SENATOR AMENDMENT

Florida Senate - 2013 Bill No. CS for CS for SB 718



LEGISLATIVE ACTION

Senate		House
	•	
	•	
Floor: 1/AD/2R		
03/27/2013 05:24 PM		

Senator Stargel moved the following:

Senate Amendment

Delete lines 345 - 372

4 and insert:

1 2 3

5 (8) (a) There is a rebuttable presumption against awarding 6 alimony for a short-term marriage. A party seeking bridge-the-7 gap or rehabilitative alimony may overcome this presumption by 8 demonstrating by a preponderance of the evidence a need for 9 alimony. A party seeking durational alimony may overcome this 10 presumption by demonstrating by clear and convincing evidence a 11 need for alimony. If the court finds that the party has met its burden in demonstrating a need for alimony and that the other 12 party has the ability to pay alimony, the court shall determine 13

SENATOR AMENDMENT

Florida Senate - 2013 Bill No. CS for CS for SB 718

203644

6	
14	a monthly award of alimony which may not exceed 20 percent of
15	the obligor's gross monthly income, as calculated under s.
16	61.30(2)(a), with the exception that gross income does not
17	include, consistent with paragraph (3)(h), sources of income
18	acquired outside of the marriage which were not relied upon
19	during the marriage.
20	(b) There is no presumption in favor of either party to an
21	award of alimony for a mid-term marriage. A party seeking such
22	alimony must prove by a preponderance of the evidence a need for
23	alimony. If the court finds that the party has met its burden in
24	demonstrating a need for alimony and that the other party has
25	the ability to pay alimony, the court shall determine a monthly
26	alimony obligation that may not exceed 30 percent of the
27	obligor's gross monthly income, as calculated under s.
28	61.30(2)(a), with the exception that gross income does not
29	include, consistent with paragraph (3)(h), sources of income
30	acquired outside of the marriage which were not relied upon
31	during the marriage.
32	(c) There is a rebuttable presumption in favor of awarding
33	alimony for a long-term marriage. A party against whom alimony
34	is sought may overcome this presumption by demonstrating by
35	clear and convincing evidence that there is no need for alimony.
36	If the court finds that the party against whom alimony is sought
37	fails to meet its burden to demonstrate that there is no need
38	for alimony and that the party has the ability to pay alimony,
39	the court shall determine a monthly alimony obligation that may
40	not exceed 33 percent of the obligor's gross monthly income, as
41	calculated under s. 61.30(2)(a), with the exception that gross
42	income does not include, consistent with paragraph (3)(h),

Florida Senate - 2013 Bill No. CS for CS for SB 718



Page 3 of 3

43 sources of income acquired outside of the marriage which were 44 not relied upon during the marriage.