

# GETTING MARRIED? GET SMART. GET A PRENUP.

## Understanding Prenuptial Agreements in Florida

A prenuptial agreement, often referred to as a prenup, is a legal document that couples sign before getting married to predetermine how assets, debts, and other financial matters will be handled in the event of divorce or death. In Florida, prenuptial agreements are governed by specific laws and regulations that couples should be aware of before entering into such an agreement.

### Key Points about Prenuptial Agreements in Florida:

- 1. Voluntary Agreement:** Both parties must enter into the prenuptial agreement voluntarily. Coercion, duress, or lack of mental capacity can invalidate the agreement.
- 2. Full Disclosure:** Each party must fully disclose their assets, debts, income, and financial obligations. Failure to provide complete and accurate information can make the agreement unenforceable.
- 3. Fair and Reasonable:** The terms of the prenuptial agreement must be fair and reasonable at the time of signing and at the time of enforcement. A court may invalidate an agreement if it is deemed unconscionable or overly one-sided.
- 4. Written and Signed:** Prenuptial agreements must be in writing and signed by both parties in the presence of two witnesses. It is advisable to have the agreement reviewed by independent legal counsel for each party to ensure that their rights and interests are protected.
- 5. Scope of Agreement:** A prenuptial agreement in Florida can cover a wide range of financial matters, including but not limited to, property division, spousal support (alimony), inheritance rights, and retirement benefits.
- 6. Modification and Revocation:** Prenuptial agreements can be modified or revoked after marriage, but any changes must be in writing and signed by both parties. It is essential to follow the proper legal procedures to ensure the validity of any modifications or revocations.
- 7. Enforceability:** To be enforceable, a prenuptial agreement must meet all the legal requirements under Florida law. If the agreement is challenged in court during divorce proceedings, the court will examine

whether the agreement was entered into voluntarily, whether there was full disclosure, and whether the terms are fair and reasonable.

## **Benefits of a Prenuptial Agreement:**

- **Protection of Assets:** A prenuptial agreement can protect individual assets, inheritances, and business interests that a party had before the marriage.
- **Clarity and Predictability:** By outlining financial expectations and responsibilities in advance, couples can reduce conflicts and uncertainties in the event of divorce or death.
- **Preservation of Family Wealth:** A prenuptial agreement can help preserve family wealth and assets for future generations.

## **Get Smart. Get a Prenup.**

While discussing a prenuptial agreement may not be the most romantic aspect of wedding planning, it can be a practical and responsible decision for couples who want to protect their financial interests and clarify their expectations for the future.

Call Amanda R. Jacobson, Esq. for a consultation today. Consulting with an experienced family law attorney in Florida is crucial to ensure that the prenuptial agreement is drafted correctly, meets all legal requirements, and provides adequate protection for both parties.

**Remember, a prenuptial agreement is not a sign of distrust or an anticipation of divorce; rather, it is a proactive approach to financial planning and protection that can benefit both parties in the long run.**

