

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 for a limited period; providing that such an
 7 award is not modifiable; providing for award of
 8 rehabilitative alimony in certain circumstances; providing
 9 for modification or termination of such an award;
 10 providing for award of durational alimony in certain
 11 circumstances; providing for modification or termination
 12 of such an award; providing for award of permanent alimony
 13 in certain circumstances; providing for modification or
 14 termination of such an award; providing an effective date.

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

17
 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,

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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, and the length of an award may
 79 not exceed 2 years. An award of bridge-the-gap alimony
 80 terminates upon the death of either party or upon the remarriage
 81 of the party receiving alimony. An award of bridge-the-gap
 82 alimony shall not be modifiable in amount or duration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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