

1 A bill to be entitled
2 An act relating to alimony; amending s. 61.071, F.S.;
3 requiring that alimony pendente lite be calculated in
4 accordance with s. 61.08, F.S.; amending s. 61.075,
5 F.S.; requiring the court to provide written findings
6 regarding certain payments; amending s. 61.08, F.S.;
7 providing definitions; providing for the priority of
8 different forms of alimony; requiring a court to make
9 written findings regarding the basis for awarding a
10 combination of forms of alimony; providing that the
11 party seeking alimony has the burden of proof of
12 certain factors; revising and adding specified factors
13 to be considered when determining alimony; revising
14 provisions relating to the protection of awards of
15 alimony; revising provisions for an award of
16 durational alimony; specifying criteria related to the
17 rebuttable presumption to award or not to award
18 alimony; specifying criteria for awarding
19 rehabilitative alimony; removing the authorization of
20 permanent alimony; providing that a retired party does
21 not have to pay alimony under certain circumstances;
22 providing for imputation of income to the obligor or
23 obligee; amending s. 61.09, F.S.; providing for the
24 calculation of alimony; amending s. 61.13, F.S.;
25 providing that equal time-sharing for each minor child

26 is in the best interest of the child; providing
27 exceptions; providing prospective applicability of the
28 act; amending s. 61.14, F.S.; authorizing the
29 termination of alimony; requiring that an alimony
30 award be modified upon certain conditions; creating a
31 rebuttable presumption that a modification or
32 termination of an alimony award is retroactive to the
33 date the petition was filed; providing for an award of
34 attorney fees and costs under certain circumstances;
35 providing that an alimony award may not be modified
36 solely because of the later modification or
37 termination of child support payments; providing that
38 an obligor's subsequent remarriage or cohabitation is
39 not a basis for modification of alimony; providing
40 that attaining retirement age is considered a
41 substantial change in circumstances; providing factors
42 to be considered in determining whether the retirement
43 is reasonable; amending s. 61.19, F.S.; authorizing
44 separate adjudication of issues in a dissolution of
45 marriage case in certain circumstances; providing for
46 temporary orders to protect the parties and their
47 children; providing applicability; providing an
48 effective date.

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

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Section 1. Section 61.071, Florida Statutes, is amended to read:

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

Section 2. Paragraph (b) of subsection (10) of section 61.075, Florida Statutes, is amended to read:

61.075 Equitable distribution of marital assets and liabilities.—

(10)

(b) If installment payments are ordered, the court may require security and a reasonable rate of interest or may otherwise recognize the time value of the money to be paid in the judgment or order. If security or interest is required, the court shall make written findings relating to any deferred payments, the amount of any security required, and the interest.

Section 3. Section 61.08, Florida Statutes, is amended to

76 read:

77 61.08 Alimony.—

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

79 (a) "Alimony" means a court-ordered payment of support by
 80 an obligor spouse to an obligee spouse.

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

84 (c) "Mid-term marriage" means a marriage having a duration
 85 of more than 11 years but less than 20 years, as measured from
 86 the date of marriage to the date of filing the petition for
 87 dissolution.

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

90 (e) "Short term marriage" means a marriage having a
 91 duration equal to or less than 11 years, as measured from the
 92 date of the marriage to the date of filing the petition for
 93 dissolution.

94 (2) (a) In a proceeding for dissolution of marriage, the
 95 court may grant alimony to either party in the form of, ~~which~~
 96 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
 97 ~~alimony, or permanent in nature or~~ any combination of these
 98 forms of alimony, but shall prioritize an award of bridge-the-
 99 gap alimony, followed by rehabilitative alimony, over any other
 100 form of alimony. In ~~an any~~ award of alimony, the court may order

101 periodic payments, ~~or~~ payments in lump sum, or both.

102 (b) The court shall make written findings regarding the
103 basis for awarding a combination of forms of alimony, including
104 the type of alimony and the length of time for which it is
105 awarded. The court may award only a combination of forms of
106 alimony to provide greater economic assistance in order to allow
107 the recipient to achieve rehabilitation.

108 (c) The court may consider the adultery of either party
109 ~~spouse~~ and the circumstances thereof in determining the amount
110 of alimony, if any, to be awarded.

111 (d) In all dissolution actions, the court shall include
112 written findings of fact relative to the factors enumerated in
113 subsection (3)-(2) supporting an award or denial of alimony.

114 (3)-(2) The party seeking alimony has the burden of proof
115 of demonstrating a need for alimony in accordance with
116 subsection (8) and that the other party has the ability to pay
117 alimony. In determining whether to award alimony ~~or maintenance~~,
118 the court shall ~~first~~ make, in writing, a specific factual
119 determination as to whether the other ~~either~~ party ~~has an actual~~
120 ~~need for alimony or maintenance and whether either party has the~~
121 ~~ability to pay alimony or maintenance.~~ If the court finds that
122 the a party seeking alimony has met its burden of proof in
123 demonstrating a need for alimony ~~or maintenance~~ and that the
124 other party has the ability to pay alimony ~~or maintenance~~, then
125 in determining the proper type and amount of alimony ~~or~~

126 ~~maintenance~~ under subsections (5)-(9) ~~(5)-(8)~~, the court shall
 127 consider all relevant factors, including, ~~but not limited to:~~

128 ~~(a) The standard of living established during the~~
 129 ~~marriage.~~

130 (a) ~~(b)~~ The duration of the marriage.

131 (b) ~~(c)~~ The age and the physical and emotional condition of
 132 each party.

133 (c) ~~(d)~~ The financial resources of each party, including
 134 the portion of nonmarital assets that were relied upon by the
 135 parties during the marriage and the marital assets and
 136 liabilities distributed to each.

137 (d) ~~(e)~~ The earning capacities, educational levels,
 138 vocational skills, and employability of the parties and, when
 139 applicable, the time necessary for either party to acquire
 140 sufficient education or training to enable such party to find
 141 appropriate employment.

142 (e) ~~(f)~~ The contribution of each party to the marriage,
 143 including, but not limited to, services rendered in homemaking,
 144 child care, education, and career building of the other party.

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

148 (g) ~~(h)~~ The tax treatment and consequences to both parties
 149 of an any alimony award, which must be consistent with
 150 applicable state and federal tax laws and may include ~~including~~

151 the designation of all or a portion of the payment as a
152 nontaxable, nondeductible payment.

153 (h)-(i) All sources of income available to either party,
154 including income available to either party through investments
155 of any asset held by that party which was acquired during the
156 marriage or acquired outside the marriage and relied upon during
157 the marriage.

158 (i) The needs and necessities of life after dissolution of
159 marriage, taking into account the lifestyle of the parties
160 during the marriage but subject to the presumption in paragraph
161 (j).

162 (j) The net income and standard of living available to
163 each party after the application of the alimony award. There is
164 a rebuttable presumption that both parties will have a lower
165 standard of living after the dissolution of marriage than the
166 standard of living they enjoyed during the marriage. This
167 presumption may be overcome by a preponderance of the evidence.

168 (k)-(j) Any other factor necessary to do equity and justice
169 between the parties, if that factor is specifically identified
170 in the award with findings of fact justifying the application of
171 the factor.

172 (4)-(3) To the extent necessary to protect an award of
173 alimony, the court may order any party who is ordered to pay
174 alimony to purchase or maintain a life insurance policy that may
175 be decreasing or another form of term life insurance at the

176 option of the obligor or a bond, or to otherwise secure such
177 alimony award with any other assets ~~that~~ ~~which~~ may be suitable
178 for that purpose, in an amount adequate to secure the alimony
179 award. Any such security may be awarded only upon a showing of
180 special circumstances. If the court finds special circumstances
181 and awards such security, the court must make specific
182 evidentiary findings regarding the availability, cost, and
183 financial impact on the obligated party. Any security may be
184 modifiable in the event that the underlying alimony award is
185 modified and shall be reduced in an amount commensurate with any
186 reduction in the alimony award.

187 ~~(4) For purposes of determining alimony, there is a~~
188 ~~rebuttable presumption that a short-term marriage is a marriage~~
189 ~~having a duration of less than 7 years, a moderate-term marriage~~
190 ~~is a marriage having a duration of greater than 7 years but less~~
191 ~~than 17 years, and long-term marriage is a marriage having a~~
192 ~~duration of 17 years or greater. The length of a marriage is the~~
193 ~~period of time from the date of marriage until the date of~~
194 ~~filing of an action for dissolution of marriage.~~

195 (5) Bridge-the-gap alimony may be awarded to assist a
196 party by providing support to allow the party to make a
197 transition from being married to being single. Bridge-the-gap
198 alimony is designed to assist a party with legitimate
199 identifiable short-term needs, and the length of an award may
200 not exceed 2 years. An award of bridge-the-gap alimony

201 terminates upon the death of either party or upon the remarriage
202 of the party receiving alimony. An award of bridge-the-gap
203 alimony is ~~shall~~ not be modifiable in amount or duration.

204 (6) (a) Rehabilitative alimony may be awarded to assist a
205 party in establishing the capacity for self-support through
206 either:

- 207 1. The redevelopment of previous skills or credentials; or
- 208 2. The acquisition of education, training, or work
209 experience necessary to develop appropriate employment skills or
210 credentials.

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

214 (c) An award of rehabilitative alimony may be modified or
215 terminated only during the rehabilitative period in accordance
216 with s. 61.14 based upon a substantial change in circumstances,
217 upon noncompliance with the rehabilitative plan, or upon
218 completion of the rehabilitative plan.

219 (7) Durational alimony may be awarded ~~when permanent~~
220 ~~periodic alimony is inappropriate. The purpose of durational~~
221 ~~alimony is~~ to provide a party with economic assistance for a set
222 period of time following a short-term, mid-term, or long-term
223 ~~marriage of short or moderate duration or following a marriage~~
224 ~~of long duration if there is no ongoing need for support on a~~
225 ~~permanent basis.~~ When awarding durational alimony, the court

226 must make written findings that an award of another form of
227 alimony or a combination of the other forms of alimony is not
228 appropriate. An award of durational alimony terminates upon the
229 death of either party or upon the remarriage of the party
230 receiving alimony. The amount of an award of durational alimony
231 shall ~~may~~ be modified or terminated based upon a substantial
232 change in circumstances or upon the existence of a supportive
233 relationship in accordance with s. 61.14. ~~However,~~ The length of
234 an award of durational alimony may not ~~be modified except under~~
235 ~~exceptional circumstances and may not~~ exceed 50 percent of the
236 length of the marriage, unless the party seeking alimony proves
237 by a preponderance of the evidence the circumstances justifying
238 the need for a longer award of alimony, which circumstances must
239 be set out in writing by the court ~~the length of the marriage.~~

240 (8) (a) There is a rebuttable presumption against awarding
241 alimony for a short-term marriage. A party seeking bridge-the-
242 gap or rehabilitative alimony may overcome this presumption by
243 demonstrating by a preponderance of the evidence a need for
244 alimony. A party seeking durational alimony may overcome this
245 presumption by demonstrating by clear and convincing evidence a
246 need for alimony. If the court finds that the party has met its
247 burden in demonstrating a need for alimony and that the other
248 party has the ability to pay alimony, the court shall determine
249 a monthly award of alimony that may not exceed 25 percent of the
250 obligor's gross monthly income, as calculated under s.

251 61.30(2)(a), with the exception that gross income does not
252 include sources of income acquired outside of the marriage which
253 were not relied upon during the marriage.

254 (b) There is no presumption in favor of either party to an
255 award of alimony for a mid-term marriage. A party seeking such
256 alimony must prove by a preponderance of the evidence a need for
257 alimony. If the court finds that the party has met its burden in
258 demonstrating a need for alimony and that the other party has
259 the ability to pay alimony, the court shall determine a monthly
260 award of alimony that may not exceed 35 percent of the obligor's
261 gross monthly income, as calculated under s. 61.30(2)(a), with
262 the exception that gross income does not include sources of
263 income acquired outside of the marriage which were not relied
264 upon during the marriage.

265 (c) There is a rebuttable presumption in favor of awarding
266 alimony for a long-term marriage. A party against whom alimony
267 is sought may overcome this presumption by demonstrating by
268 clear and convincing evidence that there is no need for alimony.
269 If the court finds that the party against whom alimony is sought
270 fails to meet its burden to demonstrate that there is no need
271 for alimony and that the party has the ability to pay alimony,
272 the court shall determine a monthly award of alimony which may
273 not exceed 38 percent of the obligor's gross monthly income, as
274 calculated under s. 61.30(2)(a), with the exception that gross
275 income does not include sources of income acquired outside of

276 | the marriage which were not relied upon during the marriage.

277 | (d) Notwithstanding this subsection and subsection (9),
278 | the combination of an award of rehabilitative alimony and
279 | another form of alimony may be awarded up to a maximum of 40
280 | percent of the obligor's gross monthly income, as calculated
281 | under s. 61.30(2)(a), during the temporary period in which
282 | rehabilitative alimony has been awarded, with the exception that
283 | gross income does not include sources of income acquired outside
284 | of the marriage which were not relied upon during the marriage.

285 | (9) The court may order alimony exceeding the monthly
286 | income limits established in subsection (8) if the court
287 | determines, in accordance with the factors in subsection (3),
288 | that there is a need for additional alimony, which determination
289 | must be set out in writing ~~Permanent alimony may be awarded to~~
290 | ~~provide for the needs and necessities of life as they were~~
291 | ~~established during the marriage of the parties for a party who~~
292 | ~~lacks the financial ability to meet his or her needs and~~
293 | ~~necessities of life following a dissolution of marriage.~~
294 | ~~Permanent alimony may be awarded following a marriage of long~~
295 | ~~duration if such an award is appropriate upon consideration of~~
296 | ~~the factors set forth in subsection (2), following a marriage of~~
297 | ~~moderate duration if such an award is appropriate based upon~~
298 | ~~clear and convincing evidence after consideration of the factors~~
299 | ~~set forth in subsection (2), or following a marriage of short~~
300 | ~~duration if there are written findings of exceptional~~

301 ~~circumstances. In awarding permanent alimony, the court shall~~
302 ~~include a finding that no other form of alimony is fair and~~
303 ~~reasonable under the circumstances of the parties. An award of~~
304 ~~permanent alimony terminates upon the death of either party or~~
305 ~~upon the remarriage of the party receiving alimony. An award may~~
306 ~~be modified or terminated based upon a substantial change in~~
307 ~~circumstances or upon the existence of a supportive relationship~~
308 ~~in accordance with s. 61.14.~~

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

316 (11) ~~(9)~~ Notwithstanding any other provision of law,
317 alimony may not be awarded to a party who has a monthly net
318 income that is equal to or more than the other party. Except in
319 the case of a long-term marriage, in awarding alimony, the court
320 shall impute income to the obligor and obligee as follows:

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

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

325 1. Is unemployed at the time the petition is filed and has

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

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

334 3. Is unemployed at the time the petition is filed and has
335 been unemployed for at least 2 years but less than 3 years
336 before the time the petition is filed, the obligee's monthly net
337 income shall be imputed at 70 percent of the obligee's prior
338 monthly net income.

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

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

349 6. Is unemployed at the time the petition is filed and has
350 been unemployed for at least 5 years before the time the

351 petition is filed, the obligee's monthly net income shall be
352 imputed at 40 percent of the obligee's prior monthly net income,
353 or the monthly net income of a minimum wage earner at the time
354 the petition is filed, whichever is greater.

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

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

371 (b) With respect to any order requiring the payment of
372 alimony entered before January 1, 1985, upon the subsequent
373 appearance, on or after that date, of one or both parties before
374 the court having jurisdiction for the purpose of modifying or
375 enforcing the order or in any other proceeding related to the

376 order, or upon the application of either party, unless ~~the~~
377 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
378 court shall modify the terms of the order as necessary to direct
379 that payments of alimony be made through the appropriate
380 depository as provided in s. 61.181.

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

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

390 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
391 either party may subsequently file with the depository an
392 affidavit alleging default or arrearages in payment and stating
393 that the party wishes to initiate participation in the
394 depository program. The party shall provide copies of the
395 affidavit to the court and the other party or parties. Fifteen
396 days after receipt of the affidavit, the depository shall notify
397 all parties that future payments shall be directed to the
398 depository.

399 3. In IV-D cases, the IV-D agency has ~~shall have~~ the same
400 rights as the obligee in requesting that payments be made

401 through the depository.

402 Section 4. Section 61.09, Florida Statutes, is amended to
403 read:

404 61.09 Alimony and child support unconnected with
405 dissolution.—If a person having the ability to contribute to the
406 maintenance of his or her spouse and support of his or her minor
407 child fails to do so, the spouse who is not receiving support
408 may apply to the court for alimony and for support for the child
409 without seeking dissolution of marriage, and the court shall
410 enter an order as it deems just and proper. Alimony awarded
411 under this section shall be calculated in accordance with s.
412 61.08.

413 Section 5. Paragraph (c) of subsection (2) of section
414 61.13, Florida Statutes, is amended to read:

415 61.13 Support of children; parenting and time-sharing;
416 powers of court.—

417 (2)

418 (c) The court shall determine all matters relating to
419 parenting and time-sharing of each minor child of the parties in
420 accordance with the best interests of the child and in
421 accordance with the Uniform Child Custody Jurisdiction and
422 Enforcement Act, except that modification of a parenting plan
423 and time-sharing schedule requires a showing of a substantial,
424 material, and unanticipated change of circumstances.

425 1. It is the public policy of this state that each minor

426 child has frequent and continuing contact with both parents
427 after the parents separate or the marriage of the parties is
428 dissolved and to encourage parents to share the rights and
429 responsibilities, and joys, of childrearing. There is no
430 presumption for or against the father or mother of the child or
431 for or against any specific time-sharing schedule when creating
432 or modifying the parenting plan of the child. Equal time-sharing
433 with a minor child by both parents is in the best interest of
434 the child unless the court finds that:

435 a. The safety, well-being, or physical, mental, or
436 emotional health of the child would be endangered by equal time-
437 sharing, that visitation would be presumed detrimental
438 consistent with s. 39.0139(3), or that supervised visitation is
439 appropriate;

440 b. Clear and convincing evidence of extenuating
441 circumstances justify a departure from equal time-sharing and
442 the court makes written findings justifying the departure from
443 equal time-sharing;

444 c. A parent is incarcerated;

445 d. The distance between parental residences makes equal
446 time-sharing impracticable;

447 e. A parent does not request at least 50-percent time-
448 sharing;

449 f. A permanent injunction has been entered or is warranted
450 against a parent or household member relating to contact between

451 the subject of the injunction and the parent or household
452 member; or

453 g. Domestic violence, as defined in s. 741.28, has
454 occurred.

455 2. The court shall order that the parental responsibility
456 for a minor child be shared by both parents unless the court
457 finds that shared parental responsibility would be detrimental
458 to the child. Evidence that a parent has been convicted of a
459 misdemeanor of the first degree or higher involving domestic
460 violence, as defined in s. 741.28 and chapter 775, or meets the
461 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
462 detriment to the child. If the presumption is not rebutted after
463 the convicted parent is advised by the court that the
464 presumption exists, shared parental responsibility, including
465 time-sharing with the child, and decisions made regarding the
466 child, may not be granted to the convicted parent. However, the
467 convicted parent is not relieved of any obligation to provide
468 financial support. If the court determines that shared parental
469 responsibility would be detrimental to the child, it may order
470 sole parental responsibility and make such arrangements for
471 time-sharing as specified in the parenting plan as will best
472 protect the child or abused spouse from further harm. Whether or
473 not there is a conviction of any offense of domestic violence or
474 child abuse or the existence of an injunction for protection
475 against domestic violence, the court shall consider evidence of

476 domestic violence or child abuse as evidence of detriment to the
477 child.

478 a. In ordering shared parental responsibility, the court
479 may consider the expressed desires of the parents and may grant
480 to one party the ultimate responsibility over specific aspects
481 of the child's welfare or may divide those responsibilities
482 between the parties based on the best interests of the child.
483 Areas of responsibility may include education, health care, and
484 any other responsibilities that the court finds unique to a
485 particular family.

486 b. The court shall order sole parental responsibility for
487 a minor child to one parent, with or without time-sharing with
488 the other parent if it is in the best interests of the minor
489 child.

490 3. Access to records and information pertaining to a minor
491 child, including, but not limited to, medical, dental, and
492 school records, may not be denied to either parent. Full rights
493 under this subparagraph apply to either parent unless a court
494 order specifically revokes these rights, including any
495 restrictions on these rights as provided in a domestic violence
496 injunction. A parent having rights under this subparagraph has
497 the same rights upon request as to form, substance, and manner
498 of access as are available to the other parent of a child,
499 including, without limitation, the right to in-person
500 communication with medical, dental, and education providers.

501 Section 6. The amendments made by this act to s. 61.13,
502 Florida Statutes, providing for equal time-sharing, apply
503 prospectively to initial final custody orders made on or after
504 July 1, 2019, and do not constitute a substantial change in
505 circumstances that warrant the modification of a final custody
506 order entered before July 1, 2019.

507 Section 7. Subsection (1) of section 61.14, Florida
508 Statutes, is amended, paragraphs (c) and (d) are added to
509 subsection (11) of that section, and a new subsection (12) is
510 added to that section, to read:

511 61.14 Enforcement and modification of support,
512 maintenance, or alimony agreements or orders.—

513 (1) (a) When the parties enter into an agreement for
514 payments for, or instead of, support, maintenance, or alimony,
515 whether in connection with a proceeding for dissolution or
516 separate maintenance or with any voluntary property settlement,
517 or when a party is required by court order to make any payments,
518 and the circumstances or the financial ability of either party
519 changes or the child who is a beneficiary of an agreement or
520 court order as described herein reaches majority after the
521 execution of the agreement or the rendition of the order, either
522 party may apply to the circuit court of the circuit in which the
523 parties, or either of them, resided at the date of the execution
524 of the agreement or reside at the date of the application, or in
525 which the agreement was executed or in which the order was

526 rendered, for an order terminating, decreasing, or increasing
527 the amount of support, maintenance, or alimony, and the court
528 has jurisdiction to make orders as equity requires, with due
529 regard to the changed circumstances or the financial ability of
530 the parties or the child, decreasing, increasing, or confirming
531 the amount of separate support, maintenance, or alimony provided
532 for in the agreement or order. A finding that medical insurance
533 is reasonably available or the child support guidelines schedule
534 in s. 61.30 may constitute changed circumstances. Except as
535 otherwise provided in s. 61.30(11)(c), the court may modify an
536 order of support, maintenance, or alimony by terminating,
537 increasing, or decreasing the support, maintenance, or alimony
538 retroactively to the date of the filing of the action or
539 supplemental action for modification as equity requires, giving
540 due regard to the changed circumstances or the financial ability
541 of the parties or the child.

542 (b)1. If the court has determined that an existing alimony
543 award as determined by the court at the time of dissolution is
544 insufficient to meet the needs of the obligee, and that such
545 need continues to exist, an alimony order shall be modified
546 upward and upon a showing by a preponderance of the evidence of
547 increased ability to pay alimony. Absent a finding of fraud, an
548 increase in an obligor's income may not be considered permanent
549 in nature unless the increase has been maintained without
550 interruption for at least 1 year, taking into account the

551 obligor's ability to sustain his or her income.

552 2. Notwithstanding subparagraph 1., the court shall ~~may~~
553 reduce or terminate an award of alimony upon specific written
554 findings by the court that since the granting of a divorce and
555 the award of alimony, a supportive relationship has existed
556 between the obligee and another a person, except upon a showing
557 by clear and convincing evidence by the obligee that his or her
558 long-term need for alimony, taking into account the totality of
559 the circumstances, has not been reduced by the supportive
560 relationship ~~with whom the obligee resides~~. On the issue of
561 whether alimony should be reduced or terminated under this
562 paragraph, the burden is on the obligor to prove by a
563 preponderance of the evidence that a supportive relationship
564 exists.

565 3.2- In determining whether an existing award of alimony
566 should be reduced or terminated because of an alleged supportive
567 relationship between an obligee and a person who is not related
568 by consanguinity or affinity and with whom the obligee resides,
569 the court shall elicit the nature and extent of the relationship
570 in question. The court shall give consideration, without
571 limitation, to circumstances, including, but not limited to, the
572 following, in determining the relationship of an obligee to
573 another person:

574 a. The extent to which the obligee and the other person
575 have held themselves out as a married couple by engaging in

576 | conduct such as using the same last name, using a common mailing
577 | address, referring to each other in terms such as "my husband"
578 | or "my wife," or otherwise conducting themselves in a manner
579 | that evidences a permanent supportive relationship.

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

582 | c. The extent to which the obligee and the other person
583 | have pooled their assets or income or otherwise exhibited
584 | financial interdependence.

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

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

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

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

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

595 | i. Evidence in support of a claim that the obligee and the
596 | other person have an express agreement regarding property
597 | sharing or support.

598 | j. Evidence in support of a claim that the obligee and the
599 | other person have an implied agreement regarding property
600 | sharing or support.

601 k. Whether the obligee and the other person have provided
602 support to the children of one another, regardless of any legal
603 duty to do so.

604 ~~4.3.~~ This paragraph does not abrogate the requirement that
605 every marriage in this state be solemnized under a license, does
606 not recognize a common law marriage as valid, and does not
607 recognize a de facto marriage. This paragraph recognizes only
608 that relationships do exist that provide economic support
609 equivalent to a marriage and that alimony terminable on
610 remarriage may be reduced or terminated upon the establishment
611 of equivalent equitable circumstances as described in this
612 paragraph. The existence of a conjugal relationship, though it
613 may be relevant to the nature and extent of the relationship, is
614 not necessary for the application of ~~the provisions of~~ this
615 paragraph.

616 5. There is a rebuttable presumption that any modification
617 or termination of an alimony award is retroactive to the date
618 the petition was filed. In an action under this section, if it
619 is determined that the obligee or obligor unnecessarily or
620 unreasonably litigated the underlying petition for modification
621 or termination, the court may award the other party his or her
622 reasonable attorney fees and costs pursuant to s. 61.16 and
623 applicable case law.

624 (c) For each support order reviewed by the department as
625 required by s. 409.2564(11), if the amount of the child support

626 award under the order differs by at least 10 percent but not
627 less than \$25 from the amount that would be awarded under s.
628 61.30, the department shall seek to have the order modified and
629 any modification shall be made without a requirement for proof
630 or showing of a change in circumstances.

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

633 (11)

634 (c) If the court orders alimony payable concurrent with a
635 child support order, the alimony award may not be modified
636 solely because of a later reduction or termination of child
637 support payments, unless the court finds that the obligor has
638 the ability to pay the modified alimony award, the existing
639 alimony award as determined by the court at the time of
640 dissolution is insufficient to meet the needs of the obligee,
641 and such need continues to exist.

642 (d) An obligor's subsequent remarriage or cohabitation
643 does not constitute a basis for a modification of alimony. The
644 income and assets of the obligor's subsequent spouse or person
645 with whom the obligor resides is not relevant in a modification
646 action except under exceptional circumstances.

647 (12) The fact that an obligor has reached a reasonable
648 retirement age for his or her profession, has retired, and has
649 no intent to return to work is considered a substantial change
650 in circumstances as a matter of law. In determining whether the

651 obligor's retirement age is reasonable, the court shall consider
 652 the obligor's:

- 653 (a) Age.
- 654 (b) Health.
- 655 (c) Motivation for retirement.
- 656 (d) Type of work.
- 657 (e) Normal retirement age for that type of work.

658
 659 In anticipation of retirement, the obligor may file a petition
 660 for termination or modification of the alimony award effective
 661 upon the retirement date. The court shall terminate or modify
 662 the alimony award based on the circumstances of the parties
 663 after retirement of the obligor and based on the factors in s.
 664 61.08(3), unless the court makes findings of fact that a
 665 termination or modification of an alimony award is not
 666 warranted.

667 Section 8. Section 61.19, Florida Statutes, is amended to
 668 read:

669 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay
 670 period; separate adjudication of issues.—

671 (1) A ~~No~~ final judgment of dissolution of marriage may not
 672 be entered until at least 20 days have elapsed from the date of
 673 filing the original petition for dissolution of marriage,~~7~~ but
 674 the court, on a showing that injustice would result from this
 675 delay, may enter a final judgment of dissolution of marriage at

676 an earlier date.

677 (2) (a) During the first 180 days after the date of service
678 of the original petition for dissolution of marriage, the court
679 may not grant a final dissolution of marriage with a reservation
680 of jurisdiction to subsequently determine all other substantive
681 issues unless the court makes written findings that there are
682 exceptional circumstances that make the use of this process
683 clearly necessary to protect the parties or their children and
684 that granting a final dissolution will not cause irreparable
685 harm to either party or the children. Before granting a final
686 dissolution of marriage with a reservation of jurisdiction to
687 subsequently determine all other substantive issues, the court
688 shall enter temporary orders necessary to protect the parties
689 and their children, which orders remain effective until all
690 other issues can be adjudicated by the court. The desire of one
691 party to remarry does not justify the use of this process.

692 (b) If more than 180 days have elapsed after the date of
693 service of the original petition for dissolution of marriage,
694 the court may grant a final dissolution of marriage with a
695 reservation of jurisdiction to subsequently determine all other
696 substantive issues only if the court enters temporary orders
697 necessary to protect the parties and their children, which
698 orders remain effective until such time as all other issues can
699 be adjudicated by the court, and makes a written finding that no
700 irreparable harm will result from granting a final dissolution.

701 (c) If more than 365 days have elapsed after the date of
702 service of the original petition for dissolution of marriage,
703 absent a showing by either party that irreparable harm will
704 result from granting a final dissolution, the court shall, upon
705 request of either party, immediately grant a final dissolution
706 of marriage with a reservation of jurisdiction to subsequently
707 determine all other substantive issues. Before granting a final
708 dissolution of marriage with a reservation of jurisdiction to
709 subsequently determine all other substantive issues, the court
710 shall enter temporary orders necessary to protect the parties
711 and their children, which orders remain effective until all
712 other issues can be adjudicated by the court.

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

- 717 1. Restrict the sale or disposition of property.
- 718 2. Protect and preserve the marital assets.
- 719 3. Establish temporary support.
- 720 4. Provide for maintenance of health insurance.
- 721 5. Provide for maintenance of life insurance.

722 (e) The court is not required to enter temporary orders to
723 protect the parties and their children if the court enters a
724 final judgment of dissolution of marriage that adjudicates
725 substantially all of the substantive issues between the parties

726 but reserves jurisdiction to address ancillary issues such as
727 the entry of a qualified domestic relations order or the
728 adjudication of attorney fees and costs.

729 Section 9. (1) (a) The amendments made by this act to
730 chapter 61, Florida Statutes, apply to:

731 1. Final judgments of alimony awards entered before July
732 1, 2019.

733 2. Final orders entered before July 1, 2019, that
734 incorporate an agreement between the parties for alimony, if the
735 duration of the marriage was equal to or less than 15 years and
736 the duration of the alimony agreement exceeds the duration of
737 the marriage.

738 (b) For such judgments or orders, the amendments made by
739 this act to chapter 61, Florida Statutes, constitute a
740 substantial change in circumstances for which an obligor may
741 seek, in accordance with s. 61.14, Florida Statutes, a
742 modification of the amount or duration of alimony, except for an
743 order incorporating an agreement that is expressly
744 nonmodifiable.

745 (2) (a) For final orders entered before July 1, 2019, that
746 incorporate an agreement between the parties for alimony, but
747 otherwise do not meet the criteria set forth in subparagraph
748 (1) (a) 2., the amendments made by this act to chapter 61, Florida
749 Statutes, apply if the obligor proves, by clear and convincing
750 evidence, that:

- 751 1. The obligor did not execute the agreement voluntarily;
752 2. The agreement was the product of fraud, duress,
753 coercion, or overreaching; or
754 3. The agreement was unconscionable when it was executed
755 and, before execution of the agreement, the obligor:
756 a. Was not provided a fair and reasonable disclosure of
757 the property or financial obligations of the other party.
758 b. Did not voluntarily and expressly waive, in writing,
759 any right to disclosure of the property or financial obligations
760 of the other party beyond the disclosure provided.
761 c. Did not have or reasonably could not have had an
762 adequate knowledge of the property or financial obligations of
763 the other party.
764 (b) For such orders, the amendments made by this act to
765 chapter 61, Florida Statutes, constitute a substantial change in
766 circumstances for which an obligor may seek, in accordance with
767 s. 61.14, Florida Statutes, a modification of the amount or
768 duration of alimony, except for an order incorporating an
769 agreement that is expressly nonmodifiable.
770 (3) Final judgments and orders for which the amendments
771 made by this act to chapter 61, Florida Statutes, constitute a
772 substantial change in circumstances under subsection (1) and (2)
773 may be the subject of a modification action according to the
774 following schedule:
775 (a) An obligor who is subject to alimony of 15 years or

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776 more may file a modification action on or after July 1, 2019.

777 (b) An obligor who is subject to alimony of 8 years of
778 more, but less than 15 years, may file a modification action on
779 or after July 1, 2020.

780 (c) An obligor who is subject to alimony of less than 8
781 years may file a modification action on or after July 1, 2021.

782 Section 10. This act shall take effect July 1, 2019.