

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Frishe offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 74-158 and insert:

5 (4) For purposes of determining alimony, there is a
6 rebuttable presumption that a short-term marriage is a marriage
7 having a duration of less than 7 years, a moderate-term marriage
8 is a marriage having a duration of greater than 7 years but less
9 than 17 years, and long-term marriage is a marriage having a
10 duration of 17 years or greater. The length of a marriage is the
11 period of time from the date of marriage until the date of
12 filing of an action for dissolution of marriage.

13 (5) Bridge-the-gap alimony may be awarded to assist a
14 party by providing support to allow the party to make a
15 transition from being married to being single. Bridge-the-gap
16 alimony is designed to assist a party with legitimate

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17 identifiable short-term needs, and the length of an award may
18 not exceed 2 years. An award of bridge-the-gap alimony
19 terminates upon the death of either party or upon the remarriage
20 of the party receiving alimony. An award of bridge-the-gap
21 alimony shall not be modifiable in amount or duration.

22 (6) (a) Rehabilitative alimony may be awarded to assist a
23 party in establishing the capacity for self-support through
24 either:

25 1. The redevelopment of previous skills or credentials; or
26 2. The acquisition of education, training, or work
27 experience necessary to develop appropriate employment skills or
28 credentials.

29 (b) In order to award rehabilitative alimony, there must
30 be a specific and defined rehabilitative plan which shall be
31 included as a part of any order awarding rehabilitative alimony.

32 (c) An award of rehabilitative alimony may be modified or
33 terminated in accordance with s. 61.14 based upon a substantial
34 change in circumstances, upon noncompliance with the
35 rehabilitative plan, or upon completion of the rehabilitative
36 plan.

37 (7) Durational alimony may be awarded when permanent
38 periodic alimony is inappropriate. The purpose of durational
39 alimony is to provide a party with economic assistance for a set
40 period of time following a marriage of short or moderate
41 duration. An award of durational alimony terminates upon the
42 death of either party or upon the remarriage of the party
43 receiving alimony. The amount of an award of durational alimony
44 may be modified or terminated based upon a substantial change in

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45 circumstances in accordance with s. 61.14. However, the length
46 of an award of durational alimony may not be modified except
47 under exceptional circumstances.

48 (8) Permanent alimony may be awarded to provide for the
49 needs and necessities of life as they were established during
50 the marriage of the parties for a party who lacks the financial
51 ability to meet his or her needs and necessities of life
52 following a dissolution of marriage. Permanent alimony may be
53 awarded following a marriage of long duration, following a
54 marriage of moderate duration if such an award is appropriate
55 upon consideration of the factors set forth in subsection (2),
56 or following a marriage of short duration if there are
57 exceptional circumstances. An award of permanent alimony
58 terminates upon the death of either party or upon the remarriage
59 of the party receiving alimony. An award may be modified or
60 terminated based upon a substantial change in circumstances or
61 upon the existence of a supportive relationship in accordance
62 with s. 61.14.

63 (9)-(4)(a) With respect to any order requiring the payment
64 of alimony entered on or after January 1, 1985, unless the
65 provisions of paragraph (c) or paragraph (d) apply, the court
66 shall direct in the order that the payments of alimony be made
67 through the appropriate depository as provided in s. 61.181.

68 (b) With respect to any order requiring the payment of
69 alimony entered before January 1, 1985, upon the subsequent
70 appearance, on or after that date, of one or both parties before
71 the court having jurisdiction for the purpose of modifying or
72 enforcing the order or in any other proceeding related to the
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73 order, or upon the application of either party, unless the
74 provisions of paragraph (c) or paragraph (d) apply, the court
75 shall modify the terms of the order as necessary to direct that
76 payments of alimony be made through the appropriate depository
77 as provided in s. 61.181.

78 (c) If there is no minor child, alimony payments need not
79 be directed through the depository.

80 (d)1. If there is a minor child of the parties and both
81 parties so request, the court may order that alimony payments
82 need not be directed through the depository. In this case, the
83 order of support shall provide, or be deemed to provide, that
84 either party may subsequently apply to the depository to require
85 that payments be made through the depository. The court shall
86 provide a copy of the order to the depository.

87 2. If the provisions of subparagraph 1. apply, either
88 party may subsequently file with the depository an affidavit
89 alleging default or arrearages in payment and stating that the
90 party wishes to initiate participation in the depository
91 program. The party shall provide copies of the affidavit to the
92 court and the other party or parties. Fifteen days after receipt
93 of the affidavit, the depository shall notify all parties that
94 future payments shall be directed to the depository.

95 3. In IV-D cases, the IV-D agency shall have the same
96 rights as the obligee in requesting that payments be made
97 through the depository.

98 Section 2. This act applies to all initial awards of
99 alimony entered after July 1, 2010, and modifications of such
100 awards. This act may not serve as a basis to modify awards

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101 entered before July 1, 2010, or as a basis to change amounts or
102 duration of awards existing before July 1, 2010. This act is
103 applicable to all cases pending on or filed after July 1, 2010.
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106 **T I T L E A M E N D M E N T**

107 Remove lines 5-14 and insert:

108 alimony or maintenance; providing rebuttable presumptions for
109 the classification of the length of marriages; providing for the
110 determination of the length of a marriage; providing for award
111 of bridge-the-gap alimony for a limited period; providing that
112 such an award is not modifiable; providing for award of
113 rehabilitative alimony in certain circumstances; providing for
114 modification or termination of such an award; providing for
115 award of durational alimony in certain circumstances; providing
116 for modification or termination of such an award; providing for
117 award of permanent alimony in certain circumstances; providing
118 for modification or termination of such an award; providing
119 applicability; providing an effective date.