

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Steven Hewell v. Joudelene Hewell

No. 3D24-1501 (Fla. 3d DCA Aug. 27, 2025) · No. No. 3D24-1501 · Decided August 27, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a final judgment of dissolution of marriage in all respects. The court rejected challenges to the unequal distribution and valuation of marital debts, noting that the former husband had not provided a trial transcript and had not preserved objections to the absence of factual findings through a motion for rehearing.

CASE DETAILS

|                       |                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Third District Court of Appeal of Florida                                                                                                                                                                                                |
| WRITING FOR THE COURT | Emas; Fernandez; Lobree                                                                                                                                                                                                                  |
| JURISDICTION          | Florida Third District Court of Appeal                                                                                                                                                                                                   |
| DECIDED               | August 27, 2025                                                                                                                                                                                                                          |
| DOCKET                | No. 3D24-1501                                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Former Husband appealed a final judgment of dissolution of marriage, challenging the unequal distribution of marital debts, the finding that he agreed to pay those debts, and the trial court's treatment of his claimed marital debts. |
| STANDARD OF REVIEW    | Equitable distribution determinations are reviewed for abuse of discretion. Claims reviewed for competent substantial evidence or abuse of discretion require an adequate record for meaningful appellate review.                        |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                |
| PARTIES               | Steven Hewell, Former Husband v. Joudelene Hewell, Former Wife                                                                                                                                                                           |

TOPICS

- equitable distribution
- dissolution of marriage
- preservation of error
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by unequally distributing the marital debts.
2. Whether the trial court erred in finding that Former Husband agreed to pay the marital debts.
3. Whether the trial court failed to value and equally distribute all of Former Husband's claimed marital debts.
4. Whether Former Husband preserved a challenge to the trial court's failure to make required factual findings in the final judgment.

## HOLDINGS

1. When an appellant does not provide a transcript of the lower-court proceedings, the appellate court cannot meaningfully review claims requiring review for competent substantial evidence or abuse of discretion, absent a supportable claim of fundamental error.
2. A challenge to the trial court's failure to make required factual findings in a final judgment must be raised in a motion for rehearing in the trial court to be preserved for appeal.
3. An equitable distribution determination is reviewed for abuse of discretion.

## KEY QUOTATIONS

*"We review an equitable distribution determination for an abuse of discretion."* (p. 1)

*"We note, as a threshold matter, that Former Husband has not provided a transcript of the proceedings in the lower court and therefore (absent a supportable claim of fundamental error) Former Husband has failed to provide an adequate record for meaningful review of those claims which we would review for competent substantial evidence or under an abuse of discretion standard."* (p. 2)

*"In addition, and to the extent Former Husband claims the trial court failed to make requisite factual findings in the final judgment, it has not been properly preserved because Former Husband failed to file a motion for rehearing in the trial court."* (p. 2)

## FACTUAL BACKGROUND

The parties' marriage was dissolved by a final judgment that unequally distributed marital debts and found that Former Husband had agreed to pay certain debts. Former Husband also claimed that the trial court failed to value and equally distribute all of his marital debts, but he did not provide a transcript of the lower-court proceedings and did not file a motion for rehearing challenging the absence of required factual findings.

## PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a final judgment of dissolution of marriage. Steven Hewell appealed, and the Third District Court of Appeal affirmed the judgment in all respects.

## DISPOSITION

affirmed

#### CASES CITED

- Michener v. Michener, 403 So. 3d 1040, 1042 (Fla. 3d DCA 2025)
- Viscito v. Viscito, 214 So. 3d 736, 737 (Fla. 3d DCA 2017)
- Magana v. Machado, 406 So. 3d 317, 318 (Fla. 3d DCA 2025)

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