

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:
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3 **Amendment (with title amendment)**

4 Remove line 1819 and insert:

5 Section 79. Effective July 1, 2011, subsection (9) of
6 section 61.08, Florida Statutes, is renumbered as subsection
7 (10), a new subsection (9) is added to that section, and
8 subsections (2), (7), and (8) of that section are amended, to
9 read:

10 61.08 Alimony.—

11 (2) In determining whether to award alimony or
12 maintenance, the court shall first make a specific factual
13 determination as to whether either party has an actual need for
14 alimony or maintenance and whether either party has the ability
15 to pay alimony or maintenance. If the court finds that a party
16 has a need for alimony or maintenance and that the other party

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17 has the ability to pay alimony or maintenance, then in
18 determining the proper type and amount of alimony or maintenance
19 under subsections (5)-(8), the court shall consider all relevant
20 factors, including, but not limited to:

21 (a) The standard of living established during the
22 marriage.

23 (b) The duration of the marriage.

24 (c) The age and the physical and emotional condition of
25 each party.

26 (d) The financial resources of each party, including the
27 nonmarital and the marital assets and liabilities distributed to
28 each.

29 (e) The earning capacities, educational levels, vocational
30 skills, and employability of the parties and, when applicable,
31 the time necessary for either party to acquire sufficient
32 education or training to enable such party to find appropriate
33 employment.

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

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

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

42 (i) All sources of income available to either party,
43 including income available to either party through investments
44 of any asset held by that party.

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45 (j) Any other factor necessary to do equity and justice
46 between the parties.

47 (7) Durational alimony may be awarded when permanent
48 periodic alimony is inappropriate. The purpose of durational
49 alimony is to provide a party with economic assistance for a set
50 period of time following a marriage of short or moderate
51 duration or following a marriage of long duration if there is no
52 ongoing need for support on a permanent basis. An award of
53 durational alimony terminates upon the death of either party or
54 upon the remarriage of the party receiving alimony. The amount
55 of an award of durational alimony may be modified or terminated
56 based upon a substantial change in circumstances in accordance
57 with s. 61.14. However, the length of an award of durational
58 alimony may not be modified except under exceptional
59 circumstances and may not exceed the length of the marriage.

60 (8) Permanent alimony may be awarded to provide for the
61 needs and necessities of life as they were established during
62 the marriage of the parties for a party who lacks the financial
63 ability to meet his or her needs and necessities of life
64 following a dissolution of marriage. Permanent alimony may be
65 awarded following a marriage of long duration if such an award
66 is appropriate upon consideration of the factors set forth in
67 subsection (2), following a marriage of moderate duration if
68 such an award is appropriate based upon clear and convincing
69 evidence after consideration of the factors set forth in
70 subsection (2), or following a marriage of short duration if
71 there are written findings of exceptional circumstances. In
72 awarding permanent alimony, the court shall include a finding

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73 that no other form of alimony is fair and reasonable under the
74 circumstances of the parties. An award of permanent alimony
75 terminates upon the death of either party or upon the remarriage
76 of the party receiving alimony. An award may be modified or
77 terminated based upon a substantial change in circumstances or
78 upon the existence of a supportive relationship in accordance
79 with s. 61.14.

80 (9) The award of alimony may not leave the payor with
81 significantly less net income than the net income of the
82 recipient unless there are written findings of exceptional
83 circumstances.

84 Section 80. Effective July 1, 2011, the amendments to s.
85 61.08, Florida Statutes, made by this act apply to all initial
86 awards of alimony entered after July 1, 2011, and to all
87 modifications of alimony of such awards made after July 1, 2011.
88 Such amendments may not serve as a basis to modify awards
89 entered before July 1, 2011, or as a basis to change amounts or
90 duration of awards existing before July 1, 2011. The amendments
91 to s. 61.08, Florida Statutes, made by this act are applicable
92 to all cases pending on or filed after July 1, 2011.

93 Section 81. Except as otherwise expressly provided in this
94 act, this act shall take effect upon the earlier of

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97 **T I T L E A M E N D M E N T**

98 Remove lines 2-126 and insert:

99 An act relating to family law; amending s. 88.1011, F.S.;
100 revising and providing definitions; amending s. 88.1021,

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101 F.S.; designating the Department of Revenue as the support
102 enforcement agency of this state; amending s. 88.1031,
103 F.S.; revising provisions relating to remedies provided by
104 the act; creating s. 88.1041, F.S.; providing for
105 applicability of provisions to residents of foreign
106 counties and foreign support proceedings; amending s.
107 88.2011, F.S.; providing that specified bases of personal
108 jurisdiction may not be used to acquire personal
109 jurisdiction for certain purposes unless specified
110 requirements are met; amending s. 88.2021, F.S.; providing
111 for duration of personal jurisdiction; deleting provisions
112 relating to procedure when exercising jurisdiction over
113 nonresident; amending ss. 88.2031 and 88.2041, F.S.;
114 conforming provisions to changes made by the act; amending
115 s. 88.2051, F.S.; revising provisions relating to
116 continuation of exclusive jurisdiction; amending s.
117 88.2061, F.S.; providing for continuing jurisdiction to
118 enforce child support orders; amending s. 88.2071, F.S.;
119 revising provisions relating to determination of a
120 controlling child support order; amending s. 88.2081,
121 F.S.; revising language relating to child support orders
122 for two or more obligees; amending s. 88.2091, F.S.;
123 revising language relating to credit for child support
124 payments; creating s. 88.2101, F.S.; providing for
125 application of the act to a nonresident subject to
126 personal jurisdiction; creating s. 88.2111, F.S.;
127 providing for continuing, exclusive jurisdiction to modify
128 a spousal support order; amending s. 88.3011, F.S.;

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129 revising provisions relating to applicability of the act;
130 amending ss. 88.3021 and 88.3031, F.S.; revising
131 terminology; amending s. 88.3041, F.S.; revising
132 provisions relating to duties of an initiating tribunal;
133 amending s. 88.3051, F.S.; revising provisions relating to
134 duties and powers of a responding tribunal; amending s.
135 88.3061, F.S.; revising terminology; amending s. 88.3071,
136 F.S.; revising provisions relating to the duties of a
137 support enforcement agency; amending s. 88.3081, F.S.;
138 providing that the Governor and Cabinet may determine that
139 a foreign country has established a reciprocal arrangement
140 for child support with this state and take appropriate
141 action for notification of the determination; amending s.
142 88.3101, F.S.; revising terminology; amending s. 88.3111,
143 F.S.; revising provisions relating to pleadings and
144 accompanying documents; amending s. 88.3121, F.S.;
145 revising requirements for nondisclosure of certain
146 information; amending ss. 88.3131 and 88.3141, F.S.;
147 revising terminology; amending s. 88.3161, F.S.; revising
148 provisions relating to special rules of evidence and
149 procedure; amending ss. 88.3171 and 88.3181, F.S.;
150 revising terminology; amending s. 88.3191, F.S.; revising
151 provisions relating to receipt and disbursement of
152 payments; amending s. 88.4011, F.S.; revising provisions
153 relating to establishment of a support order; creating s.
154 88.4021, F.S.; providing that certain tribunals of this
155 state may serve as responding tribunals in proceedings to
156 determine parentage of a child under certain provisions;

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157 providing a directive to the Division of Statutory
158 Revision; amending s. 88.5011, F.S.; revising provisions
159 relating to an employer's receipt of an income-withholding
160 order from another state; amending ss. 88.50211, 88.5031,
161 88.5041, and 88.5051, F.S.; revising terminology; amending
162 s. 88.5061, F.S.; revising provisions relating to a
163 contest by obligor; amending s. 88.5071, F.S.; revising
164 terminology; providing a directive to the Division of
165 Statutory Revision; amending s. 88.6011, F.S.; revising
166 terminology; amending s. 88.6021, F.S.; revising
167 provisions relating to the procedure to register order for
168 enforcement; amending s. 88.6031, F.S.; revising
169 terminology; amending s. 88.6041, F.S.; revising
170 provisions relating to choice of law; amending s. 88.6051,
171 F.S.; revising provisions relating to notice of
172 registration of order; amending s. 88.6061, F.S.; revising
173 provisions relating to the procedure to contest the
174 validity or enforcement of a registered order; amending s.
175 88.6071, F.S.; revising provisions relating to the
176 contesting of registration or enforcement; amending s.
177 88.6081, F.S.; revising terminology; amending s. 88.6091,
178 F.S.; correcting a cross-reference; amending s. 88.6111,
179 F.S.; revising provisions relating to modification of a
180 child support order of another state; amending s. 88.6121,
181 F.S.; revising provisions relating to recognition of a
182 child support order modified in another state; creating s.
183 88.6151, F.S.; providing for jurisdiction to modify a
184 child support order of a foreign country; creating s.

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185 88.6161, F.S.; providing procedures for registration of a
186 child support order of a foreign country for modification;
187 providing a directive to the Division of Statutory
188 Revision; repealing s. 88.7011, F.S., relating to a
189 proceeding to determine parentage of a child; creating s.
190 88.70111, F.S.; providing definitions relating to a
191 support proceeding under the Convention on the
192 International Recovery of Child Support and Other Forms of
193 Family Maintenance; creating s. 88.7021, F.S.; providing
194 for applicability; creating s. 88.7031, F.S.; specifying
195 the relationship of the Department of Revenue to the
196 United States central authority; creating s. 88.7041,
197 F.S.; providing for initiation by the Department of
198 Revenue of support proceedings under the convention;
199 creating s. 88.7051, F.S.; providing for direct requests
200 to tribunals; creating s. 88.7061, F.S.; providing for
201 registration of convention support orders; creating s.
202 88.7071, F.S.; providing for contest of registered
203 convention support orders; creating s. 88.7081, F.S.;
204 providing for recognition and enforcement of registered
205 convention support orders; creating s. 88.7091, F.S.;
206 providing for partial enforcement of convention support
207 orders; creating s. 88.7101, F.S.; providing requirements
208 for a foreign support agreement; creating s. 88.7111,
209 F.S.; providing for modification of convention child
210 support orders; creating s. 88.7121, F.S.; providing
211 limits on the personal use of certain information;
212 creating s. 88.7131, F.S.; requiring a record filed with a

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213 tribunal of this state under specified provisions to be in
214 the original language and, if not in English, to be
215 accompanied by an English translation; amending s.
216 88.8011, F.S.; revising terminology; amending s. 88.9011,
217 F.S.; revising provisions relating to the uniformity of
218 application and construction of the act; creating s.
219 88.9021, F.S.; providing applicability; amending s.
220 88.9031, F.S.; revising terminology; amending ss. 61.13
221 and 827.06, F.S.; correcting cross-references; directing
222 the Department of Revenue to apply for a waiver; amending
223 s. 61.08, F.S.; revising provisions relating to factors to
224 be considered for alimony awards; revising provisions
225 relating to awards of durational alimony; revising
226 provisions relating to awards of permanent alimony;
227 providing that the award of alimony may not leave the
228 payor with significantly less net income than the net
229 income of the recipient unless there are written findings
230 of exceptional circumstances; providing for applicability
231 of specified provisions; providing effective dates.

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