

# Bill would allow lower alimony after retirement

By [Donna Gehrke-White](#)  
Sun Sentinel

FEBRUARY 26, 2015, 8:48 AM

**L**egislation that would end permanent alimony in Florida also would let people reduce their payments after retiring.

House and Senate versions of the bill were filed late Tuesday to overhaul Florida's alimony system and, for the first time, impose a formula for awarding support.

Under the bill, judges would be required to consider the length of the marriage and the difference in income between the spouses. Shorter and lower alimony payments would be given to spouses in marriages that lasted 20 years or less.

Those paying alimony would be able to petition to reduce or end payments once they reach retirement age. "A substantial change in circumstance" would exist once a payer became eligible for full Social Security payments, the bill says.

Under both bills, the overhaul would extend into other areas for the first time:

- Judges would have to consider whether a spouse could be earning more money — and that decision would affect the amount of alimony.

Payers would not have to pay more than 55 percent of their net income for alimony and child support payments.

If a person remarried, the new spouse's assets and income could not be used as a reason to increase the amount of alimony paid.

Alimony payments could not be increased simply because the payer's salary increased.

Spouses in marriages that lasted two years or less wouldn't get alimony unless under extreme extenuating circumstances.

In addition, the Senate bill proposes that both spouses share child custody unless a judge finds in a written decision that it is not in the best interests of the child.

Gov. Rick Scott vetoed a 2013 alimony reform bill because of what he considered the potential damage to people who were already getting alimony and depended on it. But the new version is not retroactive.

As of Wednesday, Scott has not seen the proposed changes in alimony law, said his press secretary, Jeri Bustamante.

Family law attorney **Kenneth A. Gordon**, who has offices in Broward and Palm Beach counties, cautioned that the bill filing is only the first step. Both House and Senate proposals may go through many versions before the Legislature votes. "I think of it as a first draft, but it's a good start," he said.

Weston attorney Lori Barkus, who represents both alimony payers and recipients, said the proposed changes in the state's alimony law "would create more predictability and fairness."

The new guidelines would "give more certainty instead of the current system, which costs a lot in lawyer fees because there is no certainty," she said.

The Family Law Reform, the nonprofit that advocated for alimony reforms, has saluted the proposed reforms.

Alimony payers would be able to "work harder and make more money without fear of being taken back to court and paying more in alimony to a former spouse," the group's founder, Alan Frisher, said in an email.

Jan Killilea of **Boca Raton**, who started First Wives First to fight the earlier alimony reform proposal, said the latest version is even worse.

"The 2015 bill is far more punitive to middle-aged and senior women than the 2013 version," she said in an email Wednesday. "If you do the math behind the proposed presumptive alimony amounts and duration range, it becomes clear that the bill was written for the wealthy breadwinner."

Rep. Colleen Burton, R-Lakeland, filed the House version of the alimony bill while Senator Kelli Stargel, R-Lakeland, is sponsoring the Senate's.

*[dgehrke@sunsentinel.com](mailto:dgehrke@sunsentinel.com) or Twitter @donnagehrke*