

Florida lawmaker prepares alimony overhaul bill

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TALLAHASSEE — A "child support-esque" formula could determine the amount of alimony divorcing spouses would receive under a radical overhaul of the state's alimony laws now in the works.

In contrast to hotly contested legislation that prompted an outcry from the National Organization for Women and pitted alimony-reform advocates against divorce lawyers two years ago — and ultimately resulted in a veto by Gov. Rick Scott — the new plan floated by House Rules Chairman Ritch Workman so far has the blessing of people on both sides of the issue.

Under Workman's proposal, judges would rely on guidelines, including the length of marriage and the incomes of both spouses, to determine how much alimony divorcing spouses should receive. Judges could also go outside the guidelines in extreme cases.

But scrapped from the bill, still being drafted, is a provision that would have allowed the alimony changes to be applied retroactively, a point Scott cited when he red-lined the 2013 plan. Under the revised proposal, modifications to alimony payments would be considered under the new framework.

Workman, who described the proposed formula as "child support-esque," would not reveal the specific guidelines because, he said, he was still putting the finishing touches on the measure, which will be sponsored by freshman state Rep. Colleen Burton, R-Lakeland, and state Sen. Kelli Stargel, R-Lakeland.

"I've been working for a year and a half with the sides that hate each other," Workman, R-Melbourne, told the News Service of Florida this week. "I tried very hard to close the holes on both sides. I don't like anybody using alimony as a weapon."

The measure would essentially do away with permanent alimony, another sticking point in the proposal that earned overwhelming support from both legislative chambers in 2013, but would also give judges the ability to use discretion in certain cases.

Workman's previous attempt also carried numerous other potential implications for people whose marriages end in divorce, including a formula that based the amount of alimony on the length of time of the marriage.

"This bill, for the first time in Florida history, creates a formula for alimony," said Workman, R-Melbourne. "The last time I did this, it was limiting. . . . This one says, after a divorce, here's the ratio for your alimony. In some cases, people will get more alimony than in the past. But what it does for everybody is it gives a start and an end date to alimony."

In interviews with the News Service of Florida, a representative of the Florida Bar Family Law Section, which lobbied fiercely against the measure two years ago, and Alan Frisher, the head of Floridians for Alimony Reform, both said they support the plan.

"The thinking behind this is a guideline with built-in discretion so that the judge can, within a range, fashion an award that is fair for the family but still provide some degree of certainty of what the outcome will be to help lawyers and litigants settle cases more effectively and efficiently," said West Palm Beach lawyer Tom Sasser, who was instrumental in a 2010 rewrite of Florida's alimony laws and worked closely with Workman on the latest effort.

Sasser, a former chairman of the Florida Bar Family Law Section, called the proposal "a complete rethinking of the way we do alimony" that strikes a balance between those who receive alimony and those who pay it.

"It's designed in concept to allow a judge with specific written findings to deviate outside the findings, just like the child-support statute is, so that you can account for those anomalies. But on the other hand it isn't meant to tilt the balance in favor of people who receive alimony and to make sure that they get it more often or in greater amounts," he said.

The overhaul is drawn from "best practices" in alimony law from other states but is unique, said Sasser, chairman of the National Alimony Study Committee of the American Academy of Matrimonial Lawyers.

"I am thrilled beyond belief. It's wonderful. If it comes out the way we've been negotiating and collaborating, it can be the most progressive alimony reform bill in the nation and certainly significant to alleviate the entitlement attitude that we see so customarily in our society," Frisher said.

Expected to be filed next week, the proposal would also crack down on alimony recipients who lie about living with someone else.

Current law already allows alimony to be reduced or eliminated when a recipient is living in a supportive relationship, something Workman said is difficult to prove. Under the proposed changes, someone who is caught lying about cohabitation would have to return the amount of alimony they received since being accused of being in a supportive relationship and also pay attorneys' fees.

"There's been a game for decades in this state that, just deny it, you'll still get alimony while it goes through the courts. Delay the proceedings as long as you can and then walk from it in the end. Well, that's ill-begotten gains," he said. "This way, there's no real gain in trying to game the system. And if you're going to sue, you better be right or you're going to pay for it."

Workman's plan would also bar alimony recipients from receiving increases if their former spouses get raises.

"If I am paying you alimony and I'm paying you for 30 years and, 15 years from now, I get a huge promotion, my lifestyle has just changed. Why should yours?" he said.

And the new draft also would require that alimony payments be reduced when the payer reaches age 62, something important to Frisher and others who argued that permanent alimony forces those aging payers to work longer to keep writing checks to their former spouses.

"There will be more certainty and predictability in the process of divorce, knowing what essentially the ranges are that you would have to pay and the length of time that you would have to pay," Frisher said. "I think what this new law will do is literally open up the door to allowing for more mediated divorces and collaborative divorces in our state, and will end up with much less litigation over time."

Even with support from both sides, the acrimony spawned by the previous bill could make passage this year "a heavy lift," Workman said.

"I believe this bill should not be controversial. I think that if this was the first time I filed it, it would have a three-minute committee stop. But because it was vetoed, even with a House and Senate supermajority, because NOW got so upset, because of how loud things were, the fact that you're here today is evidence that there's still an interest in the drama that once was," he said during an interview.

"We've taken a fresh approach to it and tried very hard to do away with all of the preconceptions and the notions that we had before."

Scott "wants me to bring it to him," Workman said.

"He encouraged me to work with both sides to bring less drama to the issue, although I do believe I can speak for him and say that he knows that this is a section of law that has not been redone in decades and things have changed in decades," he said.

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97

28

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