

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-4050

REBECCA OLIVAREZ, Former
Wife,

Appellant

v.

LIONEL OLIVAREZ, Former
Husband,

Appellee.

On appeal from the Circuit Court for Duval County.
Elizabeth Senterfitt, Judge.

August 16, 2018

PER CURIAM.

Rebecca Olivarez appeals the trial court's final order of dissolution, which included \$23,000 of assets allegedly dissipated during the dissolution proceedings. Absent a showing of misconduct, "it is error to include assets in an equitable distribution scheme that have been diminished or dissipated during the dissolution proceedings." *Winder v. Winder*, 152 So. 3d 836, 838 (Fla. 1st DCA 2014) (quoting *Roth v. Roth*, 973 So. 2d 580, 584 (Fla. 2d DCA 2008)). Accordingly, we reverse the equitable distribution portion of the final judgment. As a consequence, we also reverse the trial court's determinations of alimony, child support, and attorney's fees for the trial court's reconsideration, if

necessary. *Branch v. Branch*, 775 So. 2d 406, 408 (Fla. 1st DCA 2000) (The “reversal of portions of the final judgment necessarily affects the overall plan for equitable distribution of the marital assets and liabilities, as well as other financial aspects” such that “on remand, the trial court may reconsider the entire plan of equitable distribution, including the subjects of alimony and attorney's fees.”).

REVERSED and REMANDED.

LEWIS, MAKAR, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Michael M. Giel of Giel Family Law, P.A., Jacksonville, for Appellant.

No appearance for Appellee.