

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH  
DISTRICT

Pablo Alfonso v. Jessica Gordon Alfonso

No. 4D2024-0698 (Fla. 4th DCA May 7, 2025) · No. 4D2024-0698 · Decided May 7, 2025

SUMMARY

The Florida Fourth District Court of Appeal affirmed a permanent alimony award, holding that the dissolution petition was not pending when Florida's amended alimony statute took effect on July 1, 2023, because the final judgment had been entered before that date. The court reversed the requirement that the former husband maintain life insurance for the former wife because the trial court made no findings regarding the availability and cost of insurance, ability to pay, or special circumstances supporting the security requirement. The court otherwise affirmed the rulings on the amount of alimony and attorney's fees.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District Court of Appeal of the State of Florida, Fourth District                                                                                                                                                                                           |
| WRITING FOR THE COURT | Damoorgian, J.; Gerber, J.; Klingensmith, C.J.                                                                                                                                                                                                              |
| JURISDICTION          | Florida District Court of Appeal, Fourth District                                                                                                                                                                                                           |
| DECIDED               | May 7, 2025                                                                                                                                                                                                                                                 |
| DOCKET                | 4D2024-0698                                                                                                                                                                                                                                                 |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Former Husband appealed the final judgment dissolving the parties' marriage, challenging the permanent alimony award, the requirement that he maintain life insurance for Former Wife's benefit, and the award of attorney's fees.                          |
| STANDARD OF REVIEW    | The opinion does not expressly state a standard of review. The statutory applicability issue was reviewed as a matter of law, and the life-insurance security requirement was reviewed for legal error based on the adequacy of the trial court's findings. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                   |
| PARTIES               | Pablo Alfonso v. Jessica Gordon Alfonso                                                                                                                                                                                                                     |

TOPICS

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## PRACTICE AREAS

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## QUESTIONS PRESENTED

1. Whether Florida's amended alimony statute, effective July 1, 2023, applied to the dissolution petition because the case remained pending while a timely motion for rehearing was unresolved.
2. Whether the trial court erred by requiring Former Husband to maintain Former Wife as beneficiary of a current or comparable future life-insurance policy without making findings concerning the policy's cost and availability.
3. Whether the permanent alimony award was supported by competent substantial evidence and was excessive.
4. Whether the award of attorney's fees based on need and ability to pay was erroneous.

## HOLDINGS

1. The amended section 61.08 did not apply. The initial dissolution petition was no longer pending when the statute took effect because the trial court had entered a final judgment disposing of all issues on June 30, 2023; a timely motion for rehearing did not alter the effective date of the dissolution judgment.
2. The trial court erred in requiring Former Husband to maintain Former Wife as beneficiary of a current or comparable future life-insurance policy without making specific findings concerning the availability and cost of insurance, Former Husband's ability to pay, and the special circumstances warranting security for the alimony obligation.
3. The court affirmed these rulings without further comment.

## KEY QUOTATIONS

*“As the June 30, 2023, final judgment disposed of all issues in the initial dissolution petition, and as the amended final judgment was properly entered nunc pro tunc to June 30, 2023, the initial dissolution petition was not “pending” on or after July 1, 2023, notwithstanding the filing of Former Husband’s motion for rehearing.”* (4)

*“The failure to make the necessary findings in support of the maintenance of life insurance is reversible error”* (5)

## FACTUAL BACKGROUND

The parties married in 2017. In 2018, Former Wife suffered a stroke that rendered her disabled and unable to work or perform routine activities. She petitioned for dissolution in July 2020 and requested permanent alimony and life-insurance security. At the April 2023 bench trial, Former Husband had employer-provided life insurance as part of a severance agreement, but those benefits were to continue for only two additional months.

## PROCEDURAL HISTORY

Former Wife filed a dissolution petition in July 2020 requesting permanent alimony and security for the alimony obligation through life insurance. After a bench trial in April 2023, the circuit court entered a final judgment on June 30, 2023, awarding permanent periodic alimony and requiring Former Husband to maintain life insurance naming Former Wife as beneficiary. Former Husband moved for rehearing, new trial, and to alter or amend the judgment after Florida's alimony reform statute became effective on July 1, 2023. The trial court denied the motion in part and entered an amended final judgment nunc pro tunc to June 30, 2023. The Fourth District affirmed the permanent alimony and attorney's-fee rulings, but reversed the life-insurance requirement and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remand for the trial court to make specific evidentiary findings regarding the availability and cost of life insurance, Former Husband's ability to pay, and the special circumstances warranting security for the alimony obligation.

## CASES CITED

- Fawcett v. Weaver, 121 Fla. 245, 246 (Fla. 1935)
- Barnett v. Barnett, 743 So. 2d 105, 106–08 (Fla. 4th DCA 1999)
- Pruitt v. Brock, 437 So. 2d 768, 770–72 (Fla. 1st DCA 1983)
- Gaines v. Sayne, 764 So. 2d 578, 585–86 (Fla. 2000)
- Stockdale v. Stockdale, No. 1D2024-1371, 2025 WL 1062621, at \*2–\*3 (Fla. 1st DCA Apr. 9, 2025)
- Maxfly Aviation Inc. v. Cap. Airlines Ltd., 843 So. 2d 973, 975–76 (Fla. 4th DCA 2003)
- Hamblen v. Pilot Travel Ctrs., LLC, 312 So. 3d 218, 220–22 (Fla. 1st DCA 2021)
- Karkhoff v. Robilotta, 309 So. 3d 229, 236–37 (Fla. 4th DCA 2020)
- Woodward v. Woodward, 400 So. 3d 861, 863–64 (Fla. 2d DCA 2025)
- WFTV, Inc. v. Wilken, 675 So. 2d 674, 677 (Fla. 4th DCA 1996)
- Arthur Young & Co. v. Mariner Corp., 630 So. 2d 1199, 1202 (Fla. 4th DCA 1994)
- Valencia Rsrv. Homeowners Ass’n, Inc. v. Boynton Beach Assocs., XIX, LLLP, 278 So. 3d 714, 717 (Fla. 4th DCA 2019)
- A.R. Douglass, Inc. v. McRaney, 102 Fla. 1141, 137 So. 157, 159 (Fla. 1931)
- Fla. Dep’t of Agric. & Consumer Servs. v. Mendez, 98 So. 3d 604, 607 (Fla. 4th DCA 2012)
- GTC, Inc. v. Edgar, 967 So. 2d 781, 785 (Fla. 2007)
- Schoeff v. R.J. Reynolds Tobacco Co., 232 So. 3d 294, 302, 304–05 (Fla. 2017)
- Gyongyosi v. Miller, 80 So. 3d 1070, 1075 (Fla. 4th DCA 2012)
- Sosa v. Safeway Premium Fin. Co., 73 So. 3d 91, 104 (Fla. 2011)

- Nunes v. Herschman, 310 So. 3d 79, 82 (Fla. 4th DCA 2021)
- State v. Brake, 796 So. 2d 522, 528 (Fla. 2001)
- Brennan v. Brennan, 184 So. 3d 583, 588–89 (Fla. 4th DCA 2016)
- McNitt v. Osborne, 371 So. 2d 696, 697 (Fla. 3d DCA 1979)
- Schultz v. Schickedanz, 884 So. 2d 422, 424 (Fla. 4th DCA 2004)
- Keitel v. Keitel, 724 So. 2d 1255, 1258 (Fla. 4th DCA 1999)

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