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INSIDE
DEALMAKERS
GREENBERG HELPS STAM INVESTOR
NEW MIAMI-DADE COUNTY ATTORNEY
FIRST WOMAN, BLACK TO HOLD POST

GREENBERG HELPS STAM INVESTOR
 Mark A. Greenberg and Charles J. Shover have announced a new partnership to provide information and services to the members of the South Florida State Bar Association. **A-18**

NEW MIAMI-DADE COUNTY ATTORNEY
 Jodi Furr Colton, a Black woman, has been named as the new Miami-Dade County Attorney. **A-18**

EX-MAYOR PIZZA TO RETURN
 Council Member David J. Katz has announced he will be returning to the Miami-Dade County Commission. **A-18**

USERN, LPVT PROPOSALS FILED
 Proposals for new insurance regulations for agricultural and horticultural operations were filed. **A-18**

COMMERCIAL REAL ESTATE LEGAL CHALLENGES FOR BILLBOARD
 A government lawsuit against a billboard operator was filed. **A-18**

COCONUT CREEK APARTMENTS SOLD
 The new houses and houses for sale in Coconut Creek were sold. **A-18**

PUBLIC NOTICES AND THE COURTS
 Public notices, court information and business notices are provided. **A-18**

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PRACTICE FOCUS / FAMILY LAW



Florida's Alimony Law—Time for Change, Again

Commentary by Jodi Furr Colton

About five years ago, the Florida Legislature made a substantial change in the alimony law, F.S. 61.08, revising the statute to create multiple types of alimony and to categorize marriages by duration.

Alimony reform has remained a hot topic in Florida. In 2013, the governor vetoed legislation that would have virtually eliminated permanent alimony. This year, a new version of alimony reform was considered by the Legislature. Both the state House and Senate considered slightly different versions of the law, House Bill 943 and Senate Bill 1248. The House version passed Friday, but its abrupt adjournment Tuesday left the fate of the alimony bill and many others uncertain.

The proposed legislation would revamp not only the initial determination of alimony, but also the criteria for terminating or modifying alimony based upon factors including

whether the payer reaches retirement age or when the recipient is in a supportive relationship.

The Senate bill would also modify F.S. 61.13, which governs parental responsibility and timesharing (formerly custody), to create a strong presumption that parents should have equal time-sharing. Creating such a presumption in the law imposes a scenario in which both parents would be required to work full time and share parenting duties full time. This could be a substantial lifestyle change for many families and represents a huge departure from traditional. It remains to be seen how such a cultural sea-change would play out, and what effects it will have outside the realm of divorce.

NO LONGER PERMANENT

We currently have different types of alimony, including permanent, durational, rehabilitative and bridge-the-gap. Under the proposed statutes, alimony will simply be "alimony."

The bills provide formulas to determine the high and low end of the range of alimony the court can order, and the duration for which alimony can be

awarded. The formulas used to determine the presumptive ranges of the amount and the duration of an alimony award are based upon two somewhat objective factors: the parties' respective gross incomes and the length of their marriage.

If this legislation passes in its current form, "permanent" alimony would no longer exist.

The length of time for which alimony may be awarded would be based upon a

percentage of the length of the marriage, up to 75 percent of the marriage at the high end, and 25 percent at the low end.

The bills provide a detailed list of what can and cannot be considered gross income. Although the current statute does not define income, this aspect of the bills largely codifies existing case law and is similar to the way income is defined for purposes of calculating child support (F.S. 61.30).

Under current law, income can be "imputed" to a nonworking spouse or to a spouse who works either part-time or at a low-earning job. Under the proposed statute, income must be imputed based upon full-time employment at a job commensurate with the person's training and experience. The court may also impute income that could be earned based upon prudent investment of assets. In other words, a person with money invested in an expensive house may find that the court determines a greater percentage of assets should be placed in income bearing investments, and impute income accordingly. That provision would be a significant departure from current law.

JUDICIAL DISCRETION
 The bill defines years of marriage as the number of "whole years" from the date of marriage until the divorce is filed. This is consistent with the equitable distribution statute, F.S. 61.075, for demarcating what constitutes a marital asset. However, the use of the words "whole years" is a bit different. Interestingly, the Senate bill caps the length of the marriage to be used in the amount formula at 20 years but then includes scenarios in which the actual number of years, up to a maximum of 25 years, may be used to increase the amount of alimony available at the high end of the range. This means that the high end of the range

would be the same for someone married 25 years as for someone married 40 years.

As in the current statute, the bill identifies various facts the court may consider in determining the ranges of alimony amount and duration. The bills give the court discretion to assess any or all of the enumerated factors, most of which are not meaningfully different from the current law; however, there are additional criteria in the proposed legislation that are not in the current statute.

It is important to note that the proposed statute establishes only presumptions, not absolutes. At each step of the analysis, the parties have an opportunity to convince the court why application of these presumptions would be unfair or inequitable, leaving lots of room for advocacy on both sides.

Jodi Furr Colton, an attorney with the law firm of Brinkley Morgan in Fort Lauderdale and Boca Raton, focuses her practice on marital and family law, with emphasis on complex divorce matters. Her experience includes representing clients in matters involving equitable distribution, timesharing and parental responsibility, and preparation of prenuptial agreements.

BOARD OF CONTRIBUTORS



Furr Colton



Jodi Furr Colton

ROTHSTEIN-LINKED PROPERTIES SLATED FOR AUCTION BLOCK
 Cigna Sued Over Mail-Order AIDS Drug Deliveries

COCONUT CREEK APARTMENTS SOLD
 PUBLIC NOTICES AND THE COURTS

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