

Florida Legislature Tries Once Again to Overhaul Alimony

Article

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For several years, Florida's legislature has attempted to overhaul the Florida statute governing alimony. Ultimately, the attempts have proven unsuccessful, with former Governor Rick Scott having vetoed the legislation twice, and, most recently, Governor Ron DeSantis also vetoing it in 2022. This year, many are wondering whether the Legislature has considered its prior obstacles and incorporated enough change to finally become law.

Interestingly, the Florida Bar's Family Law Section – which has previously opposed prior alimony reform efforts – is supportive of the latest version of the legislation. "As drafted, the legislation provides commonsense modifications to alimony, including the elimination of permanent alimony, while also preserving the longstanding Pimm decision which pertains to the effects of retirement on alimony awards. We will support this legislation as it moves forward, as long as the bill is not amended to include provisions that would negatively impact existing alimony awards or otherwise be harmful to Florida's families," said Family Law Section Chair Philip S. Wartenberg.

In its current form, the alimony legislation eliminates "permanent alimony" in favor of more concrete terms for the determination of an award's length and amount. For instance, durational alimony is limited to 60% of the length of a moderate-term marriage, or 75% of the length of a long-term marriage. Durational alimony is not permitted to be awarded following a marriage lasting less than 3 years, and durational alimony in a "short-term" marriage may not exceed 50% the length of the marriage. The proposed bill also limits the amount of durational alimony to the obligee's "reasonable need, or an amount not to exceed 35 percent of the difference between the parties' net incomes, whichever amount is less."

The proposed Senate bill incorporates other changes to the current alimony statutes, including a provision regarding modification of a support award in the event the obligee is in a supportive relationship, or the payor retires.

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