

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.071, F.S.; requiring that alimony pendente lite
4 be calculated in accordance with s. 61.08, F.S.;
5 amending s. 61.08, F.S.; defining terms; revising
6 factors to be considered for alimony awards; requiring
7 a court to make written findings regarding the basis
8 for awarding a combination of forms of alimony,
9 including the type of alimony and length of time for
10 which it is awarded; revising factors to be considered
11 when deciding whether to award alimony; providing that
12 an award of alimony automatically terminates without
13 further action under certain circumstances; providing
14 that the party seeking alimony has the burden of proof
15 of demonstrating a need for alimony and that the other
16 party has the ability to pay alimony; requiring the
17 court to consider specified relevant factors when
18 determining the proper type and amount of alimony;
19 revising provisions relating to the protection of
20 awards of alimony; revising provisions for an award of
21 durational alimony; specifying criteria related to the
22 rebuttable presumption to award or not to award
23 alimony; deleting a provision authorizing permanent
24 alimony; requiring written findings regarding the
25 incomes and standard of living of the parties after
26 dissolution of marriage; amending s. 61.09, F.S.;
27 providing for the calculation of alimony; amending s.
28 61.14, F.S.; authorizing a party to apply for an order

29 | to terminate the amount of support, maintenance, or
30 | alimony; requiring that an alimony order be modified
31 | upward upon a showing by clear and convincing evidence
32 | of an increased ability to pay alimony by the other
33 | party; prohibiting an increase in an obligor's income
34 | from being considered permanent in nature until it has
35 | been maintained for a specified period without
36 | interruption; providing an exemption from the
37 | reduction or termination of an alimony award in
38 | certain circumstances; providing that there is a
39 | rebuttable presumption that any modification or
40 | termination of an alimony award is retroactive to the
41 | date of the filing of the petition; providing for an
42 | award of attorney fees and costs if it is determined
43 | that an obligee unnecessarily or unreasonably
44 | litigates a petition for modification or termination
45 | of an alimony award; revising provisions relating to
46 | the effect of a supportive relationship on an award of
47 | alimony; providing that income and assets of the
48 | obligor's spouse or the person with whom the obligor
49 | resides may not be considered in the redetermination
50 | in a modification action; prohibiting an alimony award
51 | from being modified providing that if the court orders
52 | alimony concurrent with a child support order, the
53 | alimony award may not be modified because of the later
54 | modification or termination of child support payments;
55 | providing that the attaining of retirement age is a
56 | substantial change in circumstances; requiring the

57 | court to consider certain factors in determining
 58 | whether the obligor's retirement is reasonable;
 59 | requiring a court to terminate or reduce an alimony
 60 | award based on certain factors; amending s. 61.19,
 61 | F.S.; authorizing separate adjudication of issues in a
 62 | dissolution of marriage case in certain circumstances;
 63 | providing for retroactive application of the act to
 64 | alimony awards entered before July 1, 2013; providing
 65 | allowable dates for the modification of such awards;
 66 | providing an effective date.

67 |
 68 | Be It Enacted by the Legislature of the State of Florida:

69 |
 70 | Section 1. Section 61.071, Florida Statutes, is amended to
 71 | read:

72 | 61.071 Alimony pendente lite; suit money.—In every
 73 | proceeding for dissolution of the marriage, a party may claim
 74 | alimony and suit money in the petition or by motion, and if the
 75 | petition is well founded, the court shall allow alimony
 76 | calculated in accordance with s. 61.08 and a reasonable sum of
 77 | suit money ~~therefor~~. If a party in any proceeding for
 78 | dissolution of marriage claims alimony or suit money in his or
 79 | her answer or by motion, and the answer or motion is well
 80 | founded, the court shall allow alimony calculated in accordance
 81 | with s. 61.08 and a reasonable sum of suit money ~~therefor~~.

82 | Section 2. Section 61.08, Florida Statutes, is amended to
 83 | read:

84 | 61.08 Alimony.—

85 (1) As used in this section, the term:

86 (a) "Alimony" means a court-ordered payment of support by
 87 an obligor to an obligee after the dissolution of a marriage.

88 (b) "Long-term marriage" means a marriage having a
 89 duration of 20 years or more, as measured from the date of the
 90 marriage to the date of filing the petition for dissolution.

91 (c) "Mid-term marriage" means a marriage having a duration
 92 of more than 10 years but less than 20 years, as measured from
 93 the date of the marriage to the date of filing the petition for
 94 dissolution.

95 (d) "Net income" means net income as determined in
 96 accordance with s. 61.30.

97 (e) "Short-term marriage" means a marriage having a
 98 duration equal to or less than 10 years, as measured from the
 99 date of the marriage to the date of filing the petition for
 100 dissolution.

101 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
 102 court may grant alimony to either party in the form of, ~~which~~
 103 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
 104 ~~alimony, or a permanent in nature or any~~ combination of these
 105 forms of alimony, but shall prioritize an award of bridge-the-
 106 gap alimony, followed by rehabilitative alimony, over any other
 107 form of alimony. In an ~~any~~ award of alimony, the court may order
 108 periodic payments, ~~or~~ payments in lump sum, or both. Alimony may
 109 not be awarded in any other action.

110 (b) The court shall make written findings regarding the
 111 basis for awarding a combination of forms of alimony, including
 112 the type of alimony and the length of time for which it is

113 awarded. The court may award only a combination of forms of
114 alimony to provide greater economic assistance in order to allow
115 the recipient to achieve rehabilitation.

116 (c) The court may consider the adultery of either party
117 spouse and the circumstances thereof in determining the amount
118 of alimony, if any, to be awarded.

119 (d) In all dissolution actions, the court shall include
120 written findings of fact relative to the factors enumerated in
121 subsection (3) ~~(2)~~ supporting an award or denial of alimony.

122 (e) An award of alimony granted under this section
123 automatically terminates without further action of either party
124 or the court upon the earlier of:

125 1. The durational limits specified in this section; or
126 2. The obligee's normal retirement age for social security
127 retirement benefits.

128
129 If the obligee proves by clear and convincing evidence that the
130 need for alimony continues to exist and the court determines
131 that the obligor continues to have the ability to pay, the court
132 shall issue written findings justifying an extension of alimony
133 consistent with the provisions of this section.

134 (f) The clerk of the court shall, upon request, indicate
135 in writing that an alimony obligation has terminated in
136 accordance with paragraph (e), unless there is a pending motion
137 before the court disputing the fulfillment of the alimony
138 obligation.

139 (3) ~~(2)~~ The party seeking alimony has the burden of proof
140 of demonstrating a need for alimony in accordance with

141 subsection (8) and that the other party has the ability to pay
 142 alimony. In determining whether to award alimony ~~or maintenance,~~
 143 the court shall ~~first~~ make, in writing, a specific factual
 144 determination as to whether the other ~~either~~ party ~~has an actual~~
 145 ~~need for alimony or maintenance and whether either party has the~~
 146 ability to pay alimony ~~or maintenance.~~ If the court finds that
 147 the a party seeking alimony has met its burden of proof in
 148 demonstrating a need for alimony ~~or maintenance~~ and that the
 149 other party has the ability to pay alimony ~~or maintenance,~~ then
 150 in determining the proper type and amount of alimony ~~or~~
 151 ~~maintenance~~ under subsections (5)-(9) ~~(5)-(8),~~ the court shall
 152 consider all relevant factors, including, ~~but not limited to:~~
 153 ~~(a) The standard of living established during the~~
 154 ~~marriage.~~
 155 (a)(b) The duration of the marriage.
 156 (b)(e) The age and the physical and emotional condition of
 157 each party.
 158 (c)(d) The financial resources of each party, including
 159 the portion of nonmarital assets that were relied upon by the
 160 parties during the marriage and the marital assets and
 161 liabilities distributed to each.
 162 (d)(e) The earning capacities, educational levels,
 163 vocational skills, and employability of the parties and, when
 164 applicable, the time necessary for either party to acquire
 165 sufficient education or training to enable such party to find
 166 appropriate employment.
 167 (e)(f) The contribution of each party to the marriage,
 168 including, but not limited to, services rendered in homemaking,

169 child care, education, and career building of the other party.

170 ~~(f)(g)~~ The responsibilities each party will have with
 171 regard to any minor children that the parties ~~they~~ have in
 172 common.

173 ~~(g)(h)~~ The tax treatment and consequences to both parties
 174 of an any alimony award, which must be consistent with
 175 applicable state and federal tax laws and may include ~~including~~
 176 the designation of all or a portion of the payment as a
 177 nontaxable, nondeductible payment.

178 ~~(h)(i)~~ All sources of income available to either party,
 179 including income available to either party through investments
 180 of any asset held by that party which was acquired during the
 181 marriage or acquired outside the marriage and relied upon during
 182 the marriage.

183 ~~(i)~~ The net income and standard of living available to
 184 each party after the application of the alimony award. There is
 185 a rebuttable presumption that both parties will have a lower
 186 standard of living after the dissolution of marriage than the
 187 standard of living they enjoyed during the marriage. This
 188 presumption may be overcome by a preponderance of the evidence.

189 ~~(j)~~ Any other factor necessary to do equity and justice
 190 between the parties, if that factor is specifically identified
 191 in the award with findings of fact justifying the application of
 192 the factor.

193 ~~(4)(3)~~ To the extent necessary to protect an award of
 194 alimony, the court may order any party who is ordered to pay
 195 alimony to purchase or maintain a decreasing term life insurance
 196 policy or a bond, or to otherwise secure such alimony award with

197 | any other assets that ~~which~~ may be suitable for that purpose, in
 198 | an amount adequate to secure the alimony award. Any such
 199 | security may be awarded only upon a showing of special
 200 | circumstances. If the court finds special circumstances and
 201 | awards such security, the court must make specific evidentiary
 202 | findings regarding the availability, cost, and financial impact
 203 | on the obligated party. Any security may be modifiable in the
 204 | event that the underlying alimony award is modified and shall be
 205 | reduced in an amount commensurate with any reduction in the
 206 | alimony award.

207 | ~~(4) For purposes of determining alimony, there is a~~
 208 | ~~rebuttable presumption that a short-term marriage is a marriage~~
 209 | ~~having a duration of less than 7 years, a moderate-term marriage~~
 210 | ~~is a marriage having a duration of greater than 7 years but less~~
 211 | ~~than 17 years, and long-term marriage is a marriage having a~~
 212 | ~~duration of 17 years or greater. The length of a marriage is the~~
 213 | ~~period of time from the date of marriage until the date of~~
 214 | ~~filing of an action for dissolution of marriage.~~

215 | (5) Bridge-the-gap alimony may be awarded to assist a
 216 | party by providing support to allow the party to make a
 217 | transition from being married to being single. Bridge-the-gap
 218 | alimony is designed to assist a party with legitimate
 219 | identifiable short-term needs, and the length of an award may
 220 | not exceed 2 years. An award of bridge-the-gap alimony
 221 | terminates upon the death of either party or upon the remarriage
 222 | of the party receiving alimony. An award of bridge-the-gap
 223 | alimony is ~~shall~~ not be modifiable in amount or duration.

224 | (6) (a) Rehabilitative alimony may be awarded to assist a

CS/HB 231

2013

225 party in establishing the capacity for self-support through
226 either:

- 227 1. The redevelopment of previous skills or credentials; or
- 228 2. The acquisition of education, training, or work
229 experience necessary to develop appropriate employment skills or
230 credentials.

231 (b) In order to award rehabilitative alimony, there must
232 be a specific and defined rehabilitative plan which shall be
233 included as a part of any order awarding rehabilitative alimony.

234 (c) An award of rehabilitative alimony may be modified or
235 terminated only during the rehabilitative period in accordance
236 with s. 61.14 based upon a substantial change in circumstances,
237 upon noncompliance with the rehabilitative plan, or upon
238 completion of the rehabilitative plan.

239 (7) Durational alimony may be awarded ~~when permanent~~
240 ~~periodic alimony is inappropriate. The purpose of durational~~
241 ~~alimony is to provide a party with economic assistance for a set~~
242 period of time following a short-term, mid-term, or long-term
243 ~~marriage of short or moderate duration or following a marriage~~
244 ~~of long duration if there is no ongoing need for support on a~~
245 ~~permanent basis. When awarding durational alimony, the court~~
246 must make written findings that an award of another form of
247 alimony or a combination of the other forms of alimony is not
248 appropriate. An award of durational alimony terminates upon the
249 death of either party or upon the remarriage of the party
250 receiving alimony. The amount of an award of durational alimony
251 shall ~~may~~ be modified or terminated based upon a substantial
252 change in circumstances or upon the existence of a supportive

253 relationship in accordance with s. 61.14. However, The length of
254 an award of durational alimony may not be modified except under
255 exceptional circumstances and may not exceed 50 percent of the
256 length of the marriage, unless the party seeking alimony proves
257 by clear and convincing evidence that exceptional circumstances
258 justify the need for a longer award of alimony, which
259 exceptional circumstances must be set out in writing by the
260 court the length of the marriage.

261 (8) (a) There is a rebuttable presumption against awarding
262 alimony for a short-term marriage. A party seeking alimony may
263 overcome this presumption by demonstrating by clear and
264 convincing evidence a need for alimony. If the court finds that
265 the party has met its burden in demonstrating a need for alimony
266 and that the other party has the ability to pay alimony, the
267 court shall determine a monthly award of alimony that may not
268 exceed 20 percent of the obligor's monthly net income.

269 (b) There is no presumption in favor of either party to an
270 award of alimony for a mid-term marriage. A party seeking such
271 alimony must prove by a preponderance of the evidence a need for
272 alimony. If the court finds that the party has met its burden in
273 demonstrating a need for alimony and that the other party has
274 the ability to pay alimony, the court shall determine a monthly
275 alimony obligation that may not exceed 30 percent of the
276 obligor's monthly net income.

277 (c) There is a rebuttable presumption in favor of awarding
278 alimony for a long-term marriage. A party against whom alimony
279 is sought may overcome this presumption by demonstrating by
280 clear and convincing evidence that there is no need for alimony.

281 If the court finds that the party against whom alimony is sought
 282 fails to meet its burden to demonstrate that there is no need
 283 for alimony and that the party has the ability to pay alimony,
 284 the court shall determine a monthly alimony obligation that may
 285 not exceed 33 percent of the obligor's monthly net income.

286 (9) The court may order alimony exceeding the monthly net
 287 income limits established in subsection (8) if the court
 288 determines, in accordance with the factors in subsection (3),
 289 that there is a need for additional alimony, which determination
 290 must be set out in writing. ~~Permanent alimony may be awarded to~~
 291 ~~provide for the needs and necessities of life as they were~~
 292 ~~established during the marriage of the parties for a party who~~
 293 ~~lacks the financial ability to meet his or her needs and~~
 294 ~~necessities of life following a dissolution of marriage.~~
 295 ~~Permanent alimony may be awarded following a marriage of long~~
 296 ~~duration if such an award is appropriate upon consideration of~~
 297 ~~the factors set forth in subsection (2), following a marriage of~~
 298 ~~moderate duration if such an award is appropriate based upon~~
 299 ~~clear and convincing evidence after consideration of the factors~~
 300 ~~set forth in subsection (2), or following a marriage of short~~
 301 ~~duration if there are written findings of exceptional~~
 302 ~~circumstances. In awarding permanent alimony, the court shall~~
 303 ~~include a finding that no other form of alimony is fair and~~
 304 ~~reasonable under the circumstances of the parties. An award of~~
 305 ~~permanent alimony terminates upon the death of either party or~~
 306 ~~upon the remarriage of the party receiving alimony. An award may~~
 307 ~~be modified or terminated based upon a substantial change in~~
 308 ~~circumstances or upon the existence of a supportive relationship~~

309 ~~in accordance with s. 61.14.~~

310 (10) A party against whom alimony is sought who has met
 311 the requirements for retirement in accordance with s. 61.14(12)
 312 before the filing of the petition for dissolution is not
 313 required to pay alimony unless the party seeking alimony proves
 314 by clear and convincing evidence the other party has the ability
 315 to pay alimony, in addition to all other requirements of this
 316 section.

317 (11)~~(9)~~ Notwithstanding any other provision of law,
 318 alimony may not be awarded to a party who has a monthly net
 319 income that is equal to or more than the other party. Except in
 320 the case of a long-term marriage, in awarding alimony, the court
 321 shall impute income to the obligor and obligee as follows:

322 (a) In the case of the obligor, social security retirement
 323 benefits may not be imputed to the obligor, as demonstrated by a
 324 social security retirement benefits entitlement letter.

325 (b) In the case of the obligee, if the obligee:

326 1. Is unemployed at the time the petition is filed and has
 327 been unemployed for less than 1 year before the time of the
 328 filing of the petition, the obligee's monthly net income shall
 329 be imputed at 90 percent of the obligee's prior monthly net
 330 income.

331 2. Is unemployed at the time the petition is filed and has
 332 been unemployed for at least 1 year but less than 2 years before
 333 the time of the filing of the petition, the obligee's monthly
 334 net income shall be imputed at 80 percent of the obligee's prior
 335 monthly net income.

336 3. Is unemployed at the time the petition is filed and has

CS/HB 231

2013

337 been unemployed for at least 2 years but less than 3 years
338 before the time of the filing of the petition, the obligee's
339 monthly net income shall be imputed at 70 percent of the
340 obligee's prior monthly net income.

341 4. Is unemployed at the time the petition is filed and has
342 been unemployed for at least 3 years but less than 4 years
343 before the time of the filing of the petition, the obligee's
344 monthly net income shall be imputed at 60 percent of the
345 obligee's prior monthly net income.

346 5. Is unemployed at the time the petition is filed and has
347 been unemployed for at least 4 years but less than 5 years
348 before the time of the filing of the petition, the obligee's
349 monthly net income shall be imputed at 50 percent of the
350 obligee's prior monthly net income.

351 6. Is unemployed at the time the petition is filed and has
352 been unemployed for at least 5 years before the time of the
353 filing of the petition, the obligee's monthly net income shall
354 be imputed at 40 percent of the obligee's prior monthly net
355 income, or the monthly net income of a minimum wage earner at
356 the time of the filing of the petition, whichever is greater.

357 7. Proves by a preponderance of the evidence that he or
358 she does not have the ability to earn the imputed income through
359 reasonable means, the court shall reduce the imputation of
360 income specified in this paragraph. If the obligee alleges that
361 a physical disability has impaired his or her ability to earn
362 the imputed income, such disability must meet the definition of
363 disability as determined by the Social Security Administration.
364 ~~The award of alimony may not leave the payor with significantly~~

CS/HB 231

2013

365 ~~less net income than the net income of the recipient unless~~
366 ~~there are written findings of exceptional circumstances.~~

367 (12) (a) ~~(10) (a)~~ With respect to any order requiring the
368 payment of alimony entered on or after January 1, 1985, unless
369 ~~the provisions of paragraph (c) or paragraph (d)~~ applies ~~apply~~,
370 the court shall direct in the order that the payments of alimony
371 be made through the appropriate depository as provided in s.
372 61.181.

373 (b) With respect to any order requiring the payment of
374 alimony entered before January 1, 1985, upon the subsequent
375 appearance, on or after that date, of one or both parties before
376 the court having jurisdiction for the purpose of modifying or
377 enforcing the order or in any other proceeding related to the
378 order, or upon the application of either party, unless ~~the~~
379 ~~provisions of paragraph (c) or paragraph (d)~~ applies ~~apply~~, the
380 court shall modify the terms of the order as necessary to direct
381 that payments of alimony be made through the appropriate
382 depository as provided in s. 61.181.

383 (c) If there is no minor child, alimony payments need not
384 be directed through the depository.

385 (d)1. If there is a minor child of the parties and both
386 parties so request, the court may order that alimony payments
387 need not be directed through the depository. In this case, the
388 order of support must ~~shall~~ provide, or be deemed to provide,
389 that either party may subsequently apply to the depository to
390 require that payments be made through the depository. The court
391 shall provide a copy of the order to the depository.

392 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,

393 | either party may subsequently file with the depository an
 394 | affidavit alleging default or arrearages in payment and stating
 395 | that the party wishes to initiate participation in the
 396 | depository program. The party shall provide copies of the
 397 | affidavit to the court and the other party or parties. Fifteen
 398 | days after receipt of the affidavit, the depository shall notify
 399 | all parties that future payments shall be directed to the
 400 | depository.

401 | 3. In IV-D cases, the IV-D agency has ~~shall have~~ the same
 402 | rights as the obligee in requesting that payments be made
 403 | through the depository.

404 | Section 3. Section 61.09, Florida Statutes, is amended to
 405 | read:

406 | 61.09 Alimony and child support unconnected with
 407 | dissolution.—If a person having the ability to contribute to the
 408 | maintenance of his or her spouse and support of his or her minor
 409 | child fails to do so, the spouse who is not receiving support
 410 | may apply to the court for alimony and for support for the child
 411 | without seeking dissolution of marriage, and the court shall
 412 | enter an order as it deems just and proper. Alimony awarded
 413 | under this section shall be calculated in accordance with s.
 414 | 61.08.

415 | Section 4. Subsection (1) of section 61.14, Florida
 416 | Statutes, is amended, paragraph (c) is added to subsection (11)
 417 | of that section, and subsection (12) is added to that section,
 418 | to read:

419 | 61.14 Enforcement and modification of support,
 420 | maintenance, or alimony agreements or orders.—

421 (1) (a) When the parties enter into an agreement for
422 payments for, or instead of, support, maintenance, or alimony,
423 whether in connection with a proceeding for dissolution or
424 separate maintenance or with any voluntary property settlement,
425 or when a party is required by court order to make any payments,
426 and the circumstances or the financial ability of either party
427 changes or the child who is a beneficiary of an agreement or
428 court order as described herein reaches majority after the
429 execution of the agreement or the rendition of the order, either
430 party may apply to the circuit court of the circuit in which the
431 parties, or either of them, resided at the date of the execution
432 of the agreement or reside at the date of the application, or in
433 which the agreement was executed or in which the order was
434 rendered, for an order terminating, decreasing, or increasing
435 the amount of support, maintenance, or alimony, and the court
436 has jurisdiction to make orders as equity requires, with due
437 regard to the changed circumstances or the financial ability of
438 the parties or the child, decreasing, increasing, or confirming
439 the amount of separate support, maintenance, or alimony provided
440 for in the agreement or order. A finding that medical insurance
441 is reasonably available or the child support guidelines schedule
442 in s. 61.30 may constitute changed circumstances. Except as
443 otherwise provided in s. 61.30(11)(c), the court may modify an
444 order of support, maintenance, or alimony by terminating,
445 increasing, or decreasing the support, maintenance, or alimony
446 retroactively to the date of the filing of the action or
447 supplemental action for modification as equity requires, giving
448 due regard to the changed circumstances or the financial ability

449 of the parties or the child.

450 (b)1. If the court has determined that an existing alimony
451 award as determined by the court at the time of dissolution is
452 insufficient to meet the needs of the obligee, and that such
453 need continues to exist, an alimony order shall be modified
454 upward upon a showing by clear and convincing evidence of a
455 permanently increased ability to pay alimony. Clear and
456 convincing evidence must include, but need not be limited to,
457 federal tax returns. An increase in an obligor's income may not
458 be considered permanent in nature unless the increase has been
459 maintained without interruption for at least 2 years, taking
460 into account the obligor's ability to sustain his or her income.

461 2.1- Notwithstanding subparagraph 1., the court shall ~~may~~
462 reduce or terminate an award of alimony upon specific written
463 findings by the court that since the granting of a divorce and
464 the award of alimony, a supportive relationship has existed
465 between the obligee and another a person, except upon a showing
466 by clear and convincing evidence by the obligee that his or her
467 long-term need for alimony, taking into account the totality of
468 the circumstances, has not been reduced by the supportive
469 relationship with whom the obligee resides. On the issue of
470 whether alimony should be reduced or terminated under this
471 paragraph, the burden is on the obligor to prove by a
472 preponderance of the evidence that a supportive relationship
473 exists.

474 3.2- In determining whether an existing award of alimony
475 should be reduced or terminated because of an alleged supportive
476 relationship between an obligee and a person who is not related

477 by consanguinity or affinity and with whom the obligee resides,
478 the court shall elicit the nature and extent of the relationship
479 in question. The court shall give consideration, without
480 limitation, to circumstances, including, but not limited to, the
481 following, in determining the relationship of an obligee to
482 another person:

483 a. The extent to which the obligee and the other person
484 have held themselves out as a married couple by engaging in
485 conduct such as using the same last name, using a common mailing
486 address, referring to each other in terms such as "my husband"
487 or "my wife," or otherwise conducting themselves in a manner
488 that evidences a permanent supportive relationship.

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

491 c. The extent to which the obligee and the other person
492 have pooled their assets or income or otherwise exhibited
493 financial interdependence.

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

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

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

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

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

504 i. Evidence in support of a claim that the obligee and the

505 other person have an express agreement regarding property
506 sharing or support.

507 j. Evidence in support of a claim that the obligee and the
508 other person have an implied agreement regarding property
509 sharing or support.

510 k. Whether the obligee and the other person have provided
511 support to the children of one another, regardless of any legal
512 duty to do so.

513 ~~4.3.~~ This paragraph does not abrogate the requirement that
514 every marriage in this state be solemnized under a license, does
515 not recognize a common law marriage as valid, and does not
516 recognize a de facto marriage. This paragraph recognizes only
517 that relationships do exist that provide economic support
518 equivalent to a marriage and that alimony terminable on
519 remarriage may be reduced or terminated upon the establishment
520 of equivalent equitable circumstances as described in this
521 paragraph. The existence of a conjugal relationship, though it
522 may be relevant to the nature and extent of the relationship, is
523 not necessary for the application of ~~the provisions of~~ this
524 paragraph.

525 5. There is a rebuttable presumption that any modification
526 or termination of an alimony award is retroactive to the date of
527 the filing of the petition. In an action under this section, if
528 it is determined that the obligee unnecessarily or unreasonably
529 litigated the underlying petition for modification or
530 termination, the court may award the obligor his or her
531 reasonable attorney fees and costs pursuant to s. 61.16 and
532 applicable case law.

533 (c) For each support order reviewed by the department as
534 required by s. 409.2564(11), if the amount of the child support
535 award under the order differs by at least 10 percent but not
536 less than \$25 from the amount that would be awarded under s.
537 61.30, the department shall seek to have the order modified and
538 any modification shall be made without a requirement for proof
539 or showing of a change in circumstances.

540 (d) The department may ~~shall have authority to~~ adopt rules
541 to administer ~~implement~~ this section.

542 (11)

543 (c) If the court orders alimony payable concurrent with a
544 child support order, the alimony award may not be modified
545 solely because of a later reduction or termination of child
546 support payments, unless the court finds the obligor has the
547 ability to pay the modified alimony award, the existing alimony
548 award as determined by the court at the time of dissolution is
549 insufficient to meet the needs of the obligee, and such need
550 continues to exist.

551 (12) (a) The fact that an obligor has reached a reasonable
552 retirement age for his or her profession, has retired, and has
553 no intent to return to work, or has reached the normal
554 retirement age for social security benefits, is considered a
555 substantial change in circumstances as a matter of law. An
556 obligor who has reached the normal retirement age for social
557 security benefits shall be considered to have reached a
558 reasonable retirement age. With regard to an obligor who has
559 retired before the normal retirement age for social security
560 benefits, the court shall consider the following in determining

561 whether the obligor's retirement age is reasonable:

562 1. Age.

563 2. Health.

564 3. Type of work.

565 4. Normal retirement age for that type of work.

566 (b) In anticipation of retirement, the obligor may file a
 567 petition for termination or modification of the alimony award
 568 effective upon the earlier of the retirement date or the date
 569 the obligor reaches the normal retirement age for social
 570 security benefits. The court shall terminate the award or reduce
 571 the award based on the circumstances of the parties after
 572 retirement and based on the factors in s. 61.08, unless the
 573 obligee proves by clear and convincing evidence that the need
 574 for alimony at the present level continues to exist and that the
 575 obligor's ability to pay has not been diminished.

576 Section 5. Section 61.19, Florida Statutes, is amended to
 577 read:

578 61.19 Entry of judgment of dissolution of marriage;~~;~~ delay
 579 period; separate adjudication of issues.-

580 (1) A ~~Ne~~ final judgment of dissolution of marriage may not
 581 be entered until at least 20 days have elapsed from the date of
 582 filing the original petition for dissolution of marriage,~~;~~ but
 583 the court, on a showing that injustice would result from this
 584 delay, may enter a final judgment of dissolution of marriage at
 585 an earlier date.

586 (2) (a) During the first 180 days after the date of service
 587 of the original petition for dissolution of marriage, the court
 588 may not grant a final dissolution of marriage with a reservation

589 of jurisdiction to subsequently determine all other substantive
590 issues unless the court makes written findings that there are
591 exceptional circumstances that make the use of this process
592 clearly necessary to protect the parties or their children and
593 that granting a final dissolution will not cause irreparable
594 harm to either party or the children. Before granting a final
595 dissolution of marriage with a reservation of jurisdiction to
596 subsequently determine all other substantive issues, the court
597 shall enter temporary orders necessary to protect the parties
598 and their children, which orders remain effective until all
599 other issues can be adjudicated by the court. The desire of one
600 party to remarry does not justify the use of this process.

601 (b) If more than 180 days have elapsed after the date of
602 service of the original petition for dissolution of marriage,
603 the court may grant a final dissolution of marriage with a
604 reservation of jurisdiction to subsequently determine all other
605 substantive issues only if the court enters temporary orders
606 necessary to protect the parties and their children, which
607 orders remain effective until such time as all other issues can
608 be adjudicated by the court, and makes a written finding that no
609 irreparable harm will result from granting a final dissolution.

610 (c) If more than 365 days have elapsed after the date of
611 service of the original petition for dissolution of marriage,
612 absent a showing by either party that irreparable harm will
613 result from granting a final dissolution, the court shall, upon
614 request of either party, immediately grant a final dissolution
615 of marriage with a reservation of jurisdiction to subsequently
616 determine all other substantive issues. Before granting a final

617 dissolution of marriage with a reservation of jurisdiction to
618 subsequently determine all other substantive issues, the court
619 shall enter temporary orders necessary to protect the parties
620 and their children, which orders remain effective until all
621 other issues can be adjudicated by the court.

622 (d) The temporary orders necessary to protect the parties
623 and their children entered before granting a dissolution of
624 marriage without an adjudication of all substantive issues may
625 include, but are not limited to, temporary orders that:

- 626 1. Restrict the sale or disposition of property.
- 627 2. Protect and preserve the marital assets.
- 628 3. Establish temporary support.
- 629 4. Provide for maintenance of health insurance.
- 630 5. Provide for maintenance of life insurance.

631 (e) The court is not required to enter temporary orders to
632 protect the parties and their children if the court enters a
633 final judgment of dissolution of marriage that adjudicates
634 substantially all of the substantive issues between the parties
635 but reserves jurisdiction to address ancillary issues such as
636 the entry of a qualified domestic relations order or the
637 adjudication of attorney fees and costs.

638 Section 6. (1) The amendments to chapter 61, Florida
639 Statutes, made by this act apply to all initial awards of, and
640 agreements for, alimony entered before July 1, 2013, and to all
641 modifications of such awards or agreements made before July 1,
642 2013, with the exception of agreements that are expressly
643 nonmodifiable. Such amendments may serve as a basis to modify
644 the amount or duration of an award existing before July 1, 2013.

645 Such amendments may also serve as a basis to modify an agreement
646 for alimony if the agreement is 25 percent or more in duration
647 or amount than an alimony award calculated under the amendments
648 made by this act.

649 (2) An obligor whose initial award or modification of such
650 award was made before July 1, 2013, may file a modification
651 action according to the following schedule:

652 (a) An obligor who is subject to an alimony award of 15
653 years or more may file a modification action on or after July 1,
654 2013.

655 (b) An obligor who is subject to an alimony award of 8
656 years of more, but less than 15 years, may file a modification
657 action on or after July 1, 2014.

658 (c) An obligor who is subject to an alimony award of less
659 than 8 years may file a modification action on or after July 1,
660 2015.

661 (3) An obligor whose initial agreement or modification of
662 such agreement was made before July 1, 2013, may file a
663 modification action according to the following schedule:

664 (a) An obligor who has agreed to permanent alimony may
665 file a modification action on or after July 1, 2013.

666 (b) An obligor who has agreed to durational alimony of 10
667 years or more may file a modification action on or after July 1,
668 2014.

669 (c) An obligor who has agreed to durational alimony of
670 more than 5 years but less than 10 years may file a modification
671 action on or after July 1, 2015.

672 Section 7. This act shall take effect July 1, 2013.