

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

MARY-THERESE DELATE,
Appellant,

v.

HENRY ILER,
Appellee.

No. 4D09-4825

[January 26, 2011]

PER CURIAM.

The former wife appeals the final judgment of dissolution, challenging the permanent periodic alimony award, the treatment of her health insurance expenses, and that portion of the order requiring each party to pay their own outstanding attorney's fees. Having considered all arguments raised, we affirm the final judgment of dissolution. In making the alimony award, the trial court found that the husband did not have the ability to pay an amount that would net the former wife sufficient funds to cover the entirety of her determined "needs." While we affirm the alimony award, we note that, in the event the former husband's financial circumstances change, the wife is free to seek a modification of alimony. *See, e.g., Suarez v. Sanchez*, 43 So. 3d 118, 121 (Fla. 3d DCA 2010) ("[T]o justify a modification of alimony, the moving party must show: (1) a substantial change in circumstances; (2) that the change was not contemplated at the final judgment of dissolution; and (3) that the change is sufficient, material, permanent, and involuntary.") (quoting *Kusick v. Kusick*, 944 So. 2d 1081, 1082 (Fla. 2d DCA 2006), and citing section 61.14, Florida Statutes).

Affirmed.

WARNER, POLEN and STEVENSON, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard L. Oftedal, Judge; L.T. Case No. 50 2008 DR

003226 XXXXN.

Lynn G. Waxman of Lynn G. Waxman, P.A., Palm Beach Gardens, for appellant.

Jaime A. Quick and James R. Quick of Quick Law Firm, P.A., Jupiter, for appellee.

Not final until disposition of timely filed motion for rehearing.