

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

MICHELE MILLAN,	)	
	)	
Appellant/Cross-	)	
Appellee,	)	
	)	
v.	)	Case No. 2D16-2467
	)	
ESTABAN MILLAN,	)	
	)	
Appellee/Cross-	)	
Appellant.	)	
_____	)	

Opinion filed February 14, 2018.

Appeal from the Circuit Court for Collier  
County; Mary C. Evans, Judge.

Marsha Sutherland Pullen of  
Sutherland Pullen Law, PLLC, Naples,  
for Appellant/Cross-Appellee.

Esteban Millan, pro se.

NORTHCUTT, Judge.

In this appeal and cross-appeal from the final order in these  
postdissolution modification and contempt proceedings, we affirm in all respects save  
one. During the parties' long-term marriage, the former wife suffered a stroke from  
which she suffers a permanent impairment and ongoing health issues that significantly

hinder her ability to maintain employment. In light of the former wife's severely diminished financial capability—which is exacerbated by the ordered reduction in her ongoing alimony income—the circuit court abused its discretion by giving retroactive effect to the alimony modification so as to charge her with an obligation resulting from past overpayments by the former husband. See Gurdian v. Gurdian, 198 So. 3d 65, 68-69 (Fla. 2d DCA 2015). Insofar as the order modifies the former husband's alimony obligation retroactively, it is reversed. The order is otherwise affirmed.

Affirmed in part; reversed in part.

KELLY and BLACK, JJ., Concur.