

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.08, F.S.; providing definitions; providing for
4 the priority of different forms of alimony; providing
5 an exception for when the court may grant permanent
6 alimony; providing restrictions on the consideration
7 of adultery when awarding alimony; requiring the court
8 to make written findings regarding the basis for
9 awarding a combination of forms of alimony; revising
10 factors the court must consider when determining an
11 alimony or maintenance award; revising provisions
12 relating to the protection of awards of alimony;
13 removing the rebuttable presumption of the length of a
14 marriage; revising provisions and criteria for an
15 award of rehabilitative or durational alimony;
16 providing that a retired party does not have to pay
17 alimony under certain circumstances; providing
18 restrictions on the amount of alimony and what
19 benefits may be imputed to an obligor or obligee;
20 removing the authorization for a court to order
21 permanent alimony; requiring the court to consider
22 prior alimony payments made by the obligor when
23 calculating rehabilitative or durational alimony;
24 providing applicability; amending s. 61.13, F.S.;
25 creating a presumption for equal time-sharing;

26 | revising provisions to conform to changes made by the
27 | act; providing applicability; amending s. 61.14, F.S.;
28 | revising and creating provisions relating to the
29 | modification of an alimony award; providing that an
30 | obligor's subsequent remarriage or cohabitation is not
31 | a basis for modification of an alimony award;
32 | authorizing certain alimony awards to be modified or
33 | terminated when the obligor reaches a certain
34 | retirement age; providing an exception; providing
35 | factors to be considered in determining whether the
36 | obligor's retirement age is reasonable; authorizing an
37 | obligor to petition for modification or termination of
38 | an alimony award up to 12 months before his or her
39 | anticipated retirement; providing that certain
40 | benefits and payments received by an obligee
41 | subsequent to an initial alimony award constitute a
42 | change in circumstances; providing applicability;
43 | amending s. 61.19, F.S.; authorizing a court to grant
44 | a final judgment of dissolution of marriage with a
45 | reservation of jurisdiction in certain circumstances;
46 | requiring the court to enter certain temporary orders
47 | before granting such judgment; providing
48 | applicability; providing an effective date.

49 |
50 | Be It Enacted by the Legislature of the State of Florida:

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

61.08 Alimony.—

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

(a) "Alimony" means a court-ordered payment of support by one spouse to the other spouse. The term includes maintenance, spousal support, and separate support when they are not intended for the benefit of a child.

(b) "Gross income" means gross income as determined under s. 61.30.

(c) "Net income" means income that is determined by subtracting allowable deductions from gross income. For purposes of this section, allowable deductions include:

1. Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.
2. Federal insurance contributions or self-employment tax.
3. Mandatory union dues.
4. Mandatory retirement payments.
5. Health insurance payments, excluding payments for coverage of the minor child.
6. Court-ordered support for other children which is actually paid.
7. Spousal support paid pursuant to a court order from a

76 previous marriage.

77 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
78 court may grant alimony to either party in the form of, ~~which~~
79 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
80 alimony, or a permanent in nature or any combination of these
81 forms of alimony, but shall prioritize an award of bridge-the-
82 gap alimony, followed by rehabilitative alimony, over any other
83 form of alimony. The court may grant permanent alimony only when
84 the parties enter into an agreement for permanent alimony. In an
85 ~~any~~ award of alimony, the court may order periodic payments, ~~or~~
86 payments in lump sum, or both.

87 (b) The court shall make written findings regarding the
88 basis for awarding a combination of forms of alimony, including
89 the type of alimony and the length of time for which the alimony
90 is awarded. The court may award a combination of forms of
91 alimony only to provide greater economic assistance in order to
92 allow the recipient to achieve rehabilitation.

93 (c) The court may consider the adultery of either spouse
94 and the circumstances thereof in determining the amount of
95 alimony, if any, to be awarded. However, the adultery of a
96 spouse may not be the court's sole basis for:

- 97 1. Denying a request for alimony; or
98 2. Awarding alimony, unless the adultery contributed to a
99 depletion of marital assets.

100 (d) In all dissolution actions, the court shall include

101 written findings of fact relative to the factors provided
 102 ~~enumerated~~ in subsection (3)~~(2)~~ supporting the ~~an~~ award or
 103 denial of alimony.

104 ~~(3)(2)~~ In determining whether to award alimony or
 105 maintenance, the court shall first make, in writing, a specific
 106 factual determination as to whether the ~~either~~ party requesting
 107 alimony or maintenance has an actual need for alimony or
 108 maintenance and whether the other ~~either~~ party has the ability
 109 to pay alimony or maintenance. If the court finds that the ~~a~~
 110 party seeking alimony or maintenance has a need for alimony or
 111 maintenance and that the other party has the ability to pay
 112 alimony or maintenance, then in determining the proper type and
 113 amount of alimony or maintenance under subsections (5)-(7) ~~(5)-~~
 114 ~~(8)~~, the court shall consider all relevant factors, including,
 115 but not limited to:

116 (a) The standard of living established during the
 117 marriage, including the needs and necessities of life for each
 118 party after the dissolution of marriage, taking into
 119 consideration the presumption that both parties will have a
 120 lower standard of living after the dissolution of marriage than
 121 the standard of living they enjoyed during the marriage. This
 122 presumption may be overcome by a preponderance of the evidence.

123 (b) The duration of the marriage.

124 (c) The age and the physical and emotional condition of
 125 each party.

126 (d) The financial resources of each party, including the
 127 nonmarital and the marital assets and liabilities distributed to
 128 each party.

129 (e) The earning capacities, educational levels, vocational
 130 skills, and employability of the parties and, when applicable,
 131 the time necessary for either party to acquire sufficient
 132 education or training to enable such party to find appropriate
 133 employment.

134 (f) The contribution of each party to the marriage,
 135 including, but not limited to, services rendered in homemaking,
 136 child care, education, and career building of the other party.

137 (g) The responsibilities each party will have with regard
 138 to any minor children that the parties ~~they~~ have in common.

139 (h) The tax treatment and consequences to both parties of
 140 any alimony award, ~~including the designation of all or a portion~~
 141 ~~of the payment as a nontaxable, nondeductible payment.~~

142 (i) All sources of income available to either party,
 143 including income available to either party through investments
 144 of any asset held by that party.

145 (j) Any other factor necessary to do equity and justice
 146 between the parties if such factor is specifically identified in
 147 the award with findings of fact justifying the application of
 148 such factor.

149 ~~(4)-(3)~~ To the extent necessary to protect an award of
 150 alimony, the obligee may ~~court may order any party who is~~

151 ~~ordered to pay alimony to~~ purchase or maintain a life insurance
152 policy on the obligor's life in an amount adequate to ~~or a bond,~~
153 ~~or to otherwise~~ secure such alimony award ~~with any other assets~~
154 ~~which may be suitable for that purpose.~~ If the obligee purchases
155 a life insurance policy, the obligor shall cooperate in the
156 process of procuring the issuance and underwriting of such life
157 insurance policy.

158 ~~(4) For purposes of determining alimony, there is a~~
159 ~~rebuttable presumption that a short-term marriage is a marriage~~
160 ~~having a duration of less than 7 years, a moderate-term marriage~~
161 ~~is a marriage having a duration of greater than 7 years but less~~
162 ~~than 17 years, and long-term marriage is a marriage having a~~
163 ~~duration of 17 years or greater. The length of a marriage is the~~
164 ~~period of time from the date of marriage until the date of~~
165 ~~filing of an action for dissolution of marriage.~~

166 (5) Bridge-the-gap alimony may be awarded to assist a
167 party by providing support to allow the party to make a
168 transition from being married to being single. Bridge-the-gap
169 alimony is designed to assist a party with legitimate
170 identifiable short-term needs, and the length of an award of
171 bridge-the-gap alimony may not exceed 2 years. An award of
172 bridge-the-gap alimony terminates upon the death of either party
173 or upon the remarriage of the party receiving alimony. An award
174 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
175 or duration.

176 (6) (a) Rehabilitative alimony may be awarded to assist a
 177 party in establishing the capacity for self-support through
 178 either:

- 179 1. The redevelopment of previous skills or credentials; or
- 180 2. The acquisition of education, training, or work
 181 experience necessary to develop appropriate employment skills or
 182 credentials.

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

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

189 (d) An award of rehabilitative alimony may be modified or
 190 terminated in accordance with s. 61.14 based upon a substantial
 191 change in circumstances, upon noncompliance with the
 192 rehabilitative plan, or upon completion of the rehabilitative
 193 plan, including completion of the rehabilitative plan before the
 194 length of the award of rehabilitative alimony expires.

195 (7) (a) ~~Durational alimony may be awarded when permanent~~
 196 ~~periodic alimony is inappropriate. The purpose of durational~~
 197 ~~alimony is to provide a party with economic assistance for a set~~
 198 ~~period of time following a marriage of short or moderate~~
 199 ~~duration or following a marriage of long duration if there is no~~
 200 ~~ongoing need for support on a permanent basis. An award of~~

201 durational alimony terminates upon the death of either party or
202 upon the remarriage of the party receiving alimony. The amount
203 of an award of durational alimony may be modified or terminated
204 based upon a substantial change in circumstances, including a
205 finding that a supportive relationship exists or existed between
206 the obligee and another person in accordance with s. 61.14.
207 ~~However,~~ The length of an award of durational alimony may not be
208 modified except under exceptional circumstances and may not
209 exceed 50 percent of the length of the marriage. For purposes of
210 this subsection, the length of a marriage is the period of time
211 beginning on the date of marriage and ending on the date the
212 action for dissolution of marriage that is currently pending
213 before the court is filed.

214 (b) When awarding durational alimony, the court must make
215 written findings that an award of another type of alimony, or
216 any combination of the other forms of alimony, is not
217 appropriate.

218 (c) The amount of durational alimony is the amount
219 determined to be the obligee's reasonable need or 25 percent of
220 the difference between the parties' net incomes, whichever
221 amount is less.

222 (8) A party who meets the qualifications for retirement
223 under s. 61.14(12) before the petition for dissolution of
224 marriage is filed may not be ordered to pay bridge-the-gap,
225 rehabilitative, or durational alimony, unless the court

226 determines that:

227 (a) The party seeking alimony has not reached the age to
228 qualify for social security benefits.

229 (b) As a result of the dissolution of marriage, the party
230 seeking alimony would, based on the income and assets available
231 after the dissolution is final, meet the primary qualifications
232 for the Florida Medicaid medically needy program under part III
233 of chapter 409 and the related administrative rules in effect on
234 March 1, 2020.

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

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

241 (c) If the obligee alleges that a physical disability has
242 impaired his or her capability to earn the income imputed by the
243 court, the obligee must have qualified for benefits under the
244 Social Security Administration Disability Insurance Program or,
245 in the event the obligee is not eligible for the program, must
246 demonstrate that his or her disability meets the disability
247 qualification standards of the Social Security Administration
248 Disability Insurance Program.

249 ~~(8) Permanent alimony may be awarded to provide for the~~
250 ~~needs and necessities of life as they were established during~~

251 ~~the marriage of the parties for a party who lacks the financial~~
252 ~~ability to meet his or her needs and necessities of life~~
253 ~~following a dissolution of marriage. Permanent alimony may be~~
254 ~~awarded following a marriage of long duration if such an award~~
255 ~~is appropriate upon consideration of the factors set forth in~~
256 ~~subsection (2), following a marriage of moderate duration if~~
257 ~~such an award is appropriate based upon clear and convincing~~
258 ~~evidence after consideration of the factors set forth in~~
259 ~~subsection (2), or following a marriage of short duration if~~
260 ~~there are written findings of exceptional circumstances. In~~
261 ~~awarding permanent alimony, the court shall include a finding~~
262 ~~that no other form of alimony is fair and reasonable under the~~
263 ~~circumstances of the parties. An award of permanent alimony~~
264 ~~terminates upon the death of either party or upon the remarriage~~
265 ~~of the party receiving alimony. An award may be modified or~~
266 ~~terminated based upon a substantial change in circumstances or~~
267 ~~upon the existence of a supportive relationship in accordance~~
268 ~~with s. 61.14.~~

269 ~~(9) The award of alimony may not leave the payor with~~
270 ~~significantly less net income than the net income of the~~
271 ~~recipient unless there are written findings of exceptional~~
272 ~~circumstances.~~

273 (10) (a) With respect to any order requiring the payment of
274 alimony entered on or after January 1, 1985, unless the
275 ~~provisions of paragraph (c) or paragraph (d) applies apply, the~~

276 court shall direct in the order that the payments of alimony be
277 made through the appropriate depository as provided in s.
278 61.181.

279 (b) With respect to any order requiring the payment of
280 alimony entered before January 1, 1985, upon the subsequent
281 appearance on or after that date of one or both parties before
282 the court having jurisdiction for the purpose of modifying or
283 enforcing the order or in any other proceeding related to the
284 order or upon the application of either party, unless ~~the~~
285 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
286 court shall modify the terms of the order as necessary to direct
287 that payments of alimony be made through the appropriate
288 depository as provided in s. 61.181.

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

291 (d)1. If there is a minor child of the parties and both
292 parties so request, the court may order that alimony payments
293 need not be directed through the depository. In this case, the
294 order of support must ~~shall~~ provide, or be deemed to provide,
295 that either party may subsequently apply to the depository to
296 require that payments be made through the depository. The court
297 shall provide a copy of the order to the depository.

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

301 that the party wishes to initiate participation in the
302 depository program. The party shall provide copies of the
303 affidavit to the court and the other party or parties. Fifteen
304 days after receipt of the affidavit, the depository shall notify
305 all parties that future payments shall be directed to the
306 depository.

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

310 (11) The court shall consider any alimony payments made to
311 the obligee after the date of filing of a petition for
312 dissolution of marriage, either voluntarily or pursuant to a
313 court order, in determining the amount and length of an award of
314 rehabilitative or durational alimony.

315 (12) If a final judgment of dissolution of marriage was
316 entered before July 1, 2020, the court shall apply this section
317 as it existed on June 30, 2020, to any subsequent action in
318 which the court maintains jurisdiction. Otherwise, this section
319 applies to all petitions for dissolution of marriage filed on or
320 after July 1, 2020, and to all actions in which a final judgment
321 of dissolution of marriage has not been entered before July 1,
322 2020.

323 Section 2. Paragraph (c) of subsection (2) of section
324 61.13, Florida Statutes, is amended to read:

325 61.13 Support of children; parenting and time-sharing;

326 powers of court.—

327 (2)

328 (c) The court shall determine all matters relating to
329 parenting and time-sharing of each minor child of the parties in
330 accordance with the best interests of the child and in
331 accordance with the Uniform Child Custody Jurisdiction and
332 Enforcement Act, except that modification of a parenting plan
333 and time-sharing schedule requires a showing of a substantial,
334 material, and unanticipated change of circumstances.

335 1. It is the public policy of this state that each minor
336 child has frequent and continuing contact with both parents
337 after the parents separate or the marriage of the parties is
338 dissolved and to encourage parents to share the rights and
339 responsibilities, and joys, of childrearing. Unless otherwise
340 agreed to by the parties, there is a presumption that equal
341 time-sharing is in the best interests of the minor children
342 common to both parties. This subparagraph applies to all actions
343 filed on or after July 1, 2020 ~~There is no presumption for or~~
344 ~~against the father or mother of the child or for or against any~~
345 ~~specific time-sharing schedule when creating or modifying the~~
346 ~~parenting plan of the child.~~

347 2. The court shall order that the parental responsibility
348 for a minor child be shared by both parents unless the court
349 finds that shared parental responsibility would be detrimental
350 to the child. Evidence that a parent has been convicted of a

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

370 a. In ordering shared parental responsibility, the court
371 may consider the expressed desires of the parents and may grant
372 to one party the ultimate responsibility over specific aspects
373 of the child's welfare or may divide those responsibilities
374 between the parties based on the best interests of the child.
375 Areas of responsibility may include education, health care, and

376 any other responsibilities that the court finds unique to a
377 particular family.

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

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

393 Section 3. Paragraphs (b) and (d) of subsection (1) of
394 section 61.14, Florida Statutes, are amended, paragraph (c) is
395 added to subsection (11), and subsections (12) through (15) are
396 added to that section, to read:

397 61.14 Enforcement and modification of support,
398 maintenance, or alimony agreements or orders.—

399 (1)

400 (b)1. The court may reduce or terminate an award of

401 alimony or order reimbursement to the obligor for any amount the
402 court determines is equitable upon specific written findings by
403 the court that since the granting of a divorce and the award of
404 alimony a supportive relationship exists or ~~has~~ existed between
405 the obligee and another a person at any time during the 180 days
406 before the filing of a petition for modification of alimony with
407 ~~whom the obligee resides~~. On the issue of whether alimony should
408 be reduced or terminated under this paragraph, the burden is on
409 the obligor to prove by a preponderance of the evidence that a
410 supportive relationship exists or existed.

411 2. In determining whether an existing award of alimony
412 should be reduced or terminated because of an alleged supportive
413 relationship between an obligee and a person who is not related
414 by consanguinity or affinity and with whom the obligee resides,
415 the court shall elicit the nature and extent of the relationship
416 in question. The court shall give consideration, without
417 limitation, to circumstances, including, but not limited to, the
418 following, in determining the relationship of an obligee to
419 another person:

420 a. The extent to which the obligee and the other person
421 have held themselves out as a married couple by engaging in
422 conduct such as using the same last name, using a common mailing
423 address, referring to each other in terms such as "my husband"
424 or "my wife," or otherwise conducting themselves in a manner
425 that evidences a permanent supportive relationship.

- 426 b. The period of time that the obligee has resided with
 427 the other person in a permanent place of abode.
- 428 c. The extent to which the obligee and the other person
 429 have pooled their assets or income or otherwise exhibited
 430 financial interdependence.
- 431 d. The extent to which the obligee or the other person has
 432 supported the other, in whole or in part.
- 433 e. The extent to which the obligee or the other person has
 434 performed valuable services for the other.
- 435 f. The extent to which the obligee or the other person has
 436 performed valuable services for the other's company or employer.
- 437 g. Whether the obligee and the other person have worked
 438 together to create or enhance anything of value.
- 439 h. Whether the obligee and the other person have jointly
 440 contributed to the purchase of any real or personal property.
- 441 i. Evidence in support of a claim that the obligee and the
 442 other person have an express agreement regarding property
 443 sharing or support.
- 444 j. Evidence in support of a claim that the obligee and the
 445 other person have an implied agreement regarding property
 446 sharing or support.
- 447 k. Whether the obligee and the other person have provided
 448 support to the children of one another, regardless of any legal
 449 duty to do so.
- 450 3. This paragraph does not abrogate the requirement that

451 every marriage in this state be solemnized under a license, does
 452 not recognize a common law marriage as valid, and does not
 453 recognize a de facto marriage. This paragraph recognizes only
 454 that relationships do exist that provide economic support
 455 equivalent to a marriage and that alimony terminable on
 456 remarriage may be reduced or terminated upon the establishment
 457 of equivalent equitable circumstances as described in this
 458 paragraph. The existence of a conjugal relationship, though it
 459 may be relevant to the nature and extent of the relationship, is
 460 not necessary for the application of ~~the provisions of this~~
 461 paragraph.

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

464 (11)

465 (c) An obligor's subsequent remarriage or cohabitation
 466 does not constitute a basis for either party to seek a
 467 modification of an alimony award. An obligee may not seek
 468 modification to increase an award of alimony based on the income
 469 and assets of the obligor's subsequent spouse or person with
 470 whom the obligor resides, and the obligor may not seek
 471 modification to reduce an award of alimony based on the
 472 obligor's reliance upon the income and assets of the obligor's
 473 subsequent spouse or person with whom the obligor resides.

474 (12) (a) An alimony award ordered on or after July 1, 2020,
 475 terminates when the obligor reaches full retirement age as

476 determined by the United States Social Security Administration.
477 However, if an obligor reaches full retirement age as determined
478 by the United States Social Security Administration and has not
479 paid durational alimony for a term equal to 50 percent of the
480 length of the marriage, the court may require the obligor to
481 continue to pay durational alimony, not to exceed 50 percent of
482 the length of the marriage, if the court determines that:

483 1. The party seeking alimony has not reached the age to
484 qualify for social security benefits.

485 2. As a result of the dissolution of marriage, the party
486 seeking alimony would, based on the income and assets available
487 after the dissolution of marriage is final, meet the primary
488 qualifications for the Florida Medicaid medically needy program
489 under part III of chapter 409 and the related administrative
490 rules in effect on March 1, 2020.

491 (b) If an obligor seeks to retire at an age that is
492 reasonable for his or her profession or line of work, but before
493 he or she reaches full retirement age as determined by the
494 United States Social Security Administration, in determining
495 whether the obligor's retirement is reasonable the court shall
496 consider:

497 1. The obligor's age and health.

498 2. The obligor's motivation for retirement.

499 3. The obligor's profession or line of work and the
500 typical retirement age for that profession or line of work.

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

502 5. The impact that a termination or reduction of alimony
 503 would have on the obligee. In determining the impact, the court
 504 shall consider any assets accumulated or received by the
 505 obligee, including any income generated by such assets, since
 506 the final judgment of dissolution of marriage.

507 (c) Up to 12 months before the obligor's anticipated
 508 retirement under paragraph (a) or paragraph (b), the obligor may
 509 file a petition to modify or terminate the alimony award
 510 effective upon his or her actual retirement date. The court
 511 shall modify or terminate the alimony award after the obligor's
 512 retirement unless the court makes written findings of fact that
 513 the obligor's retirement is not reasonable under paragraph (b).

514 (13) (a) An alimony award ordered before July 1, 2020, may
 515 be modified or terminated when the obligor reaches full
 516 retirement age as determined by the United States Social
 517 Security Administration or when the court determines that the
 518 obligor's retirement age is reasonable for his or her profession
 519 or line of work, whichever is earlier. However, if an alimony
 520 award was made pursuant to an agreement between the parties, the
 521 court must make written findings of fact indicating exceptional
 522 circumstances which require the court to modify the agreed-upon
 523 alimony award.

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

526 1. The obligor's age and health.

527 2. The obligor's motivation for retirement.

528 3. The obligor's profession or line of work and the
529 typical retirement age for that profession or line of work.

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

531 5. The impact that a termination or reduction of alimony
532 would have on the obligee. In determining the impact, the court
533 shall consider any assets accumulated or received by the
534 obligee, including any income generated by such assets, since
535 the final judgment of dissolution of marriage.

536 (c) Up to 12 months before the obligor's anticipated
537 retirement, the obligor may file a petition to modify or
538 terminate the alimony award effective upon his or her actual
539 retirement date. The court shall modify or terminate the alimony
540 award after the obligor's retirement unless the court makes
541 written findings of fact that the obligor's retirement is not
542 reasonable.

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

547 (15) If a final judgment of dissolution of marriage was
548 entered before July 1, 2020, the court shall apply this section
549 as it existed on June 30, 2020, in any subsequent action in
550 which the court maintains jurisdiction. However, the court shall

551 apply the provisions of subsections (13) and (14) in an action
 552 to modify or terminate an alimony award that was ordered before
 553 July 1, 2020. Otherwise, this section applies to all petitions
 554 for dissolution of marriage filed on or after July 1, 2020, and
 555 to all actions in which a final judgment of dissolution of
 556 marriage has not been entered before July 1, 2020.

557 Section 4. Section 61.19, Florida Statutes, is amended to
 558 read:

559 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
 560 period; separate adjudication of issues.—

561 (1) A ~~No~~ final judgment of dissolution of marriage may not
 562 be entered until at least 20 days after ~~have elapsed from~~ the
 563 date of filing the original petition for dissolution of
 564 marriage, ~~7~~ but the court, upon ~~on~~ a showing that injustice would
 565 result from this delay, may enter a final judgment of
 566 dissolution of marriage at an earlier date.

567 (2) If more than 365 days have elapsed from the date of
 568 service of the original petition for dissolution of marriage,
 569 absent a showing by either party that irreparable harm will
 570 result from granting a final judgment of dissolution of
 571 marriage, the court shall, upon request of either party, grant a
 572 final judgment of dissolution of marriage with a reservation of
 573 jurisdiction to subsequently determine all other substantive
 574 issues. Before granting a final judgment of dissolution of
 575 marriage with a reservation of jurisdiction to subsequently

576 | determine all other substantive issues, the court shall enter
577 | temporary orders necessary to protect the parties and their
578 | children, which orders remain in effect until all other issues
579 | are adjudicated by the court. This subsection applies to all
580 | petitions for dissolution of marriage filed on or after July 1,
581 | 2020.

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