

1 A bill to be entitled
2 An act relating to the equitable distribution
3 of marital assets and liabilities; amending s.
4 61.075, F.S.; providing that a liability
5 incurred by forgery or unauthorized signature
6 is a nonmarital liability; providing for
7 attorney's fees and costs; providing an
8 exception; providing an effective date.

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

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12 Section 1. Paragraph (b) of subsection (5) of section
13 61.075, Florida Statutes, is amended to read:

14 61.075 Equitable distribution of marital assets and
15 liabilities.--

16 (5) As used in this section:

17 (b) "Nonmarital assets and liabilities" include:

18 1. Assets acquired and liabilities incurred by either
19 party prior to the marriage, and assets acquired and
20 liabilities incurred in exchange for such assets and
21 liabilities;

22 2. Assets acquired separately by either party by
23 noninterspousal gift, bequest, devise, or descent, and assets
24 acquired in exchange for such assets;

25 3. All income derived from nonmarital assets during
26 the marriage unless the income was treated, used, or relied
27 upon by the parties as a marital asset; ~~and~~

28 4. Assets and liabilities excluded from marital assets
29 and liabilities by valid written agreement of the parties, and
30 assets acquired and liabilities incurred in exchange for such
31 assets and liabilities; and-

1 5. Any liability incurred by forgery or unauthorized
2 signature of one spouse signing the name of the other spouse.
3 Any such liability shall be a nonmarital liability only of the
4 party having committed the forgery or having affixed the
5 unauthorized signature. In determining an award of attorney's
6 fees and costs pursuant to s. 61.16, the court may consider
7 forgery or an unauthorized signature by a party and may make a
8 separate award for attorney's fees and costs occasioned by the
9 forgery or unauthorized signature. This subparagraph does not
10 apply to any forged or unauthorized signature that was
11 subsequently ratified by the other spouse.

12 Section 2. This act shall take effect July 1, 2002.