

Alimony in Transition

Florida's Spousal Support

By K. Dean Kantaras & April Johnson

There are few areas of Florida family law that have undergone as dramatic a transformation as alimony. With the enactment of Senate Bill 1416, effective July 1, 2023, Florida eliminated permanent alimony and restructured how courts determine and modify spousal support. These sweeping reforms, codified in Florida Statutes § 61.08 and related sections, significantly change both litigation strategy and settlement negotiations in dissolution of marriage cases.

Florida courts may grant several forms of alimony—temporary, bridge-the-gap, rehabilitative, or durational, depending on the requesting spouse's needs and the other party's ability to pay. Permanent alimony, once a mainstay of Florida divorces, was repealed as of July 2023. The statute explicitly prohibits any award of permanent periodic alimony, marking a clear departure from decades of precedent.

Courts must now evaluate alimony through a two-step process: (1) determining whether one spouse has a genuine need for support, and (2) whether the other spouse has the ability to pay. Once those findings are made, the court must consider the enumerated statutory factors. The 2023 reforms also introduced a definition of short, moderate, and long-term marriages to standardize judicial application: short-term marriages are less than 10 years long; moderate-term marriages are 10 to 20 years; and long-term marriages are 20 years or more. This classification guides both the type and duration of alimony available.

Perhaps the most notable reform is the elimination of permanent alimony. Previously, courts could award lifelong support in long-term marriages. Now, durational alimony serves as the longest



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available form of support, but it is capped at 75% of the length of the marriage. For example, in a 20-year marriage, durational alimony cannot exceed 15 years. The amount of durational alimony is limited to the lesser of (a) the recipient's reasonable need, or (b) 35% of the difference between the parties' net incomes. Bridge-the-gap and rehabilitative alimony remain available, but rehabilitative awards are capped at five years and must include a specific, feasible plan for self-sufficiency. Temporary alimony may still be awarded during the pendency of a dissolution action to maintain the status quo until final judgment.

The 2023 reforms also codify clearer standards for modification and termination. Alimony may be modified or terminated if a substantial, material, and unanticipated change in circumstances occurs. Retirement is now specifically addressed. When a payor reaches "normal retirement

age" as defined by the Social Security Administration, the court may reduce or terminate alimony after considering factors such as the payor's age, health, work history, and the financial impact on both parties. Cohabitation remains a basis for modification or termination. If the recipient resides with a supportive partner in a relationship that provides financial benefit, the court may reduce or end alimony.

Florida's 2023 alimony reforms represent a deliberate shift toward predictability, fairness, and self-sufficiency. The removal of permanent alimony reduces lifetime entanglements between former spouses, while codified limits on duration and amount provide greater clarity for courts and litigants. Practitioners must now approach alimony with detailed financial analysis, forward-looking planning, and a strong understanding of the statutory structure. In this new era, the central inquiry remains unchanged: balancing one spouse's need against the other's ability to pay. But with the state's modernized framework, Florida's family courts are better equipped to reach equitable, practical outcomes for both parties in a post-marital world. ♦

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