

Third District Court of Appeal

State of Florida

Opinion filed July 21, 2021.

No. 3D20-0669
Lower Tribunal No. 11-25407

Alexander Robyn,
Appellant,

vs.

Corina E. Robyn,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marcia Del Rey, Judge.

Abramowitz and Associates, and Evan L. Abramowitz, for appellant.

Davis Smith & Jean, LLC, and Sonja A. Jean and Laura Davis Smith, for appellee.

Before FERNANDEZ, C.J., and GORDO and LOBREE, JJ.

CONFESSION OF ERROR

PER CURIAM.

The former wife properly concedes that the trial court erred in finding the former husband in willful contempt for failing to pay court ordered undifferentiated support in the amount of \$188,000.00 where the contempt order does not contain a purge provision or a finding that the husband has the present ability to purge himself of the contempt. See Sosa v. Portilla, 306 So. 3d 979, 980 (Fla. 3d DCA 2020); Douglas v. Douglas, 485 So. 2d 18, 19 (Fla. 3d DCA 1986). Because we are reversing on this basis, we need not reach the former husband's argument that the requirement that the \$188,000 be paid from the entirety of his salary violates 15 U.S.C. § 1673(b) but we remind the trial court that income deduction orders must comply with section 61.1301, Florida Statutes (2021). See Garcia v. Garcia, 560 So. 2d 403, 404-05 (Fla. 3d DCA 1990).

Reversed and remanded.