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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1815 Section 77. Paragraph (b) of subsection (5) of section  
1816 827.06, Florida Statutes, is amended to read:

1817 827.06 Nonsupport of dependents.—

1818 (5)

1819 (b) The element of knowledge may be proven by evidence  
1820 that a court or tribunal as defined by s. 88.1011~~(22)~~ has  
1821 entered an order that obligates the defendant to provide the  
1822 support.

1823 Section 78. Upon the passage of this bill, the Department  
1824 of Revenue is directed to apply for a waiver from the Federal  
1825 Office of Child Support Enforcement pursuant to the state plan  
1826 requirement under Title IV-D of the Social Security Act.

1827 **Section 79.** Effective July 1, 2011, subsection (9) of  
1828 section 61.08, Florida Statutes, is renumbered as subsection  
1829 (10), a new subsection (9) is added to that section, and  
1830 subsections (2), (7), and (8) of that section are amended, to  
1831 read:

1832 **61.08 Alimony.—**

1833 (2) In determining whether to award alimony or  
1834 maintenance, the court shall first make a specific factual  
1835 determination as to whether either party has an actual need for  
1836 alimony or maintenance and whether either party has the ability  
1837 to pay alimony or maintenance. If the court finds that a party  
1838 has a need for alimony or maintenance and that the other party  
1839 has the ability to pay alimony or maintenance, then in  
1840 determining the proper type and amount of alimony or maintenance  
1841 under subsections (5)-(8), the court shall consider all relevant  
1842 factors, including, but not limited to:

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- 1843 (a) The standard of living established during the  
 1844 marriage.
- 1845 (b) The duration of the marriage.
- 1846 (c) The age and the physical and emotional condition of  
 1847 each party.
- 1848 (d) The financial resources of each party, including the  
 1849 nonmarital and the marital assets and liabilities distributed to  
 1850 each.
- 1851 (e) The earning capacities, educational levels, vocational  
 1852 skills, and employability of the parties and, when applicable,  
 1853 the time necessary for either party to acquire sufficient  
 1854 education or training to enable such party to find appropriate  
 1855 employment.
- 1856 (f) The contribution of each party to the marriage,  
 1857 including, but not limited to, services rendered in homemaking,  
 1858 child care, education, and career building of the other party.
- 1859 (g) The responsibilities each party will have with regard  
 1860 to any minor children they have in common.
- 1861 (h) The tax treatment and consequences to both parties of  
 1862 any alimony award, including the designation of all or a portion  
 1863 of the payment as a nontaxable, nondeductible payment.
- 1864 (i) All sources of income available to either party,  
 1865 including income available to either party through investments  
 1866 of any asset held by that party.
- 1867 (j) Any other factor necessary to do equity and justice  
 1868 between the parties.
- 1869 (7) Durational alimony may be awarded when permanent  
 1870 periodic alimony is inappropriate. The purpose of durational

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1871 alimony is to provide a party with economic assistance for a set  
 1872 period of time following a marriage of short or moderate  
 1873 duration or following a marriage of long duration if there is no  
 1874 ongoing need for support on a permanent basis. An award of  
 1875 durational alimony terminates upon the death of either party or  
 1876 upon the remarriage of the party receiving alimony. The amount  
 1877 of an award of durational alimony may be modified or terminated  
 1878 based upon a substantial change in circumstances in accordance  
 1879 with s. 61.14. However, the length of an award of durational  
 1880 alimony may not be modified except under exceptional  
 1881 circumstances and may not exceed the length of the marriage.

1882 (8) Permanent alimony may be awarded to provide for the  
 1883 needs and necessities of life as they were established during  
 1884 the marriage of the parties for a party who lacks the financial  
 1885 ability to meet his or her needs and necessities of life  
 1886 following a dissolution of marriage. Permanent alimony may be  
 1887 awarded following a marriage of long duration if such an award  
 1888 is appropriate upon consideration of the factors set forth in  
 1889 subsection (2), following a marriage of moderate duration if  
 1890 such an award is appropriate based upon clear and convincing  
 1891 evidence after consideration of the factors set forth in  
 1892 subsection (2), or following a marriage of short duration if  
 1893 there are written findings of exceptional circumstances. In  
 1894 awarding permanent alimony, the court shall include a finding  
 1895 that no other form of alimony is fair and reasonable under the  
 1896 circumstances of the parties. An award of permanent alimony  
 1897 terminates upon the death of either party or upon the remarriage  
 1898 of the party receiving alimony. An award may be modified or

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1899 terminated based upon a substantial change in circumstances or  
 1900 upon the existence of a supportive relationship in accordance  
 1901 with s. 61.14.

1902 (9) The award of alimony may not leave the payor with  
 1903 significantly less net income than the net income of the  
 1904 recipient unless there are written findings of exceptional  
 1905 circumstances.

1906 Section 80. Effective July 1, 2011, the amendments to s.  
 1907 61.08, Florida Statutes, made by this act apply to all initial  
 1908 awards of alimony entered after July 1, 2011, and to all  
 1909 modifications of alimony of such awards made after July 1, 2011.  
 1910 Such amendments may not serve as a basis to modify awards  
 1911 entered before July 1, 2011, or as a basis to change amounts or  
 1912 duration of awards existing before July 1, 2011. The amendments  
 1913 to s. 61.08, Florida Statutes, made by this act are applicable  
 1914 to all cases pending on or filed after July 1, 2011.

1915 Section 81. Except as otherwise expressly provided in this  
 1916 act, this act shall take effect upon the earlier of 90 days  
 1917 following Congress amending 42 U.S.C. s. 666(f) to allow or  
 1918 require states to adopt the 2008 version of the Uniform  
 1919 Interstate Family Support Act, or 90 days following the state  
 1920 obtaining a waiver of its state plan requirement under Title IV-  
 1921 D of the Social Security Act.