

# Divorce Law in Florida, Everything One Needs to Know

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Going through a divorce is an incredibly difficult process, and living in the state of Florida, can make it even more confusing due to the nuances of divorce law in the state. Knowing one's

rights and navigating the process as efficiently as possible is essential to coming out on top. This article will discuss everything one needs to consider regarding divorce laws in Florida. From filing requirements to asset division and more, read on to get informed on all things related to divorce law in Florida.



Divorce Law in Florida

## The Residency Requirement for Filing for Divorce in Florida

In order to file for divorce in Florida, either at least one spouse must have been a resident of the state for at least six months prior to filing. If one has recently moved to Florida and does not yet meet the residency requirement, filing for divorce is still possible if the spouse meets the residency requirement.

## The Grounds for Divorce in Florida

Florida is a no-fault state, meaning one does not have to allege any fault or wrongdoing to file for divorce. Only one party needs to allege that the marriage is irretrievably broken. Even if their spouse does not agree that the marriage is irretrievably broken and believes that it can be fixed, the Judge will grant the divorce if only one party testifies that the marriage is indeed broken and there is nothing the court can do to help them resume the marriage.

There is another provision of the law that allows someone to file for divorce based on mental incapacity. This ground is much less common and can be difficult to navigate.

If considering filing for divorce in Florida, it is important to understand all options. An experienced divorce attorney can help guide one through the process.

## Florida Terms for a Divorce

In Florida, the legal process of ending a marriage is technically called Dissolution of Marriage; however, it is commonly referred to as divorce. To get divorced in Florida, a petition must be filed for dissolution of marriage with the clerk of court in your county and serve your spouse with the papers. Depending on how the case ultimately proceeds, the divorce may be resolved through an agreement or by having a trial before a Circuit Judge.

Once a divorce is filed, the court will commonly enter temporary standing orders which address how each party is supposed to act while the case is pending. These orders generally prohibit either spouse from taking any action that could jeopardize the financial stability or well-being of the other spouse or their children. They also prevent either spouse from removing any children from the state of Florida without the permission of the other parent or the court.

If both parties are able to reach an agreement on all aspects of the divorce, including [child custody](#) and support, property division, and alimony, then you may be able to file for an uncontested divorce. An uncontested divorce is one in which both parties agree on all terms and do not require a trial. Uncontested divorces are typically simpler and cheaper than contested divorces.

## What is Simplified Dissolution

If considering a divorce in Florida, the simplified dissolution process may be a possibility. This process is available to couples who meet certain eligibility requirements and who agree on all aspects of their divorce.

To be eligible for a simplified dissolution, both spouses must:

- Be currently married
- Have no minor children together
- Have previously agreed to a distribution of assets and liabilities
- Not be requesting any alimony from the other party
- Be willing to give up their right to trial and appeal
- Both spouses must sign the petition for dissolution and appear at the final hearing

If all of these requirements are met and the parties can reach an agreement on all aspects of the divorce, they can file for a simplified dissolution. This process is generally faster and cheaper than a traditional divorce, as it does not require a trial. However, it is important to note that a simplified dissolution will still result in a final judgment that dissolves the marriage.

## How is Property Divided in a Florida Divorce?

In a Florida divorce, the property is divided according to the principles of equitable distribution. Only property acquired during the marriage would be considered marital property and subject to distribution. The court divides marital property in a fair and equitable manner, beginning with the premise that the distribution should be equal, taking into account a number of factors, including the length of the marriage, each spouse's contribution to the marriage, and interruption in career to build the career of the other spouse, each spouse's economic needs, the desirability of one party to retain an asset such as a business, the necessity to maintain a home for the benefit of one spouse and the minor children, or intentional dissipation, among other factors.

## Is Annulment an Option

If considering getting a divorce in Florida, one might wonder if an annulment is an option. Annulment is a legal procedure that can dissolve a marriage, but it is not available in all cases. In order to get an annulment, certain requirements must be met.

First, you must be able to prove that the marriage was never valid in the first place. This can be done if one can show that one of the spouses was already married to someone else at the time of the current marriage or if one can show that one of the spouses was not of legal age to marry. Additionally, if the marriage was based on fraud or force, an annulment may be possible.

Second, you must file for annulment within a certain timeframe. In Florida, this timeframe is generally within a reasonable amount of time of learning about the invalidity of the marriage. If one waits too long to file, the case is less likely to be successful.

If you think you might qualify for an annulment, it is important to speak with an experienced divorce attorney who can evaluate the case and help understand all the options.

## Are Children Involved

If the couple has children, Florida law requires that the parents attend a parenting course before their divorce is final. The course must be completed by both parents and covers topics such as:

The impact of divorce on children

How to reduce the conflict between the parents

How to help children adjust to the changes caused by divorce

How to co-parent effectively after the divorce

## Child Custody and Support in a Florida Divorce

When a married couple with children decides to divorce in Florida, the court will make a determination on child custody or time-sharing, and support. In most cases, the parents will share parental responsibility for the children, which means they will both have a say in major decisions regarding the children's welfare. The court will determine time-sharing based on the best interest of the children.

The court will also order one of the parents to pay child support. The amount of child support ordered will be based on a number of factors, including each parent's net income, the number of overnights each parent spends with the children, and the needs of the children. Child support payments are typically made until the child turns 18 years old, though in some cases, they may continue until the child completes high school.

If going through a divorce in Florida and one has questions about child custody or child support, speak with an [experienced family law attorney](#) for guidance.

## Alimony in a Florida Divorce

In a Florida divorce, alimony may be awarded to either spouse. Alimony is typically based on the need and ability to pay. The court will consider several factors when determining whether to award alimony, including the length of the marriage, the standard of living during the marriage, each spouse's earning capacity, and each spouse's contributions to the marriage.

## Alimony Categories

There are five different categories of alimony in Florida:

Bridge-the-gap alimony is awarded to help a spouse transition from being married to being single. This type of alimony is typically only awarded for a short period of time, not to exceed two years.

Rehabilitative alimony is awarded to help a spouse become self-sufficient by retraining or acquiring employment skills. The amount and duration of this type of alimony will depend on how long it will reasonably take the receiving spouse to become self-sufficient.

Temporary Alimony offers financial assistance to the receiving individual from the moment they or their partner file the divorce papers to the day the marriage is legally dissolved. Depending on how complex the divorce is, this alimony payment can be paid for months or years until the divorce is finalized.

Durational alimony is awarded when there is a need for financial assistance for a set period of time following the divorce. The amount and duration of durational alimony will be based on the length of the marriage.

Permanent alimony may be awarded following a long-term marriage (17 years or longer) when it is determined that one spouse will need financial assistance indefinitely.

## Conclusion

Divorce can be a difficult and stressful process, but understanding the divorce laws in Florida will make it easier to navigate and [avoid divorce mistakes](#). From the very first step of filing for divorce to addressing issues such as alimony, child custody and support, and division of assets, knowing your rights under Florida law is essential.

Contact Mario Gunde Peters & Kelley to schedule an appointment with one of our experienced Family Law Attorneys in Brevard County, Florida. We have offices in both Cocoa and Melbourne to help guide clients through a successful outcome.

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