

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA.

TINA MAGRO and FRANK CHRISTIE,

Appellants,

v.

RICHARD WHITE

Appellee.

Appellate Division (Civil)

Case No.: 502009AP000051XXXXMB

L.T. No.: 502009CC010017XXXXSB

Division: "AY"

Opinion filed: *November 23, 2010*

✓ Appeal from the County Court in and for Palm Beach County,
Judge James Martz.

✓ For Appellant: Scott A. Levine, Esq., 4050 West Broward Blvd., Plantation, FL 33317

✓ For Appellee: Richard White, Pro Se, 1845 NW 4th Avenue, Apt. 15, Boca Raton, FL 33432

PER CURIAM.

AFFIRMED in part and REVERSED and REMANDED in part.

Appellants/Defendants Tina Magro and Frank Christie seek review of a final judgment on the grounds that 1) the judgment exceeds the county court's jurisdictional limits; 2) the amount awarded was not supported by the record; and 3) the judgment impermissible apportions the judgment amount between the appellants.

Appellee/Plaintiff Richard White filed a two-count Complaint: Count I for eviction, and Count II for damages for past-due rent in the amount of \$5,290.00, unspecified damages for destruction of property or damage to premises, unspecified "other damages," and costs for past due rent in the amount of \$3,490.00. The trial court entered a Default Final Judgment as to Count I when Magro and Christie failed to deposit rent in the court registry. The court subsequently held a

final hearing on damages as to Count II.¹ The trial court entered final judgment against Tina Magro in the amount of \$19,212.00, and against Frank Christie in the amount of \$7,200 "as the portion of the total Judgment against Tina Magro representing his joint responsibility."

The \$7,200.00 judgment against Frank Christie is within the county court's \$15,000 jurisdictional limit; however, the \$19,212.00 final judgment against Tina Magro exceeded the jurisdictional limit and must be reversed. *See White v. Marine Transport Lines, Inc.*, 372 So. 2d 81, 84 (Fla. 1979) (holding that the county court is precluded from entering a judgment for damages in excess of its mandated jurisdiction); § 34.01(1)(c), Fla. Stat. The Court cannot address Magro and White's arguments regarding the lack of evidentiary support for the judgment and the apportionment of damages because the record lacks a sufficient basis to reverse the trial court's decision on these grounds absent a transcript. *See Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150 (Fla. 1979).

Accordingly, the \$7,200.00 judgment against Christie is AFFIRMED and the \$19,212.00 judgment against Magro is REVERSED. The Court remands this matter to the trial court for an evidentiary hearing to determine the amount of damages against Magro within the court's jurisdictional limit, and to determine the appropriate apportionment of damages between Magro and Christie once it determines the amount of damages attributable to Magro.

SASSER, McCARTHY, and COX, JJ., concur.

¹ A transcript of that hearing was not provided to the Court.