

**Clause for all cases filed after 7/1/2010.**

Alimony The husband/wife has made a claim for alimony.

1.1 The court has considered the factors in §61.08(1) and(2), Florida Statutes, as follows:

1.2 (1) *“The court may consider the adultery of either spouse and the circumstances thereof in determining the amount of alimony, if any, to be awarded.”* This factor does not apply because there is no competent, substantial evidence that marital income or assets were depleted or spent on adulterous relationships by either party. *See, e.g., Baxter v. Baxter*, 720 So.2d 624 (Fla. 5<sup>th</sup> DCA 1998).

1.3 (2) *“In determining whether to award alimony or maintenance, the court shall first make a specific factual determination as to whether either party has an actual need for alimony or maintenance and whether either party has the ability to pay alimony or maintenance.”* After considering the factors in §61.08(2) the court finds

1.4 (2) *“If the court finds that a party has a need for alimony or maintenance and that the other party has the ability to pay alimony or maintenance, then in determining the proper type and amount of alimony or maintenance, the court shall consider all relevant factors, including, but not limited to:”*

1.4.1 (2)(a) *“The standard of living established during the marriage:”*

1.4.2 (2)(b) *“The duration of the marriage:”*

1.4.3 (2)(c) *“The age and physical and emotional condition of each party:”*

1.4.4 (2)(d) *“The financial resources of each party, including the nonmarital and the marital assets and liabilities distributed to each:”*

1.4.5 (2)(e) *“The earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment:”*

1.4.6 (2)(f) *“The contribution of each party to the marriage, including, but not limited to, services rendered in home-making, child care, education, and career building of the other party:”*

1.4.7 (2)(g) *“The responsibilities each party will have with regard to any minor children they have in common.”*

1.4.8 (2)(h) *“The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.”*

1.4.9 (2)(i) *“All sources of income available to either party, including income available to either party through investments of any asset held by that party.”*

1.4.10 (2) *“Any other factor necessary to do equity and justice between the parties:”*

1.5 After considering the factors, **the court grants/denies the husband's/wife's claim for [permanent, periodic] alimony.** The court finds that the wife needs \$XXX per month for her support from the husband and that the husband has the ability to pay this amount to the wife. The court has considered all of the factors in §61.08 in deciding upon an alimony award. The court finds the wife is entitled to periodic alimony. The court finds the husband has the ability to pay alimony to the wife and still meet his own needs and the court finds the wife needs financial support from the husband to meet her financial needs.

**Therefore, the husband is ordered to pay to the husband/wife \$XXX per month as [permanent, periodic] alimony.**

1.6 First Payment Due Date The first monthly payment is due DDD and on a like day of each month thereafter.

1.7 Income Deduction Order A separate Income Deduction Order shall issue directing the payor's current employer and any future employer of the payor to deduct the alimony due under this order from any income due to the payor and forward it the depository, the "Florida Support Disbursement Unit", as required by law as amended from time to time hereafter. The form of the income deduction order shall be prepared by the payee or the payee's counsel and sent to the undersigned judge for signing and filing. Serving the IDO on any employer is the responsibility of the payee. The payor must also give a copy of the IDO to his employer

1.8 Place of Payment **Alimony shall be paid by check or money order payable to and sent to the "Florida Support Disbursement Unit", P.O. Box 8500, Tallahassee, FL 32314-8500. The payor must write on each check (1) *this case number* and also the words (2) "Lee County case".**

1.9 Addresses and Social Security numbers Within 30 days of this order both parties are ordered to write to the "State Case Registry", P.O. Box 8500, Tallahassee, FL 32314-8500 and advise that agency of this Case Number in Lee County, Florida, and their current names, addresses, social security numbers, telephone numbers, driver's license numbers, and their employer's name, address, and telephone number, as these presently exist and as they change in the future. A copy of any letter with that information sent to the "State Case Registry" must also be delivered or mailed to the Clerk of the Court, Lee County, Florida, 1700 Monroe Street, Fort Myers, FL 33901.