

# ALIMONY

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## What To Expect

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By K. Dean Kantaras and Jennifer H. Cavill

**A**S A FAMILY LAW PRACTITIONER, I am often asked how much alimony a client can expect to receive. However, the answer is case specific and always depends on the financial need of the party seeking alimony and the other party's ability to pay. Under current Florida Law, there is not a specific formula for determining an alimony award although Senate Bill 668, currently pending, seeks to establish presumptive alimony amount and duration ranges based upon a specific formula. However, until such bill is passed, calculating alimony is not so cut and dry.

Since the reform bill has not yet passed, the Court does not use a formula, but instead must make certain findings of fact to determine the appropriate alimony award, including whether the party seeking alimony has the need for support, whether the other party has the ability to pay and how long the parties have been married. Moreover, the Court is also required to look beyond those basic facts and consider multiple other factors when determining the appropriate amount of alimony, such as the standard of living the parties enjoyed during the marriage, the age and the physical and emotional condition of each party, the financial resources of each party, including the nonmarital and the marital assets and liabilities distributed to each, the earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment, the contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party, and the responsibilities each party will have with regard to any minor children they have in common, the tax treatment and consequences to both parties of any alimony award, including the designation



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of all or a portion of the payment as a nontaxable, nondeductible payment, all sources of income available to either party, including income available to either party through investments of any asset held by that party, and any other factor necessary to do equity and justice between the parties. See §61.08, Florida Statutes.

It is reversible error for a trial court to enter an initial alimony award that does not meet a recipient's need despite the payor having the ability to pay where evidence need was presented. See Rhoads v. Rhoads, 40 Fla. L. Weekly D2825 (Fla. 1st DCA Dec. 22, 2015). The above-referenced factors must be considered not only for initial alimony awards, but also in alimony modification proceedings as well.

Senate Bill 668 proposes many changes to §61.08, Florida Statutes including, but not limited to, requiring the Court to make initial findings as to the parties' gross income, including but not limited to the actual or potential income and the duration

of the marriage. After these initial findings, the Court will be required to calculate alimony ranges based upon a specific formula. The low end of the alimony range will be calculated as follows:  $(.015 \times \text{the years of marriage}) \times \text{the difference between the monthly gross incomes of the parties}$ . The high end of the alimony range will be calculated as follows:  $(.020 \times \text{the years of marriage}) \times \text{the difference between the monthly gross income of the parties}$ . Senate Bill 668 also provides formulas for the presumptive alimony duration range. To learn more about the many proposed changes to alimony as set forth in Senate Bill 668 and how these changes may impact your case, contact K. Dean Kantaras, P.A. at (727) 781-0000. ■■■

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*EDITOR'S NOTE: K. Dean Kantaras has been licensed to practice law in Florida for over nineteen years. Mr. Kantaras is the managing partner of K. Dean Kantaras, P.A., a firm handling cases in family law and immigration. Mr. Kantaras is board certified in marital and family law by the Florida Bar, a distinction held by less than one percent of all attorneys licensed to practice in Florida. He is "A" rated by Martindale-Hubbell, the highest possible rating. He is a member of the Supreme Court of the United States, the United States Court of Appeals for the 11th Circuit and Middle District, The Florida Bar, and the Clearwater Bar Association. His offices are located at 3531 Alternate 19, Palm Harbor, 34683, (727) 781-0000 and 1930 East Bay Drive, Largo, 33771, (727) 544-0000. [www.Kantaraslaw.com](http://www.Kantaraslaw.com). Jennifer Cavill, Esq. is an Associate Attorney at the firm. She is a member of the Florida Bar, the United States District Court-Middle District of Florida, Clearwater Bar and St. Petersburg Bar Associations and Canakaris Inn of Court.*