

1 A bill to be entitled
 2 An act relating to alimony; amending s. 61.08, F.S.;
 3 allowing for award of more than one type of alimony;
 4 revising factors to be considered in whether to award
 5 alimony or maintenance; providing for award of bridge-the-
 6 gap alimony; providing that such an award is not
 7 modifiable; providing for award of rehabilitative alimony
 8 in certain circumstances; providing for modification or
 9 termination of such an award; providing for award of
 10 durational alimony in certain circumstances; providing for
 11 modification or termination of such an award; providing
 12 for award of permanent alimony in certain circumstances;
 13 providing for modification or termination of such an
 14 award; providing an effective date.

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

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 18 Section 1. Section 61.08, Florida Statutes, is amended to
 19 read:

20 61.08 Alimony.--

21 (1) In a proceeding for dissolution of marriage, the court
 22 may grant alimony to either party, which alimony may be bridge-
 23 the-gap, rehabilitative, durational, or permanent in nature or
 24 any combination of these forms of alimony. In any award of
 25 alimony, the court may order periodic payments or payments in
 26 lump sum or both. The court may consider the adultery of either
 27 spouse and the circumstances thereof in determining the amount
 28 of alimony, if any, to be awarded. In all dissolution actions,

29 | the court shall include findings of fact relative to the factors
 30 | enumerated in subsection (2) supporting an award or denial of
 31 | alimony.

32 | (2) In determining whether to ~~a proper~~ award ~~of~~ alimony or
 33 | maintenance, the court shall first make a specific factual
 34 | determination as to whether either party has an actual need for
 35 | alimony or maintenance and whether either party has the ability
 36 | to pay alimony or maintenance. If the court finds that a party
 37 | has a need for alimony or maintenance and that the other party
 38 | has the ability to pay alimony or maintenance, then in
 39 | determining the proper type and amount of alimony or
 40 | maintenance, the court shall consider all relevant ~~economic~~
 41 | factors, including, but not limited to:

42 | (a) The standard of living established during the
 43 | marriage.

44 | (b) The duration of the marriage.

45 | (c) The age and the physical and emotional condition of
 46 | each party.

47 | (d) The financial resources of each party, including the
 48 | nonmarital and the marital assets and liabilities distributed to
 49 | each.

50 | (e) The earning capacities, educational levels, vocational
 51 | skills, and employability of the parties and, when applicable,
 52 | the time necessary for either party to acquire sufficient
 53 | education or training to enable such party to find appropriate
 54 | employment.

55 (f) The contribution of each party to the marriage,
56 including, but not limited to, services rendered in homemaking,
57 child care, education, and career building of the other party.

58 (g) The responsibilities each party will have with regard
59 to any minor children they have in common.

60 (h) The tax treatment and consequences to both parties of
61 any alimony award, including the designation of all or a portion
62 of the payment as a nontaxable, nondeductible payment.

63 (i) ~~(g)~~ All sources of income available to either party,
64 including income available to either party through investments
65 of any asset held by that party.

66
67 (j) ~~The court may consider~~ Any other factor necessary to
68 do equity and justice between the parties.

69 (3) To the extent necessary to protect an award of
70 alimony, the court may order any party who is ordered to pay
71 alimony to purchase or maintain a life insurance policy or a
72 bond, or to otherwise secure such alimony award with any other
73 assets which may be suitable for that purpose.

74 (4) Bridge-the-gap alimony may be awarded to assist a
75 party by providing support to allow the party to make a
76 transition from being married to being single. Bridge-the-gap
77 alimony is designed to assist a party with legitimate
78 identifiable short-term needs. An award of bridge-the-gap
79 alimony terminates upon the death of either party or upon the
80 remarriage of the party receiving alimony. An award of bridge-
81 the-gap alimony shall not be modifiable in amount or duration.

82 (5) (a) Rehabilitative alimony may be awarded to assist a
83 party in establishing the capacity for self-support through
84 either:

85 1. The redevelopment of previous skills or credentials; or
86 2. The acquisition of education, training, or work
87 experience necessary to develop appropriate employment skills or
88 credentials.

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

92 (c) An award of rehabilitative alimony may be modified or
93 terminated in accordance with s. 61.14 based upon a substantial
94 change in circumstances, upon noncompliance with the
95 rehabilitative plan, or upon completion of the rehabilitative
96 plan.

97 (6) Durational alimony may be awarded when permanent
98 periodic alimony is inappropriate. The purpose of durational
99 alimony is to provide a party with economic assistance for a set
100 period of time following a marriage of short or moderate
101 duration. An award of durational alimony terminates upon the
102 death of either party or upon the remarriage of the party
103 receiving alimony. The amount of an award of durational alimony
104 may be modified or terminated based upon a substantial change in
105 circumstances in accordance with s. 61.14. However, the length
106 of an award of durational alimony may not be modified except
107 under exceptional circumstances.

108 (7) Permanent alimony may be awarded to provide for the
109 needs and necessities of life as they were established during

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110 the marriage of the parties for a party who lacks the financial
111 ability to meet his or her needs and necessities of life
112 following a dissolution of marriage. Permanent alimony may be
113 awarded following a marriage of long duration, following a
114 marriage of moderate duration if such an award is appropriate
115 upon consideration of the factors set forth in subsection (2),
116 or following a marriage of short duration if there are
117 exceptional circumstances. An award of permanent alimony
118 terminates upon the death of either party or upon the remarriage
119 of the party receiving alimony. An award may be modified or
120 terminated based upon a substantial change in circumstances or
121 upon the existence of a supportive relationship in accordance
122 with s. 61.14.

123 (8)~~(4)~~(a) With respect to any order requiring the payment
124 of alimony entered on or after January 1, 1985, unless the
125 provisions of paragraph (c) or paragraph (d) apply, the court
126 shall direct in the order that the payments of alimony be made
127 through the appropriate depository as provided in s. 61.181.

128 (b) With respect to any order requiring the payment of
129 alimony entered before January 1, 1985, upon the subsequent
130 appearance, on or after that date, of one or both parties before
131 the court having jurisdiction for the purpose of modifying or
132 enforcing the order or in any other proceeding related to the
133 order, or upon the application of either party, unless the
134 provisions of paragraph (c) or paragraph (d) apply, the court
135 shall modify the terms of the order as necessary to direct that
136 payments of alimony be made through the appropriate depository
137 as provided in s. 61.181.

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

140 (d)1. If there is a minor child of the parties and both
141 parties so request, the court may order that alimony payments
142 need not be directed through the depository. In this case, the
143 order of support shall provide, or be deemed to provide, that
144 either party may subsequently apply to the depository to require
145 that payments be made through the depository. The court shall
146 provide a copy of the order to the depository.

147 2. If the provisions of subparagraph 1. apply, either
148 party may subsequently file with the depository an affidavit
149 alleging default or arrearages in payment and stating that the
150 party wishes to initiate participation in the depository
151 program. The party shall provide copies of the affidavit to the
152 court and the other party or parties. Fifteen days after receipt
153 of the affidavit, the depository shall notify all parties that
154 future payments shall be directed to the depository.

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

158 Section 2. This act shall take effect July 1, 2010.