

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

BURTON JOHN PAUL,

Appellant/Cross-Appellee,

v.

Case No. 5D19-2223

LINDA FAYE PAUL,

Appellee/Cross-Appellant.

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Opinion filed August 14, 2020

Appeal from the Circuit Court
for Lake County,
Brian J. Welke, Judge.

A.J. Rohe, III, and Rachel Bartolowits, of Rohe
Law P.A., Tavares, for Appellant/Cross-
Appellee.

Lawrence P. Cartelli, of Lawrence P. Cartelli,
P.A., Tavares, for Appellee/Cross-Appellant.

PER CURIAM.

Appellant, Burton John Paul, Former Husband, appeals an amended final judgment of dissolution of marriage, challenging the equitable distribution scheme, the alimony award, the requirement that Former Husband obtain life insurance to secure the alimony, the calculation of child support, and the attorney's fee award. Appellee, Linda Faye Paul, Former Wife, cross-appeals. We have carefully reviewed the record and the

amended final judgment in light of Former Husband's points on appeal, and we find merit in three of his arguments. We affirm on all other points raised by Former Husband, and we affirm as to Former Wife's cross-appeal without further discussion.

First, Former Husband argues that the trial court erred in calculating alimony because it failed to make a specific finding as to his total net income. Instead, the trial court made a finding only as to Former Husband's social security income, failing to include Former Husband's business income from his 95% ownership interest in his closely held corporation. This was error. *Velez v. Montalvo-Velez*, 253 So. 3d 117, 120 (Fla. 2d DCA 2018) ("It is well-established that the trial court must determine each spouse's [net] income for purposes of alimony" (citation omitted)). On remand, the trial court must make a specific finding concerning Former Husband's business income and recalculate the alimony award based on Former Husband's total net income.

Second, Former Husband argues that the trial court erred by requiring him to maintain a life insurance policy. Former Wife properly concedes error. The obligation to obtain life insurance "must be supported by specific evidentiary findings regarding the availability and cost of insurance, the obligor's ability to pay, and the special circumstances that warrant the requirement for security of the obligation." *Packo v. Packo*, 120 So. 3d 232, 234 (Fla. 5th DCA 2013) (citation and internal quotation marks omitted).

Finally, Former Husband argues that the trial court erred by calculating child support without including the alimony award as part of Former Wife's income. Again, we agree. See § 61.30(2)(a)(9), Fla. Stat. (2016). On remand, the trial court should include the alimony award in Former Wife's income and recalculate child support.

AFFIRMED in part; REVERSED in part; and REMANDED.

WALLIS, EDWARDS, and EISNAUGLE, JJ., concur.