

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Michael Hawryluk, Jr. v. Kathryn Hawryluk

Hawryluk · No. 5D2024-0972; 5D2024-2069 · Decided February 27, 2026

SUMMARY

The Florida Fifth District Court of Appeal held that the 2023 amended version of Florida Statutes section 61.08 applies only to initial dissolution petitions that were pending or filed on or after July 1, 2023. The court concluded that the petition in this case ceased to be pending when the trial court entered its written final judgment, notwithstanding the subsequent appeal and limited remand. The court affirmed the trial court and certified direct conflict with the Second District's decisions in Woodward v. Woodward and Morgan v. Morgan.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Edwards, J.; Lambert, J.; Soud, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	February 27, 2026
DOCKET	5D2024-0972; 5D2024-2069
DISPOSITION	affirmed
PROCEDURAL POSTURE	Former Husband appealed post-remand orders in a dissolution-of-marriage proceeding, and his third appeal concerning a contempt order was consolidated with the second appeal.
STANDARD OF REVIEW	The court reviewed the statutory-interpretation issue de novo and reviewed the trial court's compliance with the appellate mandate on appeal.
PRECEDENTIAL VALUE	published; direct conflict certified
PARTIES	Michael Hawryluk, Jr. v. Kathryn Hawryluk

TOPICS

- alimony
- statutory interpretation
- appellate procedure
- family law procedure
- dissolution of marriage

PRACTICE AREAS

- family law
- alimony
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the 2023 amended version of section 61.08, Florida Statutes, applied to the alimony award because the initial dissolution petition remained pending on July 1, 2023, after entry of a final judgment, an appeal, partial reversal, and remand.
2. Whether the circuit court complied with the Fifth District's prior mandate when it recalculated Former Husband's aggregate monthly payment obligation.
3. Whether the Fifth Order of Contempt should be affirmed.

HOLDINGS

1. The 2023 amended version of section 61.08 did not apply because the initial petition for dissolution was no longer pending after the circuit court entered a written final judgment, even though an appeal was pursued and the case was later remanded for limited proceedings.
2. The circuit court complied with the Fifth District's mandate by recalculating the payment schedule so that Former Husband's aggregate monthly obligation was within his established ability to pay.
3. The Fifth Order of Contempt was affirmed without discussion.

KEY QUOTATIONS

“the initial petition ceased to be “pending” once the trial court issued its written final judgment, regardless of the fact that an appeal was pursued, the judgment was reversed in part, and the trial court conducted further proceedings.” (at 1)

“Here, the amended section 61.08 clearly and unambiguously states that it only applies to “initial petitions pending or filed on or after July 1, 2023.”” (at 5)

“The fact that Appellant here timely perfected an appeal and the appellate court ultimately reversed and remanded the case for the trial court’s reconsideration on one issue does not change the fact that a decision was made regarding the initial petition; thus, it was no longer pending.” (at 7)

FACTUAL BACKGROUND

After twenty-six years of marriage, Kathryn Hawryluk filed for dissolution in May 2019. The circuit court awarded Michael Hawryluk durational alimony, equitable distribution, child support, and attorney's fees, resulting in monthly obligations exceeding the monthly surplus the court had found available to him. On the prior appeal, the Fifth District ordered recalculation of the payment schedule. On remand, the circuit court reduced the aggregate obligation but did not apply the 2023 amended alimony statute because the initial dissolution petition was no longer pending when the amendment took effect on July 1, 2023.

PROCEDURAL HISTORY

Former Wife filed an initial petition for dissolution in May 2019. After a December 2020 trial, the circuit court entered a final judgment and later an amended final judgment awarding durational alimony, equitable distribution, child support, and attorney's fees. The Fifth District affirmed most issues but reversed and remanded for recalculation of the payment schedule because the aggregate monthly obligations exceeded Former

Husband's established monthly surplus. After remand, the circuit court reduced the aggregate payment by removing the monthly equitable-distribution payment and declined to apply the 2023 amended version of section 61.08. The Fifth District affirmed all challenged orders and certified direct conflict with Second District decisions.

DISPOSITION

affirmed

CASES CITED

- Hawryluk v. Hawryluk, 365 So. 3d 477 (Fla. 5th DCA 2023)
- Hawryluk v. Hawryluk, Case No. SC2023-1024, 2023 WL 8819870 (Fla. Dec. 21, 2023)
- Woodward v. Woodward, 400 So. 3d 861 (Fla. 2d DCA 2025)
- Morgan v. Morgan, 51 Fla. L. Weekly D53 (Fla. 2d DCA Jan. 7, 2026)
- Stockdale v. Stockdale, 409 So. 3d 163, 166-68 (Fla. 1st DCA 2025)
- Alfonso v. Alfonso, 50 Fla. L. Weekly D1043 (Fla. 4th DCA May 7, 2025)
- R.J. Reynolds Tobacco Co. v. Sheffield, 266 So. 3d 1230, 1233 (Fla. 5th DCA 2019)
- McNeil v. State, 162 So. 3d 274, 275 (Fla. 5th DCA 2015)
- Casais v. State, 204 So. 3d 969, 970 (Fla. 5th DCA 2016)
- Richards v. State, 288 So. 3d 574, 576 (Fla. 2020)
- McCloud v. State, 260 So. 3d 911, 914 (Fla. 2018)
- Wilson v. Clark, 414 So. 2d 526, 530 (Fla. 1st DCA 1982)
- Morgan v. Morgan, 327 So. 3d 898, 901 (Fla. 2d DCA 2021)
- Secrist v. Secrist, 412 So. 3d 781, 784 (Fla. 5th DCA 2025)

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