

By Senator Siplin

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A bill to be entitled

An act relating to alimony; amending s. 61.046, F.S.; defining the term "de facto marriage"; amending s. 61.14, F.S.; requiring a court to terminate payment of alimony if there is competent, substantial evidence to show that the recipient former spouse is cohabitating with a person of the opposite sex outside of the legal bond of matrimony; providing an effective date.

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

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

61.046 Definitions.--As used in this chapter:

(4) "De facto marriage" means a marriage in which the parties live together as husband and wife under color of validity but which is defective for reasons of form.

Section 2. 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

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.

