

ALIMONY IN FLORIDA

By K. Dean Kantaras and Vanessa C. Fernandez

During proceedings for dissolution of marriage, a trial court may award alimony in accordance with Florida Statute § 61.08. The trial court may order a party to pay alimony by periodic payments, lump sum payments, or a combination of both. The trial court may also consider the adultery of either spouse in determining the amount of alimony.

Pursuant to Florida Statute § 61.08 (2) the trial court may consider various factors, including but not limited to, the standard of living established in the marriage, the duration of the marriage, and the age, physical, and emotional condition of the party requesting alimony.

Furthermore, Florida Statute § 61.08 allows the trial court to award the following types of alimony. The trial court may also award a combination of these types of alimony.

Bridge-the-gap alimony “may be awarded to assist a party by providing support to allow the party to make a transition from being married to being single.” This type of alimony award may not exceed two years. (Fla. Stat. § 61.08(5)).

Rehabilitative alimony may be awarded to assist a party in establishing the capacity for self-support through the redevelopment



K. Dean Kantaras, Esq.

of previous skills or credentials or through education and training to develop certain skills or credentials. (Fla. Stat. § 61.08(6)).

Durational alimony may be awarded to a party needing “economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support.” (Fla. Stat. § 61.08(7)).

Finally, “permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties for a party who lacks the financial ability to meet his or her needs and necessities.” (Fla. Stat. § 61.08(8)).

Florida Statute § 61.08(2) requires a trial court to make “a specific factual determination as to whether either party

has an actual need for alimony and whether either party has the ability to pay alimony.” These factual findings are necessary in a final judgment for dissolution of marriage.

In 2016 the First District Court of Appeals found that “the trial court’s failure to include in the final judgment the requisite findings of fact . . . constitutes reversible error.” *Abbott v. Abbott*, 187 So.3d 326, (Fla. 1st DCA 2016). In *Abbott*, the trial court failed to make findings of fact about the former wife’s need for alimony and the former husband’s ability to pay. The First District Court of Appeals reversed the trial court ruling due to the lack of findings and their inability to review the trial court’s decision. ■■■

EDITOR’S NOTE: K. Dean 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. He has been practicing for over 25 years and is “AV” rated by Martindale-Hubbell. Vanessa C. Fernandez is a third-year law student at the University of Florida Levin College of Law. She is a law clerk at the Kantaras firm. Their offices are located at 3531 Alternate 19, Palm Harbor, 34683, (727) 781-0000 and 1930 East Bay Drive, Largo, 33771, kantaraslaw.com.