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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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The Committee on Judiciary (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

61.08 Alimony.—

(2) In determining whether to award alimony or maintenance, the court shall first make a specific factual determination as to whether either party has an actual need for alimony or



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13 maintenance and whether either party has the ability to pay
14 alimony or maintenance. If the court finds that a party has a
15 need for alimony or maintenance and that the other party has the
16 ability to pay alimony or maintenance, then in determining the
17 proper type and amount of alimony or maintenance under
18 subsections (5)-(8), the court shall consider all relevant
19 factors, including, but not limited to:

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

21 (b) The duration of the marriage.

22 (c) The age and the physical and emotional condition of
23 each party.

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

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

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

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

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

40 (i) All sources of income available to either party,
41 including income available to either party through investments



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42 of any asset held by that party.

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

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

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



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

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

82 Section 2. The amendments to s. 61.08, Florida Statutes,
83 made by this act apply to all initial awards of alimony entered
84 after July 1, 2011, and to all modifications of alimony of such
85 awards made after July 1, 2011. Such amendments may not serve as
86 a basis to modify awards entered before July 1, 2011, or as a
87 basis to change amounts or duration of awards existing before
88 July 1, 2011. The amendments to s. 61.08, Florida Statutes, made
89 by this act are applicable to all cases pending on or filed
90 after July 1, 2011.

91 Section 3. This act shall take effect July 1, 2011.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95
96 Delete everything before the enacting clause
97 and insert:

98 A bill to be entitled
99 An act relating to alimony; amending s. 61.08, F.S.;



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100 revising provisions relating to factors to be
101 considered for alimony awards; revising provisions
102 relating to awards of durational alimony; revising
103 provisions relating to awards of permanent alimony;
104 providing that the award of alimony may not leave the
105 payor with significantly less net income than the net
106 income of the recipient unless there are written
107 findings of exceptional circumstances; providing for
108 applicability of the act; providing an effective date.