

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Hill offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 76-223 and insert:

6 form of alimony. The court may grant permanent alimony only in
7 accordance with subsection (8). In an ~~any~~ award of alimony, the
8 court may order periodic payments, ~~or~~ payments in lump sum, or
9 both.

10 (b) The court shall make written findings regarding the
11 basis for awarding a combination of forms of alimony, including
12 the type of alimony and the length of time for which the alimony
13 is awarded. The court may award a combination of forms of
14 alimony only to provide greater economic assistance in order to
15 allow the recipient to achieve rehabilitation.

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16 (c) The court may consider the adultery of either spouse
17 and the circumstances thereof in determining the amount of
18 alimony, if any, to be awarded. However, the adultery of a
19 spouse may not be the court's sole basis for:

20 1. Denying a request for alimony; or

21 2. Awarding alimony, unless the adultery contributed to a
22 depletion of marital assets.

23 (d) In all dissolution actions, the court shall include
24 written findings of fact relative to the factors provided
25 ~~enumerated~~ in subsection (3)-(2) supporting the ~~an~~ award or
26 denial of alimony.

27 (3)-(2) In determining whether to award alimony or
28 maintenance, the court shall first make, in writing, a specific
29 factual determination as to whether the either party requesting
30 alimony or maintenance has an actual need for alimony or
31 maintenance and whether the other either party has the ability
32 to pay alimony or maintenance. If the court finds that the a
33 party seeking alimony or maintenance has a need for alimony or
34 maintenance and that the other party has the ability to pay
35 alimony or maintenance, then in determining the proper type and
36 amount of alimony or maintenance under subsections (5)-(7) (5)-
37 (8), the court shall consider all relevant factors, including,
38 but not limited to:

39 (a) The standard of living established during the
40 marriage, including the needs and necessities of life for each

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41 party after the dissolution of marriage, taking into
42 consideration the presumption that both parties will have a
43 lower standard of living after the dissolution of marriage than
44 the standard of living they enjoyed during the marriage. This
45 presumption may be overcome by a preponderance of the evidence.

46 (b) The duration of the marriage.

47 (c) The age and the physical and emotional condition of
48 each party.

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

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

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

60 (g) The responsibilities each party will have with regard
61 to any minor children that the parties ~~they~~ have in common.

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

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65 (i) All sources of income available to either party,
66 including income available to either party through investments
67 of any asset held by that party.

68 (j) Any other factor necessary to do equity and justice
69 between the parties if such factor is specifically identified in
70 the award with findings of fact justifying the application of
71 such factor.

72 ~~(4)(3)~~ To the extent necessary to protect an award of
73 alimony, the obligee may ~~court may order any party who is~~
74 ~~ordered to pay alimony to~~ purchase or maintain a life insurance
75 policy on the obligor's life in an amount adequate to ~~or a bond,~~
76 ~~or to otherwise secure such alimony award with any other assets~~
77 ~~which may be suitable for that purpose.~~ If the obligee purchases
78 such a life insurance policy, the court may order the obligor to
79 cooperate in the process of procuring the issuance and
80 underwriting of such life insurance policy and to reimburse the
81 obligee for the cost of procuring and maintaining the policy.

82 ~~(4)~~ ~~For purposes of determining alimony, there is a~~
83 ~~rebuttable presumption that a short-term marriage is a marriage~~
84 ~~having a duration of less than 7 years, a moderate-term marriage~~
85 ~~is a marriage having a duration of greater than 7 years but less~~
86 ~~than 17 years, and long-term marriage is a marriage having a~~
87 ~~duration of 17 years or greater. The length of a marriage is the~~
88 ~~period of time from the date of marriage until the date of~~
89 ~~filing of an action for dissolution of marriage.~~

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90 (5) Bridge-the-gap alimony may be awarded to assist a
91 party by providing support to allow the party to make a
92 transition from being married to being single. Bridge-the-gap
93 alimony is designed to assist a party with legitimate
94 identifiable short-term needs, and the length of an award of
95 bridge-the-gap alimony may not exceed 2 years. An award of
96 bridge-the-gap alimony terminates upon the death of either party
97 or upon the remarriage of the party receiving alimony. An award
98 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
99 or duration.

100 (6) (a) Rehabilitative alimony may be awarded to assist a
101 party in establishing the capacity for self-support through
102 either:

- 103 1. The redevelopment of previous skills or credentials; or
- 104 2. The acquisition of education, training, or work
105 experience necessary to develop appropriate employment skills or
106 credentials.

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

110 (c) The length of an award of rehabilitative alimony may
111 not exceed 5 years or the limitations for durational alimony as
112 provided in subsection (7), whichever period of time is shorter.

113 (d) An award of rehabilitative alimony may be modified or
114 terminated in accordance with s. 61.14 based upon a substantial

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115 change in circumstances, upon noncompliance with the
116 rehabilitative plan, or upon completion of the rehabilitative
117 plan, including completion of the rehabilitative plan before the
118 length of the award of rehabilitative alimony expires.

119 (7) (a) Durational alimony may be awarded ~~when permanent~~
120 ~~periodic alimony is inappropriate. The purpose of durational~~
121 ~~alimony is to provide a party with economic assistance for a set~~
122 ~~period of time following a marriage of short or moderate~~
123 ~~duration or following a marriage of long duration if there is no~~
124 ~~ongoing need for support on a permanent basis.~~ An award of
125 durational alimony terminates upon the death of either party or
126 upon the remarriage of the party receiving alimony. The amount
127 of an award of durational alimony may be modified or terminated
128 based upon a substantial change in circumstances, including a
129 finding that a supportive relationship exists or existed between
130 the obligee and another person in accordance with s. 61.14.

131 ~~However,~~ The length of an award of durational alimony may not be
132 modified except under exceptional circumstances and may not
133 exceed 50 percent of the length of the marriage. For purposes of
134 this subsection, the length of a marriage is the period of time
135 beginning on the date of marriage and ending on the date the
136 action for dissolution of marriage that is currently pending
137 before the court is filed.

138 (b) When awarding durational alimony, the court must make
139 written findings that an award of another type of alimony, or

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140 any combination of the other forms of alimony, is not
141 appropriate.

142 (c) The amount of durational alimony is the amount
143 determined to be the obligee's reasonable need or 25 percent of
144 the difference between the parties' net incomes, whichever
145 amount is less.

146 (8) (a) Permanent alimony may only be awarded if:

147 1. The parties enter into an agreement for permanent
148 alimony;

149 2. The adultery of a spouse is proven by clear and
150 convincing evidence to have contributed to a depletion of
151 marital assets; or

152 3. The physical abuse of a spouse is proven by clear and
153 convincing evidence.

154 (b) When awarding permanent alimony that is not pursuant
155 to an agreement between the parties, the court must make written
156 findings establishing that either subparagraph (a)2. or (a)3.
157 applies and that an award of another type of alimony, or any
158 combination of the other forms of alimony, is not appropriate.

159 (c) An award of permanent alimony terminates upon the
160 death of either party or upon the remarriage of the party
161 receiving alimony. The amount of an award of permanent alimony
162 may be modified or terminated based upon a substantial change in
163 circumstances, including a finding that a supportive

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164 relationship exists or existed between the obligee and another
165 person in accordance with s. 61.14.

166 (9) A party against whom alimony is sought who has met the
167 requirements for retirement in accordance with s. 61.14(12)
168 before the filing of the petition for dissolution of marriage
169 may not be ordered to pay bridge-the-gap, rehabilitative,
170 durational, or permanent alimony, unless the court determines
171 that the needs and necessities of life for the party seeking
172 alimony are not adequately provided for by nonmarital assets or
173 the distribution of marital assets.

174
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176 **T I T L E A M E N D M E N T**

177 Remove line 15 and insert:

178 award of rehabilitative, durational, or permanent
179 alimony;