

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

William Walsh v. Nicole Walsh

Walsh · No. 5D2024-1053 · Decided December 19, 2025

SUMMARY

The Florida Fifth District Court of Appeal reviewed a marital dissolution appeal involving the valuation of a Fidelity retirement account, characterization of funds from the former husband's father, and distribution of Quad Staffing cash. The court affirmed in part, reversed in part, and remanded for reconsideration of the retirement account's value because the trial court had not made a specific finding that any dissipation resulted from intentional misconduct.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Makar, J.; Harris, J.; Soud, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	December 19, 2025
DOCKET	5D2024-1053
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Former Husband appealed the trial court's supplemental final judgment and order denying his motion for rehearing in a marital dissolution proceeding.
PRECEDENTIAL VALUE	Published
PARTIES	William Walsh v. Nicole Walsh

TOPICS

- equitable distribution
- dissolution of marriage
- family law procedure
- appellate procedure

PRACTICE AREAS

- family law
- equitable distribution
- appellate procedure

QUESTIONS PRESENTED

- Whether the trial court erred by including the value of a depleted Fidelity retirement account in equitable distribution without making a specific finding that the dissipation resulted from intentional misconduct.

2. Whether the trial court erred in characterizing \$60,000 received from Former Husband's father as a gift rather than a loan.
3. Whether the trial court erred in distributing Quad Staffing cash.

HOLDINGS

1. A depleted asset may not be included in an equitable distribution scheme absent a specific finding that the dissipation resulted from intentional misconduct. Because the trial court made no such specific finding regarding the Fidelity retirement account, its valuation of that account required reversal and remand.
2. The court did not reverse the trial court's determinations concerning the \$60,000 received from Former Husband's father or the distribution of Quad Staffing cash.

KEY QUOTATIONS

“In general, in order to “include dissipated assets in an equitable distribution scheme, the court must make a ‘specific finding that the dissipation resulted from intentional misconduct.’” (2)

“The trial court’s determinations here do not rise to the level of a “specific finding” that the account had dissipated due to intentional misconduct.” (2)

FACTUAL BACKGROUND

The trial court included the value of an apparently depleted Fidelity retirement account in the equitable distribution scheme. Although the trial court suspected that Former Husband may have been partly responsible for the reduction in the account, it did not make a specific finding that the depletion resulted from intentional misconduct.

PROCEDURAL HISTORY

The Circuit Court for St. Johns County entered a supplemental final judgment addressing equitable distribution and denied Former Husband's motion for rehearing. Former Husband appealed, challenging the valuation of a Fidelity retirement account, the characterization of \$60,000 received from his father as a gift rather than a loan, and the distribution of Quad Staffing cash.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must reconsider the value of the Fidelity retirement account for purposes of equitable distribution.

CASES CITED

- Schroll v. Schroll, 227 So. 3d 232, 236 (Fla. 1st DCA 2017)

- Bateh v. Bateh, 98 So. 3d 750, 753 (Fla. 1st DCA 2012)
- Zvida v. Zvida, 103 So. 3d 1052, 1055 (Fla. 4th DCA 2013)

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