

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)

OPINION

William Walsh v. Nicole Walsh

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 5D2024-1053 LT Case No. 2021-DR-000514-A

WILLIAM WALSH,

Appellant, v.

NICOLE WALSH,

Appellee. _____ On appeal from the Circuit Court for St. Johns County. Howard Ogle McGillin, Judge. Clyde M. Taylor, III, of Taylor & Waldrop, St. Augustine, for Appellant. Jonathan J. Luca, of Jonathan J. Luca, P.A., St. Augustine, for Appellee. December 19, 2025 PER CURIAM. William Walsh (“Former Husband”) and Nicole Walsh (“Former Wife”) are parties in this marital dissolution appeal. Former Husband appeals the trial court’s supplemental final judgment as well as the order denying his motion for rehearing. Former Husband alleges that the trial court erred in the valuation of his Fidelity retirement account, in the designation of \$60,000 in funds from Former Husband’s father as a gift instead of a loan, and in the distribution of Quad Staffing cash. We reverse solely as to the first issue and remand for the trial court to reconsider the value of the Fidelity retirement account for equitable distribution. 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.’” Schroll v. Schroll, 227 So. 3d 232, 236 (Fla. 1st DCA 2017) (quoting Bateh v. Bateh, 98 So. 3d 750, 753 (Fla. 1st DCA 2012)). A case out of the Fourth District, Zvida v. Zvida, 103 So. 3d 1052 (Fla. 4th DCA 2013), is instructive. In Zvida, the husband contested the inclusion of a depleted asset as part of the equitable distribution, specifically challenging “the fact that the trial court attributed to him the value of \$117,315 for a specific bank account, despite the fact that the value was only \$3,284 at the time of trial.” Zvida, 103 So. 3d at 1055. The Fourth noted that no testimony was presented with respect to the bank account except as to the balance of money in the account. There was no testimony as to how the funds were used or if the funds were used for a purpose unrelated to the marriage. Finally, the trial court did not make a finding of intentional misconduct by the husband related to the reduced balance in the bank account. *Id.* (emphasis added). The Fourth District concluded that “the inclusion of the depleted asset in the equitable distribution by the trial court was error.” *Id.* Here, the trial court, in review of the affidavits, worksheets, and testimony, made a determination of an apparently depleted asset without making a finding of intentional misconduct;

instead the trial court noted it suspected Former Husband may have likely been part of the cause. 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. Thus, reversal as to this issue is warranted and a remand is necessary for the trial court to reconsider the value of the Fidelity retirement account for equitable distribution. 2 AFFIRMED in part; REVERSED in part; and REMANDED with instructions. MAKAR, HARRIS, and SOUD, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.