

alimony

what and who gives

Prospective clients recently arrived in my office to initiate divorce with questions of how the new alimony law affects them. BLUF (“bottom line up front”)-it doesn’t...yet. In the last legislative session, the legislature proposed dramatic changes to the alimony law in Florida. The change in the law would affect how long and how much alimony a divorcing spouse could potentially receive. The law makes the amount of alimony more universal and predictable, and changes in the amount of alimony more readily subject to modification following divorce. The intent of the law was to allow divorcing spouses the opportunity to move on without having to constantly monitor the lifestyle and success of the other spouse and places a burden on spouses to receive and maintain employment with income based on potential rather than actual ability.

Unlike the current alimony law, standard of living would no longer be a consideration. The conclusion being that the same standard of living enjoyed during the marriage is impossible to uphold while maintaining two separate households. Like child support guidelines, the amount of alimony would be calculated by the use of a formula based on income and length of the marriage, and like the child support guidelines, takes all income into consideration for its calculation. Although the judge would have the discretion to deviate from the guidelines, it would be reserved for extenuating circumstances, and if anything like deviations sought in child support cases, is extremely rare.

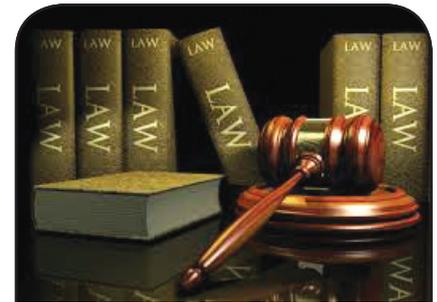
The law proposed to limit the amount of alimony paid by placing a maximum percentage that can be taken from the paying spouse’s

net income. Under the new law, the payments would be limited to a certain percentage of the paying spouse’s net income. Currently, there is no limit. However, the award of alimony cannot leave the paying spouse with less income than the receiving spouse absent exceptional circumstances. The proposed law also makes modification and termination easier to pursue should the paying spouse retire or the spouse receiving alimony begin a new relationship or new employment.

As the law stands in its current state, judges have complete discretion to award alimony, including how much and how long. In Florida, alimony is awarded on a temporary or permanent basis determined by different factors, notably the length of the marriage, the income and ability of the paying spouse to pay, and the income and need of the receiving spouse. The law defines the duration of marriage as short term (under 7 years), moderate term (7-17 years) and long term (over 17 years). In most situations, the longer the marriage the higher and more likely alimony is awarded and varies considerably from spouses to judges to courthouses.

Temporary alimony consists of bridge the gap, durational, rehabilitation and provides temporary financial means to allow the receiving the spouse a period of transition from marriage to single life. Each type of temporary alimony differs in the maximum length one may receive that particular type of alimony, the requirements for receiving and maintaining the alimony awarded, and the ability to increase, decrease or terminate the alimony should circumstances change. Lump sum alimony is often used to supplement alimony and achieve fairness in distribution of assets. Permanent alimony is typically reserved for long-term marriages for a spouse that does not have the financial means to provide for themselves for the long-term. Under the new law, permanent alimony would be virtually eliminated.

Although passed by the legislation, the law was vetoed by Governor Rick Scott and is not currently law. The change is coming. The issue that terminated the bill was whether the new law would apply retroactively. Once rectified, the law may eventually pass and change the alimony law and the fallout of divorce indefinitely.



FAMILY LAW ATTORNEY

LAW OFFICE OF AMANDA SALCIDO

PRACTICE AREAS

- **Divorce and Family Law**, focusing on all aspects of the divorce process, from the strategic initial filing through negotiations and pretrial hearings through trial.
- **Criminal Defense**, leveraging clearly established strengths in DUI defense and protection of clients’ rights and futures when charged with other serious crimes such as aggravated assault with a motor vehicle, drug possession or theft.
- **Juvenile Defense**, taking a compassionate and constructive approach to helping young people overcome arrests for alcohol-related offenses, drug charges, and theft offenses such as shoplifting.

LAW OFFICE OF AMANDA SALCIDO

206 EASTON DRIVE
SUITE 206

LAKELAND, FL 33803

863-688-1728



Meet the Lawyer

Amanda Salcido is an attorney practicing in family, juvenile, dependency, military and criminal law. MAJ Salcido is currently serving as a member of the United States Army JAG Corps.

Law Office of
Amanda Salcido
480-299-9969
salcidolawoffice.com