

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

JOHN BISHOP,
Appellant,

v.

DEPARTMENT OF REVENUE, o/b/o ELIZABETH SIEBERT,
Appellee.

No. 4D12-602

[August 29, 2012]

PER CURIAM.

Appellant, John Bishop, appeals from the final order and judgment of paternity and support. Appellee, Florida Department of Revenue, Child Support Enforcement Program, acknowledges that the record lacks substantial competent evidence to support the lower court's order imputing income to the appellant for the purpose of establishing his child support obligation. Accordingly, appellee confesses error. Appellee further acknowledges that, in light of this confession of error, the retroactive child support amount based on the imputed income is also erroneous. We accept the appellee's confession of error, and reverse and remand the case for further proceedings establishing the appellant's child support obligation. *See Bengisu v. Bengisu*, 12 So. 3d 283, 286 (Fla. 4th DCA 2009) (“[W]e reverse and remand for the trial court to make the necessary findings based on competent substantial evidence of husband's income and to award an appropriate amount of temporary support based on those findings. Whether additional testimony and evidence is required or whether the current record contains sufficient evidence, we leave for the trial court to determine.”). The paternity adjudication provisions of the order on appeal are not at issue.

Reversed and remanded.

WARNER, POLEN and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit,

Indian River County; Paul Kanarek, Judge; L.T. Case No. 312011DR000714.

Trisha Toller Webb, Port Orange, for appellant.

Pamela Jo Bondi, Attorney General, and William H. Branch, Assistant Attorney General, Tallahassee, for appellee.

Not final until disposition of timely filed motion for rehearing.