

# Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed November 2, 2011.

Not final until disposition of timely filed motion for rehearing.

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No. 3D11-525

Lower Tribunal No. 01-10450

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**Anton L. Philipp,**

Appellant,

vs.

**Department of Revenue o/b/o Alina Vallenilla Philipp,**

Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Philip Cook,  
Judge.

Anton L. Philipp, in proper person.

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

Before WELLS, C.J., and SUAREZ and FERNANDEZ, JJ.

SUAREZ, J.

Anton L. Philipp appeals an adjudication for contempt for failure to pay  
child support. As we conclude that the trial court did not have before it competent

substantial evidence of Mr. Philipp's present ability to pay, we reverse the adjudication of contempt. See Bowen v. Bowen, 471 So. 2d 1274, 1278 (Fla. 1985). Based on the Department of Revenue's concession of error, we also reverse the purge amount.

Reversed and remanded.