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CHAMBER ACTION

Senate

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House

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1 The Committee on Judiciary (Diaz de la Portilla) recommended the
2 following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 34 and 35,
6 insert:

7 Section 2. Paragraph (b) of subsection (1) of section
8 61.14, Florida Statutes, is amended to read:

9 61.14 Enforcement and modification of support, maintenance,
10 or alimony agreements or orders.--

11 (1)

12 (b)1. The court may reduce or terminate an award of alimony
13 upon specific written findings by the court that since the
14 granting of a divorce and the award of alimony a supportive
15 relationship does exist or has existed between the obligee and a
16 person with whom the obligee resides. On the issue of whether
17 alimony should be reduced or terminated under this paragraph, the



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18 | burden is on the obligor to prove by a preponderance of the
19 | evidence that a supportive relationship exists.

20 | 2. In determining whether an existing award of alimony
21 | should be reduced or terminated because of an alleged supportive
22 | relationship between an obligee and a person who is not related
23 | by consanguinity or affinity and with whom the obligee resides,
24 | the court shall elicit the nature and extent of the relationship
25 | in question. The court shall give consideration, without
26 | limitation, to circumstances, including, but not limited to, the
27 | following, in determining the relationship of an obligee to
28 | another person:

29 | a. The extent to which the obligee and the other person
30 | have held themselves out as a married couple by engaging in
31 | conduct such as using the same last name, using a common mailing
32 | address, referring to each other in terms such as "my husband" or
33 | "my wife," or otherwise conducting themselves in a manner that
34 | evidences a permanent supportive relationship.

35 | b. The period of time that the obligee has resided with the
36 | other person in a permanent place of abode.

37 | c. The extent to which the obligee and the other person
38 | have pooled their assets or income or otherwise exhibited
39 | financial interdependence.

40 | d. The extent to which the obligee or the other person has
41 | supported the other, in whole or in part.

42 | e. The extent to which the obligee or the other person has
43 | performed valuable services for the other.

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

46 | g. Whether the obligee and the other person have worked
47 | together to create or enhance anything of value.



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48 | h. Whether the obligee and the other person have jointly
 49 | contributed to the purchase of any real or personal property.

50 | i. Evidence in support of a claim that the obligee and the
 51 | other person have an express agreement regarding property sharing
 52 | or support.

53 | j. Evidence in support of a claim that the obligee and the
 54 | other person have an implied agreement regarding property sharing
 55 | or support.

56 | k. Whether the obligee and the other person have provided
 57 | support to the children of one another, regardless of any legal
 58 | duty to do so.

59 | 3. This paragraph does not abrogate the requirement that
 60 | every marriage in this state be solemnized under a license, does
 61 | not recognize a common law marriage as valid, and does not
 62 | recognize a de facto marriage. This paragraph recognizes only
 63 | that relationships do exist that provide economic support
 64 | equivalent to a marriage and that alimony terminable on
 65 | remarriage may be reduced or terminated upon the establishment of
 66 | equivalent equitable circumstances as described in this
 67 | paragraph. The existence of a conjugal relationship, though it
 68 | may be relevant to the nature and extent of the relationship, is
 69 | not necessary for the application of the provisions of this
 70 | paragraph.

71 |
 72 | (Redesignate subsequent sections)

73 |
 74 |
 75 | ===== T I T L E A M E N D M E N T =====

76 | And the title is amended as follows:

77 | On line 7, after the semicolon,

Bill No. SB 1416



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78 | insert:

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80 | amending s. 61.14, F.S.; allowing the court to reduce or

81 | terminate an award of alimony upon certain findings;