

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to alimony; amending s. 61.08, F.S.;
3 revising provisions relating to factors to be
4 considered for alimony awards; revising provisions
5 relating to awards of permanent alimony; providing
6 applicability; providing an effective date.

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

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10 Section 1. Subsections (2), (7), and (8) of section 61.08,
11 Florida Statutes, are amended to read:

12 61.08 Alimony.—

13 (2) In determining whether to award alimony or maintenance,
14 the court shall first make a specific factual determination as
15 to whether either party has an actual need for alimony or
16 maintenance and whether either party has the ability to pay
17 alimony or maintenance. If the court finds that a party has a
18 need for alimony or maintenance and that the other party has the
19 ability to pay alimony or maintenance, then in determining the
20 proper type and amount of alimony or maintenance under
21 subsections (5) through (8), the court shall consider all
22 relevant factors, including, but not limited to:

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

24 (b) The duration of the marriage.

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

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

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

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

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

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

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

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

48 (7) Durational alimony may be awarded when permanent
49 periodic alimony is inappropriate. The purpose of durational
50 alimony is to provide a party with economic assistance for a set
51 period of time ~~following a marriage of short or moderate~~
52 ~~duration~~. An award of durational alimony terminates upon the
53 death of either party or upon the remarriage of the party
54 receiving alimony. The amount of an award of durational alimony
55 may be modified or terminated based upon a substantial change in
56 circumstances in accordance with s. 61.14. However, the length
57 of an award of durational alimony may not be modified except
58 under exceptional circumstances and may not exceed the length of

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59 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 moderate or long duration,
66 ~~following a marriage of moderate duration if such an award is~~
67 ~~appropriate upon consideration of the factors set forth in~~
68 ~~subsection (2),~~ or following a marriage of short duration if
69 there are exceptional circumstances. In awarding permanent
70 alimony for a marriage of long duration, the court shall include
71 findings regarding the applicability of the needs and
72 necessities of life established during the marriage to the
73 alimony award. An award of permanent alimony terminates upon the
74 death of either party or upon the remarriage of the party
75 receiving alimony. An award may be modified or terminated based
76 upon a substantial change in circumstances or upon the existence
77 of a supportive relationship in accordance with s. 61.14.

78 Section 2. The amendments to s. 61.08, Florida Statutes,
79 made by this act apply to modifications of awards of permanent
80 alimony made on or after July 1, 2011, and apply to awards for
81 marriages of short or moderate duration.

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