

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 Between lines 21 and 22, insert:

5 Section 1. Section 61.08, Florida Statutes, is amended to  
6 read:

7 61.08 Alimony.—

8 (1) In a proceeding for dissolution of marriage, the court  
9 may grant alimony to either party, which alimony may be bridge-  
10 the-gap, rehabilitative, durational, or permanent in nature or  
11 any combination of these forms of alimony. In any award of  
12 alimony, the court may order periodic payments or payments in  
13 lump sum or both. The court may consider the adultery of either  
14 spouse and the circumstances thereof in determining the amount  
15 of alimony, if any, to be awarded. In all dissolution actions,  
16 the court shall include findings of fact relative to the factors  
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17 enumerated in subsection (2) supporting an award or denial of  
18 alimony.

19 (2) In determining whether to a proper award of alimony or  
20 maintenance, the court shall first make a specific factual  
21 determination as to whether either party has an actual need for  
22 alimony or maintenance and whether either party has the ability  
23 to pay alimony or maintenance. If the court finds that a party  
24 has a need for alimony or maintenance and that the other party  
25 has the ability to pay alimony or maintenance, then in  
26 determining the proper type and amount of alimony or  
27 maintenance, the court shall consider all relevant ~~economic~~  
28 factors, including, but not limited to:

29 (a) The standard of living established during the  
30 marriage.

31 (b) The duration of the marriage.

32 (c) The age and the physical and emotional condition of  
33 each party.

34 (d) The financial resources of each party, including the  
35 nonmarital and the marital assets and liabilities distributed to  
36 each.

37 (e) The earning capacities, educational levels, vocational  
38 skills, and employability of the parties and, when applicable,  
39 the time necessary for either party to acquire sufficient  
40 education or training to enable such party to find appropriate  
41 employment.

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

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

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

50 (i) ~~(g)~~ All sources of income available to either party,  
51 including income available to either party through investments  
52 of any asset held by that party.

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

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

60 (4) For purposes of determining alimony, there is a  
61 rebuttable presumption that a short-term marriage is a marriage  
62 having a duration of less than 7 years, a moderate-term marriage  
63 is a marriage having a duration of greater than 7 years but less  
64 than 17 years, and long-term marriage is a marriage having a  
65 duration of 17 years or greater. The length of a marriage is the  
66 period of time from the date of marriage until the date of  
67 filing of an action for dissolution of marriage.

68 (5) Bridge-the-gap alimony may be awarded to assist a  
69 party by providing support to allow the party to make a  
70 transition from being married to being single. Bridge-the-gap  
71 alimony is designed to assist a party with legitimate  
72 identifiable short-term needs, and the length of an award may

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73 not exceed 2 years. An award of bridge-the-gap alimony  
74 terminates upon the death of either party or upon the remarriage  
75 of the party receiving alimony. An award of bridge-the-gap  
76 alimony shall not be modifiable in amount or duration.

77 (6) (a) Rehabilitative alimony may be awarded to assist a  
78 party in establishing the capacity for self-support through  
79 either:

80 1. The redevelopment of previous skills or credentials; or  
81 2. The acquisition of education, training, or work  
82 experience necessary to develop appropriate employment skills or  
83 credentials.

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

87 (c) An award of rehabilitative alimony may be modified or  
88 terminated in accordance with s. 61.14 based upon a substantial  
89 change in circumstances, upon noncompliance with the  
90 rehabilitative plan, or upon completion of the rehabilitative  
91 plan.

92 (7) Durational alimony may be awarded when permanent  
93 periodic alimony is inappropriate. The purpose of durational  
94 alimony is to provide a party with economic assistance for a set  
95 period of time following a marriage of short or moderate  
96 duration. An award of durational alimony terminates upon the  
97 death of either party or upon the remarriage of the party  
98 receiving alimony. The amount of an award of durational alimony  
99 may be modified or terminated based upon a substantial change in  
100 circumstances in accordance with s. 61.14. However, the length

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101 of an award of durational alimony may not be modified except  
102 under exceptional circumstances and may not exceed the length of  
103 the marriage.

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

119 (9)-(4)(a) With respect to any order requiring the payment  
120 of alimony entered on or after January 1, 1985, unless the  
121 provisions of paragraph (c) or paragraph (d) apply, the court  
122 shall direct in the order that the payments of alimony be made  
123 through the appropriate depository as provided in s. 61.181.

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

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

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

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

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

154 Section 2. The amendments to s. 61.08, Florida Statutes,  
155 by this act apply to all initial awards of alimony entered after  
156 July 1, 2010, and modifications of such awards. Such amendments

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157 may not serve as a basis to modify awards entered before July 1,  
158 2010, or as a basis to change amounts or duration of awards  
159 existing before July 1, 2010. The amendments to s. 61.08,  
160 Florida Statutes, by this act are applicable to all cases  
161 pending on or filed after July 1, 2010.  
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165 **T I T L E A M E N D M E N T**

166 Remove line 2 and insert:

167 An act relating to alimony and child support; amending s.  
168 61.08, F.S.; allowing for award of more than one type of  
169 alimony; revising factors to be considered in whether to  
170 award alimony or maintenance; providing rebuttable  
171 presumptions for the classification of the length of  
172 marriages; providing for the determination of the length  
173 of a marriage; providing for award of bridge-the-gap  
174 alimony for a limited period; providing that such an award  
175 is not modifiable; providing for award of rehabilitative  
176 alimony in certain circumstances; providing for  
177 modification or termination of such an award; providing  
178 for award of durational alimony in certain circumstances;  
179 providing for modification or termination of such an  
180 award; providing for award of permanent alimony in certain  
181 circumstances; providing for modification or termination  
182 of such an award; providing applicability; amending s.

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