

By Senator Siplin

19-948-04

1                                   A bill to be entitled  
2           An act relating to alimony; amending s. 61.046,  
3           F.S.; defining the term "de facto marriage";  
4           amending s. 61.14, F.S.; requiring a court to  
5           terminate payment of alimony if there is  
6           competent, substantial evidence to show that  
7           the recipient former spouse is cohabitating  
8           with a person of the opposite sex outside of  
9           the legal bond of matrimony; providing an  
10          effective date.

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

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14           Section 1. Present subsections (4) through (20) of  
15 section 61.046, Florida Statutes, are redesignated as  
16 subsections (5) through (21), respectively, and a new  
17 subsection (4) is added to that section, to read:

18           61.046 Definitions.--As used in this chapter:  
19           (4) "De facto marriage" means a marriage in which the  
20 parties live together as husband and wife under color of  
21 validity but which is defective for reasons of form.

22           Section 2. Subsection (1) of section 61.14, Florida  
23 Statutes, is amended to read:

24           61.14 Enforcement and modification of support,  
25 maintenance, or alimony agreements or orders.--

26           (1)(a) When the parties enter into an agreement for  
27 payments for, or instead of, support, maintenance, or alimony,  
28 whether in connection with a proceeding for dissolution or  
29 separate maintenance or with any voluntary property  
30 settlement, or when a party is required by court order to make  
31 any payments, and the circumstances or the financial ability

1 of either party changes or the child who is a beneficiary of  
2 an agreement or court order as described herein reaches  
3 majority after the execution of the agreement or the rendition  
4 of the order, either party may apply to the circuit court of  
5 the circuit in which the parties, or either of them, resided  
6 at the date of the execution of the agreement or reside at the  
7 date of the application, or in which the agreement was  
8 executed or in which the order was rendered, for an order  
9 decreasing or increasing the amount of support, maintenance,  
10 or alimony, and the court has jurisdiction to make orders as  
11 equity requires, with due regard to the changed circumstances  
12 or the financial ability of the parties or the child,  
13 decreasing, increasing, or confirming the amount of separate  
14 support, maintenance, or alimony provided for in the agreement  
15 or order. A finding that medical insurance is reasonably  
16 available or the child support guidelines in s. 61.30 may  
17 constitute changed circumstances. Except as otherwise provided  
18 in s. 61.30(11)(c), the court may modify an order of support,  
19 maintenance, or alimony by increasing or decreasing the  
20 support, maintenance, or alimony retroactively to the date of  
21 the filing of the action or supplemental action for  
22 modification as equity requires, giving due regard to the  
23 changed circumstances or the financial ability of the parties  
24 or the child.

25 (b) For each support order reviewed by the department  
26 as required by s. 409.2564(12), if the amount of the child  
27 support award under the order differs by at least 10 percent  
28 but not less than \$25 from the amount that would be awarded  
29 under s. 61.30, the department shall seek to have the order  
30 modified and any modification shall be made without a  
31 requirement for proof or showing of a change in circumstances.

