



463018

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

04/29/2010 11:18 AM

.

.

Senator Jones moved the following:

Senate Amendment (with title amendment)

Delete line 23

and insert:

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

61.08 Alimony.—

(1) In a proceeding for dissolution of marriage, the court may grant alimony to either party, which alimony may be bridge-the-gap, rehabilitative, durational, or permanent in nature or any combination of these forms of alimony. In any award of alimony, the court may order periodic payments or payments in



463018

14 lump sum or both. The court may consider the adultery of either
15 spouse and the circumstances thereof in determining the amount
16 of alimony, if any, to be awarded. In all dissolution actions,
17 the court shall include findings of fact relative to the factors
18 enumerated in subsection (2) supporting an award or denial of
19 alimony.

20 (2) In determining whether to a proper award of alimony or
21 maintenance, the court shall first make a specific factual
22 determination as to whether either party has an actual need for
23 alimony or maintenance and whether either party has the ability
24 to pay alimony or maintenance. If the court finds that a party
25 has a need for alimony or maintenance and that the other party
26 has the ability to pay alimony or maintenance, then in
27 determining the proper type and amount of alimony or
28 maintenance, the court shall consider all relevant economic
29 factors, including, but not limited to:

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

31 (b) The duration of the marriage.

32 (c) The age and the physical and emotional condition of
33 each party.

34 (d) The financial resources of each party, including the
35 nonmarital and the marital assets and liabilities distributed to
36 each.

37 (e) The earning capacities, educational levels, vocational
38 skills, and employability of the parties and, when applicable,
39 the time necessary for either party to acquire sufficient
40 education or training to enable such party to find appropriate
41 employment.

42 (f) The contribution of each party to the marriage,



463018

43 including, but not limited to, services rendered in homemaking,
44 child care, education, and career building of the other party.

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

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

50 (i) ~~(g)~~ All sources of income available to either party,
51 including income available to either party through investments
52 of any asset held by that party.

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

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

60 (4) For purposes of determining alimony, there is a
61 rebuttable presumption that a short-term marriage is a marriage
62 having a duration of less than 7 years, a moderate-term marriage
63 is a marriage having a duration of greater than 7 years but less
64 than 17 years, and long-term marriage is a marriage having a
65 duration of 17 years or greater. The length of a marriage is the
66 period of time from the date of marriage until the date of
67 filing of an action for dissolution of marriage.

68 (5) Bridge-the-gap alimony may be awarded to assist a party
69 by providing support to allow the party to make a transition
70 from being married to being single. Bridge-the-gap alimony is
71 designed to assist a party with legitimate identifiable short-



463018

72 term needs, and the length of an award may not exceed 2 years.
73 An award of bridge-the-gap alimony terminates upon the death of
74 either party or upon the remarriage of the party receiving
75 alimony. An award of bridge-the-gap alimony shall not be
76 modifiable in amount or duration.

77 (6) (a) Rehabilitative alimony may be awarded to assist a
78 party in establishing the capacity for self-support through
79 either:

- 80 1. The redevelopment of previous skills or credentials; or
81 2. The acquisition of education, training, or work
82 experience necessary to develop appropriate employment skills or
83 credentials.

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

87 (c) An award of rehabilitative alimony may be modified or
88 terminated in accordance with s. 61.14 based upon a substantial
89 change in circumstances, upon noncompliance with the
90 rehabilitative plan, or upon completion of the rehabilitative
91 plan.

92 (7) Durational alimony may be awarded when permanent
93 periodic alimony is inappropriate. The purpose of durational
94 alimony is to provide a party with economic assistance for a set
95 period of time following a marriage of short or moderate
96 duration. An award of durational alimony terminates upon the
97 death of either party or upon the remarriage of the party
98 receiving alimony. The amount of an award of durational alimony
99 may be modified or terminated based upon a substantial change in
100 circumstances in accordance with s. 61.14. However, the length



463018

101 of an award of durational alimony may not be modified except
102 under exceptional circumstances and may not exceed the length of
103 the marriage.

104 (8) Permanent alimony may be awarded to provide for the
105 needs and necessities of life as they were established during
106 the marriage of the parties for a party who lacks the financial
107 ability to meet his or her needs and necessities of life
108 following a dissolution of marriage. Permanent alimony may be
109 awarded following a marriage of long duration, following a
110 marriage of moderate duration if such an award is appropriate
111 upon consideration of the factors set forth in subsection (2),
112 or following a marriage of short duration if there are
113 exceptional circumstances. An award of permanent alimony
114 terminates upon the death of either party or upon the remarriage
115 of the party receiving alimony. An award may be modified or
116 terminated based upon a substantial change in circumstances or
117 upon the existence of a supportive relationship in accordance
118 with s. 61.14.

119 (9)-(4) (a) With respect to any order requiring the payment
120 of alimony entered on or after January 1, 1985, unless the
121 provisions of paragraph (c) or paragraph (d) apply, the court
122 shall direct in the order that the payments of alimony be made
123 through the appropriate depository as provided in s. 61.181.

124 (b) With respect to any order requiring the payment of
125 alimony entered before January 1, 1985, upon the subsequent
126 appearance, on or after that date, of one or both parties before
127 the court having jurisdiction for the purpose of modifying or
128 enforcing the order or in any other proceeding related to the
129 order, or upon the application of either party, unless the



463018

130 provisions of paragraph (c) or paragraph (d) apply, the court
131 shall modify the terms of the order as necessary to direct that
132 payments of alimony be made through the appropriate depository
133 as provided in s. 61.181.

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

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

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

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

154 Section 2. The amendments to s. 61.08, Florida Statutes, by
155 this act apply to all initial awards of alimony entered after
156 July 1, 2010, and modifications of such awards. Such amendments
157 may not serve as a basis to modify awards entered before July 1,
158 2010, or as a basis to change amounts or duration of awards



463018

159 existing before July 1, 2010. The amendments to s. 61.08,
160 Florida Statutes, by this act are applicable to all cases
161 pending on or filed after July 1, 2010.

162 Section 3. Effective October 1, 2010, paragraph (a) of
163

164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:
166

167 Delete line 2

168 and insert:
169

170 An act relating to child support and alimony; amending
171 s. 61.08, F.S.; allowing for award of more than one
172 type of alimony; revising factors to be considered in
173 whether to award alimony or maintenance; providing
174 rebuttable presumptions for the classification of the
175 length of marriages; providing for the determination
176 of the length of a marriage; providing for award of
177 bridge-the-gap alimony for a limited period; providing
178 that such an award is not modifiable; providing for
179 award of rehabilitative alimony in certain
180 circumstances; providing for modification or
181 termination of such an award; providing for award of
182 durational alimony in certain circumstances; providing
183 for modification or termination of such an award;
184 providing for award of permanent alimony in certain
185 circumstances; providing for modification or
186 termination of such an award; providing applicability;
187 amending