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By Representative Eggelation

1 A bill to be entitled
 2 An act relating to equitable distribution of
 3 marital assets and liabilities; amending s.
 4 61.075, F.S.; prescribing factors to be
 5 considered by a court before entering a final
 6 judgment making a determination of the credits
 7 or set-offs upon the sale of the marital home;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (10) is added to section 61.075,
 13 Florida Statutes, 1996 Supplement, to read:

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

16 (10) A party is not entitled to any credits or
 17 set-offs upon the sale of the marital home unless the parties'
 18 settlement agreement, Final Judgment of Dissolution of
 19 Marriage, or Final Judgment Equitably Distributing Assets or
 20 Debts specifically provides that certain credits or set-offs
 21 are allowed or given at the time of the sale. In the absence
 22 of a settlement agreement involving the marital home, the
 23 court shall consider the following factors before determining
 24 the issue of credits or set-offs in its final judgment:

25 (a) Whether exclusive use and possession of the
 26 marital home is being awarded, and the basis for the award;

27 (b) Whether alimony is being awarded to the party in
 28 possession and whether the alimony is being awarded to cover,
 29 in part or otherwise, the mortgage and taxes and other
 30 expenses of and in connection with the marital home;

31

1 (c) Whether child support is being awarded to the
2 party in possession and whether the child support is being
3 awarded to cover, in part or otherwise, the mortgage and taxes
4 and other expenses of and in connection with the marital home;

5 (d) The value to the party in possession of the use
6 and occupancy of the marital home;

7 (e) The value of the loss of use and occupancy of the
8 marital home to the party out of possession;

9 (f) Which party will be entitled to claim the mortgage
10 interest payments, real property tax payments, and related
11 payments in connection with the marital home as tax deductions
12 for federal income tax purposes;

13 (g) Whether one or both parties will experience a
14 capital gains taxable event as a result of the sale of the
15 marital home; and

16 (h) Any other factor necessary to bring about equity
17 and justice between the parties.

18 Section 2. The provisions of this act apply to all
19 settlement agreements entered into or actions filed on or
20 after October 1, 1997.

21 Section 3. This act shall take effect October 1, 1997.

22
23 *****

24 SENATE SUMMARY

25 Prescribes factors to be considered by a court in a
26 divorce case before entering a final judgment making a
27 determination of the credits or set-offs upon the sale of
28 the marital home.
29
30
31

By Senator Campbell

33-1113-97

1 A bill to be entitled
2 An act relating to equitable distribution of
3 marital assets and liabilities; amending s.
4 61.075, F.S.; prescribing factors to be
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6 judgment making a determination of the credits
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28 possession and whether the alimony is being awarded to cover,
29 in part or otherwise, the mortgage and taxes and other
30 expenses of and in connection with the marital home;

31

EXTRACT from,
Final Legislative Bill Information, 1997
published by the Joint Legislative Management Committee,
Legislative Information Division

The following information has been extracted from the publication above, pages 153 and 303 (S.B. 2058 and H.B. 1601, respectively):

S 2058 GENERAL BILL by Campbell (Similar 1ST ENG/H 1601)
Marital Assets & Liabilities; prescribes factors to be considered by court before entering final judgment making determination of credits or set-offs upon sale of marital home. Amends 61 075 Effective Date: 10/01/1997.
03/04/97 SENATE Filed
03/19/97 SENATE Introduced, referred to Judiciary -SJ 00235
04/08/97 SENATE On Committee agenda—Judiciary, 04/10/97, 9 00 am, Room-1C(309)—Not considered
04/11/97 SENATE On Committee agenda—Judiciary, 04/15/97, 2.00 pm, Room-1C(309)
04/15/97 SENATE Comm Action -Favorable with 1 amendment(s) by Judiciary -SJ 00521
04/16/97 SENATE Placed on Calendar -SJ 00521
04/29/97 SENATE Placed on Special Order Calendar -SJ 00938
04/30/97 SENATE Placed on Special Order Calendar -SJ 00938, -SJ 01096
05/01/97 SENATE Placed on Consent Calendar -SJ 01294, Read second time -SJ 01131; Amendment(s) adopted -SJ 01131, House Bill substituted -SJ 01131; Laid on Table, Ident./Sim / Compare Bill(s) passed, refer to HB 1601 (Ch 97-249)

H 1601 GENERAL BILL/1ST ENG by Eggelletion (Similar S 2058)
Marital Assets & Liabilities, prescribes factors to be considered by court before entering final judgment making determination of credits or set-offs upon sale of marital home. Creates 61 077 Effective Date: 10/01/1997.
03/20/97 HOUSE Filed; Introduced -HJ 00256
04/11/97 HOUSE Referred to Family Law & Children (JC) -HJ 00524; On Committee agenda—Family Law & Children (JC), 04/17/97, 4.15 pm, Morris Hall
04/18/97 HOUSE Comm. Action -Unanimously Favorable with 1 amendment(s) by Family Law & Children (JC) -HJ 00665
04/21/97 HOUSE Pending Consent Calendar -HJ 00665
04/23/97 HOUSE Available for Consent Calendar
04/24/97 HOUSE Placed on Consent Calendar
04/25/97 HOUSE Read second time -HJ 00938; Amendment(s) adopted -HJ 00938, Read third time -HJ 00938, Passed as amended, YEAS 114 NAYS 0 -HJ 00938
04/25/97 SENATE In Messages
04/28/97 SENATE Received, referred to Judiciary -SJ 00719
05/01/97 SENATE Withdrawn from Judiciary -SJ 01131; Substituted for SB 2058 -SJ 01131, Read second and third times -SJ 01131, Passed, YEAS 37 NAYS 0 -SJ 01131
05/01/97 HOUSE Ordered enrolled -HJ 01755
05/14/97 Signed by Officers and presented to Governor
05/30/97 Became Law without Governor's Signature, Chapter No 97-249

EXTRACT from,
Final Legislative Bill Information, 1997
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The following information has been extracted from the publication above, pages 153 and 303 (S.B. 2058 and H.B. 1601, respectively):

S 2058 GENERAL BILL by Campbell (Similar 1ST ENG/H 1601)
Marital Assets & Liabilities; prescribes factors to be considered by court before entering final judgment making determination of credits or set-offs upon sale of marital home. Amends 61.075. Effective Date: 10/01/1997.
03/04/97 SENATE Filed
03/19/97 SENATE Introduced, referred to Judiciary -SJ 00238
04/06/97 SENATE On Committee agenda—Judiciary, 04/10/97, 9 00 am, Room-1C(309)—Not considered
04/11/97 SENATE On Committee agenda—Judiciary, 04/15/97, 2.00 pm, Room-1C(309)
04/15/97 SENATE Comm Action:-Favorable with 1 amendment(s) by Judiciary -SJ 00521
04/16/97 SENATE Placed on Calendar -SJ 00521
04/29/97 SENATE Placed on Special Order Calendar -SJ 00938
04/30/97 SENATE Placed on Special Order Calendar -SJ 00938, -SJ 01096
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04/24/97 HOUSE Placed on Consent Calendar
04/25/97 HOUSE Read second time -HJ 00938; Amendment(s) adopted -HJ 00938. Read third time -HJ 00938. Passed as amended; YEAS 114 NAYS 0 -HJ 00938
04/25/97 SENATE In Messages
04/28/97 SENATE Received, referred to Judiciary -SJ 00719
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05/01/97 HOUSE Ordered enrolled -HJ 01755
05/14/97 Signed by Officers and presented to Governor
05/30/97 Became Law without Governor's Signature, Chapter No 97-249

By Senator Campbell

33-1113-97

A bill to be entitled

An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

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

Section 1. Subsection (10) is added to section 61.075, Florida Statutes, 1996 Supplement, to read:

61.075 Equitable distribution of marital assets and liabilities.--

(10) A party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, Final Judgment of Dissolution of Marriage, or Final Judgment Equitably Distributing Assets or Debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the court shall consider the following factors before determining the issue of credits or set-offs in its final judgment:

(a) Whether exclusive use and possession of the marital home is being awarded, and the basis for the award;

(b) Whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home;

33-1113-97

(c) Whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home;

(d) The value to the party in possession of the use and occupancy of the marital home;

(e) The value of the loss of use and occupancy of the marital home to the party out of possession;

(f) Which party will be entitled to claim the mortgage interest payments, real property tax payments, and related payments in connection with the marital home as tax deductions for federal income tax purposes;

(g) Whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home; and

(h) Any other factor necessary to bring about equity and justice between the parties.

Section 2. The provisions of this act apply to all settlement agreements entered into or actions filed on or after October 1, 1997.

Section 3. This act shall take effect October 1, 1997.

SENATE SUMMARY

Prescribes factors to be considered by a court in a divorce case before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

Date April 3, 1997 Revised 4/16/97 _____

Subject Marital Assets & Liabilities

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1	<u>Wiehle</u>	<u>Lang</u>	<u>JU</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill provides that a party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, Final Judgment of Dissolution of Marriage, or Final Judgment Equitably Distributing Assets or Debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the court is to consider the specified factors before determining the issue of credits or set-offs in its final judgment.

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997.

This bill substantially amends section 61.075 of the Florida Statutes.

II. Present Situation:

Equitable Distribution Statute

Section 61.075, F.S., provides for equitable distribution of marital assets and liabilities in dissolution of marriage actions. In distributing the marital assets and liabilities between the parties, the court must begin with the premise that the distribution should be equal, unless there is a justification for an unequal distribution based on all relevant factors.

One of the statutory factors to be considered is the desirability of retaining the marital home as a residence for any dependent child of the marriage, or any other party, when it would be equitable to do so, it is in the best interest of the child or that party, and it is financially feasible for the parties to maintain the residence until the child is emancipated or until exclusive possession is

otherwise terminated by a court of competent jurisdiction. In making this determination, the court is to first determine if it would be in the best interest of the dependent child to remain in the marital home, and, if not, whether other equities would be served by giving any other party exclusive use and possession of the marital home.

Exclusive Possession Case Law

A good summary of the case law on awards of exclusive possession of the marital home in dissolution of marriage actions is as follows:

An award of "exclusive possession" of property upon dissolution of the marriage relationship between joint owners must either be directly connected with a support obligation or a temporary necessity to protect the value of the property for the benefit of the joint owners. Otherwise, the exclusive possession award unlawfully deprives a joint owner of his right to possess his interest in the property and of his right to partition. The exclusive possession should be for a specified period of time required for the purpose stated. A joint owner of property paying expenses necessarily attendant to the ownership of property is ordinarily entitled to reimbursement from other joint owners for a proportionate share of such expenses. However, a joint owner is likewise entitled to reimbursement for the use value of his interest when excluded and deprived of the joint use and enjoyment of the property by a joint owner under circumstances where such use value is not provided as "payment in kind" to meet some definite legal duty to support an occupant of the property.

Cone v. Cone, 449 So 2d 867 (Fla. 5th DCA 1984) (footnotes and citations omitted)

Upon termination of the time period for exclusive possession, the property is to be sold and the proceeds divided as provided in the order which provided the exclusive possession. Upon entry of the order for exclusive possession of the marital home, the parties become tenants in common and, as such, have equal responsibility in making all payments necessary to repair and maintain the property and all payments necessary to maintain their ownership of the property. *Kelly v. Kelly*, 583 So 2d 667 (Fla. 1991). The rule applicable to tenancies in common is that all owners contribute equally to the costs both of repair and maintenance of the property and of maintenance of the ownership interest in the property. *Id.* Thus, upon sale of the property, the possessory party is entitled to a claim for one-half of any payments made by that party for expenses for repair and maintenance and to make mortgage payments. *Id.*

As to a set-off against this claim for the value of the use of the property by the possessory party, the rights of an out-of-possession cotenant for credit for fair rental value depend on the circumstances. *Id.* If such person is ousted by a court order following a marriage dissolution and no reimbursement for rental value is provided in that judgment, it is assumed that the trial judge intended that there be none. *Id.*

III. Effect of Proposed Changes:

The bill adds a new subsection (10) to s 61 075, F S., prescribing factors to be considered by a court in a dissolution of marriage action before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home

A party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, Final Judgment of Dissolution of Marriage, or Final Judgment Equitably Distributing Assets or Debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the court shall consider the following factors before determining the issue of credits or set-offs in its final judgment

- Whether exclusive use and possession of the marital home is being awarded, and the basis for the award,
- Whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home,
- Whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home,
- The value to the party in possession of the use and occupancy of the marital home,
- The value of the loss of use and occupancy of the marital home to the party out of possession;
- Which party will be entitled to claim the mortgage interest payments, real property tax payments, and related payments in connection with the marital home as tax deductions for federal income tax purposes,
- Whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home, and
- Any other factor necessary to bring about equity and justice between the parties

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None

B. Public Records/Open Meetings Issues:

None

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A Tax/Fee Issues:

None

B Private Sector Impact.

Indeterminate

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None

VII. Related Issues:

None

VIII. Amendments:

#1 by Judiciary:

Technical amendment to cause the bill to create a new section of the statutes instead of amending an existing section. (WITH TITLE AMENDMENT)

A bill to be entitled

An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

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

Section 1. Subsection (10) is added to section 61.075, Florida Statutes, 1996 Supplement, to read:

61.075 Equitable distribution of marital assets and liabilities.--

(10) A party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, Final Judgment of Dissolution of Marriage, or Final Judgment Equitably Distributing Assets or Debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the court shall consider the following factors before determining the issue of credits or set-offs in its final judgment:

(a) Whether exclusive use and possession of the marital home is being awarded, and the basis for the award;

(b) Whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home;

~~(c) Whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home;~~

~~(d) The value to the party in possession of the use and occupancy of the marital home;~~

~~(e) The value of the loss of use and occupancy of the marital home to the party out of possession;~~

~~(f) Which party will be entitled to claim the mortgage interest payments, real property tax payments, and related payments in connection with the marital home as tax deductions for federal income tax purposes;~~

~~(g) Whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home; and~~

~~(h) Any other factor necessary to bring about equity and justice between the parties.~~

Section 2. The provisions of this act apply to all settlement agreements entered into or actions filed on or after October 1, 1997.

Section 3. This act shall take effect October 1, 1997.

SENATE SUMMARY

Prescribes factors to be considered by a court in a divorce case before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home.

STORAGE NAME: h1601z.flc
DATE: June 10, 1997

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: , Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Family Law and Children
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1601
RELATING TO: Equitable distribution of marital assets and liabilities
SPONSOR(S): Representative Eggelation
STATUTE(S) AFFECTED: Creates section 61.077.
COMPANION BILL(S): SB 2058 (Similar)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) FAMILY LAW AND CHILDREN YEAS 8 NAYS 0
(2)
(3)
(4)
(5)

I. SUMMARY:

The bill provides that a party in a dissolution of marriage proceeding is not entitled to any credits or set-offs upon the sale of the marital home unless the credits or set-offs allowed or given at the time of sale are specifically provided for in the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts. In the absence of a settlement agreement involving the marital home, the court is to consider specified factors before making a determination on the issue of credits or set-offs in its final judgment.

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997.

The bill is predicted to have no fiscal impact on state or local governments.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 61.075, F.S., provides for the equitable distribution of marital assets and liabilities in dissolution of marriage proceedings. In distributing the marital assets and liabilities between the parties, the court must begin with the premise that the distribution should be equal, unless there is a justification for an unequal distribution based on all relevant factors. One of the factors to be considered is the desirability of retaining the marital home as a residence for any dependent child of the marriage, or any other party, when it would be equitable to do so, when it is in the best interest of the child or that party, and when it is financially feasible for the parties to maintain the residence until the child is emancipated or until exclusive possession is otherwise terminated by a court of competent jurisdiction.

Under current law, the parties may agree or the court may order that a party in a dissolution of marriage proceeding shall have the right to have the exclusive use and possession of the former marital home for a period of time. This time period is usually until the youngest child reaches 18 years of age or becomes otherwise emancipated or the party remarries, whichever ever occurs first.

The agreement or court order generally provides that the spouse having possession of the former marital home shall make the mortgage payments during the period of the exclusive use and possession of the former marital home. In addition, the agreement or the court order usually provides that upon the termination of the exclusive use and possession, the former marital home will be sold and the net proceeds will be divided between the parties.

The custodial parent is usually given the exclusive use and possession of the former marital home. The custodial parent usually also receives child support and in some cases alimony and child support. This support or alimony is intended to help meet the needs of the minor child or former spouse. Those needs include housing expenses such as mortgage payments. The party having the exclusive use and possession of the former marital home and paying the mortgage payments usually takes the mortgage interest payment deductions and property tax deductions for federal income tax purposes. In addition, that party also has the benefit of the value of having exclusive use and possession and is not required to seek alternative housing.

The spouse not having the exclusive use and possession of the former marital home must seek and secure alternative housing, must pay the rent or mortgage payment required by that housing and is generally not entitled to take the property tax and mortgage interest payment deductions associated with the former marital home for federal income tax purposes. This spouse also loses the use of the former marital home and the benefits and value associated with the use of the home while continuing to contribute towards the mortgage payments on the former marital home with child support and/or alimony.

Notwithstanding the fact that the parties' marital settlement agreement or the court's final order may provide that upon the termination of the exclusive use and possession of the former marital home each party will receive 50% of the net sales proceeds, at the time of the termination of the exclusive use and possession and sale of the former marital home, the former spouse having exclusive use and possession of the former marital

home may ask the court for an award of a credit against the other spouse's proceeds in an amount equal to 50% of the mortgage payments made by him or her during the period of exclusive use and possession.

This credit does not take into consideration that the support paid was already a contribution towards the mortgage payments, that the party having possession reduced his or her federal income tax liability by taking advantage of the mortgage interest, or that the spouse out of possession lost the value and use of the house for a period of time. This credit may serve to decrease or eliminate entirely the net proceeds from the sale of the home owed to the spouse who has been out of possession.

B. EFFECT OF PROPOSED CHANGES:

The bill creates section 61.077, F.S. giving factors to be considered by a court in a dissolution of marriage action before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home.

The bill provides that a party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the following factors are to be considered by the court before determining the issue of credits or set-offs in its final judgment:

- whether exclusive use and possession of the marital home is being awarded and the basis for the award
- whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- the value to the party in possession of the use and occupancy of the marital home
- the value of the loss of use and occupancy of the marital home to the party out of possession
- which party will be entitled to claim the mortgage interest payments in connection with the marital home as tax deductions for federal income tax purposes
- whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home
- any other factor necessary to bring about equity and justice between the parties

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

This section is not applicable to this bill.

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

This section is not applicable to this bill.

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

It provides specific criteria relating to credits and set-offs upon the sale of the marital home as the result of a dissolution of marriage.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. • SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 61.075, F.S., 1996 Supplement, to provide that a party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the following factors are to be considered by the court before determining the issue of credits or set-offs in its final judgment:

- whether exclusive use and possession of the marital home is being awarded and the basis for the award
- whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- the value to the party in possession of the use and occupancy of the marital home
- the value of the loss of use and occupancy of the marital home to the party out of possession
- which party will be entitled to claim the mortgage interest payments in connection with the marital home as tax deductions for federal income tax purposes
- whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home
- any other factor necessary to bring about equity and justice between the parties

Section 2. Provides that the provisions of this act shall apply to all settlement agreements entered into or actions filed on or after October 1, 1997.

Section 3. Provides for an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See fiscal comment.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. **FISCAL COMMENTS:**

The Office of the State Courts Administrator has estimated that this bill will result in an increase in the length of time required for hearings in dissolution of marriage cases which will result in an indeterminate cost to the court system. The Family Law Section of the Florida Bar has predicted that this bill will substantially reduce post divorce litigation.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

An amendment has been offered to the Senate companion (SB 2058) which moves this change from a subsection of the equitable distribution statute (s. 61.075, F.S.) to a newly created section (s. 61.077, F.S.).

On page 1, line 21 of the bill, it is unclear whether "final judgment" refers to the final judgment of dissolution of marriage or the final judgment equitably distributing assets or debts.

The bill was passed in the House as amended on April 25, 1997; YEAS 114 NAYS 0. It was received by the Senate on April 28, 1997 and referred to Judiciary. On May 1, 1997 it was withdrawn from Judiciary and substituted for SB 2058. It passed the Senate; YEAS 3 NAYS 0. It became law without the Governor's signature on May 30, 1997.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

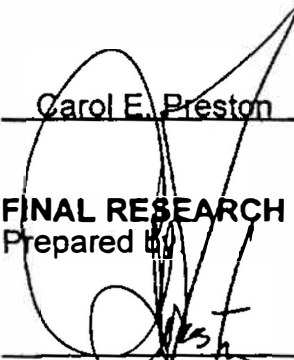
One amendment was adopted by the Committee on Family Law and Children on April 17, 1997.

Amendment #1: Creates a new section s. 61.077, F.S. rather than amending s. 61.075, F.S.

VII. SIGNATURES:

COMMITTEE ON Family Law and Children:
Prepared by:

Legislative Research Director:



Carol E. Preston



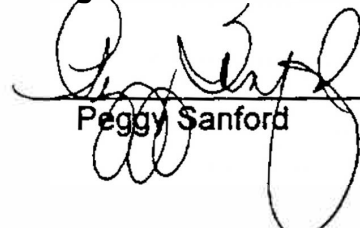
Peggy Sanford

FINAL RESEARCH PREPARED BY COMMITTEE ON Family Law and Children:
Prepared by:

Legislative Research Director:



Carol E. Preston



Peggy Sanford

Journal
of the
Florida
House of Representatives



Ninety-ninth
Regular Session

since Statehood in 1845

March 4 through May 2, 1997

[Including a record of transmittal of Acts subsequent to *sine die* adjournment]

contracting businesses and do not have to obtain an occupational license in addition to any they are otherwise required to have

Section 5 This act shall take effect July 1, 1997

And the title is amended as follows

On page 1, line(s) 1, remove from the title of the bill all of said lines

and insert in lieu thereof An act relating to alarm system contracting, amending s 489 505, F S , modifying a definition, amending s 489 518, F S , providing exceptions to training and background check requirements, amending s 489 529, F S , providing an exception to an alarm verification requirement, creating s 489 5315, F S , clarifying occupational licensure requirements, providing an effective date

Rep Heyman moved the adoption of the amendment, which was adopted

On motion by Rep Heyman, the rules were suspended and HB 1307, as amended, was read the third time by title On passage, the vote was

Yeas—111

Table with 4 columns of names: The Chair, Albright, Andrews, Argenziano, Arnall, Arnold, Bainter, Ball, Barreiro, Betancourt, Bitner, Bloom, Boyd, Bradley, Bronson, Brooks, Brown, Bullard, Burroughs, Bush, Byrd, Carlton, Casey, Clemons, Constantine, Cosgrove, Crady, Crist, Crow, Culp, Dennis, Diaz de la Portilla, Dockery, Edwards, Effman, Eggelletion, Fasano, Feeney, Fischer, Flanagan, Fuller, Futch, Gay, Goode, Hafner, Harrington, Healey, Heyman, Hill, Horan, Jacobs, Jones, Kelly, King, Kosmas, Lacasa, Laurent, Lawson, Lippman, Littlefield, Logan, Lynn, Mackenzie, Mackey, Martinez, Maygarden, Meek, Melvin, Merchant, Miller, Minton, Morroni, Morse, Murman, Ogles, Peaden, Posey, Prewitt, D, Pruitt, K., Putnam, Rayson, Reddick, Ritchie, Ritter, Roberts-Burke, Rodriguez-Chomat, Rojas, Safley, Sanderson, Saunders, Sembler, Silver, Sandler, Smith, Spratt, Stabins, Stafford, Starks, Thrasher, Tobin, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Westbrook, Wiles, Wise, Ziebarth

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Bradley, Bronson, Chestnut, Constantine, Crady, Culp, Dennis, Edwards, Feeney, Flanagan, Garcia, Gay, Hafner, Horan, Jones, Lawson, Littlefield, Logan, Lynn, Mackenzie, Mackey, Meek, Merchant, Minton, Morse, Posey, K Pruitt, Reddick, Sanderson, Sembler, Smith, Stabins, Starks, Sublette, Thrasher, Valdes, Villalobos, Wasserman Schultz, Wise

Votes after roll call

Yeas—Brennan

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 1601—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities, amending s 61 075, F.S , prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home, providing an effective date

—was read the second time by title

The Committee on Family Law & Children offered the following

Amendment 1 (with title amendment)—On page 1, line(s) 12 through 16, remove from the bill said lines

and insert in lieu thereof Section 1 Section 61 077, F S , is created to read

61 077 A party is not entitled to any credits or

And the title is amended as follows

On page 1, line(s) 3 and 4, remove the words "amending s 61 075, F S ," from the title of the bill

and insert in lieu thereof creating s 61 077, F S ,

Rep Eggelletion moved the adoption of the amendment, which was adopted

On motion by Rep Eggelletion, the rules were suspended and HB 1601, as amended, was read the third time by title On passage, the vote was

Yeas—114

Table with 4 columns of names: The Chair, Albright, Andrews, Argenziano, Arnall, Arnold, Bainter, Bail, Barreiro, Betancourt, Bitner, Bloom, Boyd, Bradley, Brennan, Bronson, Brooks, Brown, Bullard, Burroughs, Bush, Byrd, Carlton, Casey, Clemons, Constantine, Cosgrove, Crady, Crist, Crow, Culp, Dawson-White, Dennis, Diaz de la Portilla, Dockery, Edwards, Effman, Eggelletion, Fasano, Feeney, Fischer, Flanagan, Fuller, Futch, Gay, Geller, Goode, Hafner, Harrington, Healey, Heyman, Hill, Horan, Jacobs, Jones, Kelly, King, Kosmas, Lacasa, Laurent, Lawson, Lippman, Littlefield, Logan, Lynn, Mackenzie, Mackey, Martinez, Maygarden, Meek, Melvin, Merchant, Miller, Minton, Morroni, Morse, Murman, Ogles, Peaden, Posey, Prewitt, D, Pruitt, K., Putnam, Rayson, Reddick, Ritchie, Ritter, Roberts-Burke, Rodriguez-Chomat, Rojas, Safley, Sanderson, Saunders, Sembler, Silver, Sandler, Smith, Spratt, Stabins, Stafford, Starks, Thrasher, Tobin, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Westbrook, Wiles, Wise, Ziebarth

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Bradley, Bronson, Chestnut, Constantine, Crady, Culp, Dennis, Edwards, Feeney, Flanagan, Garcia, Gay, Hafner, Horan, Jones, Lawson, Littlefield, Logan, Lynn, Mackenzie, Mackey, Meek, Merchant, Minton, Morse, Posey, K Pruitt, Reddick, Sanderson, Sembler, Smith, Stabins, Starks, Sublette, Thrasher, Valdes, Villalobos, Wasserman Schultz, Wise

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 1603—A bill to be entitled An act relating to fire safety, amending s 633 021, F S , clarifying a definition, amending s 633 061, F S ; limiting the number of licenses a person may hold, revising certain trainee criteria, revising State Fire Marshal rulemaking authority,



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Number 22—Regular Session

Thursday, May 1, 1997

F S relating to records of executive agency publications, removing requirement for financial and performance audits of the corporation by the Auditor General, amending s 946 503, F S, redefining "facilities" with respect to correctional work programs, amending s 946 504, F S, relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs to conform amending s 946 505, F S relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s 946 509(1), F S relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference, providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease, amending s 946 511, F S, revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts, defining the term "revenue-generating contracts", amending s 946 512, F S, relating to inmate compensation plan, providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund, removing provision for annual appropriation, amending s 946 515, F S, permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law, amending s 946 516, F S, requiring a performance audit in 1999, and thereafter at the request of the Joint Legislative Auditing Committee, of the corporation by the Office of Program Policy Analysis and Government Accountability, authorizing the Auditor General to conduct a financial audit at least once every five years or upon request of the Joint Legislative Auditing Committee, amending s 945 04, F S, deleting certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon, deleting the prohibition against the department removing inmates assigned to certain work programs with specified exceptions, repealing s 946 009, F S, relating to operational guidelines for correctional work programs, creating s 946 520, F S, requiring the department to assign certain inmates to specified work programs, requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs, providing an exclusion to the percentage requirement for certain institutions, prohibiting the department from removing inmates from specified work assignments except under certain circumstances, providing an effective date

—was read the second time by title

Amendments were considered to conform CS for SB 2038 to CS for HB 1129

Pending further consideration of CS for SB 2038 as amended, on motion by Senator Latvala, by two-thirds vote CS for HB 1129 was withdrawn from the Committees on Criminal Justice, Governmental Reform and Oversight, and Ways and Means

On motion by Senator Latvala—

CS for HB 1129—A bill to be entitled An act relating to correctional work programs, amending s 212 08, F S, relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes, providing an exemption for products sold by the corporation authorized to operate correctional work programs, providing for applicability of the exemption retroactive to July 1, 1983, amending s 946 503, F S, redefining "facilities" with respect to correctional work programs, amending s 946 504, F S, relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform, amending s 946 505, F S, relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s 946 509(1), F S, relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference, providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease, amending s 946 511, F S, revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and "revenue-generating contracts," as defined, amending s 946 512, F S, relating to inmate compensation plan, and reenacting s 946 513(1), F S, relating to disposition of compensation received for private employment of inmates, to incorporate said amendment in a reference, providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund, removing provision for annual appropriation, amending s 946 515, F S, and reenacting s 946 518, F S, relating to prohibitions on sale of goods by prisoners, to incorporate said amendment in a reference, permitting the furnishing or sale of services or items produced

by the corporation when not otherwise prohibited by law, creating s 946 520 F S, providing for assignment of certain inmates to specified work programs, requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs, providing an exclusion to the percentage requirement for certain institutions, prohibiting the department from removing inmates from specified work assignments except under certain circumstances, repealing s 945 04(4) & (5), F S, relating to certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon, repealing s 946 009, F S, relating to operational guidelines for correctional work programs, providing an effective date

—a companion measure, was substituted for CS for SB 2038 as amended and read the second time by title On motion by Senator Latvala, by two-thirds vote CS for HB 1129 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Silver
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call

Yea—McKay

SENATOR BANKHEAD PRESIDING

On motion by Senator Campbell—

SB 2058—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities, amending s 61 075, F S prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home, providing an effective date

—was read the second time by title

An amendment was considered to conform SB 2058 to HB 1601

Pending further consideration of SB 2058 as amended, on motion by Senator Campbell, by two-thirds vote HB 1601 was withdrawn from the Committee on Judiciary

On motion by Senator Campbell—

HB 1601—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities, creating s 61 077, F S, prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home, providing an effective date

—a companion measure, was substituted for SB 2058 as amended and read the second time by title On motion by Senator Campbell, by two-thirds vote HB 1601 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—37

Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Clary	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin

Silver Thomas Turn Williams
 Sullivan
 Nays—None
 Vote after roll call
 Yea—Madam President

Kurth Meadows Rossin Thomas
 Latvala Myers Silver Turner
 Lee Ostalkiewicz Sullivan Williams
 McKay
 Nays—None
 Vote after roll call
 Yea—Campbell

THE PRESIDENT PRESIDING

On motion by Senator Horne, by two-thirds vote **HB 1853** was withdrawn from the Committees on Education, Health Care, and Ways and Means

On motion by Senator Horne—

HB 1853—A bill to be entitled An act relating to Medicaid, amending ss 236 0812, 409 9071, 409 908, 409 9122, and 409 9126, F S, revising and conforming provisions relating to school-based services provided to children under the Medicaid certified school match program, expanding included services, providing limitations, deleting obsolete language, clarifying recipient eligibility requirements and providing for cooperation with the Department of Education, directing the Agency for Health Care Administration to submit a state plan amendment, and to seek federal waivers when necessary, authorizing the agency to conduct school district compliance reviews, revising budget and reimbursement provisions, directing the agency to develop a reimbursement schedule, authorizing certain retroactive reimbursements, providing an exemption from background screening requirements, providing for managed care plan agreements with school districts and county health departments, providing for procedures to ensure continuity of care, providing an effective date

—a companion measure, was substituted for **CS for CS for SB 2194** and read the second time by title On motion by Senator Horne, by two-thirds vote **HB 1853** was read the third time by title, passed and certified to the House The vote on passage was

Yeas—34

Madam President	Dantzler	Horne	Meadows
Bronson	Dudley	Jenne	Myers
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Kirkpatrick	Scott
Campbell	Grant	Klein	Silver
Casas	Gutman	Kurth	Turner
Clary	Hargrett	Latvala	Williams
Cowin	Harris	Lee	
Crist	Holzendorf	McKay	

Nays—None

Vote after roll call

Yea—Diaz-Balart, Ostalkiewicz, Sullivan

On motion by Senator Hargrett—

CS for SB 2310—A bill to be entitled An act relating to the DUI Programs Coordination Trust Fund, amending s 322 293, F S, providing for an offender security account, providing for assessments, providing an effective date

—was read the second time by title On motion by Senator Hargrett, by two-thirds vote **CS for SB 2310** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House The vote on passage was

Yeas—37

Madam President	Childers	Dudley	Harris
Bankhead	Clary	Dyer	Horne
Bronson	Cowin	Forman	Jenne
Brown-Waite	Crist	Grant	Jones
Burt	Dantzler	Gutman	Kirkpatrick
Casas	Diaz-Balart	Hargrett	Klein

On motion by Senator Jones, by two-thirds vote **HB 1623** was withdrawn from the Committees on Commerce and Economic Opportunities, Community Affairs, and Ways and Means

On motion by Senator Jones—

HB 1623—A bill to be entitled An act relating to enterprise zones, amending s 290 0055, F S, authorizing certain charter counties to apply to enlarge the boundary lines of an enterprise zone within the county under certain conditions, providing for approval of the application under certain conditions, providing an effective date

—a companion measure, was substituted for **SB 2342** and read the second time by title On motion by Senator Jones, by two-thirds vote **HB 1623** was read the third time by title, passed and certified to the House The vote on passage was

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call

Yea—Campbell

On motion by Senator Rossin—

SB 2346—A bill to be entitled An act relating to health insurance contracts, amending ss 627 6416, 627 6579 F S, amending the definition of the term "child health supervision services", amending requirements for such services, providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies, amending s 641 31, F S, providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto, requiring the continuing coverage, past the usual limiting age, of certain dependent children, providing an effective date

—was read the second time by title

An amendment was considered to conform **SB 2346** to **HB 1785**

Pending further consideration of **SB 2346** as amended, on motion by Senator Rossin by two-thirds vote **HB 1785** was withdrawn from the Committees on Banking and Insurance, Health Care, and Ways and Means

On motion by Senator Rossin—

HB 1785—A bill to be entitled An act relating to health insurance contracts amending ss 627 6416, 627 6579, F S, amending the definition of the term "child health supervision services", amending requirements for such services providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies amending s 627 6699, F S, authorizing certain small employer carriers to impose certain requirements in

STORAGE NAME. h1601.flc
DATE: April 11, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #. HB 1601
RELATING TO: Equitable distribution of marital assets and liabilities
SPONSOR(S). Representative Eggelation
STATUTE(S) AFFECTED: Section 61 075
COMPANION BILL(S): SB 2058 (Similar)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) FAMILY LAW AND CHILDREN
(2)
(3)
(4)
(5)

I. SUMMARY:

The bill provides that a party in a dissolution of marriage proceeding is not entitled to any credits or set-offs upon the sale of the marital home unless the credits or set-offs allowed or given at the time of sale are specifically provided for in the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts. In the absence of a settlement agreement involving the marital home, the court is to consider specified factors before making a determination on the issue of credits or set-offs in its final judgment.

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997.

The bill is predicted to have no fiscal impact on state or local governments

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 61.075, F.S., provides for the equitable distribution of marital assets and liabilities in dissolution of marriage proceedings. In distributing the marital assets and liabilities between the parties, the court must begin with the premise that the distribution should be equal, unless there is a justification for an unequal distribution based on all relevant factors. One of the factors to be considered is the desirability of retaining the marital home as a residence for any dependent child of the marriage, or any other party, when it would be equitable to do so, when it is in the best interest of the child or that party, and when it is financially feasible for the parties to maintain the residence until the child is emancipated or until exclusive possession is otherwise terminated by a court of competent jurisdiction.

Under current law, the parties may agree or the court may order that a party in a dissolution of marriage proceeding shall have the right to have the exclusive use and possession of the former marital home for a period of time. This time period is usually until the youngest child reaches 18 years of age or becomes otherwise emancipated or the party remarries, whichever ever occurs first.

The agreement or court order generally provides that the spouse having possession of the former marital home shall make the mortgage payments during the period of the exclusive use and possession of the former marital home. In addition, the agreement or the court order usually provides that upon the termination of the exclusive use and possession, the former marital home will be sold and the net proceeds will be divided between the parties.

The custodial parent is usually given the exclusive use and possession of the former marital home. The custodial parent usually also receives child support and in some cases alimony and child support. This support or alimony is intended to help meet the needs of the minor child or former spouse. Those needs include housing expenses such as mortgage payments. The party having the exclusive use and possession of the former marital home and paying the mortgage payments usually takes the mortgage interest payment deductions and property tax deductions for federal income tax purposes. In addition, that party also has the benefit of the value of having exclusive use and possession and is not required to seek alternative housing.

The spouse not having the exclusive use and possession of the former marital home must seek and secure alternative housing, must pay the rent or mortgage payment required by that housing and is generally not entitled to take the property tax and mortgage interest payment deductions associated with the former marital home for federal income tax purposes. This spouse also loses the use of the former marital home and the benefits and value associated with the use of the home while continuing to contribute towards the mortgage payments on the former marital home with child support and/or alimony.

Notwithstanding the fact that the parties' marital settlement agreement or the court's final order may provide that upon the termination of the exclusive use and possession of the former marital home each party will receive 50% of the net sales proceeds, at the time of the termination of the exclusive use and possession and sale of the former marital

home, the former spouse having exclusive use and possession of the former marital home may ask the court for an award of a credit against the other spouse's proceeds in an amount equal to 50% of the mortgage payments made by him or her during the period of exclusive use and possession

This credit does not take into consideration that the support paid was already a contribution towards the mortgage payments, that the party having possession reduced his or her federal income tax liability by taking advantage of the mortgage interest, or that the spouse out of possession lost the value and use of the house for a period of time. This credit may serve to decrease or eliminate entirely the net proceeds from the sale of the home owed to the spouse who has been out of possession.

B EFFECT OF PROPOSED CHANGES.

The bill adds a new subsection (10) to section 61 075, F S giving factors to be considered by a court in a dissolution of marriage action before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home

The bill provides that a party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the following factors are to be considered by the court before determining the issue of credits or set-offs in its final judgment:

- (1)whether exclusive use and possession of the marital home is being awarded and the basis for the award
- (2)whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- (3)whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- (4)the value to the party in possession of the use and occupancy of the marital home
- (5)the value of the loss of use and occupancy of the marital home to the party out of possession
- (6)which party will be entitled to claim the mortgage interest payments in connection with the marital home as tax deductions for federal income tax purposes
- (7)whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home
- (8)any other factor necessary to bring about equity and justice between the parties

The bill takes effect October 1, 1997, and applies to all settlement agreements entered into or actions filed on or after October 1, 1997.

C. APPLICATION OF PRINCIPLES.

1 Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly

This section is not applicable to this bill

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

- b. If an agency or program is eliminated or reduced

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

a. If the bill purports to provide services to families or children

This section is not applicable to this bill.

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable

b Does the bill directly affect the legal rights and obligations between family members?

It provides specific criteria relating to credits and set-offs upon the sale of the marital home as the result of a dissolution of marriage

c If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority?

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable

(2) service providers?

Not applicable

(3) government employees/agencies?

Not applicable.

D a SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 61.075, F.S., 1996 Supplement, to provide that a party is not entitled to any credits or set-offs upon the sale of the marital home unless the parties' settlement agreement, final judgment of dissolution of marriage, or final judgment equitably distributing assets or debts specifically provides that certain credits or set-offs are allowed or given at the time of the sale. In the absence of a settlement agreement involving the marital home, the following factors are to be considered by the court before determining the issue of credits or set-offs in its final judgment:

- (1) whether exclusive use and possession of the marital home is being awarded and the basis for the award
- (2) whether alimony is being awarded to the party in possession and whether the alimony is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- (3) whether child support is being awarded to the party in possession and whether the child support is being awarded to cover, in part or otherwise, the mortgage and taxes and other expenses of and in connection with the marital home
- (4) the value to the party in possession of the use and occupancy of the marital home
- (5) the value of the loss of use and occupancy of the marital home to the party out of possession
- (6) which party will be entitled to claim the mortgage interest payments in connection with the marital home as tax deductions for federal income tax purposes
- (7) whether one or both parties will experience a capital gains taxable event as a result of the sale of the marital home
- (8) any other factor necessary to bring about equity and justice between the parties

Section 2. Provides that the provisions of this act shall apply to all settlement agreements entered into or actions filed on or after October 1, 1997.

Section 3. Provides for an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT

A FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

1. Non-recurring Effects

None

2. Recurring Effects.

See fiscal comment.

3. Long Run Effects Other Than Normal Growth.

None.

4. Total Revenues and Expenditures:

None

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1. Non-recurring Effects.

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR.

1. Direct Private Sector Costs

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets.

None.

D. FISCAL COMMENTS:

The Office of the State Courts Administrator has estimated that this bill will result in an increase in the length of time required for hearings in dissolution of marriage cases which will result in an indeterminate cost to the court system. The Family Law Section of the Florida Bar has predicted that this bill will substantially reduce post divorce litigation.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION.

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

An amendment has been offered to the Senate companion (SB 2058) which moves this change from a subsection of the equitable distribution statute (s. 61.075, F.S.) to a newly created section (s. 61.077, F.S.)

On page 1, line 24 of the bill, it is unclear whether "final judgment" refers to the final judgment of dissolution of marriage or the final judgment equitably distributing assets or debts.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.

VII SIGNATURES:

COMMITTEE ON Family Law and Children
Prepared by:

Legislative Research Director.

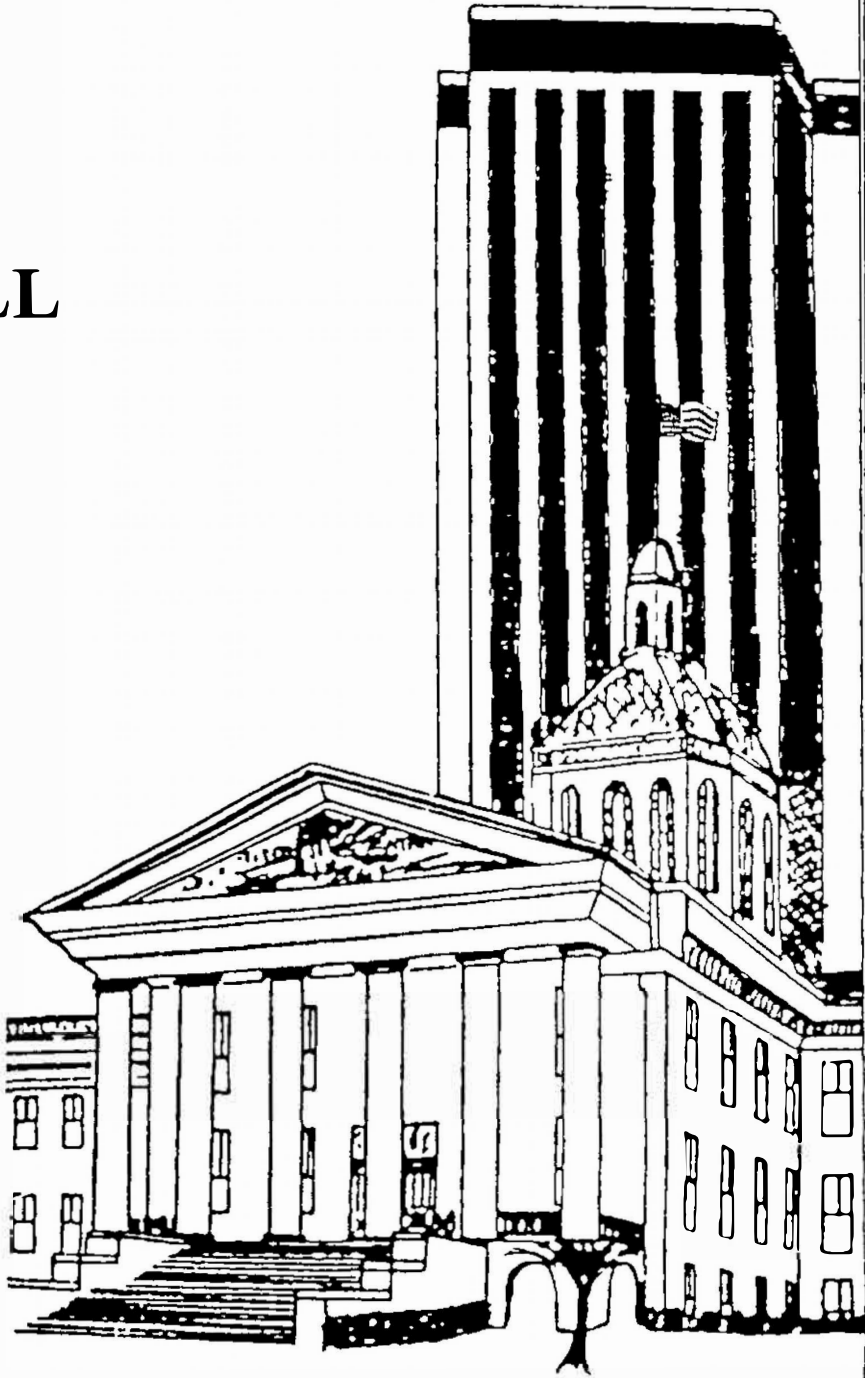
Carol E. Preston

Peggy Sanford

FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION

1997 Regular Session



prepared by:

JOINT LEGISLATIVE MANAGEMENT COMMITTEE
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HISTORY OF SENATE BILLS

S 2046 (CONTINUED)

agreement Effective Date Upon becoming law
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Education -SJ 00238
 03/21/97 SENATE On Committee agenda—Education, 03/25/97, 12 30 pm, Room-A(LL-37)—Not considered
 03/28/97 SENATE On Committee agenda—Education, 04/01/97, 2 30 pm, Room-A(LL-37)
 04/01/97 SENATE Comm Action -CS by Education -SJ 00363, CS read first time on 04/03/97 -SJ 00381
 04/03/97 SENATE Placed on Calendar -SJ 00363
 04/24/97 SENATE Removed from Calendar, rereferred to Ways and Means -SJ 00535
 05/02/97 SENATE Died in Committee on Ways and Means

S 2048 GENERAL BILL/CS by Commerce and Economic Opportunities; Harris (Similar 1ST ENG/H 1997, CS/3RD ENG/S 1754, Compare CS/1ST ENG/H 0657, CS/H 0957, H 1279, CS/2ND ENG/H 1413, CS/1ST ENG/H 1589, 1ST ENG/S 0678, S 0708, CS/S 0770, CS/S 0998, S 1330, CS/S 1416, CS/2ND ENG/S 1756, CS/CS/2ND ENG/S 2060, S 2208)

Economic Development, authorizes Secretary of State to commission Fla international notaries, requires Lottery Dept to determine feasibility of marketing Fla Lottery internationally, authorizes Enterprise Fla, Inc to establish pilot matching grant program for provision of job-training grants, revises responsibilities of Sec of State re intergovernmental relations, creates Small Cities Community Dev Block Grant Loan Guarantee Program Amends FS Effective Date Upon becoming law except as otherwise provided
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Ways and Means -SJ 00238
 04/10/97 SENATE On Committee agenda—Commerce and Economic Opportunities, 04/14/97, 9 00 am, Room-EL
 04/14/97 SENATE Comm Action CS by Commerce and Economic Opportunities -SJ 00521, CS read first time on 04/17/97 -SJ 00525
 04/17/97 SENATE Now in Ways and Means -SJ 00521, Withdrawn from Ways and Means -SJ 00509, Placed on Calendar
 04/30/97 SENATE Placed on Special Order Calendar -SJ 01096
 05/01/97 SENATE Placed on Special Order Calendar -SJ 00957, -SJ 01096
 05/02/97 SENATE Placed on Special Order Calendar -SJ 01105, Died on Special Order Calendar, Iden /Sim /Compare Bill(s) passed, refer to CS/SB 1754 (Ch 97-278), CS/HB 1413 (Ch 97-241), CS/CS/SB 2060 (Ch 97-280)

S 2050 GENERAL BILL/CS by Education; Clary (Similar H 1915, Compare 2ND ENG/H 1545)

International Certificate of Educ, establishes student full-time equivalent membership in Advanced International Certificate of Secondary Education Program, directs DOE to assist school districts in implementing pilot program under said program Amends 236 081, 240 116 Effective Date 07/01/1997
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Education, Ways and Means -SJ 00238
 03/28/97 SENATE On Committee agenda—Education, 04/01/97, 2 30 pm, Room-A(LL-37)
 04/01/97 SENATE Comm Action CS by Education -SJ 00363, CS read first time on 04/03/97 -SJ 00381
 04/03/97 SENATE Now in Ways and Means -SJ 00363
 04/25/97 SENATE Withdrawn from Ways and Means -SJ 00604, Placed on Calendar
 05/02/97 SENATE Died on Calendar, Iden/Sim/Compare Bill(s) passed, refer to HB 1545 (Ch 97-246)

S 2052 GENERAL BILL by Gutman

Transient Retailers & Operators, defines term "transient retailer" to mean merchant who sells or offers merchandise for sale at location other than at established retail store, defines term "transient retail operator" to mean person who rents space to transient retailer, prohibits said operator from renting space to said retailer who does not have current state sales tax registration number, requires said operator to retain certain records, etc Effective Date 07/01/1997
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Criminal Justice, Ways and Means -SJ 00238
 04/15/97 SENATE On Committee agenda—Commerce and Economic Opportunities, 04/17/97, 1 30 pm, Room-EL—Temporarily postponed
 05/02/97 SENATE Died in Committee on Commerce and Economic Opportunities

S 2054 GENERAL BILL by Dantzler (Identical H 0491, Similar H 1759)

Citizen Support Organizations, clarifies sales & use tax exemption for certain citizen support organizations, provides for partnerships between state & private entities for certain purposes Amends 212 08, 370 0205 Effective Date Upon becoming law
 03/04/97 SENATE Filed

S 2054 (CONTINUED)

03/19/97 SENATE Introduced, referred to Natural Resources, Governmental Reform and Oversight, Ways and Means -SJ 00238
 03/31/97 SENATE On Committee agenda—Natural Resources, 04/02/97, 2 30 pm, Room-A(LL-37)
 04/02/97 SENATE Comm Action Favorable by Natural Resources -SJ 00362
 04/03/97 SENATE Now in Governmental Reform and Oversight -SJ 00362
 04/16/97 SENATE Withdrawn from Governmental Reform and Oversight -SJ 00481, Now in Ways and Means
 04/25/97 SENATE Withdrawn from Ways and Means -SJ 00604, Placed on Calendar
 04/30/97 SENATE Placed on Special Order Calendar -SJ 01096
 05/01/97 SENATE Placed on Consent Calendar -SJ 00957, -SJ 01294, House Bill substituted -SJ 01133, Laid on Table, Iden/Sim /Compare Bill(s) passed, refer to HB 491 (Ch 97-205)

S 2056 GENERAL BILL by Grant

Administrative Fines, provides for deposit of fines collected by executive branch agencies to be deposited into General Revenue Fund Effective Date 07/01/1997
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Ways and Means -SJ 00238
 05/02/97 SENATE Died in Committee on Ways and Means

S 2058 GENERAL BILL by Campbell (Similar 1ST ENG/H 1601)

Marital Assets & Liabilities, prescribes factors to be considered by court before entering final judgment making determination of credits or set-offs upon sale of marital home Amends 61 075 Effective Date 10/01/1997
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Judiciary -SJ 00238
 04/08/97 SENATE On Committee agenda—Judiciary, 04/10/97, 9 00 am, Room-1C(309)—Not considered
 04/11/97 SENATE On Committee agenda—Judiciary, 04/15/97, 2 00 pm, Room-1C(309)
 04/15/97 SENATE Comm Action -Favorable with 1 amendment(s) by Judiciary -SJ 00521
 04/16/97 SENATE Placed on Calendar -SJ 00521
 04/29/97 SENATE Placed on Special Order Calendar -SJ 00938
 04/30/97 SENATE Placed on Special Order Calendar -SJ 00938, -SJ 01096
 05/01/97 SENATE Placed on Consent Calendar -SJ 01294, Read second time -SJ 01131, Amendment(s) adopted -SJ 01131, House Bill substituted -SJ 01131, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to HB 1601 (Ch 97-249)

S 2060 GENERAL BILL/CS/CS/2ND ENG by Ways and Means; Transportation; Hargrett (Similar CS/H 0675, Compare CS/H 0673, H 1541, 1ST ENG/H 1997, CS/3RD ENG/S 1002, S 1260, CS/S 2048, S 2356, CS/S 2374, S 2386)

Transportation Administration, provides for relocation of turnpike district, authorizes DOT to continue to use model developed for career service broadbanding compensation & classification system, authorizes DOT to use State Transportation TF moneys to pay for operation & maintenance of existing or future DOT-owned toll facilities & reimburse trust fund from turnpike revenues, allows petroleum tankers to display amber warning lights, etc Amends FS Effective Date 07/01/1997
 03/04/97 SENATE Filed
 03/19/97 SENATE Introduced, referred to Transportation, Ways and Means -SJ 00238
 03/13/97 SENATE On Committee agenda—Transportation, 03/17/97, 3 00 pm, Room-2C(301)
 03/17/97 SENATE Comm Action CS by Transportation -SJ 00253, CS read first time on 03/20/97 -SJ 00265
 03/20/97 SENATE Now in Ways and Means -SJ 00253
 04/14/97 SENATE On Committee agenda—Ways and Means, 04/16/97, 1 00 pm, Room-EL
 04/16/97 SENATE Comm Action -CS/CS by Ways and Means -SJ 00585, CS read first time on 04/24/97 -SJ 00594
 04/21/97 SENATE Placed on Calendar -SJ 00585
 04/24/97 SENATE Placed on Special Order Calendar -SJ 00583
 04/25/97 SENATE Placed on Special Order Calendar -SJ 00583
 04/28/97 SENATE Placed on Special Order Calendar -SJ 00651, Read second time -SJ 00702, Amendment(s) adopted -SJ 00702, Ordered engrossed -SJ 00705
 04/29/97 SENATE Read third time -SJ 00724, Amendment(s) adopted -SJ 00725, CS passed as amended, YEAS 39 NAYS 0 -SJ 00725
 04/29/97 HOUSE In Messages, Received -HJ 01216, Fiscal Responsibility Council in Daily Folder -HJ 01216
 04/30/97 HOUSE Read second and third times -HJ 01281, CS passed, YEAS 116 NAYS 0 -HJ 01282
 04/30/97 SENATE Ordered enrolled -SJ 01103
 05/15/97 Signed by Officers and presented to Governor
 05/30/97 Approved by Governor, Chapter No 97-280, See also CS/SB 1002 (Ch 97-300)

HISTORY OF HOUSE BILLS

- H 1593 (CONTINUED)**
05/13/97 HOUSE Withdrawn from further consideration/Compare Bill(s) passed, refer to CS/SB 1112 (Ch 97-67), HB 2013 (Ch 97-264)
- H 1595 GENERAL BILL by Flanagan (Identical CS/S 0096, Compare CS/CS/IST ENG/S 0614)**
Law Enforcement Officers/Training, allows law enforcement officers who are also elected or appointed public officials to maintain certification in special status while holding office Amends 943 135 Effective Date Upon becoming law
03/19/97 HOUSE Filed
03/20/97 HOUSE Introduced—HJ 00256
05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred
- H 1597 GENERAL BILL/CS/IST ENG by Civil Justice & Claims (JC); Thrasher (Similar S 1830)**
Evidence/Hearsay, revises exception to prohibition against hearsay evidence, provides applicability Amends 90 803 Effective Date. 07/01/1997
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/01/97 HOUSE Referred to Civil Justice & Claims (JC)—HJ 00371
04/02/97 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/08/97, 3 30 pm, 102—HOB—Workshop—Discussed
04/04/97 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/10/97, 2:45 pm, 102—HOB
04/10/97 HOUSE Comm Action—CS by Civil Justice & Claims (JC)—HJ 00596
04/16/97 HOUSE CS read first time on 04/16/97—HJ 00594
04/17/97 HOUSE In Justice Council, pending ranking—HJ 00596, Placed on Justice Council Calendar—HJ 00657
04/24/97 HOUSE Read second time—HJ 00858, Amendment(s) failed—HJ 00858
04/28/97 HOUSE Read third time—HJ 01116, CS passed, YEAS 107 NAYS 6—HJ 01116
04/28/97 SENATE In Messages
04/29/97 SENATE Received, referred to Judiciary—SJ 00941
04/30/97 SENATE Withdrawn from Judiciary—SJ 01095, Substituted for SB 1830—SJ 01095, Read second time—SJ 01095, Amendment(s) adopted—SJ 01095
05/01/97 SENATE Read third time—SJ 01242, CS passed as amended, YEAS 37 NAYS 0—SJ 01242
05/01/97 HOUSE In returning messages, Concurred—HJ 01754, CS passed as amended, YEAS 118 NAYS 0—HJ 01754, Ordered engrossed, then enrolled—HJ 01754
05/14/97 Signed by Officers and presented to Governor
05/29/97 Vetted by Governor
- H 1599 GENERAL BILL by Mackey, (CO-SPONSORS) Heyman (Identical S 1492, Compare CSH 1557)**
License Plates/Adopt Greyhounds, creates Adopt Greyhounds license plate, provides for distribution of annual use fees received from sale of such plates Amends 320 08056, 08058 Effective Date 07/01/1997 if enacted by 3/5ths vote of membership of each house of Legislature
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/09/97 HOUSE Referred to Transportation (EIC), Finance & Taxation (FRC), Transportation & Economic Development Appropriations—HJ 00485, On Committee agenda—Transportation (EIC), 04/10/97, 12 30 pm, 413C—Temporarily deferred
05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Transportation (EIC)
- H 1601 GENERAL BILL/IST ENG by Eggeleton (Similar S 2058)**
Marital Assets & Liabilities, prescribes factors to be considered by court before entering final judgment making determination of credits or set-offs upon sale of marital home Creates 61 077 Effective Date 10/01/1997
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/11/97 HOUSE Referred to Family Law & Children (JC)—HJ 00524, On Committee agenda—Family Law & Children (JC), 04/17/97, 4 15 pm, Morris Hall
04/18/97 HOUSE Comm Action—Unanimously Favorable with 1 amendment(s) by Family Law & Children (JC)—HJ 00665
04/21/97 HOUSE Pending Consent Calendar—HJ 00665
04/23/97 HOUSE Available for Consent Calendar
04/24/97 HOUSE Placed on Consent Calendar
04/25/97 HOUSE Read second time—HJ 00938, Amendment(s) adopted—HJ 00938, Read third time—HJ 00938, Passed as amended, YEAS 114 NAYS 0—HJ 00938
04/25/97 SENATE In Messages
04/28/97 SENATE Received referred to Judiciary—SJ 00719
05/01/97 SENATE Withdrawn from Judiciary—SJ 01131, Substituted for SB 2058—SJ 01131 Read second and third times—SJ 01131, Passed, YEAS 37 NAYS 0—SJ 01131
05/01/97 HOUSE Ordered enrolled—HJ 01755
05/14/97 Signed by Officers and presented to Governor
- H 1601 (CONTINUED)**
05/30/97 Became Law without Governor's Signature, Chapter No 97-249
- H 1603 GENERAL BILL/IST ENG by Fuller; (CO-SPONSORS) Westbrook (Identical CS/S 1314, Compare H 0995, S 1802)**
Fire Safety/Fire Safety Equipment, provides limitation upon licensees & requirements for licensees, provides procedures for licensure, prescribes what constitutes unlawful activity, provides for training, provides for duties of State Fire Marshal, provides standards for tagging & for inspection reports, provides authority for law enforcement officers or fire dept officials, provides for civil immunity, provides for notice of release of investigative records, etc Amends Ch 633 Effective Date 10/01/1997
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/07/97 HOUSE Referred to Business Regulation & Consumer Affairs (EIC)—HJ 00485
04/10/97 HOUSE On Committee agenda—Business Regulation & Consumer Affairs (EIC), 04/16/97, 3 00 pm, 214C
04/16/97 HOUSE Comm Action—Unanimously Favorable with 1 amendment(s) by Business Regulation & Consumer Affairs (EIC)—HJ 00665
04/21/97 HOUSE Pending Consent Calendar—HJ 00665
04/23/97 HOUSE Available for Consent Calendar
04/24/97 HOUSE Placed on Consent Calendar
04/25/97 HOUSE Read second time—HJ 00938, Amendment(s) adopted—HJ 00938, Read third time—HJ 00942, Passed as amended, YEAS 112 NAYS 0—HJ 00942
04/25/97 SENATE In Messages
04/28/97 SENATE Received, referred to Banking and Insurance—SJ 00719, Withdrawn from Banking and Insurance—SJ 00692, Substituted for CS/SB 1314—SJ 00692, Read second and third times—SJ 00692, Passed, YEAS 39 NAYS 0—SJ 00692
04/28/97 HOUSE Ordered enrolled—HJ 01119
05/08/97 Signed by Officers and presented to Governor
05/24/97 Became Law without Governor's Signature, Chapter No 97-124
- H 1605 GENERAL BILL by Eggeleton (Identical S 2382)**
Ad Valorem Tax/School Districts, amends provision which provides requirements for determination of millage levied by taxing authorities, revises form of notice of tax increase that must be published by school districts, excludes certain amounts from proposed operating budget expenditures for purposes of budget summary notice that taxing authorities must publish, revises form of notice of tax for school capital outlay that must be published by school districts Amends 200 065 Effective Date 01/01/1998
03/20/97 HOUSE Filed, Introduced—HJ 00256
05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred
- H 1607 GENERAL BILL by Fuller (Identical S 0512)**
Insurers/Agents/Contracts/Redlining, prohibits certain insurers from terminating certain contracts between insurers & agents unless just cause exists, provides definitions, provides cause of action Creates 624 4351 Effective Date 07/01/1997
03/20/97 HOUSE Filed, Introduced—HJ 00256
05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred
- H 1609 GENERAL BILL by Arnold (Similar S 1884)**
Title Insurance, provides that certain provision re bonding does not apply to title insurance agents & agencies, provides for retroactive effect Amends 626 8411 Effective Date Upon becoming law
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/01/97 HOUSE Referred to Real Property & Probate (JC), Financial Services (EIC), Governmental Operations (GRC)—HJ 00371
04/04/97 HOUSE On Committee agenda—Real Property & Probate (JC), 04/10/97, 2 45 pm, 413C—Temporarily deferred
04/09/97 HOUSE On Committee agenda—Real Property & Probate (JC), 04/15/97, 4 30 pm, 413C—Temporarily deferred
05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Real Property & Probate (JC)
- H 1611 GENERAL BILL by Merchant (Compare CS/IST ENG/H 0223)**
Administration TF/Highway Safety, creates Administration Trust Fund within Highway Safety Dept, provides for sources of moneys & purposes, provides for future review & termination or re-creation of trust fund, takes effect 07/01/97, if CS/HB 223 or similar legislation is adopted in same legislative session or extension thereof Effective Date 07/01/1997
03/20/97 HOUSE Filed, Introduced—HJ 00256
04/25/97 HOUSE Withdrawn from further consideration—HJ 01045
- H 1613 GENERAL BILL/CS by Governmental Operations (GRC); Dawson-White (Similar S 0240)**
Public Records/Housing Assistance, provides exemption from public records law for certain records furnished pursuant to certain housing assistance programs provides for future review & repeal of exemption, provides statement

(CONTINUED ON NEXT PAGE)