

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Andrade offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 148-488 and insert:

6 a life insurance policy, the obligor shall cooperate in the
7 process of procuring the issuance and underwriting of such life
8 insurance policy.

9 ~~(4) For purposes of determining alimony, there is a~~
10 ~~rebuttable presumption that a short-term marriage is a marriage~~
11 ~~having a duration of less than 7 years, a moderate-term marriage~~
12 ~~is a marriage having a duration of greater than 7 years but less~~
13 ~~than 17 years, and long-term marriage is a marriage having a~~
14 ~~duration of 17 years or greater. The length of a marriage is the~~
15 ~~period of time from the date of marriage until the date of~~
16 ~~filing of an action for dissolution of marriage.~~

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17 (5) Bridge-the-gap alimony may be awarded to assist a
18 party by providing support to allow the party to make a
19 transition from being married to being single. Bridge-the-gap
20 alimony is designed to assist a party with legitimate
21 identifiable short-term needs, and the length of an award of
22 bridge-the-gap alimony may not exceed 2 years. An award of
23 bridge-the-gap alimony terminates upon the death of either party
24 or upon the remarriage of the party receiving alimony. An award
25 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
26 or duration.

27 (6) (a) Rehabilitative alimony may be awarded to assist a
28 party in establishing the capacity for self-support through
29 either:

- 30 1. The redevelopment of previous skills or credentials; or
- 31 2. The acquisition of education, training, or work
32 experience necessary to develop appropriate employment skills or
33 credentials.

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

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

40 (d) An award of rehabilitative alimony may be modified or
41 terminated in accordance with s. 61.14 based upon a substantial

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42 change in circumstances, upon noncompliance with the
43 rehabilitative plan, or upon completion of the rehabilitative
44 plan, including completion of the rehabilitative plan before the
45 length of the award of rehabilitative alimony expires.

46 (7) (a) Durational alimony may be awarded ~~when permanent~~
47 ~~periodic alimony is inappropriate. The purpose of durational~~
48 ~~alimony is to provide a party with economic assistance for a set~~
49 ~~period of time following a marriage of short or moderate~~
50 ~~duration or following a marriage of long duration if there is no~~
51 ~~ongoing need for support on a permanent basis.~~ An award of
52 durational alimony terminates upon the death of either party or
53 upon the remarriage of the party receiving alimony. The amount
54 of an award of durational alimony may be modified or terminated
55 based upon a substantial change in circumstances, including a
56 finding that a supportive relationship exists or existed between
57 the obligee and another person in accordance with s. 61.14.

58 ~~However,~~ The length of an award of durational alimony may not be
59 modified except under exceptional circumstances and may not
60 exceed 50 percent of the length of the marriage. For purposes of
61 this subsection, the length of a marriage is the period of time
62 beginning on the date of marriage and ending on the date the
63 action for dissolution of marriage that is currently pending
64 before the court is filed.

65 (b) When awarding durational alimony, the court must make
66 written findings that an award of another type of alimony, or

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67 any combination of the other forms of alimony, is not
68 appropriate.

69 (c) The amount of durational alimony is the amount
70 determined to be the obligee's reasonable need or 25 percent of
71 the difference between the parties' net incomes, whichever
72 amount is less.

73 (8) A party who meets the qualifications for retirement
74 under s. 61.14(12) before the petition for dissolution of
75 marriage is filed may not be ordered to pay bridge-the-gap,
76 rehabilitative, or durational alimony, unless the court
77 determines all of the following:

78 (a) The party seeking alimony has not reached the age to
79 qualify for Social Security benefits.

80 (b) As a result of the dissolution of marriage, the party
81 seeking alimony would, based on the income and assets available
82 after the dissolution is final, meet the primary qualifications
83 for the Medically Needy Program under part III of chapter 409
84 and the related administrative rules in effect on March 1, 2020.

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

88 (b) Social security retirement benefits may not be imputed
89 to the obligor or the obligee as demonstrated by a social
90 security retirement benefits entitlement letter.

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91 (c) If the obligee alleges that a physical disability has
92 impaired his or her capability to earn the income imputed by the
93 court, the obligee must have qualified for benefits under the
94 Social Security Administration Disability Insurance Program or,
95 in the event the obligee is not eligible for the program, must
96 demonstrate that his or her disability meets the disability
97 qualification standards of the Social Security Administration
98 Disability Insurance Program.

99 ~~(8) Permanent alimony may be awarded to provide for the~~
100 ~~needs and necessities of life as they were established during~~
101 ~~the marriage of the parties for a party who lacks the financial~~
102 ~~ability to meet his or her needs and necessities of life~~
103 ~~following a dissolution of marriage. Permanent alimony may be~~
104 ~~awarded following a marriage of long duration if such an award~~
105 ~~is appropriate upon consideration of the factors set forth in~~
106 ~~subsection (2), following a marriage of moderate duration if~~
107 ~~such an award is appropriate based upon clear and convincing~~
108 ~~evidence after consideration of the factors set forth in~~
109 ~~subsection (2), or following a marriage of short duration if~~
110 ~~there are written findings of exceptional circumstances. In~~
111 ~~awarding permanent alimony, the court shall include a finding~~
112 ~~that no other form of alimony is fair and reasonable under the~~
113 ~~circumstances of the parties. An award of permanent alimony~~
114 ~~terminates upon the death of either party or upon the remarriage~~
115 ~~of the party receiving alimony. An award may be modified or~~

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116 ~~terminated based upon a substantial change in circumstances or~~
117 ~~upon the existence of a supportive relationship in accordance~~
118 ~~with s. 61.14.~~

119 ~~(9) The award of alimony may not leave the payor with~~
120 ~~significantly less net income than the net income of the~~
121 ~~recipient unless there are written findings of exceptional~~
122 ~~circumstances.~~

123 (10) (a) With respect to any order requiring the payment of
124 alimony entered on or after January 1, 1985, unless ~~the~~
125 ~~provisions of paragraph (c) or paragraph (d) applies~~ apply, the
126 court shall direct in the order that the payments of alimony be
127 made through the appropriate depository as provided in s.
128 61.181.

129 (b) With respect to any order requiring the payment of
130 alimony entered before January 1, 1985, upon the subsequent
131 appearance_T on or after that date_T of one or both parties before
132 the court having jurisdiction for the purpose of modifying or
133 enforcing the order or in any other proceeding related to the
134 order_T or upon the application of either party, unless ~~the~~
135 ~~provisions of paragraph (c) or paragraph (d) applies~~ apply, the
136 court shall modify the terms of the order as necessary to direct
137 that payments of alimony be made through the appropriate
138 depository as provided in s. 61.181.

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

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141 (d)1. If there is a minor child of the parties and both
142 parties so request, the court may order that alimony payments
143 need not be directed through the depository. In this case, the
144 order of support must ~~shall~~ provide, or be deemed to provide,
145 that either party may subsequently apply to the depository to
146 require that payments be made through the depository. The court
147 shall provide a copy of the order to the depository.

148 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
149 either party may subsequently file with the depository an
150 affidavit alleging default or arrearages in payment and stating
151 that the party wishes to initiate participation in the
152 depository program. The party shall provide copies of the
153 affidavit to the court and the other party or parties. Fifteen
154 days after receipt of the affidavit, the depository shall notify
155 all parties that future payments shall be directed to the
156 depository.

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

160 (11) The court shall consider any alimony payments made to
161 the obligee after the date of filing of a petition for
162 dissolution of marriage, either voluntarily or pursuant to a
163 court order, in determining the amount and length of an award of
164 rehabilitative or durational alimony.

165 (12) Any action in which a final judgment was entered

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166 before to July 1, 2020 shall apply the law as it existed on June
167 30, 2020. This section shall otherwise apply to all petitions
168 for dissolution of marriage filed on or after July 1, 2020, and
169 any other action in which a final judgment is not entered before
170 July 1, 2020.

171 Section 2. Paragraph (c) of subsection (2) of section
172 61.13, Florida Statutes, is amended to read:

173 61.13 Support of children; parenting and time-sharing;
174 powers of court.—

175 (2)

176 (c) The court shall determine all matters relating to
177 parenting and time-sharing of each minor child of the parties in
178 accordance with the best interests of the child and in
179 accordance with the Uniform Child Custody Jurisdiction and
180 Enforcement Act, except that modification of a parenting plan
181 and time-sharing schedule requires a showing of a substantial,
182 material, and unanticipated change of circumstances.

183 1. It is the public policy of this state that each minor
184 child has frequent and continuing contact with both parents
185 after the parents separate or the marriage of the parties is
186 dissolved and to encourage parents to share the rights and
187 responsibilities, and joys, of childrearing. Unless otherwise
188 agreed to by the parties, there is a presumption that equal
189 time-sharing is in the best interests of the minor children
190 common to both parties. This subparagraph shall apply to all

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191 ~~actions filed on or after July 1, 2020. There is no presumption~~
192 ~~for or against the father or mother of the child or for or~~
193 ~~against any specific time-sharing schedule when creating or~~
194 ~~modifying the parenting plan of the child.~~

195 2. The court shall order that the parental responsibility
196 for a minor child be shared by both parents unless the court
197 finds that shared parental responsibility would be detrimental
198 to the child. Evidence that a parent has been convicted of a
199 misdemeanor of the first degree or higher involving domestic
200 violence, as defined in s. 741.28 and chapter 775, or meets the
201 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
202 detriment to the child. If the presumption is not rebutted after
203 the convicted parent is advised by the court that the
204 presumption exists, shared parental responsibility, including
205 time-sharing with the child, and decisions made regarding the
206 child, may not be granted to the convicted parent. However, the
207 convicted parent is not relieved of any obligation to provide
208 financial support. If the court determines that shared parental
209 responsibility would be detrimental to the child, it may order
210 sole parental responsibility and make such arrangements for
211 time-sharing as specified in the parenting plan as will best
212 protect the child or abused spouse from further harm. Regardless
213 of whether ~~or not~~ there is a conviction of any offense of
214 domestic violence or child abuse or the existence of an
215 injunction for protection against domestic violence, the court

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216 shall consider evidence of domestic violence or child abuse as
217 evidence of detriment to the child.

218 a. In ordering shared parental responsibility, the court
219 may consider the expressed desires of the parents and may grant
220 to one party the ultimate responsibility over specific aspects
221 of the child's welfare or may divide those responsibilities
222 between the parties based on the best interests of the child.
223 Areas of responsibility may include education, health care, and
224 any other responsibilities that the court finds unique to a
225 particular family.

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

230 3. Access to records and information pertaining to a minor
231 child, including, but not limited to, medical, dental, and
232 school records, may not be denied to either parent. Full rights
233 under this subparagraph apply to either parent unless a court
234 order specifically revokes these rights, including any
235 restrictions on these rights as provided in a domestic violence
236 injunction. A parent having rights under this subparagraph has
237 the same rights upon request as to form, substance, and manner
238 of access as are available to the other parent of a child,
239 including, without limitation, the right to in-person
240 communication with medical, dental, and education providers.

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241 Section 3. Paragraphs (b) and (d) of subsection (1) of
242 section 61.14, Florida Statutes, are amended, paragraph (c) is
243 added to subsection (11), and subsections (12), (13), (14), and
244 (15) are added to that section, to read:

245 61.14 Enforcement and modification of support,
246 maintenance, or alimony agreements or orders.—

247 (1)

248 (b)1. The court may reduce or terminate an award of
249 alimony or order reimbursement to the obligor for any amount the
250 court determines is equitable upon specific written findings by
251 the court that since the granting of a divorce and the award of
252 alimony a supportive relationship exists or ~~has~~ existed between
253 the obligee and another a person at any time during the 180 days
254 before the filing of a petition for modification of alimony with
255 ~~whom the obligee resides~~. On the issue of whether alimony should
256 be reduced or terminated under this paragraph, the burden is on
257 the obligor to prove by a preponderance of the evidence that a
258 supportive relationship exists or existed.

259 2. In determining whether an existing award of alimony
260 should be reduced or terminated because of an alleged supportive
261 relationship between an obligee and a person who is not related
262 by consanguinity or affinity and with whom the obligee resides,
263 the court shall elicit the nature and extent of the relationship
264 in question. The court shall give consideration, without
265 limitation, to circumstances, including, but not limited to, the

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266 following, in determining the relationship of an obligee to
267 another person:

268 a. The extent to which the obligee and the other person
269 have held themselves out as a married couple by engaging in
270 conduct such as using the same last name, using a common mailing
271 address, referring to each other in terms such as "my husband"
272 or "my wife," or otherwise conducting themselves in a manner
273 that evidences a permanent supportive relationship.

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

276 c. The extent to which the obligee and the other person
277 have pooled their assets or income or otherwise exhibited
278 financial interdependence.

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

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

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

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

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

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289 i. Evidence in support of a claim that the obligee and the
290 other person have an express agreement regarding property
291 sharing or support.

292 j. Evidence in support of a claim that the obligee and the
293 other person have an implied agreement regarding property
294 sharing or support.

295 k. Whether the obligee and the other person have provided
296 support to the children of one another, regardless of any legal
297 duty to do so.

298 3. This paragraph does not abrogate the requirement that
299 every marriage in this state be solemnized under a license, does
300 not recognize a common law marriage as valid, and does not
301 recognize a de facto marriage. This paragraph recognizes only
302 that relationships do exist that provide economic support
303 equivalent to a marriage and that alimony terminable on
304 remarriage may be reduced or terminated upon the establishment
305 of equivalent equitable circumstances as described in this
306 paragraph. The existence of a conjugal relationship, though it
307 may be relevant to the nature and extent of the relationship, is
308 not necessary for the application of ~~the provisions of this~~
309 paragraph.

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

312 (11)

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313 (c) An obligor's subsequent remarriage or cohabitation
314 does not constitute a basis for either party to seek a
315 modification of an alimony award. An obligee may not seek
316 modification to increase an award of alimony based on the income
317 and assets of the obligor's subsequent spouse or person with
318 whom the obligor resides, and the obligor may not seek
319 modification to reduce an award of alimony based on the
320 obligor's reliance upon the income and assets of the obligor's
321 subsequent spouse or person with whom the obligor resides.

322 (12) (a) An alimony award ordered on or after July 1, 2020
323 shall be terminated when the obligor reaches full retirement age
324 as determined by the United States Social Security
325 Administration. However, if an obligor reaches full social
326 security retirement age as defined by the United States Social
327 Security Administration and has not paid durational alimony for
328 a term equal to 50 percent of the length of the marriage, the
329 Court may require the obligor to continue to pay durational
330 alimony not to exceed 50 percent of the length of the marriage
331 if the court determines all of the following:

332 1. The party seeking alimony has not reached the age to
333 qualify for Social Security benefits.

334 2. As a result of the dissolution of marriage, the party
335 seeking alimony would, based on the income and assets available
336 after the dissolution is final, qualify for the Medically Needy

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337 Program under part III of chapter 409 and the related
338 administrative rules in effect on March 1, 2020.

339 (b) If an obligor seeks to retire at an age that is
340 reasonable for his or her profession or line of work before
341 reaching full retirement age as defined by the United States
342 Social Security Administration, in determining whether the
343 obligor's retirement is reasonable, the court shall consider:

344 1. The obligor's age and health.

345 2. The obligor's motivation for retirement.

346 3. The obligor's type of work and the typical retirement
347 age for that type of work.

348 4. The obligee's needs and necessities of life.

349 5. The impact that a termination or reduction of alimony
350 would have on the obligee. In determining the impact, the court
351 shall consider any assets accumulated or received by the
352 obligee, including any income generated by such assets, since
353 the final judgment of dissolution of marriage.

354 (c) Up to 12 months before the obligor's anticipated
355 retirement under paragraphs (a) or (b), the obligor may file a
356 petition to terminate the alimony award effective upon his or
357 her actual retirement date. The court shall terminate or modify
358 the alimony award after the retirement of the obligor unless the
359 court makes written findings of fact that the obligor's
360 retirement is not reasonable under paragraph (b).

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361 (13) (a) An alimony award ordered before to July 1, 2020
362 may be modified or terminated when the obligor reaches full
363 retirement age as determined by the United States Social
364 Security Administration or when the obligor's retirement age is
365 reasonable for his or her profession or line of work, whichever
366 is earlier. However, if an alimony award was made pursuant to an
367 agreement between the parties, the court must make written
368 findings of fact indicating exceptional circumstances which
369 require the court to modify the agreed-upon alimony award.

370 (b) In determining whether the obligor's retirement is
371 reasonable, the court shall consider:

- 372 1. The obligor's age and health.
- 373 2. The obligor's motivation for retirement.
- 374 3. The obligor's profession or line of work and the
375 typical retirement age for that profession or line of work.
- 376 4. The obligee's needs and necessities of life.
- 377 5. The impact that a termination or reduction of alimony
378 would have on the obligee. In determining the impact, the court
379 shall consider any assets accumulated or received by the
380 obligee, including any income generated by such assets, since
381 the final judgment of dissolution of marriage.

382 (c) Up to 12 months before the obligor's anticipated
383 retirement, the obligor may file a petition to modify or
384 terminate the alimony award effective upon his or her actual
385 retirement date. The court shall modify the alimony award after

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386 the obligor's retirement unless the court makes written findings
387 of fact that the obligor's retirement is not reasonable.

388 (14) Any amount of social security or disability benefits
389 or retirement payments received by an obligee subsequent to an
390 initial award of alimony constitutes a change in circumstances
391 for which an obligor may seek modification of an alimony award.

392 (15) Any action in which a final judgment was entered
393 before July 1, 2020 shall apply the law as it existed on June
394 30, 2020, except for an action to modify an alimony award
395 ordered before July 1, 2020, which shall apply subsections (13)
396 and (14) of this act. This section shall otherwise apply to all
397 petitions for dissolution of marriage filed on or after July 1,
398 2020, and any other action in which a final judgment is not
399 entered before July 1, 2020.

400 Section 4. Section 61.19, Florida Statutes, is amended to
401 read:

402 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
403 period; separate adjudication of issues.-

404 (1) A ~~No~~ final judgment of dissolution of marriage may not
405 be entered until at least 20 days have elapsed from the date of
406 filing the original petition for dissolution of marriage, ~~7~~ but
407 the court, on a showing that injustice would result from this
408 delay, may enter a final judgment of dissolution of marriage at
409 an earlier date.

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410 (2) (a) If more than 365 days have elapsed after the date
411 of service of the original petition for dissolution of marriage,
412 absent a showing by either party that irreparable harm will
413 result from granting a final dissolution, the court shall, upon
414 request of either party, grant a final dissolution of marriage
415 with a reservation of jurisdiction to subsequently determine all
416 other substantive issues. Before granting a final dissolution of
417 marriage with a reservation of jurisdiction to subsequently
418 determine all other substantive issues, the court shall enter
419 temporary orders necessary to protect the parties and their
420 children, which orders remain effective until all other issues
421 can be adjudicated by the court. This subsection shall apply to
422 all petitions for dissolution of marriage filed on or after July
423 1, 2020.

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

425

426

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T I T L E A M E N D M E N T

428

Remove lines 15-35 and insert:

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award of rehabilitative or durational alimony; providing that a
430 retired party does not have to pay alimony under certain
431 circumstances; providing restrictions on the amount of alimony
432 and what benefits may be imputed to an obligor or obligee;
433 removing the authorization for a court to order permanent
434 alimony; authorizing the court to consider prior alimony

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435 | payments made by the obligor when calculating rehabilitative or
436 | durational alimony; providing applicability; amending s. 61.13,
437 | F.S.; creating a presumption for equal time-sharing; revising
438 | provisions to conform to changes made by the act; providing
439 | applicability; amending s. 61.14, F.S.; revising and creating
440 | provisions relating to the modification of an alimony award;
441 | providing that an obligor's subsequent remarriage or
442 | cohabitation is not a basis for modification of an alimony
443 | award; providing that attaining a certain retirement age is a
444 | basis for modification of an alimony award; providing an
445 | exception; providing factors to be considered in determining
446 | whether retirement at a certain age is reasonable; authorizing
447 | an obligor to petition for modification or termination of