

1                   A bill to be entitled  
2           An act relating to alimony; amending s. 61.14, F.S.;  
3           authorizing a court to reduce or terminate an award of  
4           alimony if there is proof by a preponderance of the  
5           evidence that the obligee is in a de facto marriage with a  
6           person of the opposite sex outside of the legal bond of  
7           matrimony; prescribing factors to be considered by the  
8           court; providing construction; providing an effective  
9           date.

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

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13           Section 1. Subsection (1) of section 61.14, Florida  
14 Statutes, is amended to read:

15           61.14 Enforcement and modification of support,  
16 maintenance, or alimony agreements or orders.--

17           (1)(a) When the parties enter into an agreement for  
18 payments for, or instead of, support, maintenance, or alimony,  
19 whether in connection with a proceeding for dissolution or  
20 separate maintenance or with any voluntary property settlement,  
21 or when a party is required by court order to make any payments,  
22 and the circumstances or the financial ability of either party  
23 changes or the child who is a beneficiary of an agreement or  
24 court order as described herein reaches majority after the  
25 execution of the agreement or the rendition of the order, either  
26 party may apply to the circuit court of the circuit in which the  
27 parties, or either of them, resided at the date of the execution  
28 of the agreement or reside at the date of the application, or in

29 | which the agreement was executed or in which the order was  
30 | rendered, for an order decreasing or increasing the amount of  
31 | support, maintenance, or alimony, and the court has jurisdiction  
32 | to make orders as equity requires, with due regard to the  
33 | changed circumstances or the financial ability of the parties or  
34 | the child, decreasing, increasing, or confirming the amount of  
35 | separate support, maintenance, or alimony provided for in the  
36 | agreement or order. A finding that medical insurance is  
37 | reasonably available or the child support guidelines in s. 61.30  
38 | may constitute changed circumstances. Except as otherwise  
39 | provided in s. 61.30(11)(c), the court may modify an order of  
40 | support, maintenance, or alimony by increasing or decreasing the  
41 | support, maintenance, or alimony retroactively to the date of  
42 | the filing of the action or supplemental action for modification  
43 | as equity requires, giving due regard to the changed  
44 | circumstances or the financial ability of the parties or the  
45 | child.

46 |       (b)1. The court may reduce or terminate an award of  
47 | alimony upon specific written findings by the court that since  
48 | the granting of a divorce and the award of alimony a de facto  
49 | marriage has existed between the obligee and a person of the  
50 | opposite sex. On the issue of whether alimony should be reduced  
51 | or terminated under this paragraph, the burden is on the obligor  
52 | to prove by a preponderance of the evidence that a de facto  
53 | marriage exists.

54 |       2. In determining whether an existing award of alimony  
55 | should be reduced or terminated because of an alleged de facto  
56 | marriage between an obligee and a person of the opposite sex,

57 the court shall elicit the nature and extent of the relationship  
 58 in question. The court shall give consideration, without  
 59 limitation, to circumstances, including, but not limited to, the  
 60 following, in determining the relationship of an obligee to  
 61 another person:

62 a. The extent to which the obligee and the other person  
 63 have held themselves out as a married couple by engaging in  
 64 conduct such as using the same last name, using a common mailing  
 65 address, referring to each other in terms such as "my husband"  
 66 or "my wife," or otherwise conducting themselves in a manner  
 67 that evidences a stable marriage-like relationship.

68 b. The period of time that the obligee has resided with  
 69 another person not related by consanguinity or affinity in a  
 70 permanent place of abode.

71 c. The duration and circumstances under which the obligee  
 72 has maintained a continuing conjugal relationship with the other  
 73 person.

74 d. The extent to which the obligee and the other person  
 75 have pooled their assets or income or otherwise exhibited  
 76 financial interdependence.

77 e. The extent to which the obligee or the other person has  
 78 supported the other, in whole or in part.

79 f. The extent to which the obligee or the other person has  
 80 performed valuable services for the other.

81 g. The extent to which the obligee or the other person has  
 82 performed valuable services for the other's company or employer.

83 h. Whether the obligee and the other person have worked  
 84 together to create or enhance anything of value.

85 i. Whether the obligee and the other person have jointly  
 86 contributed to the purchase of any real or personal property.

87 j. Evidence in support of a claim that the obligee and the  
 88 other person have an express agreement regarding property  
 89 sharing or support.

90 k. Evidence in support of a claim that the obligee and the  
 91 other person have an implied agreement regarding property  
 92 sharing or support.

93 3. This paragraph does not abrogate the requirement that  
 94 every marriage in this state be solemnized under a license and  
 95 does not recognize a common law marriage as valid.

96 (c)(b) For each support order reviewed by the department  
 97 as required by s. 409.2564(12), if the amount of the child  
 98 support award under the order differs by at least 10 percent but  
 99 not less than \$25 from the amount that would be awarded under s.  
 100 61.30, the department shall seek to have the order modified and  
 101 any modification shall be made without a requirement for proof  
 102 or showing of a change in circumstances.

103 (d)(e) The department shall have authority to adopt rules  
 104 to implement this section.

105 Section 2. This act shall take effect upon becoming a law.