

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

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

25 2. In determining whether an existing award of alimony
26 should be reduced or terminated because of an alleged de facto
27 marriage between an obligee and a person of the opposite sex,
28 the court shall elicit the nature and extent of the
29 relationship in question. The court shall give consideration,
30 without limitation, to circumstances, such as the following,
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1 in determining the relationship of an obligee to another
2 person:
3 a. The extent to which the obligee and the other
4 person have held themselves out as a married couple by
5 engaging in conduct such as using the same last name, using a
6 common mailing address, referring to each in terms such as "my
7 husband" or "my wife," or otherwise conducting themselves in a
8 manner that evidences a stable marriage-like relationship;
9 b. The period of time that the obligee has resided
10 with another person not related by consanguinity or affinity
11 in a permanent place of abode;
12 c. The duration and circumstances under which the
13 obligee has maintained a continuing conjugal relationship with
14 the other person;
15 d. The extent to which the obligee and the other
16 person have pooled their assets or income or otherwise
17 exhibited financial interdependence;
18 e. The extent to which the obligee or the other person
19 has supported the other, in whole or in part;
20 f. The extent to which the obligee or the other person
21 has performed valuable services for the other;
22 g. The extent to which the obligee or the other person
23 has performed valuable services for the other's company or
24 employer;
25 h. Whether the obligee and the other person have
26 worked together to create or enhance anything of value;
27 i. Whether the obligee and the other person have
28 jointly contributed to the purchase of any real or personal
29 property;
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1 j. Evidence in support of a claim that the obligee and
2 the other person have an express agreement regarding property
3 sharing or support; and

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

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

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

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

19 ~~(d)(e)~~ The department shall have authority to adopt
20 rules to implement this section.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 152

This Committee Substitute makes the following changes:

- Bases the finding of the existence of a de facto marriage on a variety of criteria rather than limiting a finding exclusively to whether the parties live as husband and wife under color of validity, but defective in form, or whether cohabitation exists with a person of the opposite sex similar to a former common law marriage;
- Authorizes, rather than requires, the court to terminate alimony upon a preponderance-of-the-evidence showing of the existence of a de facto marriage;
- Clarifies that marriages in this state require a license to be valid, such that a common law marriage is not recognized;
- Clarifies that these changes apply only to alimony orders resulting from divorces occurring in this state.