

By Representative Eggelletion

1 A bill to be entitled
2 An act relating to equitable distribution of
3 marital assets and liabilities; amending s.
4 61.075, F.S.; prescribing factors to be
5 considered by a court before entering a final
6 judgment making a determination of the credits
7 or set-offs upon the sale of the marital home;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (10) is added to section 61.075,
13 Florida Statutes, 1996 Supplement, to read:

14 61.075 Equitable distribution of marital assets and
15 liabilities.--

16 (10) A party is not entitled to any credits or
17 set-offs upon the sale of the marital home unless the parties'
18 settlement agreement, Final Judgment of Dissolution of
19 Marriage, or Final Judgment Equitably Distributing Assets or
20 Debts specifically provides that certain credits or set-offs
21 are allowed or given at the time of the sale. In the absence
22 of a settlement agreement involving the marital home, the
23 court shall consider the following factors before determining
24 the issue of credits or set-offs in its final judgment:

25 (a) Whether exclusive use and possession of the
26 marital home is being awarded, and the basis for the award;

27 (b) Whether alimony is being awarded to the party in
28 possession and whether the alimony is being awarded to cover,
29 in part or otherwise, the mortgage and taxes and other
30 expenses of and in connection with the marital home;

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