



Permanent alimony may finally end in Florida

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By Dan Sweeney

Like divorce itself, the push to reform alimony in Florida has been messy, with two legitimately concerned sides and little trust between them.

Florida is one of just a handful of states that still has permanent alimony, and this year marks the fourth time in as many years the Legislature has attempted reform.

The House is ready to vote on a bill that would replace permanent alimony with a mathematical formula to determine how much help should be given and for how long. It faces one last committee test before it goes to a full vote in the Senate.

The bill likely has enough support to make it to the governor's desk. A similar bill last year passed the House, but the Senate never voted on it because the House adjourned early.

For West Palm Beach obstetrician/gynecologist Natalie Sohn, change can't come soon enough.

"I'm a lifetime alimony payer after only 14 years of marriage," she said. "There is no way I can pay for my ex-husband, my three kids in college, and put a little away for myself for retirement."

Two years ago, the Legislature passed an alimony reform bill that would have ended permanent alimony. But it would have applied retroactively, and Gov. Rick Scott vetoed it over fears of its impact on people who were counting on alimony payments.

Last year, the Legislature removed the retroactive clause but caused an uproar when it added a requirement that judges consider equal time-sharing of children to be in their best interest. The clause remains in this year's legislation, but has not generated as much animus.

Lake Worth retired pediatrician Daniel Kraft, who pays \$60,000 a year in permanent alimony, testified about the need for change before a Senate committee earlier this month.

"People think that once the kids are in college or out of the home, alimony ends," he said. "But alimony is permanent as long as the payee doesn't get married. But they know the system. They never want to get married."

On the other side of the issue are people like Barbara DeVane, of the National Organization for Women.

"I'm very concerned about older women who give up their careers to raise children, their husband maybe trades them in for a younger model, and they're left out in the cold," she said.

For divorce attorneys, the law isn't about favoring one side or the other, but about providing clarity.

"Where the statute is going is changing the terms -- making a long-term marriage 20 years and making a short term marriage of two years or less no alimony," said Mitch Karpf, a Fort Lauderdale-based family law

attorney. "It'll still leave discretion to the judges, but it will let lawyers know the likely outcomes, which will help in mediation."

The proposed law would offer judges careful alimony guidelines that Karpf believes will cut down on litigation.

It would base payments on this formula: 0.015 times the number of years married, multiplied by the difference in gross income of the divorcing couple on the low end. On the high end, that multiplier number rises to 0.02.

So, if one partner makes \$80,000 a year and the other makes \$35,000, and they were married for 10 years, the alimony payment would be between \$6,750 and \$9,000 a year.

The range is designed to give judges some discretion. They would calculate duration of payments between 0.25 times the number of years married to 0.75 times the number of years married. So, a 16-year marriage would mean alimony payments for four to 12 years.

A longer marriage would likely mean an amount on the higher end of the spectrum or a longer duration of payments.

There is a long list of exceptions to the guidelines, the most controversial one allowing a payer to seek a modification if the ex-spouse has a 10 percent increase in income.

"That will throw hundreds of thousands of women into poverty," DeVane said, "because someone working for \$10 an hour might lose alimony if they start making \$11 an hour."

But supporters of the bill, including sponsoring state Sen. Kelli Stargel, R-Lakeland, noted such modifications would have to be approved by a court.

"I don't think it's going to change divorce in general if this passes," Karpf said. "But at least the clients will have a better flavor for where they can go and what they can expect."