

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.046, F.S.; revising the definition of the term
4 "income"; amending s. 61.08, F.S.; providing
5 definitions; providing for the priority of different
6 forms of alimony; revising provisions relating to
7 permanent alimony; requiring a court to make written
8 findings regarding the basis for awarding a
9 combination of forms of alimony; prohibiting a court
10 from denying a request for alimony or awarding alimony
11 solely on the basis of adultery; providing an
12 exception; revising specified factors to be considered
13 when determining the proper type and amount of alimony
14 or maintenance; revising provisions relating to the
15 protection of awards of alimony; deleting certain
16 rebuttable presumptions related to the duration of a
17 marriage for purposes of determining alimony;
18 prohibiting the length of an award of rehabilitative
19 alimony from exceeding a certain length of time;
20 specifying criteria for modifying or terminating
21 rehabilitative alimony; revising provisions relating
22 to the award of durational alimony; providing that a
23 party who has reached full retirement age in
24 accordance with a specified provision may not be
25 ordered to pay alimony; providing an exception;

26 | prohibiting an award of alimony to a party who has a
27 | certain monthly net income; prohibiting social
28 | security retirement benefits from being imputed to the
29 | obligor unless such benefits are actually paid;
30 | requiring an obligee to meet certain requirements when
31 | he or she alleges a physical disability; deleting a
32 | provision prohibiting an award of alimony under
33 | certain circumstances; requiring the court to consider
34 | certain payments made to an obligee when determining
35 | the amount and length of an award of certain alimony;
36 | providing applicability; amending s. 61.13, F.S.;
37 | creating a presumption that equal time-sharing is in
38 | the best interests of a minor child; providing an
39 | exception; providing applicability; amending s. 61.14,
40 | F.S.; revising provisions relating to reducing or
41 | terminating an award of alimony or ordering
42 | reimbursement of certain alimony payments based on the
43 | existence of a supportive relationship; revising
44 | factors a court may consider when determining whether
45 | a supportive relationship exists or existed; providing
46 | that an obligor's subsequent remarriage or
47 | cohabitation is not a basis for modification of
48 | alimony; prohibiting modification of an alimony award
49 | under certain circumstances; requiring an alimony
50 | award to terminate when the obligor reaches full

51 retirement age; providing an exception; providing
52 factors to be considered in determining whether an
53 obligor's retirement age is reasonable; authorizing an
54 obligor to prospectively file a petition for
55 modification or termination of an alimony award
56 effective upon his or her retirement; providing that
57 certain benefits received by an obligee constitute a
58 change in circumstances for which an obligor may seek
59 modification of an alimony award; providing that
60 certain agreements for alimony payments are considered
61 expressly modifiable or eligible for termination under
62 certain circumstances; providing applicability;
63 amending s. 61.19, F.S.; requiring the court to grant
64 a final judgment of dissolution of marriage and
65 reserve jurisdiction to subsequently determine all
66 other substantive issues under certain circumstances;
67 requiring the court to enter temporary orders to
68 protect the parties and their children; providing
69 applicability; providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Subsection (8) of section 61.046, Florida
74 Statutes, is amended to read:

75 61.046 Definitions.—As used in this chapter, the term:

76 (8) "Income" means any form of payment to an individual,
 77 regardless of source, including, but not limited to: wages,
 78 salary, commissions and bonuses, compensation as an independent
 79 contractor, worker's compensation, disability benefits, annuity
 80 and retirement benefits, pensions, dividends, interest,
 81 royalties, trusts, and any other payments, made by any person,
 82 private entity, federal or state government, or any unit of
 83 local government. United States Department of Veterans Affairs
 84 disability benefits and reemployment assistance or unemployment
 85 compensation, as defined in chapter 443, are excluded from this
 86 definition of income except for purposes of establishing an
 87 amount of child support.

88 Section 2. Section 61.08, Florida Statutes, is amended to
 89 read:

90 61.08 Alimony.—

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

92 (a) "Alimony" means a court-ordered or voluntary payment
 93 of support made by one spouse to the other spouse. The term
 94 includes any voluntary payment made after the date of filing of
 95 an order for maintenance, spousal support, temporary support, or
 96 separate support when the payment is not intended for the
 97 benefit of a child in common.

98 (b) "Gross income" means gross income as determined in
 99 accordance with s. 61.30(2).

100 (c) "Net income" means income that is determined by

101 subtracting allowable deductions from gross income. For purposes
102 of this section, allowable deductions include any of the
103 following:

104 1. Federal, state, or local income tax deductions,
105 adjusted for actual filing status and allowable dependents and
106 income tax liabilities.

107 2. Federal insurance contributions or self-employment tax.

108 3. Mandatory union dues.

109 4. Mandatory retirement payments.

110 5. Health insurance payments, excluding payments for
111 coverage of a minor child.

112 6. Court-ordered support for other children which is
113 actually paid.

114 7. Spousal support paid pursuant to a court order from a
115 previous marriage.

116 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
117 court may grant alimony to either party in the form of, which
118 alimony may be bridge-the-gap, rehabilitative, or durational
119 alimony, or a permanent in nature or any combination of these
120 forms of alimony, but shall prioritize an award of bridge-the-
121 gap alimony, followed by rehabilitative alimony, over any other
122 form of alimony. The court may grant permanent alimony only if
123 the parties enter into an agreement for permanent alimony. In an
124 any award of alimony, the court may order periodic payments, or
125 payments in lump sum, or both.

126 (b) The court shall make written findings regarding the
127 basis for awarding a combination of forms of alimony, including
128 the type of alimony and the length of time for which the alimony
129 is awarded. The court may award a combination of forms of
130 alimony only to provide greater economic assistance in order to
131 allow the recipient to achieve rehabilitation.

132 (c) The court may consider the adultery of either spouse
133 and the circumstances thereof in determining the amount of
134 alimony, if any, to be awarded. However, the adultery of a
135 spouse may not be the court's sole basis for denying a request
136 for alimony or awarding alimony, unless the adultery contributed
137 to a depletion of marital assets. In all dissolution actions,
138 the court shall include written findings of fact relative to the
139 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
140 ~~an~~ award or denial of alimony.

141 (3) ~~(2)~~ In determining whether to award alimony or
142 maintenance, the court shall first make a specific, written
143 factual determination as to whether the other ~~either~~ party has
144 an actual need for alimony or maintenance and whether the other
145 ~~either~~ party has the ability to pay alimony or maintenance. If
146 the court finds that the a party seeking alimony has a need for
147 alimony or maintenance and that the other party has the ability
148 to pay alimony or maintenance, then in determining the proper
149 type and amount of alimony or maintenance under subsections (5),
150 (6), and (7) ~~(5)-(8)~~, the court shall consider all relevant

151 factors, including, but not limited to:

152 (a) The standard of living established during the
153 marriage, including the needs and necessities of life for each
154 party after the dissolution of marriage, taking into
155 consideration the presumption that both parties will have a
156 lower standard of living after the dissolution of marriage than
157 the standard of living they enjoyed during the marriage. This
158 presumption may be overcome by a preponderance of the evidence.

159 (b) The duration of the marriage.

160 (c) The age and the physical and emotional condition of
161 each party.

162 (d) The financial resources of each party, including the
163 nonmarital and the marital assets and liabilities distributed to
164 each.

165 (e) The earning capacities, educational levels, vocational
166 skills, and employability of the parties and, when applicable,
167 the time necessary for either party to acquire sufficient
168 education or training to enable such party to find appropriate
169 employment.

170 (f) The contribution of each party to the marriage,
171 including, but not limited to, services rendered in homemaking,
172 child care, education, and career building of either ~~the other~~
173 party.

174 (g) The responsibilities each party will have with regard
175 to any minor children whom the parties ~~they~~ have in common.

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

179 (i) All sources of income available to either party,
180 including income available to either party through investments
181 of any asset held by that party.

182 (j) Any other factor necessary for ~~to do~~ equity and
183 justice between the parties if such factor is specifically
184 identified in the award with findings of fact justifying the
185 application of such factor.

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

195 ~~(4)~~ ~~For purposes of determining alimony, there is a~~
196 ~~rebuttable presumption that a short-term marriage is a marriage~~
197 ~~having a duration of less than 7 years, a moderate-term marriage~~
198 ~~is a marriage having a duration of greater than 7 years but less~~
199 ~~than 17 years, and long-term marriage is a marriage having a~~
200 ~~duration of 17 years or greater. The length of a marriage is the~~

201 ~~period of time from the date of marriage until the date of~~
 202 ~~filing of an action for dissolution of marriage.~~

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

213 (6) (a) Rehabilitative alimony may be awarded to assist a
 214 party in establishing the capacity for self-support through
 215 either:

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

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

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

226 ~~(d)-(e)~~ An award of rehabilitative alimony may be modified
227 or terminated in accordance with s. 61.14 based upon a
228 substantial change in circumstances, upon noncompliance with the
229 rehabilitative plan, or upon completion of the rehabilitative
230 plan if the plan is completed before the length of the award of
231 rehabilitative alimony expires.

232 (7) (a) Durational alimony may be awarded ~~when permanent~~
233 ~~periodic alimony is inappropriate. The purpose of durational~~
234 ~~alimony is~~ to provide a party with economic assistance for a set
235 period of time ~~following a marriage of short or moderate~~
236 ~~duration or following a marriage of long duration if there is no~~
237 ~~ongoing need for support on a permanent basis.~~ An award of
238 durational alimony terminates upon the death of either party or
239 upon the remarriage of the party receiving alimony. The amount
240 of an award of durational alimony may be modified or terminated
241 based upon a substantial change in circumstances or upon a
242 finding that a supportive relationship exists or existed between
243 the obligee and another person in accordance with s. 61.14.
244 ~~However,~~ The length of an award of durational alimony may not ~~be~~
245 ~~modified except under exceptional circumstances and may not~~
246 ~~exceed 50 percent of the length of the marriage. For purposes of~~
247 this subsection, the length of a marriage is the period of time
248 beginning on the date of marriage and ending on the date an
249 action for dissolution of marriage is filed.

250 (b) When awarding durational alimony, the court must make

251 written findings that an award of another type of alimony, or a
252 combination of the other forms of alimony, is not appropriate.

253 (c) The amount of durational alimony is the amount
254 determined to be the obligee's reasonable need or 25 percent of
255 the difference between the parties' net incomes, whichever
256 amount is less.

257 (8) A party against whom alimony is sought who has met the
258 requirements for retirement in accordance with s. 61.14(12)
259 before the filing of the petition for dissolution of marriage
260 may not be ordered to pay bridge-the-gap, rehabilitative, or
261 durational alimony, unless the court determines all of the
262 following:

263 (a) That the party seeking alimony has not reached the age
264 to qualify for any social security retirement benefits.

265 (b) That as a result of the dissolution of marriage, the
266 party seeking alimony would, based on the income and assets
267 available after the dissolution of marriage is final, meet the
268 primary qualifications for the Florida Medicaid medically needy
269 program under part III of chapter 409 and the related rules in
270 effect on March 1, 2020

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

274 (b) Social security retirement benefits may not be imputed
275 to the obligor as demonstrated by a social security retirement

276 benefits entitlement letter unless those benefits are actually
277 being paid.

278 (c) If the obligee alleges that a physical disability has
279 impaired his or her capability to earn the income imputed by the
280 court, the obligee must have qualified for benefits under the
281 Social Security Disability Insurance program or, in the event
282 the obligee is not eligible for the program, must demonstrate
283 that his or her disability meets the disability qualification
284 standards of the Social Security Disability Insurance program.

285 ~~(8) Permanent alimony may be awarded to provide for the~~
286 ~~needs and necessities of life as they were established during~~
287 ~~the marriage of the parties for a party who lacks the financial~~
288 ~~ability to meet his or her needs and necessities of life~~
289 ~~following a dissolution of marriage. Permanent alimony may be~~
290 ~~awarded following a marriage of long duration if such an award~~
291 ~~is appropriate upon consideration of the factors set forth in~~
292 ~~subsection (2), following a marriage of moderate duration if~~
293 ~~such an award is appropriate based upon clear and convincing~~
294 ~~evidence after consideration of the factors set forth in~~
295 ~~subsection (2), or following a marriage of short duration if~~
296 ~~there are written findings of exceptional circumstances. In~~
297 ~~awarding permanent alimony, the court shall include a finding~~
298 ~~that no other form of alimony is fair and reasonable under the~~
299 ~~circumstances of the parties. An award of permanent alimony~~
300 ~~terminates upon the death of either party or upon the remarriage~~

301 ~~of the party receiving alimony. An award may be modified or~~
302 ~~terminated based upon a substantial change in circumstances or~~
303 ~~upon the existence of a supportive relationship in accordance~~
304 ~~with s. 61.14.~~

305 ~~(9) The award of alimony may not leave the payor with~~
306 ~~significantly less net income than the net income of the~~
307 ~~recipient unless there are written findings of exceptional~~
308 ~~circumstances.~~

309 (10) (a) With respect to any order requiring the payment of
310 alimony entered on or after January 1, 1985, unless ~~the~~
311 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
312 court shall direct in the order that the payments of alimony be
313 made through the appropriate depository as provided in s.
314 61.181.

315 (b) With respect to any order requiring the payment of
316 alimony entered before January 1, 1985, upon the subsequent
317 appearance~~7~~ on or after that date~~7~~ of one or both parties before
318 the court having jurisdiction for the purpose of modifying or
319 enforcing the order or in any other proceeding related to the
320 order~~7~~ or upon the application of either party, unless ~~the~~
321 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
322 court shall modify the terms of the order as necessary to direct
323 that payments of alimony be made through the appropriate
324 depository as provided in s. 61.181.

325 (c) If there is no minor child, alimony payments need not

326 be directed through the depository.

327 (d)1. If there is a minor child of the parties and both
328 parties so request, the court may order that alimony payments
329 need not be directed through the depository. In this case, the
330 order of support must ~~shall~~ provide, or be deemed to provide,
331 that either party may subsequently apply to the depository to
332 require that payments be made through the depository. The court
333 shall provide a copy of the order to the depository.

334 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
335 either party may subsequently file with the depository an
336 affidavit alleging default or arrearages in payment and stating
337 that the party wishes to initiate participation in the
338 depository program. The party shall provide copies of the
339 affidavit to the court and the other party or parties. Fifteen
340 days after receipt of the affidavit, the depository shall notify
341 all parties that future payments shall be directed to the
342 depository.

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

346 (11) The court shall consider any alimony payments made to
347 the obligee after the date of filing of a petition for
348 dissolution of marriage, either voluntarily or pursuant to a
349 court order, in determining the amount and length of an award of
350 rehabilitative or durational alimony.

351 (12) This section applies to all petitions for dissolution
 352 of marriage which have not been adjudicated before July 1, 2021,
 353 to cases pending on appeal, and to all petitions for dissolution
 354 of marriage filed on or after July 1, 2021.

355 Section 3. Paragraph (c) of subsection (2) of section
 356 61.13, Florida Statutes, is amended to read:

357 61.13 Support of children; parenting and time-sharing;
 358 powers of court.—

359 (2)

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

367 1. It is the public policy of this state that each minor
 368 child has frequent and continuing contact with both parents
 369 after the parents separate or the marriage of the parties is
 370 dissolved and to encourage parents to share the rights and
 371 responsibilities, and joys, of childrearing. Unless otherwise
 372 provided in this section or agreed to by the parties, there is a
 373 presumption that equal time-sharing of a minor child is in the
 374 best interests of the minor child common to both parties. This
 375 subparagraph applies to all actions filed on or after July 1,

376 2021 ~~There is no presumption for or against the father or mother~~
377 ~~of the child or for or against any specific time sharing~~
378 ~~schedule when creating or modifying the parenting plan of the~~
379 ~~child.~~

380 2. The court shall order that the parental responsibility
381 for a minor child be shared by both parents unless the court
382 finds that shared parental responsibility would be detrimental
383 to the child. Evidence that a parent has been convicted of a
384 misdemeanor of the first degree or higher involving domestic
385 violence, as defined in s. 741.28 and chapter 775, or meets the
386 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
387 detriment to the child. If the presumption is not rebutted after
388 the convicted parent is advised by the court that the
389 presumption exists, shared parental responsibility, including
390 time-sharing with the child, and decisions made regarding the
391 child, may not be granted to the convicted parent. However, the
392 convicted parent is not relieved of any obligation to provide
393 financial support. If the court determines that shared parental
394 responsibility would be detrimental to the child, it may order
395 sole parental responsibility and make such arrangements for
396 time-sharing as specified in the parenting plan as will best
397 protect the child or abused spouse from further harm. Regardless
398 of whether ~~or not~~ there is a conviction of any offense of
399 domestic violence or child abuse or the existence of an
400 injunction for protection against domestic violence, the court

401 shall consider evidence of domestic violence or child abuse as
402 evidence of detriment to the child.

403 a. In ordering shared parental responsibility, the court
404 may consider the expressed desires of the parents and may grant
405 to one party the ultimate responsibility over specific aspects
406 of the child's welfare or may divide those responsibilities
407 between the parties based on the best interests of the child.
408 Areas of responsibility may include education, health care, and
409 any other responsibilities that the court finds unique to a
410 particular family.

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

415 3. Access to records and information pertaining to a minor
416 child, including, but not limited to, medical, dental, and
417 school records, may not be denied to either parent. Full rights
418 under this subparagraph apply to either parent unless a court
419 order specifically revokes these rights, including any
420 restrictions on these rights as provided in a domestic violence
421 injunction. A parent having rights under this subparagraph has
422 the same rights upon request as to form, substance, and manner
423 of access as are available to the other parent of a child,
424 including, without limitation, the right to in-person
425 communication with medical, dental, and education providers.

426 Section 4. Paragraph (b) of subsection (1) of section
 427 61.14, Florida Statutes, is amended, paragraph (c) is added to
 428 subsection (11), and subsections (12), (13), and (14) are added
 429 to that section, to read:

430 61.14 Enforcement and modification of support,
 431 maintenance, or alimony agreements or orders.—

432 (1)

433 (b)1. The court may reduce or terminate an award of
 434 alimony or order reimbursement to the obligor for any amount the
 435 court determines is equitable upon specific written findings by
 436 the court that since the granting of a divorce and the award of
 437 alimony, a supportive relationship exists or ~~has~~ existed between
 438 the obligee and another a person at any time during the 180 days
 439 before the filing of a petition for modification of alimony with
 440 ~~whom the obligee resides~~. On the issue of whether alimony should
 441 be reduced or terminated under this paragraph, the burden is on
 442 the obligor to prove by a preponderance of the evidence that a
 443 supportive relationship exists or existed.

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

451 following, in determining the relationship of an obligee to
452 another person:

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

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

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

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

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

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

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

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

475 i. Evidence in support of a claim that the obligee and the

476 other person have an express agreement regarding property
477 sharing or support.

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

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

484 l. Whether the obligee and the other person are engaged to
485 be married.

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

498 (11)

499 (c) An obligor's subsequent remarriage or cohabitation
500 does not constitute a basis for either party to seek a

501 modification of an alimony award. An obligee may not seek
502 modification to increase an award of alimony based on the income
503 and assets of the obligor's subsequent spouse or person with
504 whom the obligor resides, and the obligor may not seek
505 modification to reduce an award of alimony based on the
506 obligor's reliance upon the income and assets of the obligor's
507 subsequent spouse or person with whom the obligor resides.

508 (12) (a) An alimony award terminates when the obligor
509 reaches full retirement age as determined by the United States
510 Social Security Administration. However, if an obligor reaches
511 full retirement age as determined by the United States Social
512 Security Administration but he or she has not paid durational
513 alimony for a period equal to 50 percent of the length of the
514 marriage, the court may require the obligor to continue to pay
515 durational alimony, not to exceed 50 percent of the length of
516 the marriage, only if the court determines that all of the
517 following apply:

518 1. The obligee has not reached the minimum age to qualify
519 for social security retirement benefits.

520 2. As a result of the dissolution of marriage or the
521 termination of alimony payments under this paragraph, the
522 obligee would, based on the income and assets available after
523 the dissolution of marriage is final, meet the primary
524 qualifications for the Florida Medicaid medically needy program
525 under part III of chapter 409 and the related rules in effect on

526 March 1, 2020.

527 (b) If an obligor seeks to retire at an age that is
528 reasonable for his or her profession or line of work, but before
529 he or she reaches full retirement age as determined by the
530 United States Social Security Administration, the court may
531 terminate an alimony award if it determines that the obligor's
532 retirement is reasonable. In determining whether the obligor's
533 retirement is reasonable, the court shall consider all of the
534 following:

535 1. The obligor's age and health.

536 2. The obligor's motivation for retirement.

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

539 4. The obligee's needs and necessities of life and the
540 obligor's needs and necessities of life.

541 5. The impact that a termination or reduction of alimony
542 would have on the obligee. In determining such impact, the court
543 must consider any assets accumulated or received by the obligee,
544 including any income generated by such assets, since the final
545 judgment of dissolution of marriage.

546 (c) Up to 12 months before the obligor's anticipated
547 retirement under paragraph (a) or paragraph (b), the obligor may
548 file a petition to modify or terminate the alimony award,
549 effective upon his or her actual retirement date. The court
550 shall modify or terminate the alimony award after the obligor's

551 retirement unless, after consideration of the factors under
552 paragraph (b), the court makes written findings of fact that the
553 obligor's retirement is unreasonable.

554 (13) Any amount of social security or disability benefits
555 or retirement payments received by an obligee subsequent to an
556 initial award of alimony constitutes a change in circumstances
557 for which an obligor may seek modification of an alimony award.

558 (14) (a) Agreements on alimony payments, whether voluntary
559 or court ordered, which allow for modification or termination of
560 alimony by virtue of either party reaching a certain age,
561 income, or other threshold, or agreements that establish a
562 limited period of time after which alimony is modifiable, are
563 considered agreements that are expressly modifiable or eligible
564 for termination for purposes of this section once the specified
565 condition is met.

566 (b) This section applies to an action to modify or
567 terminate an alimony award filed on or after July 1, 2021, or an
568 action for which a final order has not been issued or an appeal
569 to a district court of appeal has not been decided before July
570 1, 2021.

571 Section 5. Section 61.19, Florida Statutes, is amended to
572 read:

573 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
574 period; separate adjudication of issues.-

575 (1) A ~~No~~ final judgment of dissolution of marriage may not

576 | be entered until at least 20 days have elapsed from the date of
577 | filing the original petition for dissolution of marriage,~~†~~ but
578 | the court, on a showing that injustice would result from this
579 | delay, may enter a final judgment of dissolution of marriage at
580 | an earlier date.

581 | (2) If more than 365 days have elapsed after the date of
582 | service of the original petition for dissolution of marriage,
583 | absent a showing by either party that irreparable harm will
584 | result from granting a final judgment of dissolution of
585 | marriage, the court shall, upon request of either party, grant a
586 | final judgment of dissolution of marriage with a reservation of
587 | jurisdiction to subsequently determine all other substantive
588 | issues. Before granting the judgment, the court shall enter
589 | temporary orders necessary to protect the parties and their
590 | children, which orders remain effective until all other issues
591 | can be adjudicated by the court. This subsection applies to all
592 | petitions for dissolution of marriage filed on or after July 1,
593 | 2021.

594 | Section 6. This act shall take effect July 1, 2021.