

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

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

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

16 61.14 Enforcement and modification of support,
17 maintenance, or alimony agreements or orders.--

18 (1)(a) When the parties enter into an agreement for
19 payments for, or instead of, support, maintenance, or alimony,
20 whether in connection with a proceeding for dissolution or
21 separate maintenance or with any voluntary property
22 settlement, or when a party is required by court order to make
23 any payments, and the circumstances or the financial ability
24 of either party changes or the child who is a beneficiary of
25 an agreement or court order as described herein reaches
26 majority after the execution of the agreement or the rendition
27 of the order, either party may apply to the circuit court of
28 the circuit in which the parties, or either of them, resided
29 at the date of the execution of the agreement or reside at the
30 date of the application, or in which the agreement was
31 executed or in which the order was rendered, for an order

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
20 supportive relationship has existed between the obligee and a
21 person with whom the obligee resides. On the issue of whether
22 alimony should be reduced or terminated under this paragraph,
23 the burden is on the obligor to prove by a preponderance of
24 the evidence that a supportive relationship exists.

25 2. In determining whether an existing award of alimony
26 should be reduced or terminated because of an alleged
27 supportive relationship between an obligee and a person who is
28 not related by consanguinity or affinity and with whom the
29 obligee resides, the court shall elicit the nature and extent
30 of the relationship in question. The court shall give
31 consideration, without limitation, to circumstances,

1 including, but not limited to, the following, in determining
2 the relationship of an obligee to another 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 other in terms such
7 as "my husband" or "my wife," or otherwise conducting
8 themselves in a manner that evidences a permanent supportive
9 relationship.

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

12 c. The extent to which the obligee and the other
13 person have pooled their assets or income or otherwise
14 exhibited financial interdependence.

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

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

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

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

24 h. Whether the obligee and the other person have
25 jointly contributed to the purchase of any real or personal
26 property.

27 i. Evidence in support of a claim that the obligee and
28 the other person have an express agreement regarding property
29 sharing or support.

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

4 k. Whether the obligee and the other person have
5 provided support to the children of one another, regardless of
6 any legal duty to do so.

7 3. This paragraph does not abrogate the requirement
8 that every marriage in this state be solemnized under a
9 license, does not recognize a common law marriage as valid,
10 and does not recognize a de facto marriage. This paragraph
11 recognizes only that relationships do exist that provide
12 economic support equivalent to a marriage and that alimony
13 terminable on remarriage may be reduced or terminated upon the
14 establishment of equivalent equitable circumstances as
15 described in this paragraph. The existence of a conjugal
16 relationship, though it may be relevant to the nature and
17 extent of the relationship, is not necessary for the
18 application of the provisions of this paragraph.

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

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

28 Section 2. This act shall take effect upon becoming a
29 law.

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