

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

ARTHUR SILVERSMITH,
Appellant,

vs.

RITA SILVERSMITH,
Appellee.

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CASE NO. 3D01-599
LOWER TRIBUNAL NO. 98-10555

Opinion filed October 24, 2001.

An appeal from the Circuit Court for Dade County, Amy Steele
Donner, Judge.

Daniel Kaplan, for appellant.

Rita M. Fernandez, In Proper Person.

Before COPE and GERSTEN, JJ., and NESBITT, Senior Judge.

PER CURIAM.

As the former wife in the instant case concedes, the trial
court erred when it characterized its equitable distribution lump
sum award as "spousal support" and ordered that the award be
garnished from the former husband's wages by way of an income
deduction order directing payment through the central depository.

It is well settled that an income deduction order may not be entered for purposes of effectuating the trial court's plan for equitable distribution. See § 61.1301, Fla. Stat. (2000); see also Colligan v. Colligan, 759 So. 2d 688 (Fla. 3DCA 2000); Nash v. Nash, 688 So. 2d 428, 429 (Fla. 3d DCA 1997); Board of Pension Trustees of the City General Employees Pension Plan v. Vizcaino, 635 So. 2d 1012, 1015 (Fla. 1st DCA 1994) ("[S]ection 61.1301 is expressly limited in its application to collection of either alimony and child support.") Accordingly, the order under review is reversed. The matter is remanded to the trial court with directions to enter an Amended Income Deduction Order reflecting only that amount permitted to be garnished from the former husband's wages as a result of his child support and alimony obligations. The Equitable Distribution Award to the former wife cannot be included in the Income Deduction Order. Rather, it is payable as set forth in the parties' Final Judgment of Dissolution of Marriage.