

Thinking About Divorce? Read This Before You File.

A Florida Divorce Preparation Guide: Essential statutory requirements, strategic preparations, and legal protections to secure before initiating a petition in Florida circuit court.

JURISDICTION
State of Florida

PRIMARY STATUTE
Fla. Stat. Chapter 61

PROCEDURAL RULES
Fla. Fam. L. R. P.

GUIDE REVISION
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01. Jurisdictional Thresholds & Florida Residency

Before filing a Petition for Dissolution of Marriage in Florida, jurisdictional prerequisites must be strictly satisfied. Under Florida Statute § 61.021, at least one of the parties must have resided continuously in the State of Florida for a minimum of six (6) full months immediately preceding the date the petition is submitted to the clerk of the circuit court.

Florida courts require corroborating evidence of residency. This cannot be established solely through personal testimony. Valid statutory proof includes a valid Florida driver's license or state identification card issued at least six months prior to filing, a Florida voter registration card, or the sworn Affidavit of Corroborating Witness (Form 12.902(i)) executed by a third party.

02. Critical Immediate Pre-Filing Protections

Strategic preparation during the contemplation phase directly protects personal security, privacy, and future financial stability. Take these vital precautions prior to formal service:

Digital & Physical Security

- Change passwords on all personal email, cloud storage, and financial accounts. Establish two-factor authentication on private mobile devices.
- Review family sharing networks, shared Apple/Google accounts, location tracking apps, and connected vehicle GPS settings.
- Secure physical vital documents in a private safe deposit box: birth certificates, passports, social security cards, and immigration records.

Financial & Credit Safeguards

- Open an independent checking and savings account in your individual name at a separate banking institution from marital accounts.
- Pull comprehensive credit reports from Experian, Equifax, and TransUnion to discover all open joint credit cards, mortgages, and auto loans.
- Document the current balance of liquid marital funds to preserve historical baseline records against improper post-separation dissipation.

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03. Financial Transparency & Mandatory Disclosure

Florida Family Law Rule of Procedure 12.285 mandates complete financial transparency. Neither party may conceal income, assets, debts, or business interests without severe statutory sanctions.

Within 45 days after service of the initial petition, both spouses must file a sworn Florida Family Law Financial Affidavit and provide mandatory financial disclosure. Gathering these records prior to filing eliminates court delays and prevents costly discovery motions.

Requirement Area	Short Form (< \$50k Gross Income)	Long Form (≥ \$50k Gross Income)
Affidavit Type	Florida Supreme Court Approved Family Law Form 12.902(b). Simplified expense categories.	Florida Supreme Court Approved Family Law Form 12.902(c). Highly granular monthly expenditure accounting.
Income & Tax Records	Past 3 months pay stubs; past 1 year federal personal income tax return with W-2s.	Past 3 months pay stubs; past 3 years personal tax returns, corporate/partnership returns, K-1s.
Banking & Investments	Past 3 months statements for all checking, savings, and money market accounts.	Past 12 months statements for all bank, brokerage, retirement (401k/IRA), and crypto accounts.
Debts & Credit Cards	Most recent statements for credit cards, auto loans, and mortgages.	Past 24 months statements for all credit cards, notes, personal loans, and contingent liabilities.

04. Florida Equitable Distribution: Property & Debts

Florida is an equitable distribution state governed by Florida Statute § 61.075. The court presumes all marital assets and liabilities should be distributed equally (50/50), unless statutory factors justify an unequal distribution based on economic circumstances, duration of marriage, or contributions to marital wealth.

Non-marital assets—such as assets acquired prior to marriage, inherited funds maintained in separate non-commingled accounts, and property excluded by a valid prenuptial agreement—remain individual property. However, any active enhancement in the value of non-marital property resulting from marital labor or funds during the marriage becomes subject to equitable division.

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05. Children, Timesharing & Parenting Plans

Florida law eliminates archaic terms like 'custody' and 'visitation.' All minor child issues are governed by comprehensive Court-Approved Parenting Plans and timesharing schedules under Fla. Stat. § 61.13.

Under Florida's statutory framework, courts operate under a legal presumption that equal (50/50) timesharing is in the best interests of the child. Shared parental responsibility is standard unless a parent proves that shared decision-making would be detrimental to the child. The Parenting Plan must detail daily timesharing, holiday rotations, school break schedules, healthcare decisions, and primary educational address determination.

06. Alternative Dispute Resolution & Mandatory Mediation

In virtually every Florida judicial circuit, family division judges require the parties to attend mediation before any contested temporary relief hearing or final trial will be scheduled. Mediation provides a confidential, structured setting facilitated by a Florida Supreme Court Certified Family Mediator to negotiate a Marital Settlement Agreement (MSA) and Parenting Plan outside the courtroom.

07. Attorney Consultation Readiness Checklist

STEP 1: BINDER

Organize 3 years of tax returns, 12 months bank records, real estate deeds, and current vehicle titles in a indexed file.

STEP 2: INVENTORY

Draft a complete inventory of personal property, pre-marital assets, and inherited items with approximate purchase dates and values.

STEP 3: BUDGET

Prepare an estimated post-dissolution monthly living budget to evaluate realistic alimony and child support expectations.

LEGAL DISCLAIMER & PRACTICE NOTICE

This preparation guide is provided for educational and informational purposes only and does not constitute formal legal advice or create an attorney-client relationship. Family law proceedings are fact-specific; consult a licensed Florida marital and family law attorney for counsel regarding your individual circumstances.

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