

By Senator Altman

24-01110-10

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1                   A bill to be entitled  
2           An act relating to alimony; amending s. 61.08, F.S.;  
3           allowing for award of more than one type of alimony;  
4           revising factors to be considered in whether to award  
5           alimony or maintenance; providing for award of bridge-  
6           the-gap alimony; providing that such an award is not  
7           modifiable; providing for award of rehabilitative  
8           alimony in certain circumstances; providing for  
9           modification or termination of such an award;  
10          providing for award of durational alimony in certain  
11          circumstances; providing for modification or  
12          termination of such an award; providing for award of  
13          permanent alimony in certain circumstances; providing  
14          for modification or termination of such an award;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 61.08, Florida Statutes, is amended to  
20 read:

21           61.08 Alimony.—

22           (1) In a proceeding for dissolution of marriage, the court  
23 may grant alimony to either party, which alimony may be bridge-  
24 the-gap, rehabilitative, durational, or permanent in nature or  
25 any combination of these forms of alimony. In any award of  
26 alimony, the court may order periodic payments or payments in  
27 lump sum or both. The court may consider the adultery of either  
28 spouse and the circumstances thereof in determining the amount  
29 of alimony, if any, to be awarded. In all dissolution actions,

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30 the court shall include findings of fact relative to the factors  
31 enumerated in subsection (2) supporting an award or denial of  
32 alimony.

33 (2) In determining whether to ~~a proper~~ award ~~of~~ alimony or  
34 maintenance, the court shall first make a specific factual  
35 determination as to whether either party has an actual need for  
36 alimony or maintenance and whether either party has the ability  
37 to pay alimony or maintenance. If the court finds that a party  
38 has a need for alimony or maintenance and that the other party  
39 has the ability to pay alimony or maintenance, in determining  
40 the proper type and amount of alimony or maintenance, the court  
41 shall consider all relevant ~~economic~~ factors, including, but not  
42 limited to:

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

44 (b) The duration of the marriage.

45 (c) The age and the physical and emotional condition of  
46 each party.

47 (d) The financial resources of each party, including the  
48 nonmarital and the marital assets and liabilities distributed to  
49 each.

50 (e) The earning capacities, educational levels, vocational  
51 skills, and employability of the parties and, when applicable,  
52 the time necessary for either party to acquire sufficient  
53 education or training to enable such party to find appropriate  
54 employment.

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

58 (g) The responsibilities each party will have with regard

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59 to any minor children they have in common.

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

63 (i) ~~(g)~~ All sources of income available to either party,  
64 including income available to either party through investments  
65 of any asset held by that party.

66  
67 (j) ~~The court may consider~~ Any other factor necessary to do  
68 equity and justice between the parties.

69 (3) To the extent necessary to protect an award of alimony,  
70 the court may order any party who is ordered to pay alimony to  
71 purchase or maintain a life insurance policy or a bond, or to  
72 otherwise secure such alimony award with any other assets which  
73 may be suitable for that purpose.

74 (4) Bridge-the-gap alimony may be awarded to assist a party  
75 by providing support to allow the party to make a transition  
76 from being married to being single. Bridge-the-gap alimony is  
77 designed to assist a party with legitimate identifiable short-  
78 term needs. An award of bridge-the-gap alimony terminates upon  
79 the death of either party or upon the remarriage of the party  
80 receiving alimony. An award of bridge-the-gap alimony shall not  
81 be modifiable in amount or duration.

82 (5) (a) Rehabilitative alimony may be awarded to assist a  
83 party in establishing the capacity for self-support through  
84 either:

85 1. The redevelopment of previous skills or credentials; or  
86 2. The acquisition of education, training, or work  
87 experience necessary to develop appropriate employment skills or

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88 credentials.

89 (b) In order to award rehabilitative alimony, there must be  
90 a specific and defined rehabilitative plan which shall be  
91 included as a part of any order awarding rehabilitative alimony.

92 (c) An award of rehabilitative alimony may be modified or  
93 terminated in accordance with s. 61.14 based upon a substantial  
94 change in circumstances, upon noncompliance with the  
95 rehabilitative plan, or upon completion of the rehabilitative  
96 plan.

97 (6) Durational alimony may be awarded when permanent  
98 periodic alimony is inappropriate. The purpose of durational  
99 alimony is to provide a party with economic assistance for a set  
100 period of time following a marriage of short or moderate  
101 duration. An award of durational alimony terminates upon the  
102 death of either party or upon the remarriage of the party  
103 receiving alimony. The amount of an award of durational alimony  
104 may be modified or terminated based upon a substantial change in  
105 circumstances in accordance with s. 61.14. However, the length  
106 of an award of durational alimony may not be modified except  
107 under exceptional circumstances.

108 (7) Permanent alimony may be awarded to provide for the  
109 needs and necessities of life as they were established during  
110 the marriage of the parties for a party who lacks the financial  
111 ability to meet his or her needs and necessities of life  
112 following a dissolution of marriage. Permanent alimony may be  
113 awarded following a marriage of long duration, following a  
114 marriage of moderate duration if such an award is appropriate  
115 upon consideration of the factors set forth in subsection (2),  
116 or following a marriage of short duration if there are

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117 exceptional circumstances. An award of permanent alimony  
118 terminates upon the death of either party or upon the remarriage  
119 of the party receiving alimony. An award may be modified or  
120 terminated based upon a substantial change in circumstances or  
121 upon the existence of a supportive relationship in accordance  
122 with s. 61.14.

123 (8)(4)(a) With respect to any order requiring the payment  
124 of alimony entered on or after January 1, 1985, unless the  
125 provisions of paragraph (c) or paragraph (d) apply, the court  
126 shall direct in the order that the payments of alimony be made  
127 through the appropriate depository as provided in s. 61.181.

128 (b) With respect to any order requiring the payment of  
129 alimony entered before January 1, 1985, upon the subsequent  
130 appearance, on or after that date, of one or both parties before  
131 the court having jurisdiction for the purpose of modifying or  
132 enforcing the order or in any other proceeding related to the  
133 order, or upon the application of either party, unless the  
134 provisions of paragraph (c) or paragraph (d) apply, the court  
135 shall modify the terms of the order as necessary to direct that  
136 payments of alimony be made through the appropriate depository  
137 as provided in s. 61.181.

138 (c) If there is no minor child, alimony payments need not  
139 be directed through the depository.

140 (d)1. If there is a minor child of the parties and both  
141 parties so request, the court may order that alimony payments  
142 need not be directed through the depository. In this case, the  
143 order of support shall provide, or be deemed to provide, that  
144 either party may subsequently apply to the depository to require  
145 that payments be made through the depository. The court shall

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146 provide a copy of the order to the depository.

147       2. If the provisions of subparagraph 1. apply, either party  
148 may subsequently file with the depository an affidavit alleging  
149 default or arrearages in payment and stating that the party  
150 wishes to initiate participation in the depository program. The  
151 party shall provide copies of the affidavit to the court and the  
152 other party or parties. Fifteen days after receipt of the  
153 affidavit, the depository shall notify all parties that future  
154 payments shall be directed to the depository.

155       3. In IV-D cases, the IV-D agency shall have the same  
156 rights as the obligee in requesting that payments be made  
157 through the depository.

158       Section 2. This act shall take effect July 1, 2010.