

By Senator Stargel

22-01619A-20

20201832__

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.08, F.S.; defining the terms "alimony" and "net
4 income"; requiring the court to prioritize certain
5 forms of alimony; deleting a provision authorizing the
6 court to consider the adultery of either spouse in
7 determining the amount of alimony; requiring the court
8 to make certain written findings in its awards of
9 alimony; providing that the party seeking alimony has
10 the burden of proving certain elements; revising
11 factors that the court must consider in determining
12 the proper type and amount of alimony; revising
13 provisions relating to the protection of awards of
14 alimony; authorizing a party to whom the court has
15 awarded alimony to purchase or maintain a life
16 insurance policy on the obligor's life to protect an
17 award of alimony; requiring the obligor to cooperate
18 in the process for securing such insurance; deleting
19 certain rebuttable presumptions related to the
20 duration of a marriage for purposes of determining
21 alimony; prohibiting an award of rehabilitative
22 alimony from exceeding specified timeframes; revising
23 a provision authorizing the modification of
24 rehabilitative alimony upon completion of the
25 rehabilitative plan to include a certain timeframe;
26 revising provisions related to durational alimony;
27 requiring, rather than authorizing, the court to
28 modify or terminate an award of durational alimony
29 based upon a substantial change in circumstances or

22-01619A-20

20201832__

30 upon certain findings; prohibiting the length of an
31 award of durational alimony from exceeding a specified
32 timeframe; specifying what constitutes the length of a
33 marriage for the purpose of determining durational
34 alimony; requiring the court to make certain written
35 findings when awarding durational alimony; providing a
36 formula for the calculation of durational alimony;
37 providing that a party who has reached retirement age
38 in accordance with specified provisions may not be
39 ordered to pay alimony; deleting provisions
40 authorizing a court to award permanent alimony;
41 establishing that alimony may not be awarded to a
42 party who has a certain monthly net income;
43 prohibiting social security retirement benefits from
44 being imputed to the obligor; requiring an obligee to
45 meet certain requirements if he or she alleges that a
46 physical disability has impaired his or her ability to
47 earn the imputed income; requiring certain payments
48 made to the obligee to be credited to the obligor for
49 calculating certain durational limitations; amending
50 s. 61.13, F.S.; deleting a provision related to
51 development of a parenting plan; amending s. 61.14,
52 F.S.; deleting a provision authorizing a party to
53 apply for an order to modify the amount of support,
54 maintenance, or alimony under certain circumstances;
55 requiring, rather than authorizing, the court to
56 reduce or terminate an award if the court finds that a
57 supportive relationship has existed between the
58 obligee and another person during a certain timeframe;

22-01619A-20

20201832__

59 providing that any modification or termination of an
60 alimony award is effective as of a certain date or
61 retroactive to the date of the filing of the petition;
62 authorizing the court to grant reasonable attorney
63 fees to a party if it makes certain findings;
64 providing that if the court orders alimony concurrent
65 with a child support order, the alimony award may not
66 be modified because of the later modification or
67 termination of child support payments; providing that
68 an obligor's subsequent remarriage or cohabitation is
69 not a basis for modification of alimony; providing
70 that the income and assets of the obligor's subsequent
71 spouse are irrelevant to an action for modification of
72 alimony; requiring an alimony obligation to terminate
73 upon the obligor reaching full retirement age or when
74 the obligor retires at a reasonable age; requiring the
75 court to consider certain factors in determining
76 whether the obligor's retirement age is reasonable;
77 authorizing the obligor to prospectively file a
78 petition for termination of alimony effective upon his
79 or her retirement; requiring a court to terminate an
80 alimony award upon retirement of the obligor unless
81 the court finds that the obligor's retirement age is
82 not reasonable; requiring alimony obligations to be
83 reduced by the amount of certain benefits that the
84 obligee is entitled to receive; providing that certain
85 benefits of the obligor are exempt from garnishment
86 for alimony enforcement; amending s. 61.19, F.S.;

87 requiring the court to grant a final dissolution of

22-01619A-20

20201832__

88 marriage and reserve jurisdiction to adjudicate other
89 substantive issues, under certain circumstances;
90 providing for temporary orders necessary to protect
91 the parties and their children, if any; providing that
92 such temporary orders are effective until all other
93 issues are adjudicated by the court; creating a
94 presumption that equal parental time-sharing is in the
95 best interests of a minor child, with an exception;
96 providing an effective date.

97

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

99

100 Section 1. Section 61.08, Florida Statutes, is amended to
101 read:

102 61.08 Alimony.—

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

104 (a) "Alimony" means a payment, regardless of whether it is
105 court-ordered, of support by one spouse to the other spouse
106 after the filing of a petition for dissolution of marriage.

107 (b) "Net income" means net income as determined in
108 accordance with s. 61.30.

109 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
110 court may grant alimony to either party in the form of, ~~which~~
111 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
112 ~~alimony, or a permanent in nature or any~~ combination of these
113 forms of alimony, but shall prioritize an award of bridge-the-
114 gap alimony, followed by rehabilitative alimony, over any other
115 form of alimony. In an ~~any~~ award of alimony, the court may order
116 periodic payments, or payments in lump sum, or both.

22-01619A-20

20201832__

117 (b) The court shall make written findings regarding the
118 basis for awarding a combination of forms of alimony, including
119 the type of alimony and the length of time for which the alimony
120 is awarded. The court may award only a combination of forms of
121 alimony to provide greater economic assistance in order to allow
122 the recipient to achieve rehabilitation.

123 ~~(c) The court may consider the adultery of either spouse~~
124 ~~and the circumstances thereof in determining the amount of~~
125 ~~alimony, if any, to be awarded. In all dissolution actions, the~~
126 ~~court shall include written findings of fact relative to the~~
127 ~~factors provided enumerated in subsection (3)-(2) supporting an~~
128 ~~award or denial of alimony.~~

129 (3)-(2) The party seeking alimony has the burden of proof of
130 demonstrating a need for alimony and that the other party has
131 the ability to pay alimony. In determining whether to award
132 alimony ~~or maintenance~~, the court shall ~~first~~ make, in writing,
133 a specific factual determination as to whether the other either
134 party has an actual need for alimony ~~or maintenance~~ and whether
135 the other either party has the ability to pay alimony ~~or~~
136 ~~maintenance~~. If the court finds that the a party seeking alimony
137 has met its burden of proof in demonstrating a need for alimony
138 ~~or maintenance~~ and that the other party has the ability to pay
139 alimony ~~or maintenance~~, then in determining the proper type and
140 amount of alimony ~~or maintenance~~ under subsections (5)-(7) (5)-
141 (8), the court shall consider all relevant factors, including~~r~~
142 ~~but not limited to:~~

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

144 (a)-(b) The duration of the marriage.

145 (b)-(c) The age and the physical and emotional condition of

22-01619A-20

20201832__

146 each party.

147 (c)~~(d)~~ The financial resources of each party, including the
148 portion of nonmarital assets that were relied upon by the
149 parties during the marriage and the marital assets and
150 liabilities distributed to each party.

151 (d)~~(e)~~ The earning capacities, educational levels,
152 vocational skills, and employability of the parties and, when
153 applicable, the time necessary for either party to acquire
154 sufficient education or training to enable such party to find
155 appropriate employment.

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

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

162 (g)~~(h)~~ The tax treatment and consequences to both parties
163 of an any alimony award, ~~including the designation of all or a~~
164 ~~portion of the payment as a nontaxable, nondeductible payment.~~

165 (h)~~(i)~~ All sources of income available to either party,
166 including income available to either party through investments
167 of any asset held by that party that were acquired during the
168 marriage or acquired outside of the marriage and relied upon
169 during the marriage.

170 (i) The needs and necessities of life for each party after
171 dissolution of marriage taking into consideration that both
172 parties will have a lower standard of living after the
173 dissolution of marriage than the standard of living they enjoyed
174 during the marriage. This presumption may be overcome by a

22-01619A-20

20201832__

175 preponderance of the evidence.

176 (j) Any other factor necessary to do equity and justice
177 between the parties if such factor is specifically identified in
178 the award with findings of fact justifying the application of
179 such factor.

180 ~~(4)(3)~~ To the extent necessary to protect an award of
181 alimony, the obligee may ~~court may order any party who is~~
182 ~~ordered to pay alimony to purchase or maintain a life insurance~~
183 policy on the obligor's life in an amount adequate to ~~or a bond,~~
184 ~~or to otherwise secure such alimony award with any other assets~~
185 which may be suitable for that purpose. If the obligee purchases
186 a life insurance policy, the obligor shall cooperate in the
187 process of procuring the issuance and underwriting of such life
188 insurance policy.

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

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

22-01619A-20

20201832__

204 of the party receiving alimony. An award of bridge-the-gap
205 alimony is ~~shall~~ not ~~be~~ modifiable in amount or duration.

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

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

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

216 (c) The length of an award of rehabilitative alimony may
217 not exceed 5 years or the limitations for durational alimony as
218 provided in subsection (7), whichever period of time is shorter.

219 (d) An award of rehabilitative alimony may be modified or
220 terminated in accordance with s. 61.14 based upon a substantial
221 change in circumstances, upon noncompliance with the
222 rehabilitative plan, or upon completion of the rehabilitative
223 plan if the plan is completed before the length of the award of
224 rehabilitative alimony expires.

225 (7) (a) ~~Durational alimony may be awarded when permanent~~
226 ~~periodic alimony is inappropriate. The purpose of durational~~
227 ~~alimony is to provide a party with economic assistance for a set~~
228 ~~period of time following a marriage of short or moderate~~
229 ~~duration or following a marriage of long duration if there is no~~
230 ~~ongoing need for support on a permanent basis. An award of~~
231 ~~durational alimony terminates upon the death of either party or~~
232 ~~upon the remarriage of the party receiving alimony. The amount~~

22-01619A-20

20201832__

233 of an award of durational alimony shall ~~may~~ be modified or
234 terminated based upon a substantial change in circumstances or
235 upon a finding that a supportive relationship exists or existed
236 between the obligee and another person in accordance with s.
237 61.14. ~~However,~~ The length of an award of durational alimony may
238 not ~~be modified except under exceptional circumstances and may~~
239 ~~not~~ exceed 50 percent of the length of the marriage. For
240 purposes of this subsection, the length of a marriage is the
241 period of time beginning on the date of marriage and ending on
242 the date an action for dissolution of marriage is filed.

243 (b) When awarding durational alimony, the court must make
244 written findings that an award of another type of alimony, or a
245 combination of the other forms of alimony, is not appropriate.

246 (c) The amount of durational alimony is the amount
247 determined to be the obligee's reasonable need or 25 percent of
248 the difference between the parties' net incomes, whichever
249 amount is less.

250 (8) A party against whom alimony is sought who has met the
251 requirements for retirement in accordance with s. 61.14(12)
252 before the filing of the petition for dissolution of marriage
253 may not be ordered to pay alimony.

254 (9) (a) Notwithstanding any other provision of law, alimony
255 may not be awarded to a party who has a monthly net income that
256 is equal to or more than the other party's monthly net income.

257 (b) Social security retirement benefits may not be imputed
258 to the obligor as demonstrated by a social security retirement
259 benefits entitlement letter.

260 (c) If the obligee alleges that a physical disability has
261 impaired his or her capability to earn the income imputed by the

22-01619A-20

20201832__

262 court, the obligee must have qualified for benefits under the
263 Social Security Administration Disability Insurance Program or,
264 in the event the obligee is not eligible for the program, must
265 demonstrate that his or her disability meets the disability
266 qualification standards of the Social Security Administration
267 Disability Insurance Program.

268 ~~(8) Permanent alimony may be awarded to provide for the~~
269 ~~needs and necessities of life as they were established during~~
270 ~~the marriage of the parties for a party who lacks the financial~~
271 ~~ability to meet his or her needs and necessities of life~~
272 ~~following a dissolution of marriage. Permanent alimony may be~~
273 ~~awarded following a marriage of long duration if such an award~~
274 ~~is appropriate upon consideration of the factors set forth in~~
275 ~~subsection (2), following a marriage of moderate duration if~~
276 ~~such an award is appropriate based upon clear and convincing~~
277 ~~evidence after consideration of the factors set forth in~~
278 ~~subsection (2), or following a marriage of short duration if~~
279 ~~there are written findings of exceptional circumstances. In~~
280 ~~awarding permanent alimony, the court shall include a finding~~
281 ~~that no other form of alimony is fair and reasonable under the~~
282 ~~circumstances of the parties. An award of permanent alimony~~
283 ~~terminates upon the death of either party or upon the remarriage~~
284 ~~of the party receiving alimony. An award may be modified or~~
285 ~~terminated based upon a substantial change in circumstances or~~
286 ~~upon the existence of a supportive relationship in accordance~~
287 ~~with s. 61.14.~~

288 ~~(9) The award of alimony may not leave the payor with~~
289 ~~significantly less net income than the net income of the~~
290 ~~recipient unless there are written findings of exceptional~~

22-01619A-20

20201832__

291 circumstances.

292 (10) (a) With respect to any order requiring the payment of
293 alimony entered on or after January 1, 1985, unless ~~the~~
294 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
295 court shall direct in the order that the payments of alimony be
296 made through the appropriate depository as provided in s.
297 61.181.

298 (b) With respect to any order requiring the payment of
299 alimony entered before January 1, 1985, upon the subsequent
300 appearance~~7~~ on or after that date~~7~~ of one or both parties before
301 the court having jurisdiction for the purpose of modifying or
302 enforcing the order or in any other proceeding related to the
303 order~~7~~ or upon the application of either party, unless ~~the~~
304 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
305 court shall modify the terms of the order as necessary to direct
306 that payments of alimony be made through the appropriate
307 depository as provided in s. 61.181.

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

310 (d)1. If there is a minor child of the parties and both
311 parties so request, the court may order that alimony payments
312 need not be directed through the depository. In this case, the
313 order of support must ~~shall~~ provide, or be deemed to provide,
314 that either party may subsequently apply to the depository to
315 require that payments be made through the depository. The court
316 shall provide a copy of the order to the depository.

317 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
318 either party may subsequently file with the depository an
319 affidavit alleging default or arrearages in payment and stating

22-01619A-20

20201832__

320 that the party wishes to initiate participation in the
321 depository program. The party shall provide copies of the
322 affidavit to the court and the other party or parties. Fifteen
323 days after receipt of the affidavit, the depository shall notify
324 all parties that future payments shall be directed to the
325 depository.

326 3. In IV-D cases, the IV-D agency has ~~shall have~~ the same
327 rights as the obligee in requesting that payments be made
328 through the depository.

329 (11) All support payments made to the obligee after the
330 date of filing of a petition for dissolution of marriage, either
331 voluntarily or pursuant to a court order, are credited to the
332 obligor for purposes of calculating the durational limitations
333 of alimony.

334 Section 2. Paragraph (c) of subsection (2) of section
335 61.13, Florida Statutes, is amended to read:

336 61.13 Support of children; parenting and time-sharing;
337 powers of court.—

338 (2)

339 (c) The court shall determine all matters relating to
340 parenting and time-sharing of each minor child of the parties in
341 accordance with the best interests of the child and in
342 accordance with the Uniform Child Custody Jurisdiction and
343 Enforcement Act, except that modification of a parenting plan
344 and time-sharing schedule requires a showing of a substantial,
345 material, and unanticipated change of circumstances.

346 1. It is the public policy of this state that each minor
347 child has frequent and continuing contact with both parents
348 after the parents separate or the marriage of the parties is

22-01619A-20

20201832__

349 dissolved and to encourage parents to share the rights and
350 responsibilities, and joys, of childrearing. ~~There is no~~
351 ~~presumption for or against the father or mother of the child or~~
352 ~~for or against any specific time-sharing schedule when creating~~
353 ~~or modifying the parenting plan of the child.~~

354 2. The court shall order that the parental responsibility
355 for a minor child be shared by both parents unless the court
356 finds that shared parental responsibility would be detrimental
357 to the child. Evidence that a parent has been convicted of a
358 misdemeanor of the first degree or higher involving domestic
359 violence, as defined in s. 741.28 and chapter 775, or meets the
360 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
361 detriment to the child. If the presumption is not rebutted after
362 the convicted parent is advised by the court that the
363 presumption exists, shared parental responsibility, including
364 time-sharing with the child, and decisions made regarding the
365 child, may not be granted to the convicted parent. However, the
366 convicted parent is not relieved of any obligation to provide
367 financial support. If the court determines that shared parental
368 responsibility would be detrimental to the child, it may order
369 sole parental responsibility and make such arrangements for
370 time-sharing as specified in the parenting plan as will best
371 protect the child or abused spouse from further harm. Regardless
372 of whether ~~or not~~ there is a conviction of any offense of
373 domestic violence or child abuse or the existence of an
374 injunction for protection against domestic violence, the court
375 shall consider evidence of domestic violence or child abuse as
376 evidence of detriment to the child.

377 a. In ordering shared parental responsibility, the court

22-01619A-20

20201832__

378 may consider the expressed desires of the parents and may grant
379 to one party the ultimate responsibility over specific aspects
380 of the child's welfare or may divide those responsibilities
381 between the parties based on the best interests of the child.
382 Areas of responsibility may include education, health care, and
383 any other responsibilities that the court finds unique to a
384 particular family.

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

388 3. Access to records and information pertaining to a minor
389 child, including, but not limited to, medical, dental, and
390 school records, may not be denied to either parent. Full rights
391 under this subparagraph apply to either parent unless a court
392 order specifically revokes these rights, including any
393 restrictions on these rights as provided in a domestic violence
394 injunction. A parent having rights under this subparagraph has
395 the same rights upon request as to form, substance, and manner
396 of access as are available to the other parent of a child,
397 including, without limitation, the right to in-person
398 communication with medical, dental, and education providers.

399 Section 3. Subsection (1) of section 61.14, Florida
400 Statutes, is amended, paragraphs (c) and (d) are added to
401 subsection (11), and subsections (12) and (13) are added to that
402 section, to read:

403 61.14 Enforcement and modification of support, maintenance,
404 or alimony agreements or orders.—

405 (1) (a) ~~When the parties enter into an agreement for~~
406 ~~payments for, or instead of, support, maintenance, or alimony,~~

22-01619A-20

20201832__

407 ~~whether in connection with a proceeding for dissolution or~~
408 ~~separate maintenance or with any voluntary property settlement,~~
409 ~~or when a party is required by court order to make any payments,~~
410 ~~and the circumstances or the financial ability of either party~~
411 ~~changes or the child who is a beneficiary of an agreement or~~
412 ~~court order as described herein reaches majority after the~~
413 ~~execution of the agreement or the rendition of the order, either~~
414 ~~party may apply to the circuit court of the circuit in which the~~
415 ~~parties, or either of them, resided at the date of the execution~~
416 ~~of the agreement or reside at the date of the application, or in~~
417 ~~which the agreement was executed or in which the order was~~
418 ~~rendered, for an order decreasing or increasing the amount of~~
419 ~~support, maintenance, or alimony, and the court has jurisdiction~~
420 ~~to make orders as equity requires, with due regard to the~~
421 ~~changed circumstances or the financial ability of the parties or~~
422 ~~the child, decreasing, increasing, or confirming the amount of~~
423 ~~separate support, maintenance, or alimony provided for in the~~
424 ~~agreement or order. A finding that medical insurance is~~
425 ~~reasonably available or the child support guidelines schedule in~~
426 ~~s. 61.30 may constitute changed circumstances. Except as~~
427 ~~otherwise provided in s. 61.30(11)(c), the court may modify an~~
428 ~~order of support, maintenance, or alimony by increasing or~~
429 ~~decreasing the support, maintenance, or alimony retroactively to~~
430 ~~the date of the filing of the action or supplemental action for~~
431 ~~modification as equity requires, giving due regard to the~~
432 ~~changed circumstances or the financial ability of the parties or~~
433 ~~the child.~~

434 ~~(b)~~1. The court shall ~~may~~ reduce or terminate an award of
435 alimony upon specific written findings by the court that since

22-01619A-20

20201832__

436 the granting of a divorce and the award of alimony, a supportive
437 relationship exists or ~~has~~ existed between the obligee and
438 another a person at any time during the 180 days before the
439 filing of a petition for modification of alimony ~~with whom the~~
440 ~~obligee resides~~. On the issue of whether alimony should be
441 reduced or terminated under this paragraph, the burden is on the
442 obligor to prove by a preponderance of the evidence that a
443 supportive relationship exists or existed.

444 2. In determining whether an existing award of alimony
445 should be reduced or terminated because of an alleged supportive
446 relationship between an obligee and a person who is not related
447 by consanguinity or affinity and with whom the obligee resides,
448 the court shall elicit the nature and extent of the relationship
449 in question. The court shall give consideration, without
450 limitation, to circumstances, including, but not limited to, the
451 following, in determining the relationship of an obligee to
452 another person:

453 a. The extent to which the obligee and the other person
454 have held themselves out as a married couple by engaging in
455 conduct such as using the same last name, using a common mailing
456 address, referring to each other in terms such as "my husband"
457 or "my wife," or otherwise conducting themselves in a manner
458 that evidences a permanent supportive relationship.

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

461 c. The extent to which the obligee and the other person
462 have pooled their assets or income or otherwise exhibited
463 financial interdependence.

464 d. The extent to which the obligee or the other person has

22-01619A-20

20201832__

465 supported the other, in whole or in part.

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

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

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

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

474 i. Evidence in support of a claim that the obligee and the
475 other person have an express agreement regarding property
476 sharing or support.

477 j. Evidence in support of a claim that the obligee and the
478 other person have an implied agreement regarding property
479 sharing or support.

480 k. Whether the obligee and the other person have provided
481 support to the children of one another, regardless of any legal
482 duty to do so.

483 3. This paragraph does not abrogate the requirement that
484 every marriage in this state be solemnized under a license, does
485 not recognize a common law marriage as valid, and does not
486 recognize a de facto marriage. This paragraph recognizes only
487 that relationships do exist that provide economic support
488 equivalent to a marriage and that alimony terminable on
489 remarriage may be reduced or terminated upon the establishment
490 of equivalent equitable circumstances as described in this
491 paragraph. The existence of a conjugal relationship, though it
492 may be relevant to the nature and extent of the relationship, is
493 not necessary for the application of ~~the provisions of this~~

22-01619A-20

20201832__

494 paragraph.

495 4. Any modification or termination of an alimony award is
496 effective as of July 1, 2020, or retroactive to the date of the
497 filing of the petition. In an action under this section, if it
498 is determined that the obligee or obligor unnecessarily or
499 unreasonably litigated the underlying petition for modification
500 or termination, including litigation over the date of
501 termination of the alimony, the court may award the other party
502 his or her reasonable attorney fees and costs under s. 61.16.

503 (b)-(e) For each support order reviewed by the department as
504 required by s. 409.2564(11), if the amount of the child support
505 award under the order differs by at least 10 percent but not
506 less than \$25 from the amount that would be awarded under s.
507 61.30, the department shall seek to have the order modified and
508 any modification shall be made without a requirement for proof
509 or showing of a change in circumstances.

510 (c)-(d) The department may ~~shall have authority to~~ adopt
511 rules to administer ~~implement~~ this section.

512 (11)

513 (c) If the court orders alimony payable concurrent with a
514 child support order, the alimony award may not be modified
515 solely because of a later reduction or termination of child
516 support payments.

517 (d) An obligor's subsequent remarriage or cohabitation does
518 not constitute a basis for a modification of alimony. The income
519 and assets of the obligor's subsequent spouse or person with
520 whom the obligor resides is not relevant in a modification
521 action.

522 (12) (a) An alimony award terminates when the obligor

22-01619A-20

20201832__

523 reaches full retirement age as determined by the United States
524 Social Security Administration or when the obligor retires at an
525 age that is reasonable for his or her profession or line of
526 work, whichever is earlier. In determining whether the obligor's
527 retirement age is reasonable, the court shall consider the
528 obligor's:

529 1. Age.

530 2. Health.

531 3. Motivation for retirement.

532 4. Type of work.

533 5. Typical retirement age for that type of work.

534 (b) In anticipation of retirement, the obligor may file a
535 petition for termination of the alimony award effective upon his
536 or her retirement date before the obligor reaches full
537 retirement age as determined by the United States Social
538 Security Administration. The court shall terminate the alimony
539 award after the retirement of the obligor unless the court makes
540 findings of fact that the obligor's retirement age is not
541 reasonable.

542 (13) (a) An alimony award shall be reduced by the amount of
543 any social security or disability benefits or retirement
544 payments that the obligee receives.

545 (b) The obligor's social security or disability benefits or
546 retirement payments are exempt from garnishment for alimony
547 enforcement.

548 Section 4. Section 61.19, Florida Statutes, is amended to
549 read:

550 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
551 period; separate adjudication of issues.-

22-01619A-20

20201832__

552 (1) A ~~No~~ final judgment of dissolution of marriage may not
553 be entered until at least 20 days have elapsed from the date of
554 filing the original petition for dissolution of marriage,~~r~~ but
555 the court, on a showing that injustice would result from this
556 delay, may enter a final judgment of dissolution of marriage at
557 an earlier date.

558 (2) (a) If more than 365 days have elapsed after the date of
559 service of the original petition for dissolution of marriage,
560 absent a showing by either party that irreparable harm will
561 result from granting a final dissolution, the court shall, upon
562 request of either party, grant a final dissolution of marriage
563 with a reservation of jurisdiction to subsequently determine all
564 other substantive issues. Before granting a final dissolution of
565 marriage with a reservation of jurisdiction to subsequently
566 determine all other substantive issues, the court shall enter
567 temporary orders necessary to protect the parties and their
568 children, which orders remain effective until all other issues
569 can be adjudicated by the court.

570 (b) Unless otherwise agreed to by the parties, there is a
571 presumption that equal time-sharing is in the best interests of
572 the minor children common to both parties.

573 Section 5. This act shall take effect July 1, 2020.