

Divorce Law in Florida, Everything One Needs to Know

MERRITT ISLAND, FL, UNITED STATES, August 26, 2024 /EINPresswire.com/ -- Going through a divorce is an incredibly difficult process, and if living in the state of Florida, it can be even more confusing due to the nuances of divorce law in the state. Knowing 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

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

The Grounds for Divorce in Florida

Florida is a no-fault state, meaning one must not allege any fault or wrongdoing to file for divorce. All that has to be alleged is that the marriage is irretrievably broken. Even if one spouse does not agree that the marriage is irretrievably broken and believes that it can be fixed, the Judge will grant the divorce if at least one spouse testifies that the marriage is indeed broken and there is nothing the court can do to 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 challenging to navigate.

Understanding the options is essential when considering filing for a divorce in Florida. An experienced divorce attorney can help guide you 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, one must file a petition for dissolution of marriage with the court clerk in their county and serve the other spouse with the papers. Depending on how the case ultimately proceeds, the divorce may be resolved with an agreement or by having a trial before a Circuit Judge.

Once one has filed for divorce, the court will commonly enter temporary standing orders that address how everyone 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 children from the state of Florida without the other parent's permission or the court.

An uncontested divorce filing is possible if both spouses can agree on all aspects of the divorce, including child custody and support, property division, and alimony. 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, one may be able to use the simplified dissolution process. 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, one 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 your right to trial and appeal
- Both spouses must sign the petition for dissolution and appear at the final hearing

If one meets these requirements and agrees on all aspects of the divorce, one 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 several 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, an annulment is another option. An annulment is a legal procedure that can dissolve a marriage, but it is not available in all cases. To get an annulment, one must meet specific requirements.

First, a spouse must prove that the marriage was never valid. 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 a marriage was based on fraud or force, an annulment is possible.

Second, an annulment must be filed within a specific 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 one thinks they might qualify for an annulment, speaking with an experienced divorce attorney who can evaluate the case and help understand options is essential.

Are Children Involved

If children are involved, Florida law requires that spouses to attend a parenting course before the divorce is final. Both parents must complete the course and cover 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-share 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 several factors, including each parent's net income, the number of overnights each parent spends with the children, and the children's needs. 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 have questions about child custody or child support, speak with an experienced family law attorney.

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 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 when 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 financial assistance is needed for a set period following the divorce. The amount and duration of durational alimony are 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 help avoid divorce mistakes. Knowing one's rights under Florida law is essential from the very first step of filing for divorce to addressing issues such as alimony, child custody and support, and division of assets.

It is essential to consult with [experienced Family Law Attorneys](#) in Florida to achieve a fair outcome.

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