

Bill No. SB 152

Barcode 652422

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
. .
. .
. .
. .
. .

The Committee on Judiciary (Campbell) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(1)(a) When the parties enter into an agreement for payments for, or instead of, support, maintenance, or alimony, whether in connection with a proceeding for dissolution or separate maintenance or with any voluntary property settlement, or when a party is required by court order to make any payments, and the circumstances or the financial ability of either party changes or the child who is a beneficiary of an agreement or court order as described herein reaches majority after the execution of the agreement or the rendition of the order, either party may apply to the circuit court of

Bill No. SB 152

Barcode 652422

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

21 (b)1. The court may reduce or terminate an award of
22 alimony upon specific written findings by the court that since
23 the granting of a divorce and the award of alimony a de facto
24 marriage has existed between the obligee and a person of the
25 opposite sex. On the issue of whether alimony should be
26 reduced or terminated under this paragraph, the burden is on
27 the obligor to prove by a preponderance of the evidence that a
28 de facto marriage exists.

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

Bill No. SB 152

Barcode 652422

1 the court shall elicit the nature and extent of the
2 relationship in question. The court shall give consideration,
3 without limitation, to circumstances, such as the following,
4 in determining the relationship of an obligee to another
5 person:

6 a. The extent to which the obligee and the other
7 person have held themselves out as a married couple by
8 engaging in conduct such as using the same last name, using a
9 common mailing address, referring to each in terms such as "my
10 husband" or "my wife," or otherwise conducting themselves in a
11 manner that evidences a stable marriage-like relationship;

12 b. The period of time that the obligee has resided
13 with another person not related by consanguinity or affinity
14 in a permanent place of abode;

15 c. The duration and circumstances under which the
16 obligee has maintained a continuing conjugal relationship with
17 the other person;

18 d. The extent to which the obligee and the other
19 person have pooled their assets or income or otherwise
20 exhibited financial interdependence;

21 e. The extent to which the obligee or the other person
22 has supported the other, in whole or in part;

23 f. The extent to which the obligee or the other person
24 has performed valuable services for the other;

25 g. The extent to which the obligee or the other person
26 has performed valuable services for the other's company or
27 employer;

28 h. Whether the obligee and the other person have
29 worked together to create or enhance anything of value;

30 i. Whether the obligee and the other person have
31 jointly contributed to the purchase of any real or personal

Bill No. SB 152

Barcode 652422

1 property;

2 j. Evidence in support of a claim that the obligee and
3 the other person have an express agreement regarding property
4 sharing or support; and

5 k. Evidence in support of a claim that the obligee and
6 the other person have an implied agreement regarding property
7 sharing or support.

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

11 4. This paragraph applies to any order of alimony
12 which is the result of a divorce that occurred in this state.

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

20 (d)(c) The department shall have authority to adopt
21 rules to implement this section.

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

24
25

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29
30

and insert:

31 A bill to be entitled

Bill No. SB 152

Barcode 652422

1 An act relating to alimony; amending s. 61.14,
2 F.S.; authorizing a court to modify payment of
3 alimony if there is proof by a preponderance of
4 the evidence that the recipient former spouse
5 is in a de facto marriage with a person of the
6 opposite sex outside of the legal bond of
7 matrimony; prescribing factors to be considered
8 by the court; providing for application;
9 providing an effective date.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31