



Equitable Distribution

Overview

Florida law has established the principle of the equitable distribution of marital assets (bank accounts, stock accounts, real property, retirement accounts, business interests, and the like) and liabilities (debts of all types, personal loans, credit cards, mortgages, and the like) in a divorce case. The law requires the Court to presume that the distribution of marital assets and liabilities to the parties must be equal. The equitable distribution statute creates a procedure that the court should follow in dividing the marital assets and liabilities. The Court is required to divide each party's assets and liabilities into two categories: matrimonial assets and liabilities and non-marital assets and liabilities. Florida Statute defines marital assets and liabilities as all assets acquired or enhanced in value and liabilities or debts incurred during the marriage individually by either spouse or jointly by both of them. Non-marital assets and liabilities are those acquired before the marriage, after the filing of the dissolution action, or during the marriage if from a source unconnected with or unrelated to the marriage itself.

Although the statute begins with a presumption that the distribution must be equal, the law enumerates factors the Court should consider in making an unequal distribution of marital assets and liabilities. These factors include:

- ▶ The contribution to the marriage by each spouse, including contributions to the education and care of children and services as a homemaker
- ▶ The length of the marriage
- ▶ The economic circumstances of the parties
- ▶ Any interruption of either party's educational opportunity or professional career, and the contribution of one spouse to the personal career or educational opportunity of the other spouse
- ▶ The desirability of retaining any asset, including an interest in a business, corporation, or professional practice, free from any claim or interference by the other party
- ▶ The desirability and feasibility of retaining the marital home as a residence for any dependent child of the marriage, or any other party, when it would be equitable to do so, and it is in the best interest of the child or that party
- ▶ Any other factors necessary to ensure equity and justice between the parties

With the assistance of investigators, forensic accountants, business valuers, and appraisers, our attorneys will work to uncover undisclosed assets and determine the true value of such assets and liabilities. We assist in evaluating and analyzing assets and liabilities to help achieve a fair property division and will develop and evaluate proposed settlements that are in the best interest of our clients.

Meet Our Team

Lead Partner(s)



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