OF FLORIDA, O/B/O RONA K. **
CHEREN, n/k/a RONA KRITZER, **

Appellant/Cross-Appellee, **

vs.

JONATHAN D. CHEREN,

Appellee/Cross-Appellant. **

CASE NO. 3D03-1212

LOWER

TRIBUNAL NO. 91-3931

Opinion filed May 4, 2005.

An Appeal from the Circuit Court for Miami-Dade County, Jack Block, Senior Judge.

Charles J. Crist, Jr., Attorney General, and William H. Branch (Tallahassee), Assistant Attorney General, for appellant.

Jonathan D. Cheren, in proper person.

Before CORTIÑAS and ROTHENBERG, JJ., and SCHWARTZ, Senior Judge.

SCHWARTZ, Senior Judge.

Notwithstanding the differences between the mother and father concerning his access to the children he was required to support, section 61.13(4)(b), Florida Statutes (2004),¹ precludes reliance on

¹ The statute provides that:

such matters to reduce accrued arrearages in child-support payments, as occurred below. See *E.Z.P. v. H.P., Jr.*, 756 So. 2d 188 (Fla. 3d DCA 2000); *Washington v. Fudge*, 616 So. 2d 196 (Fla. 3d DCA 1993); *Dep't of Health & Rehab. Servs. v. Sandidge*, 651 So. 2d 1261 (Fla. 1st DCA 1995); see also *Hoffman v. Foley*, 541 So. 2d 145 (Fla. 3d DCA 1989).

Moreover, the order under review purported, in part, to relieve the appellee of obligations which had been reduced to an unappealed final judgment two years before. See *Alvarez v. Alvarez*, 598 So. 2d 162 (Fla. 3d DCA 1992); *Dep't of Health & Rehab. Servs. v. Wood*, 600 So. 2d 1298 (Fla. 5th DCA 1992); see also *Dep't of Revenue v. Jackson*, 846 So. 2d 486, 490 (Fla. 2003). The most fundamental principles of *res judicata* and finality forbid such a ruling. See *Gordon v. Gordon*, 59 So. 2d 40 (Fla. 1952); cert. denied, 344 U.S. 878 (1952); *Sibley v. Sibley*, 885 So. 2d 980 (Fla. 3d DCA 2004), review denied, No. SC-7 (Fla. Apr. 10, 2005).

For these reasons, the order reducing past child support is reversed with directions to enter judgment for the full amount claimed. See *Prio v. Barouh*, 834 So. 2d 263 (Fla. 3d DCA 2002) (accrued child-support payments are vested rights of payee and vested obligations of payor); *Puglia v. Puglia*, 600 So. 2d 484 (Fla. 3d DCA 1992) (same); *Onley v. Onley*, 540 So. 2d 880 (Fla. 3d DCA 1989) (same).

Reversed.