

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Bullard offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (1) of section 61.14, Florida

6 Statutes, is amended to read:

7 61.14 Enforcement and modification of support,

8 maintenance, or alimony agreements or orders.--

9 (1)(a) When the parties enter into an agreement for

10 payments for, or instead of, support, maintenance, or alimony,

11 whether in connection with a proceeding for dissolution or

12 separate maintenance or with any voluntary property settlement,

13 or when a party is required by court order to make any payments,

14 and the circumstances or the financial ability of either party

15 changes or the child who is a beneficiary of an agreement or

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16 court order as described herein reaches majority after the  
17 execution of the agreement or the rendition of the order, either  
18 party may apply to the circuit court of the circuit in which the  
19 parties, or either of them, resided at the date of the execution  
20 of the agreement or reside at the date of the application, or in  
21 which the agreement was executed or in which the order was  
22 rendered, for an order decreasing or increasing the amount of  
23 support, maintenance, or alimony, and the court has jurisdiction  
24 to make orders as equity requires, with due regard to the  
25 changed circumstances or the financial ability of the parties or  
26 the child, decreasing, increasing, or confirming the amount of  
27 separate support, maintenance, or alimony provided for in the  
28 agreement or order. A finding that medical insurance is  
29 reasonably available or the child support guidelines in s. 61.30  
30 may constitute changed circumstances. Except as otherwise  
31 provided in s. 61.30(11)(c), the court may modify an order of  
32 support, maintenance, or alimony by increasing or decreasing the  
33 support, maintenance, or alimony retroactively to the date of  
34 the filing of the action or supplemental action for modification  
35 as equity requires, giving due regard to the changed  
36 circumstances or the financial ability of the parties or the  
37 child.

38 (b)1. The court may reduce or terminate an award of  
39 alimony upon specific written findings by the court that since  
40 the granting of a divorce and the award of alimony a supportive  
41 relationship has existed between the obligee and a person with  
42 whom the obligee resides. On the issue of whether alimony should

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43 be reduced or terminated under this paragraph, the burden is on  
44 the obligor to prove by a preponderance of the evidence that a  
45 supportive relationship exists.

46 2. In determining whether an existing award of alimony  
47 should be reduced or terminated because of an alleged supportive  
48 relationship between an obligee and a person who is not related  
49 by consanguinity or affinity and with whom the obligee resides,  
50 the court shall elicit the nature and extent of the relationship  
51 in question. The court shall give consideration, without  
52 limitation, to circumstances, including, but not limited to, the  
53 following, in determining the relationship of an obligee to  
54 another person:

55 a. The extent to which the obligee and the other person  
56 have held themselves out as a married couple by engaging in  
57 conduct such as using the same last name, using a common mailing  
58 address, referring to each other in terms such as "my husband"  
59 or "my wife," or otherwise conducting themselves in a manner  
60 that evidences a permanent supportive relationship.

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

63 c. The extent to which the obligee and the other person  
64 have pooled their assets or income or otherwise exhibited  
65 financial interdependence.

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

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

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

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

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

76 i. Evidence in support of a claim that the obligee and the  
77 other person have an express agreement regarding property  
78 sharing or support.

79 j. Evidence in support of a claim that the obligee and the  
80 other person have an implied agreement regarding property  
81 sharing or support.

82 k. Whether the obligee and the other person have provided  
83 support to the children of one another, regardless of any legal  
84 duty to do so.

85 3. This paragraph does not abrogate the requirement that  
86 every marriage in this state be solemnized under a license, does  
87 not recognize a common law marriage as valid, and does not  
88 recognize a de facto marriage. This paragraph recognizes only  
89 that relationships do exist that provide economic support  
90 equivalent to a marriage and that alimony terminable on  
91 remarriage may be reduced or terminated upon the establishment  
92 of equivalent equitable circumstances as described in this  
93 paragraph. The existence of a conjugal relationship, though it  
94 may be relevant to the nature and extent of the relationship, is  
95 not necessary for the application of the provisions of this  
96 paragraph.

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

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

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

107 |

108 | ===== T I T L E   A M E N D M E N T =====

109 |        Remove the entire title and insert:

110 |                    A bill to be entitled  
111 |        An act relating to alimony; amending s. 61.14, F.S.;  
112 |        authorizing a court to reduce or terminate an award of  
113 |        alimony if there is proof by a preponderance of the  
114 |        evidence that the obligee is in a supportive relationship  
115 |        with another person not related by consanguinity or  
116 |        affinity; prescribing factors to be considered by the  
117 |        court; providing construction; providing an effective  
118 |        date.