

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

DEPARTMENT OF REVENUE,

Appellant,

v.

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

CASE NO. 1D15-3929

PAUL MOSLEY AND TIFFANY
NORRIS,

Appellees.

_____ /

Opinion filed April 15, 2016.

An appeal from an order of the Department of Revenue.

Pamela Jo Bondi, Attorney General, and Toni C. Bernstein, Senior Assistant
Attorney General, Tallahassee, for Appellant.

No appearance for Appellees.

PER CURIAM.

The Florida Department of Revenue raises two issues in this appeal of a Final Administrative Support Modification Order determining the child support obligation of Appellee Paul Mosley (the father). In the first issue, the Department argues that the administrative law judge (ALJ) erred by concluding that he lacked authority to

enter a support order exceeding the amounts set forth in the Department's Proposed Order to Modify Administrative Support Order based on new information developed at an evidentiary hearing that would increase the father's child support obligation under the statutory child support guidelines. In the second issue, the Department argues that the Final Administrative Support Modification Order is not supported by competent, substantial evidence. Consistent with our opinion in Department of Revenue v. Reyes, 181 So. 3d 1270 (Fla. 1st DCA 2015), we resolve both issues by concluding that the ALJ was required to establish the father's child support obligation based on the evidence presented at the hearing. By limiting the father's child support obligation to the amounts contained in the proposed order, notwithstanding the evidence presented, the Final Administrative Support Modification Order is contrary to Florida law and not supported by competent, substantial evidence. Accordingly, we vacate the order and remand for further proceedings consistent with this opinion.

RAY, BILBREY, and JAY, JJ., CONCUR.