

Committee Substitute for Senate Bill No. 1236

An act relating to the equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; providing that a liability incurred by forgery or unauthorized signature is a nonmarital liability; providing for attorney's fees and costs; providing an exception; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5) of section 61.075, Florida Statutes, is amended to read:

61.075 Equitable distribution of marital assets and liabilities.—

(5) As used in this section:

(b) "Nonmarital assets and liabilities" include:

1. Assets acquired and liabilities incurred by either party prior to the marriage, and assets acquired and liabilities incurred in exchange for such assets and liabilities;

2. Assets acquired separately by either party by noninterspousal gift, bequest, devise, or descent, and assets acquired in exchange for such assets;

3. All income derived from nonmarital assets during the marriage unless the income was treated, used, or relied upon by the parties as a marital asset; ~~and~~

4. Assets and liabilities excluded from marital assets and liabilities by valid written agreement of the parties, and assets acquired and liabilities incurred in exchange for such assets and liabilities; ~~and-~~

5. Any liability incurred by forgery or unauthorized signature of one spouse signing the name of the other spouse. Any such liability shall be a nonmarital liability only of the party having committed the forgery or having affixed the unauthorized signature. In determining an award of attorney's fees and costs pursuant to s. 61.16, the court may consider forgery or an unauthorized signature by a party and may make a separate award for attorney's fees and costs occasioned by the forgery or unauthorized signature. This subparagraph does not apply to any forged or unauthorized signature that was subsequently ratified by the other spouse.

Section 2. This act shall take effect July 1, 2002.

Approved by the Governor May 13, 2002.

Filed in Office Secretary of State May 13, 2002.