

CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to alimony; amending s. 61.14, F.S.;
7 authorizing a court to reduce or terminate an award of
8 alimony if there is proof by a preponderance of the
9 evidence that the obligee is in a supportive relationship
10 with another person not related by consanguinity or
11 affinity; prescribing factors to be considered by the
12 court; providing construction; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 61.14 Enforcement and modification of support,
20 maintenance, or alimony agreements or orders.--

21 (1)(a) When the parties enter into an agreement for
22 payments for, or instead of, support, maintenance, or alimony,
23 whether in connection with a proceeding for dissolution or

HB 1181

2005
CS

24 separate maintenance or with any voluntary property settlement,
25 or when a party is required by court order to make any payments,
26 and the circumstances or the financial ability of either party
27 changes or the child who is a beneficiary of an agreement or
28 court order as described herein reaches majority after the
29 execution of the agreement or the rendition of the order, either
30 party may apply to the circuit court of the circuit in which the
31 parties, or either of them, resided at the date of the execution
32 of the agreement or reside at the date of the application, or in
33 which the agreement was executed or in which the order was
34 rendered, for an order decreasing or increasing the amount of
35 support, maintenance, or alimony, and the court has jurisdiction
36 to make orders as equity requires, with due regard to the
37 changed circumstances or the financial ability of the parties or
38 the child, decreasing, increasing, or confirming the amount of
39 separate support, maintenance, or alimony provided for in the
40 agreement or order. A finding that medical insurance is
41 reasonably available or the child support guidelines in s. 61.30
42 may constitute changed circumstances. Except as otherwise
43 provided in s. 61.30(11)(c), the court may modify an order of
44 support, maintenance, or alimony by increasing or decreasing the
45 support, maintenance, or alimony retroactively to the date of
46 the filing of the action or supplemental action for modification
47 as equity requires, giving due regard to the changed
48 circumstances or the financial ability of the parties or the
49 child.

50 (b)1. The court may reduce or terminate an award of
51 alimony upon specific written findings by the court that since

HB 1181

2005
CS

52 the granting of a divorce and the award of alimony a supportive
53 relationship has existed between the obligee and a person with
54 whom the obligee resides. On the issue of whether alimony should
55 be reduced or terminated under this paragraph, the burden is on
56 the obligor to prove by a preponderance of the evidence that a
57 supportive relationship exists.

58 2. In determining whether an existing award of alimony
59 should be reduced or terminated because of an alleged supportive
60 relationship between an obligee and a person who is not related
61 by consanguinity or affinity and with whom the obligee resides,
62 the court shall elicit the nature and extent of the relationship
63 in question. The court shall give consideration, without
64 limitation, to circumstances, including, but not limited to, the
65 following, in determining the relationship of an obligee to
66 another person:

67 a. The extent to which the obligee and the other person
68 have held themselves out as a married couple by engaging in
69 conduct such as using the same last name, using a common mailing
70 address, referring to each other in terms such as "my husband"
71 or "my wife," or otherwise conducting themselves in a manner
72 that evidences a permanent supportive relationship.

73 b. The period of time that the obligee has resided with
74 the other person in a permanent place of abode.

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

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

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

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

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

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

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

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

94 k. Whether the obligee and the other person have provided
95 support to the children of one another, regardless of any legal
96 duty to do so.

97 3. This paragraph does not abrogate the requirement that
98 every marriage in this state be solemnized under a license, does
99 not recognize a common law marriage as valid, and does not
100 recognize a de facto marriage. This paragraph recognizes only
101 that relationships do exist that provide economic support
102 equivalent to a marriage and that alimony terminable on
103 remarriage may be reduced or terminated upon the establishment
104 of equivalent equitable circumstances as described in this
105 paragraph. The existence of a conjugal relationship, though it
106 may be relevant to the nature and extent of the relationship, is

HB 1181

2005
CS

107 | not necessary for the application of the provisions of this
108 | paragraph.

109 | (c)~~(b)~~ For each support order reviewed by the department
110 | as required by s. 409.2564(12), if the amount of the child
111 | support award under the order differs by at least 10 percent but
112 | not less than \$25 from the amount that would be awarded under s.
113 | 61.30, the department shall seek to have the order modified and
114 | any modification shall be made without a requirement for proof
115 | or showing of a change in circumstances.

116 | (d)~~(e)~~ The department shall have authority to adopt rules
117 | to implement this section.

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