

FLORIDA FIRST DISTRICT COURT OF APPEAL

Ehiabor v. Ehiabor

No. 1D2025-0117 (Fla. 1st DCA June 10, 2026) · No. No. 1D2025-0117 · Decided June 10, 2026

SUMMARY

The First District Court of Appeal of Florida reverses and remands a nonfinal order awarding temporary alimony and temporary attorney’s fees in a dissolution proceeding. The court holds that an appellant need not preserve, through a motion for reconsideration, a challenge to the absence of required findings in a nonfinal temporary-support order. It further concludes that current section 61.08, Florida Statutes, requires written findings supporting temporary alimony, and discusses the evidentiary and findings requirements applicable to temporary attorney’s-fee awards under section 61.16.

CASE DETAILS

COURT	Florida First District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Lewis; Kelsey; Treadwell
JURISDICTION	Florida First District Court of Appeal
DECIDED	June 10, 2026
DOCKET	No. 1D2025-0117
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal under Florida Rule of Appellate Procedure 9.130 from a nonfinal order awarding temporary alimony and temporary attorney's fees and costs in a dissolution proceeding.
STANDARD OF REVIEW	The awards were reviewed for abuse of discretion, but the sufficiency of the trial court's factual findings and the existence of competent, substantial evidence were reviewed under the applicable legal and evidentiary standards.
PRECEDENTIAL VALUE	Published precedential opinion of the Florida First District Court of Appeal.
PARTIES	Timothy Ehiabor v. Adriana Ehiabor

TOPICS

- family law procedure
- alimony
- spousal support
- appellate procedure
- statutory interpretation

PRACTICE AREAS

family law

appellate procedure

statutory interpretation

evidence

QUESTIONS PRESENTED

1. Whether an appellant must file a motion for reconsideration or otherwise preserve an objection to the absence of required factual findings before appealing a nonfinal order awarding temporary alimony and attorney's fees.
2. Whether revised section 61.08, Florida Statutes, requires written findings of fact to support an award of temporary alimony.
3. Whether the temporary alimony award was supported by the required findings and competent, substantial evidence.
4. Whether a trial court awarding temporary attorney's fees under section 61.16, Florida Statutes, must make findings regarding need, ability to pay, and the reasonableness of the fees, including reasonable hours and hourly rate.
5. Whether the temporary attorney's-fees award was supported by competent, substantial evidence when the fee affidavit was not admitted and counsel's statements were unsworn.

HOLDINGS

1. A party is not required to file a motion for reconsideration before appealing a nonfinal order awarding temporary alimony or attorney's fees based on the trial court's failure to make required factual findings.
2. Under the revised section 61.08, Florida Statutes, a trial court must make written findings of fact when awarding temporary alimony.
3. For temporary alimony, written findings must address the requesting party's actual need in the amount awarded, the other party's ability to pay that amount, and the length of time for which the award is made; the court need not make findings on the section 61.08(3) factors applicable to other forms of alimony.
4. The trial court's temporary-alimony award was reversible because the order contained no factual findings and did not explain why the court awarded \$700 when the requesting party testified that she needed an additional \$658.
5. A trial court awarding temporary attorney's fees under section 61.16 must make specific findings regarding need, ability to pay, and reasonableness, including the reasonable hourly rate and reasonable number of hours incurred or expected to be incurred.
6. The full Florida Patient's Compensation Fund v. Rowe analysis is not required for temporary attorney's-fee awards, although the trial court may consider Rowe factors and must make findings sufficient for meaningful appellate review.
7. Unsworn representations by counsel cannot supply evidentiary support for a temporary fee award when the fee affidavit was not admitted into evidence.

KEY QUOTATIONS

“For these reasons, we conclude that there is no obligation to file a motion for reconsideration following an award of temporary alimony or attorney’s fees, prior to appealing that award based on the lack of required findings of fact.” (at 7)

“We therefore conclude that both sections can be harmonized by requiring written findings of fact when a trial court determines whether or not to award temporary alimony, using the longstanding evidentiary burden of section 61.071, now codified in section 61.08(2).” (at 9-10)

“Accordingly, we conclude that a trial court must make findings on the statutory factors—need, ability to pay, and reasonableness—and may make other equitable findings, to explain the temporary award it orders—prospective or retrospective, or both.” (at 17)

“Even though counsel answered the trial court’s questions about the fee affidavit, “unsworn representations by counsel about factual matters do not have any evidentiary weight in the absence of a stipulation.”” (at 21)

FACTUAL BACKGROUND

The parties had a short-term marriage, one child, and were involved in a dissolution proceeding. Timothy Ehiabor was a physician, while Adriana Ehiabor worked part-time cleaning houses; by agreement, he was already paying \$3,500 per month in child support and her rent. At the evidentiary hearing, Adriana testified that she needed an additional \$658 per month for car payments, and her counsel discussed but never admitted a fee affidavit showing approximately \$30,394 in incurred fees and \$38,900 in anticipated fees. The trial court awarded \$700 per month in temporary alimony and \$50,000 in temporary attorney's fees and costs.

PROCEDURAL HISTORY

During the parties' dissolution proceeding, the circuit court held an evidentiary hearing on Adriana Ehiabor's request for temporary alimony and attorney's fees. The court awarded her \$700 per month in temporary alimony and \$50,000 in temporary attorney's fees and costs without making the required factual findings and without sufficient evidentiary support for the fee amount. Timothy Ehiabor timely appealed the nonfinal order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the awards of temporary alimony and temporary attorney's fees and costs. On remand, the trial court must make written findings supporting, modifying, vacating, or setting aside the temporary-alimony award, including findings on need, ability to pay, amount, and duration. For attorney's fees, the court must make findings on need, ability to pay, and reasonableness, including reasonable hours and hourly rate; the court may take additional evidence.

CASES CITED

- Williams v. Williams, 365 So. 3d 1235 (Fla. 1st DCA 2023)
- Manning v. Tunnell, 943 So. 2d 1018, 1020 (Fla. 1st DCA 2006)

- Atwood v. Hendrix, 439 So. 2d 973, 973 (Fla. 1st DCA 1983)
- Williamson v. Williamson, 335 So. 2d 346, 348 (Fla. 1st DCA 1976)
- Sunset Harbour Condo. Ass'n v. Robbins, 914 So. 2d 925, 928 (Fla. 2005)
- Tillman v. State, 471 So. 2d 32, 35 (Fla. 1985)
- Reese v. Fla. State Hosp., 343 So. 3d 648, 648 (Fla. 1st DCA 2022)
- Sparre v. State, 289 So. 3d 839, 849 (Fla. 2019)
- TLC Props., Inc. v. Dep't of Transp., 292 So. 3d 10, 18 (Fla. 1st DCA 2020)
- Eaton v. Eaton, 293 So. 3d 567, 568 (Fla. 1st DCA 2020)
- Owens v. Owens, 973 So. 2d 1169, 1170 (Fla. 1st DCA 2007)
- Mathieu v. Mathieu, 877 So. 2d 740, 741 (Fla. 5th DCA 2004)
- Broadfoot v. Broadfoot, 791 So. 2d 584, 585 (Fla. 3d DCA 2001)
- Engle v. Engle, 277 So. 3d 697, 699, 704 (Fla. 2d DCA 2019)
- Fox v. Fox, 262 So. 3d 789, 793, 795 (Fla. 4th DCA 2018)
- In re Amends. to Fla. Rule of Civ. Proc. 1.530, 346 So. 3d 1161, 1162 (Fla. 2022)
- In re Amends. to Fla. Rule of Civ. Proc. 1.530 & Fla. Fam. L. Rule of Proc. 12.530, 373 So. 3d 1115 (Fla. 2023)
- Goodman v. Ningbo Litesun Elec. Co., Ltd., 398 So. 3d 1020, 1022 (Fla. 4th DCA 2025)
- State v. Clark, 373 So. 3d 1128, 1131 n.6 (Fla. 2023)
- Seigler v. Bell, 148 So. 3d 473, 478-79 (Fla. 5th DCA 2014)
- Send Enters., LLC v. Set Drive, LLC, 390 So. 3d 48, 50-51 (Fla. 3d DCA 2023)
- Hamilton v. R.L. Best Int'l, 996 So. 2d 233, 235 (Fla. 1st DCA 2008)
- Gonzalez v. Axiom Contracting Grp., 427 So. 3d 60, 64-65 (Fla. 1st DCA 2025)
- Soles v. Soles, 536 So. 2d 367, 368 (Fla. 1st DCA 1988)
- Heritage Prop. & Cas. Ins. Co. v. Williams, 338 So. 3d 1119, 1121-22 (Fla. 1st DCA 2022)
- Ogle v. Ogle, 334 So. 3d 699, 705 (Fla. 1st DCA 2022)
- Iarussi v. Iarussi, 353 So. 3d 75, 83-84 (Fla. 1st DCA 2022)
- Beans v. Beans, 407 So. 3d 483, 498 (Fla. 1st DCA 2024)
- Forsythe v. Longboat Key Beach Erosion Control Dist., 604 So. 2d 452, 455 (Fla. 1992)
- Floyd v. Floyd, 108 So. 896, 899 (Fla. 1926)
- Novack v. Novack, 196 So. 2d 499, 500-01 (Fla. 3d DCA 1967)
- De La Piedra v. De La Piedra, 243 So. 3d 1052, 1053 (Fla. 1st DCA 2018)
- Ard v. Ard, 208 So. 3d 1288 (Fla. 1st DCA 2017)
- Buchanan v. Buchanan, 225 So. 3d 1002, 1004 (Fla. 1st DCA 2017)
- Winder v. Winder, 152 So. 3d 836, 840 (Fla. 1st DCA 2014)
- Winney v. Winney, 979 So. 2d 396, 400 (Fla. 1st DCA 2008)
- Fulmer v. Fulmer, 961 So. 2d 1081, 1082 (Fla. 1st DCA 2007)
- Haslauer v. Haslauer, 381 So. 3d 662, 665-66 (Fla. 1st DCA 2024)

- Finch v. Cribbs, 376 So. 3d 63, 73 (Fla. 1st DCA 2021)
- O'Steen v. O'Steen, 478 So. 2d 489, 490 (Fla. 1st DCA 1985)
- Erskine v. Erskine, 344 So. 3d 566, 579 (Fla. 1st DCA 2022)
- Lamolinara v. Lamolinara, 85 So. 3d 1147, 1149 (Fla. 1st DCA 2012)
- Schwartz v. Schwartz, 965 So. 2d 832, 833 (Fla. 1st DCA 2007)
- Nichols v. Nichols, 519 So. 2d 620, 621-22 (Fla. 1988)
- Mahoney v. Mahoney, 251 So. 3d 977, 980 (Fla. 1st DCA 2018)
- Giovanini v. Giovanini, 89 So. 3d 280, 282 (Fla. 1st DCA 2012)
- Gonzalez v. Rodriguez, 418 So. 3d 245, 249 (Fla. 3d DCA 2025)
- Rotunda v. Rotunda, 259 So. 3d 216, 218-19 (Fla. 5th DCA 2018)
- Trainor v. Trainor, 199 So. 3d 523, 524 (Fla. 4th DCA 2016)
- Stanton v. Stanton, 50 So. 3d 688, 691 (Fla. 2d DCA 2010)
- Robbie v. Robbie, 591 So. 2d 1006, 1010 (Fla. 4th DCA 1991)
- Dorsey v. Dorsey, 266 So. 3d 1282, 1289 (Fla. 1st DCA 2019)
- Watrel v. Watrel, 331 So. 3d 233, 236 (Fla. 1st DCA 2021)
- Fleming v. Fleming, 279 So. 3d 763, 765 (Fla. 1st DCA 2019)
- Kennedy v. Kennedy, 330 So. 3d 922, 923 (Fla. 4th DCA 2021)
- Moore v. Kelso-Moore, 152 So. 3d 681, 683 (Fla. 4th DCA 2014)
- Ghay v. Ghay, 954 So. 2d 1186, 1190 (Fla. 2d DCA 2007)
- Saario v. Tiller, 333 So. 3d 315, 323-24 (Fla. 5th DCA 2022)
- Jackson v. Jackson, 513 So. 2d 780, 781 (Fla. 1st DCA 1987)
- Jessup v. Werner, 354 So. 3d 605, 609 (Fla. 1st DCA 2022)
- Sarazin v. Sarazin, 263 So. 3d 273, 276 (Fla. 1st DCA 2019)
- Cherry v. Viker, 197 So. 3d 1292 (Fla. 1st DCA 2016)
- Baker v. Baker, 35 So. 3d 76, 77 (Fla. 2d DCA 2010)
- Phillips v. Phillips, 264 So. 3d 1129, 1132 (Fla. 2d DCA 2019)
- Erskine v. Erskine, 262 So. 3d 222, 225 (Fla. 1st DCA 2018)
- Daughtrey v. Daughtrey, 944 So. 2d 1145, 1148 (Fla. 2d DCA 2006)