

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Fiscal Policy

CS/SB 1416 — Dissolution of Marriage

by Fiscal Policy Committee and Senator Gruters

The bill amends laws related to dissolution of marriage. Changes to the laws governing alimony awards which will apply to any final judgment entered on or after July 1, 2023 include:

- The option to award permanent (lifetime) alimony is eliminated, leaving bridge-the-gap, rehabilitative, and durational forms of alimony.
- Rehabilitative alimony is limited to 5 years.
- Durational alimony may not be awarded for a marriage of less than 3 years. The term of an award is limited based on the duration of the marriage, with certain exceptions, and may not exceed the lesser of the obligee’s reasonable need or 35 percent of the difference between the parties’ net incomes.
- A court must make specific written findings if it requires an obligor to purchase life insurance to secure the award of alimony.
- A court must reduce or terminate an award of alimony if it makes specific written findings that a supportive relationship exists. The bill places the burden on the obligor to prove by a preponderance of the evidence that such a relationship exists. Once proven, the burden shifts to the obligee to prove by a preponderance of the evidence the court should not reduce or terminate alimony.

Current case law allows for the modification or termination of alimony upon “reasonable retirement,” a loosely-defined court-created concept. The bill codifies standards and procedures related to retirement of a party in a dissolution of marriage case. If the obligor seeks to retire, the obligor may apply for modification of the alimony award no sooner than 6 months prior to the planned retirement. The bill provides a number of factors the court must consider in determining whether to modify or terminate alimony.

The bill provides that a parent moving to a residence within 50 miles of the primary residence of a child is a substantial change in circumstances. For a modification of parenting plan and time-sharing schedule, the bill eliminates a requirement that a party shows that a change in circumstance was unanticipated.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 34-6; House 102-12