

1                   A bill to be entitled  
2           An act relating to alimony; amending s. 61.071, F.S.;  
3           requiring that alimony pendente lite be calculated in  
4           accordance with s. 61.08, F.S.; amending s. 61.075,  
5           F.S.; requiring the court to provide written findings  
6           regarding certain payments; amending s. 61.08, F.S.;  
7           providing definitions; providing for the priority of  
8           different forms of alimony; requiring a court to make  
9           written findings regarding the basis for awarding a  
10          combination of different forms of alimony; providing  
11          that the party seeking alimony has the burden of proof  
12          of demonstrating certain factors; revising and  
13          providing specified factors to be considered when  
14          determining alimony; revising provisions relating to  
15          the protection of awards of alimony; revising  
16          provisions for an award of durational alimony;  
17          prohibiting the length of an award of rehabilitative  
18          alimony from exceeding a certain length of time;  
19          specifying criteria for awarding rehabilitative  
20          alimony; providing that a retired party does not have  
21          to pay alimony under certain circumstances; removing  
22          the authorization of permanent alimony; requiring an  
23          obligee to provide certain documentation when he or  
24          she alleges a physical disability; prohibiting an  
25          award of alimony under certain circumstances;

26 providing that certain payments must be credited  
27 toward future court-ordered obligations; amending s.  
28 61.09, F.S.; providing for the calculation of alimony;  
29 amending s. 61.12, F.S.; prohibiting the court from  
30 garnishing certain benefits of an obligor; amending s.  
31 61.13, F.S.; providing that equal time-sharing for  
32 each minor child is in the best interest of the child;  
33 providing exceptions; providing prospective  
34 applicability of the act; amending s. 61.14, F.S.;  
35 authorizing the termination of alimony; requiring that  
36 an alimony award be modified upon certain conditions;  
37 revising provisions relating to reducing or  
38 terminating an alimony award based on the existence of  
39 a supportive relationship; creating a rebuttable  
40 presumption that a modification or termination of an  
41 alimony award is retroactive to the date the petition  
42 was filed; providing for an award of attorney fees and  
43 costs under certain circumstances; prohibiting an  
44 alimony award from being modified solely because of  
45 the later reduction or termination of child support  
46 payments; providing that an obligor's subsequent  
47 remarriage or cohabitation is not a basis for  
48 modification of alimony; providing that attaining a  
49 reasonable retirement age is considered a substantial  
50 change in circumstances; providing factors to be

51 considered in determining whether the retirement age  
 52 is reasonable; amending s. 61.19, F.S.; authorizing  
 53 separate adjudication of issues in a dissolution of  
 54 marriage case in certain circumstances; providing for  
 55 temporary orders to protect the parties and their  
 56 children; providing an exception; providing  
 57 applicability; authorizing an obligor to file a  
 58 modification action after a specified date; providing  
 59 an effective date.

60

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

62

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

65 61.071 Alimony pendente lite; suit money.—In every  
 66 proceeding for dissolution of the marriage, a party may claim  
 67 alimony and suit money in the petition or by motion, and if the  
 68 petition is well founded, the court shall allow alimony  
 69 calculated in accordance with s. 61.08 and a reasonable sum of  
 70 suit money ~~therefor~~. If a party in any proceeding for  
 71 dissolution of marriage claims alimony or suit money in his or  
 72 her answer or by motion, and the answer or motion is well  
 73 founded, the court shall allow alimony calculated in accordance  
 74 with s. 61.08 and a reasonable sum of suit money ~~therefor~~.

75 Section 2. Paragraph (b) of subsection (10) of section

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76 | 61.075, Florida Statutes, is amended to read:

77 |       61.075 Equitable distribution of marital assets and  
78 | liabilities.—

79 |       (10)

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

86 |       Section 3. Section 61.08, Florida Statutes, is amended to  
87 | read:

88 |       61.08 Alimony.—

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

90 |       (a) "Alimony" means a payment of support made by one  
91 | spouse to the other spouse after a petition for dissolution of  
92 | marriage has been filed, whether court-ordered or voluntary.

93 |       (b) "Gross income" means income as determined in  
94 | accordance with s. 61.30(2).

95 |       (c) "Length of the marriage" means the period of time from  
96 | the date of marriage until the date of the filing of an action  
97 | for dissolution of marriage.

98 |       (d) "Net income" means income as determined in accordance  
99 | with s. 61.30(3).

100 |       (2) (a) In a proceeding for dissolution of marriage, the

101 court may grant alimony to either party in the form of, ~~which~~  
 102 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational  
 103 alimony, or ~~permanent in nature or~~ any combination of these  
 104 forms of alimony, but shall prioritize an award of bridge-the-  
 105 gap alimony, followed by rehabilitative alimony, over any other  
 106 form of alimony. In an ~~any~~ award of alimony, the court may order  
 107 periodic payments, or payments in lump sum, or both.

108 (b) The court shall make written findings regarding the  
 109 basis for awarding a combination of different forms of alimony,  
 110 including the type of alimony and the length of time for which  
 111 it is awarded. The court may award only a combination of  
 112 different forms of alimony to provide greater economic  
 113 assistance in order to allow the recipient to achieve  
 114 rehabilitation ~~The court may consider the adultery of either~~  
 115 ~~spouse and the circumstances thereof in determining the amount~~  
 116 ~~of alimony, if any, to be awarded.~~

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

121 (3) ~~(2)~~ The party seeking alimony has the burden of proof  
 122 of demonstrating a need for alimony and that the other party has  
 123 the ability to pay alimony. In determining whether to award  
 124 alimony ~~or maintenance,~~ the court shall ~~first~~ make, in writing,  
 125 a specific factual determination as to whether the other ~~either~~

126 | ~~party has an actual need for alimony or maintenance and whether~~  
127 | ~~either party has the ability to pay alimony or maintenance. If~~  
128 | ~~the court finds that the a party seeking alimony has met its~~  
129 | ~~burden of proof in demonstrating a need for alimony or~~  
130 | ~~maintenance and that the other party has the ability to pay~~  
131 | ~~alimony or maintenance, then the court shall consider the~~  
132 | ~~following relevant factors in determining the proper type and~~  
133 | ~~amount of alimony or maintenance under subsections (5)-(7) (5)-~~  
134 | ~~(8), ~~the court shall consider all relevant factors, including,~~~~  
135 | ~~but not limited to:~~

136 |       (a) The standard of living established during the  
137 | marriage, with the presumption that both parties may have a  
138 | lower standard of living after the dissolution of marriage than  
139 | what they enjoyed during the marriage.

140 |       ~~(b) The duration of the marriage.~~

141 |       ~~(c) The age and the physical and emotional condition of~~  
142 | ~~each party.~~

143 |       (b)(d) The financial resources of each party, including  
144 | the portion of nonmarital assets that were relied upon by the  
145 | parties during the marriage and the marital assets and  
146 | liabilities distributed to each.

147 |       ~~(c) The earning capacities, educational levels, vocational~~  
148 | ~~skills, and employability of the parties and, when applicable,~~  
149 | ~~the time necessary for either party to acquire sufficient~~  
150 | ~~education or training to enable such party to find appropriate~~

151 ~~employment.~~

152 ~~(c)(f)~~ The contribution of each party to the marriage,  
153 ~~including, but not limited to, services rendered in homemaking,~~  
154 ~~child care, education, and career building of the other party.~~

155 ~~(g)~~ The responsibilities each party will have with regard  
156 ~~to any minor children they have in common.~~

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

160 ~~(d)(i)~~ All sources of income available to either party,  
161 including social security benefits and income available to  
162 either party through investments of any asset held by that party  
163 which was acquired during the marriage or acquired outside the  
164 marriage and relied upon during the marriage.

165 (e) The needs and necessities of life after dissolution of  
166 marriage, taking into account the lifestyle of the parties  
167 during the marriage but subject to the presumption in paragraph  
168 (f).

169 (f) The net income and standard of living available to  
170 each party after the application of the alimony award. There is  
171 a rebuttable presumption that both parties will have a lower  
172 standard of living after the dissolution of marriage than the  
173 standard of living they enjoyed during the marriage. This  
174 presumption may be overcome by a preponderance of the evidence.

175 ~~(g)(j)~~ Any other factor necessary to do equity and justice

176 | between the parties, if that factor is specifically identified  
177 | in the award with findings of fact justifying the application of  
178 | the factor.

179 |       ~~(4)-(3)~~ To the extent necessary to protect an award of  
180 | alimony, the court may order any party who is ordered to pay  
181 | alimony to purchase or maintain a life insurance policy that may  
182 | be decreasing or another form of term life insurance at the  
183 | option of the obligor or a bond, or to otherwise secure such  
184 | alimony award with any other assets that ~~which~~ may be suitable  
185 | for that purpose, in an amount adequate to secure the alimony  
186 | award. If the court orders the purchase of a life insurance  
187 | policy, the obligated party shall cooperate in securing the  
188 | policy by releasing medical records and undergoing a qualifying  
189 | physical examination if necessary. Any security may be  
190 | modifiable in the event that the underlying alimony award is  
191 | modified and shall be reduced in an amount commensurate with any  
192 | reduction in the alimony award.

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



201 (5) Bridge-the-gap alimony may be awarded to assist a  
202 party by providing support to allow the party to make a  
203 transition from being married to being single. Bridge-the-gap  
204 alimony is designed to assist a party with legitimate  
205 identifiable short-term needs, and the length of an award may  
206 not exceed 2 years. An award of bridge-the-gap alimony  
207 terminates upon the death of either party or upon the remarriage  
208 of the party receiving alimony. An award of bridge-the-gap  
209 alimony is ~~shall~~ not be modifiable in amount or duration.

210 (6) (a) Rehabilitative alimony may be awarded to assist a  
211 party in establishing the capacity for self-support through  
212 either:

- 213 1. The redevelopment of previous skills or credentials; or
- 214 2. The acquisition of education, training, or work  
215 experience necessary to develop appropriate employment skills or  
216 credentials.

217 (b) In order to award rehabilitative alimony, there must  
218 be a specific and defined rehabilitative plan which shall be  
219 included as a part of any order awarding rehabilitative alimony.  
220 The length of an award of rehabilitative alimony may not exceed  
221 5 years or the duration established in the rehabilitative plan.

222 (c) An award of rehabilitative alimony may be modified or  
223 terminated only during the rehabilitative period in accordance  
224 with s. 61.14 based upon a substantial change in circumstances,  
225 upon noncompliance with the rehabilitative plan, or upon

226 completion of the rehabilitative plan.

227 (7) Durational alimony may be awarded ~~when permanent~~  
228 ~~periodic alimony is inappropriate. The purpose of durational~~  
229 ~~alimony is~~ to provide a party with economic assistance for a set  
230 period of time following a marriage ~~of short or moderate~~  
231 ~~duration or following a marriage of long duration if there is no~~  
232 ~~ongoing need for support on a permanent basis.~~ When awarding  
233 durational alimony, the court must make written findings that an  
234 award of another form of alimony or a combination of the other  
235 forms of alimony is not appropriate. An award of durational  
236 alimony terminates upon the death of either party or upon the  
237 remarriage of the party receiving alimony. The amount of an  
238 award of durational alimony shall ~~may~~ be modified or terminated  
239 based upon a substantial change in circumstances or upon the  
240 existence of a supportive relationship in accordance with s.  
241 61.14. ~~However,~~ The length of an award of durational alimony may  
242 ~~not be modified except under exceptional circumstances and may~~  
243 ~~not~~ exceed 50 percent of the length of the marriage, unless the  
244 party seeking alimony proves by a preponderance of the evidence  
245 the circumstances justifying the need for a longer award of  
246 alimony, which circumstances must be set out in writing by the  
247 court the length of the marriage. If the court finds that the  
248 party has met its burden of demonstrating a need for durational  
249 alimony and that the other party has the ability to pay alimony,  
250 the court shall determine a monthly award of alimony that is the

251 lesser of the party's reasonable need for durational alimony or  
252 25 percent of the difference between the parties' net incomes.  
253 When determining an award of alimony, the court must adjust a  
254 party's net income for inflation using the Consumer Price Index  
255 issued by the United States Department of Labor.

256 (8) A party against whom alimony is sought who has met the  
257 requirements for retirement in accordance with s. 61.14(12)  
258 before the filing of the petition for dissolution is not  
259 required to pay alimony unless the party seeking alimony is  
260 ineligible for social security benefits and without alimony he  
261 or she is in peril of poverty based on the current federal  
262 poverty guidelines of the United States Department of Health and  
263 Human Services ~~Permanent alimony may be awarded to provide for~~  
264 ~~the needs and necessities of life as they were established~~  
265 ~~during the marriage of the parties for a party who lacks the~~  
266 ~~financial ability to meet his or her needs and necessities of~~  
267 ~~life following a dissolution of marriage. Permanent alimony may~~  
268 ~~be awarded following a marriage of long duration if such an~~  
269 ~~award is appropriate upon consideration of the factors set forth~~  
270 ~~in subsection (2), following a marriage of moderate duration if~~  
271 ~~such an award is appropriate based upon clear and convincing~~  
272 ~~evidence after consideration of the factors set forth in~~  
273 ~~subsection (2), or following a marriage of short duration if~~  
274 ~~there are written findings of exceptional circumstances. In~~  
275 ~~awarding permanent alimony, the court shall include a finding~~

276 ~~that no other form of alimony is fair and reasonable under the~~  
277 ~~circumstances of the parties. An award of permanent alimony~~  
278 ~~terminates upon the death of either party or upon the remarriage~~  
279 ~~of the party receiving alimony. An award may be modified or~~  
280 ~~terminated based upon a substantial change in circumstances or~~  
281 ~~upon the existence of a supportive relationship in accordance~~  
282 ~~with s. 61.14.~~

283 (9) If the party seeking alimony alleges that a physical  
284 disability has impaired his or her ability to earn imputed  
285 income, the party seeking alimony must demonstrate to the court  
286 that he or she qualifies for disability benefits.

287 (10)(9) Notwithstanding any other provision of law,  
288 alimony may not be awarded to a party who has a monthly net  
289 income that is equal to or more than the other party ~~The award~~  
290 ~~of alimony may not leave the payor with significantly less net~~  
291 ~~income than the net income of the recipient unless there are~~  
292 ~~written findings of exceptional circumstances.~~ Support payments  
293 made to a party during the pendency of the dissolution  
294 proceeding and before alimony is awarded by the court must be  
295 credited toward any future court-ordered obligation.

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

301 61.181.

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

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

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

321 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,  
322 either party may subsequently file with the depository an  
323 affidavit alleging default or arrearages in payment and stating  
324 that the party wishes to initiate participation in the  
325 depository program. The party shall provide copies of the

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326 affidavit to the court and the other party or parties. Fifteen  
327 days after receipt of the affidavit, the depository shall notify  
328 all parties that future payments shall be directed to the  
329 depository.

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

333 Section 4. Section 61.09, Florida Statutes, is amended to  
334 read:

335 61.09 Alimony and child support unconnected with  
336 dissolution.—If a person having the ability to contribute to the  
337 maintenance of his or her spouse and support of his or her minor  
338 child fails to do so, the spouse who is not receiving support  
339 may apply to the court for alimony and for support for the child  
340 without seeking dissolution of marriage, and the court shall  
341 enter an order as it deems just and proper. Alimony awarded  
342 under this section shall be calculated in accordance with s.  
343 61.08.

344 Section 5. Subsection (3) is added to section 61.12,  
345 Florida Statutes, to read:

346 61.12 Attachment or garnishment of amounts due for alimony  
347 or child support.—

348 (3) The court may not order garnishment of an obligor's  
349 social security, disability, or retirement benefits for the  
350 enforcement of an alimony award.

351 Section 6. Paragraph (c) of subsection (2) of section  
352 61.13, Florida Statutes, is amended to read:

353 61.13 Support of children; parenting and time-sharing;  
354 powers of court.—

355 (2)

356 (c) The court shall determine all matters relating to  
357 parenting and time-sharing of each minor child of the parties in  
358 accordance with the best interests of the child and in  
359 accordance with the Uniform Child Custody Jurisdiction and  
360 Enforcement Act, except that modification of a parenting plan  
361 and time-sharing schedule requires a showing of a substantial,  
362 material, and unanticipated change of circumstances.

363 1. It is the public policy of this state that each minor  
364 child has frequent and continuing contact with both parents  
365 after the parents separate or the marriage of the parties is  
366 dissolved and to encourage parents to share the rights and  
367 responsibilities, and joys, of childrearing. There is no  
368 presumption for or against the father or mother of the child or  
369 for or against any specific time-sharing schedule when creating  
370 or modifying the parenting plan of the child. Equal time-sharing  
371 with a minor child by both parents is in the best interest of  
372 the child unless the court finds that:

373 a. The safety, well-being, or physical, mental, or  
374 emotional health of the child would be endangered by equal time-  
375 sharing, that visitation would be presumed detrimental

376 consistent with s. 39.0139(3), or that supervised visitation is  
377 appropriate;

378 b. Clear and convincing evidence of extenuating  
379 circumstances justify a departure from equal time-sharing and  
380 the court makes written findings justifying the departure from  
381 equal time-sharing;

382 c. A parent is incarcerated;

383 d. The distance between parental residences makes equal  
384 time-sharing impracticable;

385 e. A parent does not request at least 50-percent time-  
386 sharing;

387 f. A permanent injunction has been entered or is warranted  
388 against a parent or household member relating to contact between  
389 the subject of the injunction and the parent or household  
390 member; or

391 g. Domestic violence, as defined in s. 741.28, has  
392 occurred.

393 2. The court shall order that the parental responsibility  
394 for a minor child be shared on a 50-50 basis by both parents  
395 unless the court finds that equal time-sharing ~~shared parental~~  
396 ~~responsibility~~ would be detrimental to the child. Evidence that  
397 a parent has been convicted of a misdemeanor of the first degree  
398 or higher involving domestic violence, as defined in s. 741.28  
399 and chapter 775, or meets the criteria of s. 39.806(1)(d),  
400 creates a rebuttable presumption of detriment to the child. If



401 the presumption is not rebutted after the convicted parent is  
402 advised by the court that the presumption exists, shared  
403 parental responsibility, including time-sharing with the child,  
404 and decisions made regarding the child, may not be granted to  
405 the convicted parent. However, the convicted parent is not  
406 relieved of any obligation to provide financial support. If the  
407 court determines that shared parental responsibility would be  
408 detrimental to the child, it may order sole parental  
409 responsibility and make such arrangements for time-sharing as  
410 specified in the parenting plan as will best protect the child  
411 or abused spouse from further harm. Whether or not there is a  
412 conviction of any offense of domestic violence or child abuse or  
413 the existence of an injunction for protection against domestic  
414 violence, the court shall consider evidence of domestic violence  
415 or child abuse as evidence of detriment to the child.

416 a. In ordering shared parental responsibility, the court  
417 may consider the expressed desires of the parents and may grant  
418 to one party the ultimate responsibility over specific aspects  
419 of the child's welfare or may divide those responsibilities  
420 between the parties based on the best interests of the child.  
421 Areas of responsibility may include education, health care, and  
422 any other responsibilities that the court finds unique to a  
423 particular family.

424 b. The court shall order sole parental responsibility for  
425 a minor child to one parent, with or without time-sharing with

426 | the other parent if it is in the best interests of the minor  
427 | child.

428 |         3. Access to records and information pertaining to a minor  
429 | child, including, but not limited to, medical, dental, and  
430 | school records, may not be denied to either parent. Full rights  
431 | under this subparagraph apply to either parent unless a court  
432 | order specifically revokes these rights, including any  
433 | restrictions on these rights as provided in a domestic violence  
434 | injunction. A parent having rights under this subparagraph has  
435 | the same rights upon request as to form, substance, and manner  
436 | of access as are available to the other parent of a child,  
437 | including, without limitation, the right to in-person  
438 | communication with medical, dental, and education providers.

439 |         Section 7. The amendments made by this act to s. 61.13,  
440 | Florida Statutes, providing for equal time-sharing, apply  
441 | prospectively to initial final custody orders made on or after  
442 | July 1, 2021, and do not constitute a substantial change in  
443 | circumstances that warrant the modification of a final custody  
444 | order entered before July 1, 2021.

445 |         Section 8. Subsection (1) of section 61.14, Florida  
446 | Statutes, is amended, paragraph (c) is added to subsection (11),  
447 | and subsections (12) and (13) are added to that section, to  
448 | read:

449 |         61.14 Enforcement and modification of support,  
450 | maintenance, or alimony agreements or orders.—

451 (1) (a) When the parties enter into an agreement for  
452 payments for, or instead of, support, maintenance, or alimony,  
453 whether in connection with a proceeding for dissolution or  
454 separate maintenance or with any voluntary property settlement,  
455 or when a party is required by court order to make any payments,  
456 and the circumstances or the financial ability of either party  
457 changes or the child who is a beneficiary of an agreement or  
458 court order as described herein reaches majority after the  
459 execution of the agreement or the rendition of the order, either  
460 party may apply to the circuit court of the circuit in which the  
461 parties, or either of them, resided at the date of the execution  
462 of the agreement or reside at the date of the application, or in  
463 which the agreement was executed or in which the order was  
464 rendered, for an order terminating, decreasing, or increasing  
465 the amount of support, maintenance, or alimony, and the court  
466 has jurisdiction to make orders as equity requires, with due  
467 regard to the changed circumstances or the financial ability of  
468 the parties or the child, decreasing, increasing, or confirming  
469 the amount of separate support, maintenance, or alimony provided  
470 for in the agreement or order. A finding that medical insurance  
471 is reasonably available or the child support guidelines schedule  
472 in s. 61.30 may constitute changed circumstances. Except as  
473 otherwise provided in s. 61.30(11)(c), the court may modify an  
474 order of support, maintenance, or alimony by terminating,  
475 increasing, or decreasing the support, maintenance, or alimony

476 retroactively to the date of the filing of the action or  
477 supplemental action for modification as equity requires, giving  
478 due regard to the changed circumstances or the financial ability  
479 of the parties or the child.

480 (b)1. If the court determines that an existing alimony  
481 award is insufficient to meet the needs of the obligee, and that  
482 such need still exists, and upon a showing by a preponderance of  
483 the evidence of an increased ability to pay alimony, an alimony  
484 order shall be increased. Absent a finding of fraud, an increase  
485 in an obligor's income may not be considered permanent in nature  
486 unless the increase has been maintained without interruption for  
487 at least 1 year, taking into account the obligor's ability to  
488 sustain his or her income.

489 2. Notwithstanding subparagraph 1., the court shall ~~may~~  
490 reduce or terminate an award of alimony upon specific written  
491 findings by the court that ~~since the granting of a divorce and~~  
492 ~~the award of alimony~~ a supportive relationship has existed  
493 between the obligee and another ~~a~~ person at any time during the  
494 180 days before the filing of the petition for modification of  
495 alimony ~~with whom the obligee resides~~. On the issue of whether  
496 alimony should be reduced or terminated under this paragraph,  
497 the burden is on the obligor to prove by a preponderance of the  
498 evidence that a supportive relationship exists.

499 3.2. In determining whether an existing award of alimony  
500 should be reduced or terminated because of an alleged supportive

501 relationship between an obligee and a person who is not related  
502 by consanguinity or affinity and with whom the obligee resides,  
503 the court shall elicit the nature and extent of the relationship  
504 in question. The court shall give consideration, without  
505 limitation, to circumstances, including, but not limited to, the  
506 following, in determining the relationship of an obligee to  
507 another person:

508       a. The extent to which the obligee and the other person  
509 have held themselves out as a married couple by engaging in  
510 conduct such as using the same last name, using a common mailing  
511 address, referring to each other in terms such as "my husband"  
512 or "my wife," or otherwise conducting themselves in a manner  
513 that evidences a permanent supportive relationship.

514       b. The period of time that the obligee has resided with  
515 the other person ~~in a permanent place of abode.~~

516       c. The extent to which the obligee and the other person  
517 have pooled their assets or income or otherwise exhibited  
518 financial interdependence.

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

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

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

525       g. Whether the obligee and the other person have worked

526 together to create or enhance anything of value.

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

529 i. Evidence in support of a claim that the obligee and the  
530 other person have an express agreement regarding property  
531 sharing or support.

532 j. Evidence in support of a claim that the obligee and the  
533 other person have an implied agreement regarding property  
534 sharing or support.

535 k. Whether the obligee and the other person have provided  
536 support to the children of one another, regardless of any legal  
537 duty to do so.

538 ~~4.3.~~ This paragraph does not abrogate the requirement that  
539 every marriage in this state be solemnized under a license, does  
540 not recognize a common law marriage as valid, and does not  
541 recognize a de facto marriage. This paragraph recognizes only  
542 that relationships do exist that provide economic support  
543 equivalent to a marriage and that alimony terminable on  
544 remarriage may be reduced or terminated upon the establishment  
545 of equivalent equitable circumstances as described in this  
546 paragraph. The existence of a conjugal relationship, though it  
547 may be relevant to the nature and extent of the relationship, is  
548 not necessary for the application of ~~the provisions of~~ this  
549 paragraph.

550 5. There is a rebuttable presumption that any modification

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551 or termination of an alimony award is retroactive to the date  
552 the petition was filed. In an action under this section, if it  
553 is determined that the obligee or obligor unnecessarily or  
554 unreasonably litigated the underlying petition for modification  
555 or termination, the court may award the other party his or her  
556 reasonable attorney fees and costs pursuant to s. 61.16 and  
557 applicable case law.

558 (c) For each support order reviewed by the department as  
559 required by s. 409.2564(11), if the amount of the child support  
560 award under the order differs by at least 10 percent but not  
561 less than \$25 from the amount that would be awarded under s.  
562 61.30, the department shall seek to have the order modified and  
563 any modification shall be made without a requirement for proof  
564 or showing of a change in circumstances.

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

567 (11)

568 (c) An obligor's subsequent remarriage or cohabitation  
569 does not constitute a basis for a modification of a temporary  
570 support order. The income and assets of the obligor's subsequent  
571 spouse or person with whom the obligor resides is not relevant  
572 in a modification action except in exceptional circumstances.

573 (12) If the court orders alimony payable concurrent with a  
574 child support order, the alimony award may not be modified  
575 solely because of a later reduction or termination of child

576 support payments, unless the court finds that the obligor has  
577 the ability to pay the modified alimony award, the existing  
578 alimony award as determined by the court at the time of  
579 dissolution is insufficient to meet the needs of the obligee,  
580 and such need continues to exist.

581 (13) The fact that an obligor has attained a reasonable  
582 retirement age for his or her profession, has retired, and has  
583 no intent to return to work is considered a substantial change  
584 in circumstances as a matter of law. In determining whether the  
585 obligor's retirement age is reasonable, the court shall consider  
586 the obligor's:

587 (a) Age.

588 (b) Health.

589 (c) Motivation for retirement.

590 (d) Type of work.

591 (e) Normal retirement age for that type of work.

592  
593 In anticipation of retirement, the obligor may file a petition  
594 for termination or modification of the alimony award effective  
595 upon the retirement date. The court shall terminate or modify  
596 the alimony award based on the circumstances of the parties  
597 after retirement of the obligor and based on the factors in s.  
598 61.08(3), unless the court makes findings of fact that the  
599 obligor's retirement age is not reasonable or that the obligee  
600 has not received alimony for at least 50 percent of the length



601 of the marriage and the obligee would be in peril of poverty  
602 based on the current federal poverty guidelines of the United  
603 States Department of Health and Human Services.

604 Section 9. Section 61.19, Florida Statutes, is amended to  
605 read:

606 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay  
607 period; separate adjudication of issues.—

608 (1) A ~~No~~ final judgment of dissolution of marriage may not  
609 be entered until at least 20 days have elapsed from the date of  
610 filing the original petition for dissolution of marriage,~~7~~ but  
611 the court, on a showing that injustice would result from this  
612 delay, may enter a final judgment of dissolution of marriage at  
613 an earlier date.

614 (2) (a) If more than 365 days have elapsed after the date  
615 of service of the original petition for dissolution of marriage,  
616 absent a showing by either party that irreparable harm will  
617 result from granting a final dissolution, the court shall, upon  
618 request of either party, immediately grant a final dissolution  
619 of marriage with a reservation of jurisdiction to subsequently  
620 determine all other substantive issues. Before granting a final  
621 dissolution of marriage with a reservation of jurisdiction to  
622 subsequently determine all other substantive issues, the court  
623 shall enter temporary orders necessary to protect the parties  
624 and their children, which orders remain effective until all  
625 other issues can be adjudicated by the court.

626 (b) The temporary orders necessary to protect the parties  
627 and their children entered before granting a dissolution of  
628 marriage without an adjudication of all substantive issues may  
629 include, but are not limited to, temporary orders that:

- 630 1. Restrict the sale or disposition of property.  
631 2. Protect and preserve the marital assets.  
632 3. Establish temporary support.  
633 4. Provide for maintenance of health insurance.  
634 5. Provide for maintenance of life insurance.

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

642 Section 10. (1) The amendments made by this act to  
643 chapter 61, Florida Statutes, apply to all dissolution of  
644 marriage cases pending or on appeal on July 1, 2021.

645 (2) (a) Except for an order incorporating an agreement that  
646 is expressly nonmodifiable, the amendments made by this act to  
647 chapter 61, Florida Statutes, constitute a substantial change in  
648 circumstances for which an obligor may seek, in accordance with  
649 s. 61.14, Florida Statutes, a modification of the amount or  
650 duration of alimony.

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651           (b) An obligor who is ordered by a court to pay alimony  
652 for:

653           1. Fifteen years or more may file a modification action on  
654 or after July 1, 2021.

655           2. At least 8 years but fewer than 15 years may file a  
656 modification action on or after July 1, 2022.

657           3. Fewer than 8 years may file a modification action on or  
658 after July 1, 2023.

659           Section 11. This act shall take effect July 1, 2021.