

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JOY TRACHTMAN TORDINI N/K/A
JOY TRACHTMAN,

Appellant,

v.

Case No. 5D19-302

RAPHAEL JOSEPH TORDINI,

Appellee.

_____ /

Opinion filed September 4, 2020

Appeal from the Circuit Court
for Volusia County,
Karen A. Foxman, Judge.

Horace Smith, Jr., P.A. and Sheila M.
Ennis, of Smith Bigman Brock, Daytona
Beach, for Appellant.

Brian P. North, of Kenny Leigh &
Associates, Fort Walton Beach, for
Appellee.

PER CURIAM.

Joy Trachtman Tordini n/k/a Joy Trachtman (“Former Wife”), appeals a final judgment of dissolution, challenging, *inter alia*, the trial court’s permanent alimony award. We reverse the alimony award, and as a result, the trial court must also reconsider the attorney’s fees award on remand. We otherwise affirm.

A trial court may award permanent alimony “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 of life following a dissolution of marriage.” § 61.08(8), Fla. Stat. (2019). While a trial court has broad discretion when fashioning an alimony award, our supreme court has held that “a trial judge must ensure that neither spouse passes automatically from misfortune to prosperity or from prosperity to misfortune, and, in viewing the totality of the circumstances, one spouse should not be ‘shortchanged.’” *Canakaris v. Canakaris*, 382 So. 2d 1197, 1204 (Fla. 1980) (citation omitted); see also *Martinez v. Martinez*, 228 So. 3d 164, 166–67 (Fla. 2d DCA 2017); *Rey v. Rey*, 598 So. 2d 141, 145 (Fla. 5th DCA 1992); *Poe v. Poe*, 522 So. 2d 50, 51 (Fla. 5th DCA 1988).

Based upon the trial court’s unchallenged findings, the alimony award falls far short of meeting Former Wife’s basic monthly expenses. At the same time, the award leaves Former Husband with a substantial surplus each month—all without explanation in our record.

On these facts, *Canakaris* and its progeny require us to reverse the alimony award and to remand for reconsideration. In doing so, we recognize that the trial court must necessarily also reconsider the award of attorney’s fees. *Cf. Matajek v. Skowronska*, 927 So. 2d 981, 988 (Fla. 5th DCA 2006). We therefore do not reach the specific arguments raised on appeal challenging the trial court’s award of fees and the corresponding payment plan.

REVERSED and REMANDED.

EISNAUGLE and SASSO, JJ., and TAKAC, M.G., Associate Judge, concur.