

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-1479

DOMENICK GRASSO,

Appellant/Cross-Appellee,

v.

KARA S. GRASSO,

Appellee/Cross-Appellant.

On appeal from the Circuit Court for Escambia County.
Jennie Kinsey, Judge.

February 18, 2019

PER CURIAM.

Former husband appeals the amended final judgement of dissolution of marriage, raising issues related to: valuations of marital property for equitable distribution, imputation of income for calculating child support and retroactive child support, and the securing of child support via a life insurance policy. Former wife cross-appeals, claiming error in the denial of her request for attorney's fees. We affirm as to all issues on the appeal and cross-appeal except the life insurance issue, which we now discuss.

A trial court is authorized to order a party to purchase or maintain a life insurance policy "to the extent necessary to protect an award of child support." Fla. Stat. § 61.13(1)(c) (2017). A trial court, however, may not do so "without making factual findings

regarding the necessity of such coverage.” *Winney v. Winney*, 979 So. 2d 396, 400 (Fla. 1st DCA 2008); *Kotlarz v. Kotlarz*, 21 So. 3d 892, 893 (Fla. 1st DCA 2009) (“In order to support the life insurance requirement, the trial court must make specific evidentiary findings as to the availability and cost of insurance, the obligor's ability to pay, and the special circumstances that warrant such security.”). We agree with the former husband that the trial court did not make the requisite factual findings (a point the former wife does not address in her answer brief), and we are unable to determine whether this error was harmless. *Winney*, 979 So. 2d at 401. We, therefore, reverse the amended final judgment as to the life insurance policy and remand for a determination supported by specific evidentiary findings in support of the life insurance requirement. *Therriault v. Therriault*, 102 So. 3d 711, 714 (Fla. 1st DCA 2012).

AFFIRMED in part, REVERSED in part, and REMANDED.

WOLF, 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.

Domenick Grasso, Pro se, Appellant.

Ross A. Keene and Nicole Kessler Ferry, Pensacola, for Appellee.