

By Senator Aronberg

27-00049-08

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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 (20) of section  
14           61.046, Florida Statutes, are redesignated as subsections (2)  
15           through (21), 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 commission 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.--

29           (1) In a proceeding for dissolution of marriage, in

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

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

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