

HB 383

2008

1 A bill to be entitled
2 An act relating to equitable distribution of marital
3 assets and liabilities; amending s. 61.046, F.S.; defining
4 the term "barrier to remarriage"; amending s. 61.075,
5 F.S.; authorizing the court to take into consideration the
6 failure or refusal of one spouse to remove a barrier to
7 the remarriage of the other spouse when considering the
8 equitable distribution of marital assets and liabilities;
9 providing an effective date.

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

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13 Section 1. Present subsections (1) through (21) of section
14 61.046, Florida Statutes, are redesignated as subsections (2)
15 through (22), respectively, and a new subsection (1) is added to
16 that section to read:

17 61.046 Definitions.--As used in this chapter:

18 (1) "Barrier to remarriage" means, without limitation and
19 not exclusively, any religious, secular, or conscientious
20 restraint or inhibition of which the spouse is aware, which is
21 imposed on the other spouse, and which exists by reason of the
22 spouse's commissioning or withholding of any voluntary act.

23 Section 2. Present paragraph (j) of subsection (1) of
24 section 61.075, Florida Statutes, is redesignated as paragraph
25 (k), and a new paragraph (j) is added to that subsection to
26 read:

27 61.075 Equitable distribution of marital assets and
28 liabilities.--

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29 (1) In a proceeding for dissolution of marriage, in
30 addition to all other remedies available to a court to do equity
31 between the parties, or in a proceeding for disposition of
32 assets following a dissolution of marriage by a court which
33 lacked jurisdiction over the absent spouse or lacked
34 jurisdiction to dispose of the assets, the court shall set apart
35 to each spouse that spouse's nonmarital assets and liabilities,
36 and in distributing the marital assets and liabilities between
37 the parties, the court must begin with the premise that the
38 distribution should be equal, unless there is a justification
39 for an unequal distribution based on all relevant factors,
40 including:

41 (j) The failure or refusal of one spouse to remove a
42 barrier to the remarriage of the other spouse.

43 Section 3. This act shall take effect July 1, 2008.