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Apr 18, 2013, 7:32am EDT

Vote on Florida alimony reform expected Thursday



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A bill that would change Florida's alimony laws, and among other things delete permanent alimony, is one vote away from heading to Gov. [Rick Scott](#)'s desk.

The House on Wednesday during a marathon near all-day meeting agreed to take up and debate SB 718. A final vote on the bill in the House is expected Thursday.

A handful of female lawmakers asked House bill sponsor Rep. [Ritch Workman](#), R-Melbourne, questions during the deliberation.

Rep. [Gayle Harrell](#), R- Port St. Lucie, said she has gotten a lot of emails from older, female constituents about the bill.

"What is in your bill that is going to protect them if their husband finds someone perhaps a little more attractive or younger?" asked Rep. Harrell.

"Nothing," answered Workman. "I am not interested in protecting women any more than men in this bill. This is a gender neutral bill."

It is likely that the measure may spark a passionate debate before the final vote, given the tenor of some of the questions.

The measure SB 718, places guidelines for alimony based on the length of marriages and changes the definition of short-term, moderate-term and long-term marriages to less than 11 years, 11-19 years, and 20 or more years, respectively.

Workman said the guidelines are necessary because judges today have too much leeway in considering alimony. Some judges, he said, are too punitive in their decisions on awarding alimony.

"I don't want alimony to be used as a punitive weapon because the judge doesn't like the person," said Workman after the debate. "That's why the guidelines are there."

While the bill bans permanent alimony, it does keep intact the remaining three types of alimony: bridge-the-gap, rehabilitative and durational. It also makes clear that they can be combined only when the goal is to achieve rehabilitation.

The bill places in statute a presumption that equal time sharing with a minor child by both parents is presumed to be in the best interest of the child unless the court finds a parent is unfit. There are exceptions, such as:

- If the court finds that the safety, well-being and health of the child would be endangered
- Clear and convincing evidence of extenuating circumstances which justify a departure
- A parent is incarcerated
- Distance between parental households is too great.

The legislation also places into law a rebuttable presumption against awarding alimony for a short-term marriage, but does allow for exceptions. If the court finds need, it shall determine a monthly award of alimony which may not exceed 25 percent of the obligor's gross monthly income.

There is no presumption in favor for either party in mid-term marriages, alimony would be no greater than 35 percent of the obligor's monthly income.

For long-term marriages there is a rebuttable presumption in favor of awarding alimony. To overcome the assumption a party must show clear and convincing evidence there is no need for alimony. Alimony may not exceed 38 percent of the obligor's monthly income in this case.

The provision of the bill that perhaps is most controversial among opponents is a retroactive application of divorce agreements entered into before July 2013.

Perhaps most importantly for those who want the change is the rebuttable presumption in law that when determining alimony "both parties will have a lower standard of living after the dissolution of marriage than the standard of living they enjoyed during the marriage."

Current law allows a judge to take into consideration "the standard of living established during the marriage" when determining alimony.

The bill is being pushed by a group calling itself Florida Alimony Reform which is lead by [Alan Frisher](#) who sat in the House chamber as the bill was debated late Wednesday night.

Frisher was eagerly awaiting final passage.

"I am thrilled. What else can I say? I think when the vote comes tomorrow it will pass convincingly," he said.