

1 A bill to be entitled
 2 An act relating to alimony; amending s. 61.08, F.S.;
 3 permitting consideration of the existence of a supportive
 4 relationship meeting specified criteria as a factor in
 5 determining an award of alimony or maintenance; amending
 6 s. 61.14, F.S.; allowing the court to reduce or terminate
 7 an award of alimony upon certain findings; providing an
 8 effective date.

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

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 12 Section 1. Paragraph (h) is added to subsection (2) of
 13 section 61.08, Florida Statutes, to read:

14 61.08 Alimony.--

15 (2) In determining a proper award of alimony or
 16 maintenance, the court shall consider all relevant economic
 17 factors, including but not limited to:

18 (h) Whether a supportive relationship as set forth in s.
 19 61.14(1)(b)2. does exist or has existed between the obligee and
 20 a person who is not related by consanguinity or affinity and
 21 with whom the obligee resides.

22
 23 The court may consider any other factor necessary to do equity
 24 and justice between the parties.

25 Section 2. Paragraph (b) of subsection (1) of section
 26 61.14, Florida Statutes, is amended to read:

27 61.14 Enforcement and modification of support,
 28 maintenance, or alimony agreements or orders.--

29 (1)

30 (b)1. The court may reduce or terminate an award of
31 alimony upon specific written findings by the court that since
32 the granting of a divorce and the award of alimony a supportive
33 relationship does exist or has existed between the obligee and a
34 person with whom the obligee resides. On the issue of whether
35 alimony should be reduced or terminated under this paragraph,
36 the burden is on the obligor to prove by a preponderance of the
37 evidence that a supportive relationship exists.

38 2. In determining whether an existing award of alimony
39 should be reduced or terminated because of an alleged supportive
40 relationship between an obligee and a person who is not related
41 by consanguinity or affinity and with whom the obligee resides,
42 the court shall elicit the nature and extent of the relationship
43 in question. The court shall give consideration, without
44 limitation, to circumstances, including, but not limited to, the
45 following, in determining the relationship of an obligee to
46 another person:

47 a. The extent to which the obligee and the other person
48 have held themselves out as a married couple by engaging in
49 conduct such as using the same last name, using a common mailing
50 address, referring to each other in terms such as "my husband"
51 or "my wife," or otherwise conducting themselves in a manner
52 that evidences a permanent supportive relationship.

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

55 c. The extent to which the obligee and the other person
56 have pooled their assets or income or otherwise exhibited
57 financial interdependence.

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

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

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

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

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

68 i. Evidence in support of a claim that the obligee and the
69 other person have an express agreement regarding property
70 sharing or support.

71 j. Evidence in support of a claim that the obligee and the
72 other person have an implied agreement regarding property
73 sharing or support.

74 k. Whether the obligee and the other person have provided
75 support to the children of one another, regardless of any legal
76 duty to do so.

77 3. This paragraph does not abrogate the requirement that
78 every marriage in this state be solemnized under a license, does
79 not recognize a common law marriage as valid, and does not
80 recognize a de facto marriage. This paragraph recognizes only
81 that relationships do exist that provide economic support
82 equivalent to a marriage and that alimony terminable on

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83 remarriage may be reduced or terminated upon the establishment
84 of equivalent equitable circumstances as described in this
85 paragraph. The existence of a conjugal relationship, though it
86 may be relevant to the nature and extent of the relationship, is
87 not necessary for the application of the provisions of this
88 paragraph.

89 Section 3. This act shall take effect July 1, 2008.