FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-2992
LT Case No. 05-2015-DR-14847

LUIS GARCIA,

Appellant,

v.

RUTH GARCIA,

Appellee.

On appeal from the Circuit Court for Brevard County.
Kathryn M. Speicher, Judge.

Elizabeth Siano Harris, of Harris Appellate Law Office, Mims, for Appellant.

Shannon McLin and William D. Palmer, of Florida Appeals, Orlando, for Appellee.

October 23, 2026

SOUD, J.

Appellant Luis Garcia and Appellee Ruth Garcia were married for twelve years. Then, Ruth Garcia petitioned for divorce, and Luis Garcia counter-petitioned for same. Ultimately, after a thirteen-day trial, the court entered its final judgment ending the parties' marriage.

Luis Garcia challenges certain aspects of the trial court's equitable distribution of marital property and the $50,000 in attorney's fees awarded to Ruth Garcia. We affirm as to the court's equitable distribution of property but reverse as to the amount of attorney's fees awarded and remand for further proceedings.

In its final judgment, the trial court determined that Ruth Garcia did not have a need for the award of attorney's fees. However, citing *Rosen v. Rosen*, 696 So. 2d 697 (Fla. 1997), the lower court found "that [Ruth Garcia] is entitled to attorney's fees based on the actions of [Luis Garcia] during the pendency of this matter." Specifically, it was determined that, despite considerable litigation and efforts to compel discovery, Luis Garcia untimely provided—or altogether failed to provide—certain discovery, including important financial information regarding considerable real property holdings that was not provided until "the middle of trial." The trial judge expressly found:

> [Luis Garcia's] withholding of a notebook in which he kept information regarding rental income and expenses, and not disclosing said information until the middle of trial, even though a lot of litigation was done by [Ruth Garcia] trying to find the information, and then not disclosing until he was being questioned during trial about the property and records is found to be egregious. The court finds that [Luis Garcia] acted in bad faith . . . .

As a result of these and other related findings, the court awarded Ruth Garcia $50,000 in attorney's fees. The trial judge made no findings as to how she arrived at that figure.

We review the trial court's award of attorney's fees for abuse of discretion. *See Mattison v. Mattison*, 266 So. 3d 258, 263 (Fla. 5th DCA 2019).

While generally a trial court must consider the need of the requesting spouse and the ability of the non-requesting spouse when awarding attorney's fees under section 61.16, Florida Statutes (2023), this requirement "does not necessarily preclude the trial court from exercising its discretion to order a spouse to pay a portion of fees based on bad faith conduct." *Johnson v.*

Johnson, 371 So. 3d 944, 952 (Fla. 5th DCA 2022) (citing *Rosen*, 696 So. 2d at 700). Here, the record supports the trial court's findings regarding the nature and extent of Luis Garcia's conduct, as well as the determination that Ruth Garcia is entitled to an award of attorney's fees. Luis Garcia's failure to disclose pertinent information regarding numerous properties and rental income subject to equitable distribution is sufficiently "egregious" to rise to the level of "bad faith" as found by the trial judge. This conduct found by the trial court persisted "until the middle of trial." Awarding Ruth Garcia the attorney's fees occasioned by such conduct is an appropriate sanction. *See id*.

However, when the trial court exercises its discretion in awarding fees on this basis, our precedent requires a trial judge to provide its findings and reasonings underlying the amount of attorney's fees awarded. *See Elliott v. Elliott*, 867 So. 2d 1198, 1201–02 (Fla. 5th DCA 2004). While it is apparent that the entirety of the court's $50,000 award of attorney's fees is born of the malfeasance of Luis Garcia, the trial court provided nothing to support its calculations leading to that amount. *See id*. (noting fee awards may be reversed for want of "specific findings regarding hourly rate, number of hours reasonably expended and failing to indicate what portion of the wife's attorney's fees were occasioned by the husband's misconduct" (citing *Gagnon v. Gagnon,* 539 So. 2d 1179 (Fla. 1st DCA 1989))).

Accordingly, we AFFIRM in part and REVERSE and REMAND in part. We affirm on all matters regarding equitable distribution and Ruth Garcia's entitlement to an award of attorney's fees. We reverse on the narrow matter of the $50,000 awarded and remand this case for the trial court to make findings supporting the amount of attorney's fees it determines appropriate.

It is so ordered.

MAKAR and MACIVER, JJ., concur.

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