SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Makechia Robinson n/k/a Makechia McKay v. Nathaniel Robinson, III

Robinson · No. 6D2024-0740 · Decided September 5, 2025

SUMMARY

The Florida Sixth District Court of Appeal reviewed a bifurcated dissolution judgment dividing marital assets and liabilities. The court held that the record did not support a finding that the former wife intentionally dissipated marital assets by transferring $5,000 to her daughter for the purchase of Publix stock, reversed that portion of the judgment, ordered an equal division of the marital shares, and affirmed the remainder.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Wozniak, J.; Mize, J.; Brownlee, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	September 5, 2025
DOCKET	6D2024-0740
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Former Wife appealed the final judgment dividing marital assets and liabilities in bifurcated dissolution proceedings.
STANDARD OF REVIEW	Orders finding dissipation of assets are reviewed for abuse of discretion; the finding will not be reversed if supported by competent, substantial evidence.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Makechia Robinson n/k/a Makechia McKay v. Nathaniel Robinson, III

TOPICS

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

PRACTICE AREAS

family law · appellate procedure · equitable distribution

QUESTIONS PRESENTED

1. Whether the trial court erred in finding that Former Wife intentionally dissipated marital assets by transferring $5,000 to her adult daughter for the purchase of Publix stock.
2. Whether the asset-classification-date issue was preserved for appellate review.
3. What equitable-distribution remedy was required after reversal of the dissipation finding.

HOLDINGS

1. The trial court erred in finding that Former Wife intentionally dissipated marital assets because the record contained no evidence supporting that finding.
2. Former Wife's challenge to the asset-classification date was unpreserved because she did not first raise the issue in her motion for rehearing or another appropriate motion.
3. The trial court was directed to order a fifty-fifty division of the marital shares.

KEY QUOTATIONS

> *"Here, the record contains no evidence to support a finding of dissipation."* (at 3)

> *"Because there was no such evidence, we direct the trial court, upon remand, to order a fifty-fifty division of the marital shares."* (at 3)

FACTUAL BACKGROUND

During the parties' nearly thirteen-year marriage, Former Wife transferred $5,000 from a marital account to her adult daughter from another relationship for the purchase of Publix stock. Former Husband first characterized the transfer as dissipation in his post-hearing proposed equitable distribution document, rather than at the hearing. The trial court found intentional dissipation and reduced Former Wife's share of Former Husband's marital Publix stock by 376.506 shares, but the appellate record contained no evidence supporting dissipation.

PROCEDURAL HISTORY

The parties' marriage was dissolved in June 2023. After a subsequent hearing concerning equitable distribution, the circuit court found that Former Wife had intentionally dissipated marital assets by transferring $5,000 to her adult daughter for the purchase of Publix stock and reduced Former Wife's share of Former Husband's marital Publix stock by 376.506 shares. The circuit court denied rehearing, and Former Wife appealed. The Sixth District affirmed the remainder of the judgment, reversed the dissipation-related portion, and remanded with instructions.

DISPOSITION

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reversed_and_remanded
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REMAND INSTRUCTIONS

The trial court must order a fifty-fifty division of the marital shares and conduct further proceedings consistent with the opinion. The remainder of the judgment is affirmed.

CASES CITED

- Williams v. Williams, 152 So. 3d 702, 704 (Fla. 1st DCA 2014)
- Demont v. Demont, 67 So. 3d 1096, 1103 (Fla. 1st DCA 2011)
- Rodriguez v. Rodriguez, 994 So. 2d 1157, 1161 (Fla. 3d DCA 2008)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA _______________________________ Case No. 6D2024-0740 Lower Tribunal No. 2022DR-004787-0000-00 _______________________________ MAKECHIA ROBINSON n/k/a MAKECHIA MCKAY, Appellant, v. NATHANIEL ROBINSON, III, Appellee. _______________________________ Appeal from the Circuit Court for Polk County. Keith P. Spoto, Judge. September 5, 2025 WOZNIAK, J. In this portion of bifurcated dissolution proceedings, Makechia McKay ("Former Wife") appeals the final judgment dividing the assets and liabilities acquired during her marriage to Nathaniel Robinson ("Former Husband").

Of the issues preserved, 1 we find merit only in her argument that the trial court erred when 1 Former Wife's challenge to the asset classification date used by the trial court in the final judgment, an issue of law, is unpreserved for appellate review given her failure to first raise the issue to the trial court in her motion for rehearing. See, e.g., Williams v. Williams, 152 So.

3d 702, 704 (Fla. 1st DCA 2014) ("[W]here an it found Former Wife intentionally dissipated marital assets when she transferred $5,000 to her daughter from another relationship for the purchase of Publix stock. Accordingly, we reverse that portion of the final judgment and remand for further proceedings consistent herewith.

In June 2023, the parties' almost thirteen-year marriage was dissolved. At the subsequent hearing to determine the division of marital assets and liabilities, Former Husband contended that Former Wife had given her older daughter from a different relationship $5,000 for the purchase of Publix stock. Notably, the word "dissipate" was not used at the hearing in reference to the use of marital funds to facilitate the stock purchase; the first that Former Husband raised dissipation was in his post- hearing Proposed Equitable Distribution document, where, for the first time, he claimed, "Former Wife dissipated a marital account, [Trax,] by withdrawing and transferring to her adult daughter $5,000.00 for the daughter to purchase Publix stock." The trial court agreed with Former Husband and, finding Former Wife had dissipated a marital account by transferring $5,000 to her daughter for the purchase of 376.506 shares of Publix stock, ordered that Former Wife's share of the marital error by the court appears for the first time on the face of a final order, a party must alert the court of the error via a motion for rehearing or some other appropriate motion in order to preserve it for appeal." (citations omitted)).

2 portion of Former Husband's Publix stock be reduced by 376.506 shares. In her motion for rehearing, Former Wife challenged this finding of dissipation, arguing, as she does on appeal, that there was no evidence of intentional misconduct.

We review trial court orders finding dissipation of assets for abuse of discretion. See Demont v. Demont, 67 So. 3d 1096, 1103 (Fla. 1st DCA 2011). This Court will not reverse if the finding is supported by competent, substantial evidence. Id. We observe that, under section 61.075(1)(i), Florida Statutes (2023), the distribution of marital assets should be equal unless there is a justification for doing otherwise.

One of the factors to consider is whether there was "intentional dissipation, waste, depletion, or destruction of marital assets after the filing of the petition or within 2 years prior to the filing of the petition." Id.; see also Rodriguez v. Rodriguez, 994 So. 2d 1157, 1161 (Fla. 3d DCA 2008) ("The unequal distribution of marital assets or debts is allowed when one party's conduct has caused the dissipation of assets or has otherwise adversely affected the financial status of the other party at a time when the marriage is undergoing an irreconcilable breakdown.").

Here, the record contains no evidence to support a finding of dissipation. Because there was no such evidence, we direct the trial court, upon remand, to order a fifty-fifty division of the marital shares. We affirm the remainder of the judgment. 3 AFFIRMED in part; REVERSED in part; and REMANDED with instructions. MIZE and BROWNLEE, JJ., concur. Laura E. Vittetoe, of Legally Modern Law Firm, Lakeland, for Appellant.

Debra J. Sutton, of Sutton Law Firm, Bartow, for Appellee. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 4