

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

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

MATTHEW E. MORGAN,
Former Husband,

Appellant,

CASE NO. 1D08-2696

v.

ROSEANNE M. MORGAN,
Former Wife,

Appellee.

Opinion filed March 6, 2009.

An appeal from the Circuit Court for Santa Rosa County.
Gary Bergosh, Judge.

Sharon K. Wilson, Pensacola, for Appellant.

E. Jane Brehany, Pensacola, for Appellee.

BROWNING, J.

Matthew E. Morgan, the former husband, appeals a final order of the circuit court adopting the general magistrate's factual findings and recommendations and denying the former husband's request to modify the parties' weekly rotating plan

for physical custody/visitation. The sole issue on appeal is whether the general magistrate used the correct legal standard in considering the parties' several petitions for modification. We affirm. We conclude that the general magistrate used the correct legal standard and properly applied the law to the findings of fact, which were adopted by the trial judge's order. See Wade v. Hirschman, 903 So. 2d 928, 932 (Fla. 2005) ("We conclude that unless otherwise provided in the final judgment, the two-part substantial change test used in [Cooper v. Gress, 854 So. 2d 262 (Fla. 1st DCA 2003)] applies to modification of all custody agreements.").

AFFIRMED.

WEBSTER and LEWIS, JJ., CONCUR.