

By Senator Gruters

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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.; defining terms;
5 requiring the court to prioritize certain forms of
6 alimony; authorizing the court to grant permanent
7 alimony under certain circumstances; requiring the
8 court to make certain written findings in its awards
9 of alimony; prohibiting the court from denying or
10 granting an award of alimony solely on the basis of
11 adultery, with an exception; revising factors that the
12 court must consider in determining the proper type and
13 amount of alimony; authorizing a party to whom the
14 court has awarded alimony to purchase or maintain a
15 life insurance policy on the obligor's life to protect
16 an award of alimony; requiring the obligor to
17 cooperate in the process of securing the life
18 insurance; deleting certain rebuttable presumptions
19 related to the duration of a marriage for purposes of
20 determining alimony; prohibiting an award of
21 rehabilitative alimony from exceeding specified
22 timeframes; revising a provision authorizing the
23 modification of rehabilitative alimony upon completion
24 of the rehabilitative plan to include a certain
25 timeframe; revising provisions related to durational
26 alimony; prohibiting the length of an award of
27 durational alimony from exceeding a specified
28 timeframe; specifying what constitutes the length of a
29 marriage for the purpose of determining durational

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30 alimony; requiring the court to make certain written
31 findings when awarding durational alimony; providing a
32 formula for the calculation of durational alimony;
33 providing that a party who has reached retirement age
34 in accordance with specified provisions may not be
35 ordered to pay alimony; providing an exception;
36 establishing that alimony may not be awarded to a
37 party who has a certain monthly net income;
38 prohibiting social security retirement benefits from
39 being imputed to the obligor, with an exception;
40 requiring an obligee to meet certain requirements if
41 he or she alleges that a physical disability has
42 impaired his or her ability to earn the imputed
43 income; requiring the court to consider certain
44 payments made to the obligee when determining the
45 amount and length of rehabilitative or durational
46 alimony; providing applicability; amending s. 61.13,
47 F.S.; creating a presumption that equal time-sharing
48 is in the best interests of a child, with an
49 exception; providing applicability; deleting a
50 provision related to the development of a parenting
51 plan; amending s. 61.14, F.S.; authorizing the court
52 to order an obligee to reimburse alimony payments to
53 the obligor under certain circumstances; specifying a
54 timeframe for the court to consider a supportive
55 relationship between the obligee and another person
56 for purposes of reducing or terminating an award of
57 alimony or ordering reimbursement of alimony payments;
58 revising factors the court may consider when

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59 determining whether a supportive relationship exists
60 or existed between the obligee and another person;
61 deleting the authority for the Department of Revenue
62 to adopt certain rules; providing that an obligor's
63 subsequent remarriage or cohabitation is not a basis
64 for modification of alimony; providing that the income
65 and assets of the obligor's subsequent spouse are
66 irrelevant to an action for modification of alimony;
67 requiring an alimony obligation to terminate upon the
68 obligor reaching full retirement age; providing an
69 exception; authorizing the court to terminate an
70 alimony obligation if the obligor retires at a
71 reasonable age for his or her profession or line of
72 work; requiring the court to consider certain factors
73 in determining whether the obligor's retirement age is
74 reasonable; authorizing an obligor to prospectively
75 file a petition for modification or termination of
76 alimony, effective upon his or her retirement;
77 requiring a court to modify or terminate an alimony
78 award upon retirement of the obligor, with an
79 exception; providing that certain benefits of the
80 obligee constitute a change in circumstance for which
81 an obligor may seek modification of an alimony award;
82 providing that certain agreements on alimony payments
83 are considered expressly modifiable or eligible for
84 termination under certain circumstances; providing
85 applicability; amending s. 61.19, F.S.; requiring the
86 court to grant a final judgment of dissolution of
87 marriage and reserve jurisdiction to adjudicate other

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88 substantive issues, under certain circumstances;
89 providing for temporary orders necessary to protect
90 the parties and their children, if any; providing that
91 such temporary orders are effective until all other
92 issues are adjudicated by the court; providing
93 applicability; providing an effective date.
94

95 Be It Enacted by the Legislature of the State of Florida:
96

97 Section 1. Subsection (8) of section 61.046, Florida
98 Statutes, is amended to read:

99 61.046 Definitions.—As used in this chapter, the term:

100 (8) "Income" means any form of payment to an individual,
101 regardless of source, including, but not limited to: wages,
102 salary, commissions and bonuses, compensation as an independent
103 contractor, worker's compensation, disability benefits, annuity
104 and retirement benefits, pensions, dividends, interest,
105 royalties, trusts, and any other payments, made by any person,
106 private entity, federal or state government, or any unit of
107 local government. United States Department of Veterans Affairs
108 disability benefits and reemployment assistance or unemployment
109 compensation, as defined in chapter 443, are excluded from this
110 definition of income except for purposes of establishing an
111 amount of child support.

112 Section 2. Section 61.08, Florida Statutes, is amended to
113 read:

114 61.08 Alimony.—

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

116 (a) "Alimony" means a court-ordered or voluntary payment of

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117 support by one spouse to the other spouse. The term includes any
118 voluntary payment made after the date of filing of an order for
119 maintenance, spousal support, temporary support, or separate
120 support when the payment is not intended for the benefit of a
121 child in common.

122 (b) "Gross income" means gross income as determined in
123 accordance with s. 61.30.

124 (c) "Net income" means income that is determined by
125 subtracting allowable deductions from gross income. For purposes
126 of this section, allowable deductions include any of the
127 following:

128 1. Federal, state, or local income tax deductions, adjusted
129 for actual filing status and allowable dependents and income tax
130 liabilities.

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

132 3. Mandatory union dues.

133 4. Mandatory retirement payments.

134 5. Health insurance payments, excluding payments for
135 coverage of a minor child.

136 6. Court-ordered support for other children which is
137 actually paid.

138 7. Spousal support paid pursuant to a court order from a
139 previous marriage.

140 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
141 court may grant alimony to either party in the form of, ~~which~~
142 alimony may be bridge-the-gap, rehabilitative, or durational
143 alimony, or a permanent in nature or any combination of these
144 forms of alimony, but shall prioritize an award of bridge-the-
145 gap alimony, followed by rehabilitative alimony, over any other

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146 form of alimony. The court may grant permanent alimony only if
147 the parties enter into an agreement for permanent alimony. In an
148 any award of alimony, the court may order periodic payments, ~~or~~
149 payments in lump sum, or both.

150 (b) The court shall make written findings regarding the
151 basis for awarding a combination of forms of alimony, including
152 the type of alimony and the length of time for which the alimony
153 is awarded. The court may award a combination of forms of
154 alimony only to provide greater economic assistance in order to
155 allow the recipient to achieve rehabilitation.

156 (c) The court may consider the adultery of either spouse
157 and the circumstances thereof in determining the amount of
158 alimony, if any, to be awarded. However, the adultery of a
159 spouse may not be the court's sole basis for denying a request
160 for alimony or awarding alimony, unless the adultery contributed
161 to a depletion of marital assets. In all dissolution actions,
162 the court shall include written findings of fact relative to the
163 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
164 an award or denial of alimony.

165 (3)~~(2)~~ In determining whether to award alimony or
166 maintenance, the court shall first make a specific, written
167 factual determination as to whether the other ~~either~~ party has
168 an actual need for alimony or maintenance and whether the other
169 ~~either~~ party has the ability to pay alimony or maintenance. If
170 the court finds that the ~~a~~ party seeking alimony has a need for
171 alimony or maintenance and that the other party has the ability
172 to pay alimony or maintenance, then in determining the proper
173 type and amount of alimony or maintenance under subsections (5),
174 (6), and (7) ~~(5) ~~(8)~~~~, the court shall consider all relevant

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175 factors, including, but not limited to:

176 (a) The standard of living established during the marriage,
177 including the needs and necessities of life for each party after
178 the dissolution of marriage, taking into consideration the
179 presumption that both parties will have a lower standard of
180 living after the dissolution of marriage than the standard of
181 living they enjoyed during the marriage. This presumption may be
182 overcome by a preponderance of the evidence.

183 (b) The duration of the marriage.

184 (c) The age and the physical and emotional condition of
185 each party.

186 (d) The financial resources of each party, including the
187 nonmarital and the marital assets and liabilities distributed to
188 each.

189 (e) The earning capacities, educational levels, vocational
190 skills, and employability of the parties and, when applicable,
191 the time necessary for either party to acquire sufficient
192 education or training to enable such party to find appropriate
193 employment.

194 (f) The contribution of each party to the marriage,
195 including, but not limited to, services rendered in homemaking,
196 child care, education, and career building of either ~~the other~~
197 party.

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

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

203 (i) All sources of income available to either party,

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204 including income available to either party through investments
205 of any asset held by that party.

206 (j) Any other factor necessary for to de equity and justice
207 between the parties if such factor is specifically identified in
208 the award with findings of fact justifying the application of
209 such factor.

210 (4)(3) To the extent necessary to protect an award of
211 alimony, the obligee may ~~court may order any party who is~~
212 ~~ordered to pay alimony to purchase or maintain a life insurance~~
213 ~~policy on the obligor's life in an amount adequate to or a bond,~~
214 ~~or to otherwise secure such alimony award with any other assets~~
215 ~~which may be suitable for that purpose.~~ If the obligee purchases
216 a life insurance policy, the obligor shall cooperate in the
217 process of procuring the issuance and underwriting of the life
218 insurance policy.

219 ~~(4) For purposes of determining alimony, there is a~~
220 ~~rebuttable presumption that a short-term marriage is a marriage~~
221 ~~having a duration of less than 7 years, a moderate-term marriage~~
222 ~~is a marriage having a duration of greater than 7 years but less~~
223 ~~than 17 years, and long-term marriage is a marriage having a~~
224 ~~duration of 17 years or greater. The length of a marriage is the~~
225 ~~period of time from the date of marriage until the date of~~
226 ~~filing of an action for dissolution of marriage.~~

227 (5) Bridge-the-gap alimony may be awarded to assist a party
228 by providing support to allow the party to make a transition
229 from being married to being single. Bridge-the-gap alimony is
230 designed to assist a party with legitimate identifiable short-
231 term needs, and the length of an award of bridge-the-gap alimony
232 may not exceed 2 years. An award of bridge-the-gap alimony

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233 terminates upon the death of either party or upon the remarriage
234 of the party receiving alimony. An award of bridge-the-gap
235 alimony is ~~shall~~ not be modifiable in amount or duration.

236 (6) (a) Rehabilitative alimony may be awarded to assist a
237 party in establishing the capacity for self-support through
238 either:

- 239 1. The redevelopment of previous skills or credentials; or
240 2. The acquisition of education, training, or work
241 experience necessary to develop appropriate employment skills or
242 credentials.

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

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

249 (d) An award of rehabilitative alimony may be modified or
250 terminated in accordance with s. 61.14 based upon a substantial
251 change in circumstances, upon noncompliance with the
252 rehabilitative plan, or upon completion of the rehabilitative
253 plan if the plan is completed before the length of the award of
254 rehabilitative alimony expires.

255 (7) (a) ~~Durational alimony may be awarded when permanent~~
256 ~~periodic alimony is inappropriate. The purpose of durational~~
257 ~~alimony is to provide a party with economic assistance for a set~~
258 ~~period of time following a marriage of short or moderate~~
259 ~~duration or following a marriage of long duration if there is no~~
260 ~~ongoing need for support on a permanent basis. An award of~~
261 durational alimony terminates upon the death of either party or

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262 upon the remarriage of the party receiving alimony. The amount
263 of an award of durational alimony may be modified or terminated
264 based upon a substantial change in circumstances or upon a
265 finding that a supportive relationship exists or existed between
266 the obligee and another person in accordance with s. 61.14.
267 ~~However,~~ The length of an award of durational alimony may not ~~be~~
268 ~~modified except under exceptional circumstances and may not~~
269 exceed 50 percent of the length of the marriage. For purposes of
270 this subsection, the length of a marriage is the period of time
271 beginning on the date of marriage and ending on the date an
272 action for dissolution of marriage is filed.

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

276 (c) The amount of durational alimony is the amount
277 determined to be the obligee's reasonable need or 25 percent of
278 the difference between the parties' net incomes, whichever
279 amount is less.

280 (8) A party against whom alimony is sought who has met the
281 requirements for retirement in accordance with s. 61.14(12)
282 before the filing of the petition for dissolution of marriage
283 may not be ordered to pay bridge-the-gap, rehabilitative, or
284 durational alimony, unless the court determines that:

285 (a) The party seeking alimony has not reached the age to
286 qualify for any social security retirement benefits; and

287 (b) As a result of the dissolution of marriage, the party
288 seeking alimony would, based on the income and assets available
289 after the dissolution is final, meet the primary qualifications
290 for the Florida Medicaid medically needy program under part III

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291 of chapter 409 and the related rules in effect on March 1, 2020.

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

295 (b) Social security retirement benefits may not be imputed
296 to the obligor as demonstrated by a social security retirement
297 benefits entitlement letter unless those benefits are actually
298 being paid.

299 (c) If the obligee alleges that a physical disability has
300 impaired his or her capability to earn the income imputed by the
301 court, the obligee must have qualified for benefits under the
302 Social Security Administration Disability Insurance Program or,
303 in the event the obligee is not eligible for the program, must
304 demonstrate that his or her disability meets the disability
305 qualification standards of the Social Security Administration
306 Disability Insurance Program.

307 ~~(8) Permanent alimony may be awarded to provide for the~~
308 ~~needs and necessities of life as they were established during~~
309 ~~the marriage of the parties for a party who lacks the financial~~
310 ~~ability to meet his or her needs and necessities of life~~
311 ~~following a dissolution of marriage. Permanent alimony may be~~
312 ~~awarded following a marriage of long duration if such an award~~
313 ~~is appropriate upon consideration of the factors set forth in~~
314 ~~subsection (2), following a marriage of moderate duration if~~
315 ~~such an award is appropriate based upon clear and convincing~~
316 ~~evidence after consideration of the factors set forth in~~
317 ~~subsection (2), or following a marriage of short duration if~~
318 ~~there are written findings of exceptional circumstances. In~~
319 ~~awarding permanent alimony, the court shall include a finding~~

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320 ~~that no other form of alimony is fair and reasonable under the~~
321 ~~circumstances of the parties. An award of permanent alimony~~
322 ~~terminates upon the death of either party or upon the remarriage~~
323 ~~of the party receiving alimony. An award may be modified or~~
324 ~~terminated based upon a substantial change in circumstances or~~
325 ~~upon the existence of a supportive relationship in accordance~~
326 ~~with s. 61.14.~~

327 ~~(9) The award of alimony may not leave the payor with~~
328 ~~significantly less net income than the net income of the~~
329 ~~recipient unless there are written findings of exceptional~~
330 ~~circumstances.~~

331 (10) (a) With respect to any order requiring the payment of
332 alimony entered on or after January 1, 1985, unless ~~the~~
333 ~~provisions of paragraph (c) or paragraph (d)~~ applies ~~apply~~, the
334 court shall direct in the order that the payments of alimony be
335 made through the appropriate depository as provided in s.
336 61.181.

337 (b) With respect to any order requiring the payment of
338 alimony entered before January 1, 1985, upon the subsequent
339 appearance~~7~~ on or after that date~~7~~ of one or both parties before
340 the court having jurisdiction for the purpose of modifying or
341 enforcing the order or in any other proceeding related to the
342 order~~7~~ or upon the application of either party, unless ~~the~~
343 ~~provisions of paragraph (c) or paragraph (d)~~ applies ~~apply~~, the
344 court shall modify the terms of the order as necessary to direct
345 that payments of alimony be made through the appropriate
346 depository as provided in s. 61.181.

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

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349 (d)1. If there is a minor child of the parties and both
350 parties so request, the court may order that alimony payments
351 need not be directed through the depository. In this case, the
352 order of support must ~~shall~~ provide, or be deemed to provide,
353 that either party may subsequently apply to the depository to
354 require that payments be made through the depository. The court
355 shall provide a copy of the order to the depository.

356 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
357 either party may subsequently file with the depository an
358 affidavit alleging default or arrearages in payment and stating
359 that the party wishes to initiate participation in the
360 depository program. The party shall provide copies of the
361 affidavit to the court and the other party or parties. Fifteen
362 days after receipt of the affidavit, the depository shall notify
363 all parties that future payments shall be directed to the
364 depository.

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

368 (11) The court shall consider any alimony payments made to
369 the obligee after the date of filing of a petition for
370 dissolution of marriage, either voluntarily or pursuant to a
371 court order, in determining the amount and length of an award of
372 rehabilitative or durational alimony.

373 (12) The court shall apply this section to all petitions
374 for dissolution of marriage which have not been adjudicated
375 before July 1, 2021, cases pending on appeal, and to any
376 petitions for dissolution of marriage filed on or after July 1,
377 2021.

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378 Section 3. Paragraph (c) of subsection (2) of section
379 61.13, Florida Statutes, is amended to read:

380 61.13 Support of children; parenting and time-sharing;
381 powers of court.—

382 (2)

383 (c) The court shall determine all matters relating to
384 parenting and time-sharing of each minor child of the parties in
385 accordance with the best interests of the child and in
386 accordance with the Uniform Child Custody Jurisdiction and
387 Enforcement Act, except that modification of a parenting plan
388 and time-sharing schedule requires a showing of a substantial,
389 material, and unanticipated change of circumstances.

390 1. It is the public policy of this state that each minor
391 child has frequent and continuing contact with both parents
392 after the parents separate or the marriage of the parties is
393 dissolved and to encourage parents to share the rights and
394 responsibilities, and joys, of childrearing. Unless otherwise
395 agreed to by the parties, there is a presumption that equal
396 time-sharing is in the best interests of a minor child common to
397 both parties. This subparagraph applies to all actions filed on
398 or after July 1, 2021 ~~There is no presumption for or against the~~
399 ~~father or mother of the child or for or against any specific~~
400 ~~time sharing schedule when creating or modifying the parenting~~
401 ~~plan of the child.~~

402 2. The court shall order that the parental responsibility
403 for a minor child be shared by both parents unless the court
404 finds that shared parental responsibility would be detrimental
405 to the child. Evidence that a parent has been convicted of a
406 misdemeanor of the first degree or higher involving domestic

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407 violence, as defined in s. 741.28 and chapter 775, or meets the
408 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
409 detriment to the child. If the presumption is not rebutted after
410 the convicted parent is advised by the court that the
411 presumption exists, shared parental responsibility, including
412 time-sharing with the child, and decisions made regarding the
413 child, may not be granted to the convicted parent. However, the
414 convicted parent is not relieved of any obligation to provide
415 financial support. If the court determines that shared parental
416 responsibility would be detrimental to the child, it may order
417 sole parental responsibility and make such arrangements for
418 time-sharing as specified in the parenting plan as will best
419 protect the child or abused spouse from further harm. Regardless
420 of whether ~~or not~~ there is a conviction of any offense of
421 domestic violence or child abuse or the existence of an
422 injunction for protection against domestic violence, the court
423 shall consider evidence of domestic violence or child abuse as
424 evidence of detriment to the child.

425 a. In ordering shared parental responsibility, the court
426 may consider the expressed desires of the parents and may grant
427 to one party the ultimate responsibility over specific aspects
428 of the child's welfare or may divide those responsibilities
429 between the parties based on the best interests of the child.
430 Areas of responsibility may include education, health care, and
431 any other responsibilities that the court finds unique to a
432 particular family.

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

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

447 Section 4. Paragraphs (b) and (d) of subsection (1) of
448 section 61.14, Florida Statutes, are amended, and paragraph (c)
449 is added to subsection (11) and subsections (12), (13), and (14)
450 are added to that section, to read:

451 61.14 Enforcement and modification of support, maintenance,
452 or alimony agreements or orders.—

453 (1)

454 (b)1. The court may reduce or terminate an award of alimony
455 or order reimbursement to the obligor for any amount the court
456 determines is equitable upon specific written findings by the
457 court that since the granting of a divorce and the award of
458 alimony, a supportive relationship exists or ~~has~~ existed between
459 the obligee and another a person at any time during the 180 days
460 before the filing of a petition for modification of alimony with
461 ~~whom the obligee resides~~. On the issue of whether alimony should
462 be reduced or terminated under this paragraph, the burden is on
463 the obligor to prove by a preponderance of the evidence that a
464 supportive relationship exists or existed.

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465 2. In determining whether an existing award of alimony
466 should be reduced or terminated because of an alleged supportive
467 relationship between an obligee and a person who is not related
468 by consanguinity or affinity and with whom the obligee resides,
469 the court shall elicit the nature and extent of the relationship
470 in question. The court shall give consideration, without
471 limitation, to circumstances, including, but not limited to, the
472 following, in determining the relationship of an obligee to
473 another person:

474 a. The extent to which the obligee and the other person
475 have held themselves out as a married couple by engaging in
476 conduct such as using the same last name, using a common mailing
477 address, referring to each other in terms such as "my husband,"
478 ~~or~~ "my wife," "my partner," or "my fiance" or otherwise
479 conducting themselves in a manner that evidences a permanent or
480 longstanding committed and supportive relationship.

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

483 c. The extent to which the obligee and the other person
484 have pooled their assets or income or otherwise exhibited
485 financial interdependence.

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

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

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

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

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

496 i. Evidence in support of a claim that the obligee and the
497 other person have an express agreement regarding property
498 sharing or support.

499 j. Evidence in support of a claim that the obligee and the
500 other person have an implied agreement regarding property
501 sharing or support.

502 k. Whether the obligee and the other person have provided
503 support to the children of one another, regardless of any legal
504 duty to do so.

505 1. Whether the obligee and the other person are engaged to
506 be married.

507 3. This paragraph does not abrogate the requirement that
508 every marriage in this state be solemnized under a license, does
509 not recognize a common law marriage as valid, and does not
510 recognize a de facto marriage. This paragraph recognizes only
511 that relationships do exist that provide economic support
512 equivalent to a marriage and that alimony terminable on
513 remarriage may be reduced or terminated upon the establishment
514 of equivalent equitable circumstances as described in this
515 paragraph. The existence of a conjugal relationship, though it
516 may be relevant to the nature and extent of the relationship, is
517 not necessary for the application of ~~the provisions of this~~
518 paragraph.

519 ~~(d) The department shall have authority to adopt rules to~~
520 ~~implement this section.~~

521 (11)

522 (c) An obligor's subsequent remarriage or cohabitation does

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523 not constitute a basis for either party to seek a modification
524 of an alimony award. An obligee may not seek modification to
525 increase an award of alimony based on the income and assets of
526 the obligor's subsequent spouse or person with whom the obligor
527 resides, and the obligor may not seek modification to reduce an
528 award of alimony based on the obligor's reliance upon the income
529 and assets of the obligor's subsequent spouse or person with
530 whom the obligor resides.

531 (12) (a) An alimony award terminates when the obligor
532 reaches full retirement age as determined by the United States
533 Social Security Administration. However, if an obligor reaches
534 full retirement age as determined by the United States Social
535 Security Administration but has not paid durational alimony for
536 a period equal to 50 percent of the length of the marriage, the
537 court may require the obligor to continue to pay durational
538 alimony, not to exceed 50 percent of the length of the marriage,
539 only if the court determines that:

540 1. The party seeking alimony has not reached the minimum
541 age to qualify for social security retirement benefits; and

542 2. As a result of the dissolution of marriage or the
543 termination of alimony payments under this paragraph, the party
544 seeking alimony would, based on the income and assets available
545 after the dissolution of marriage is final, meet the primary
546 qualifications for the Florida Medicaid medically needy program
547 under part III of chapter 409 and the related rules in effect on
548 March 1, 2020.

549 (b) If an obligor seeks to retire at an age that is
550 reasonable for his or her profession or line of work, but before
551 he or she reaches full retirement age as determined by the

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552 United States Social Security Administration, the court may
553 terminate an alimony award if it determines that the obligor's
554 retirement is reasonable. In determining whether the obligor's
555 retirement is reasonable, the court shall consider all of the
556 following:

- 557 1. The obligor's age and health.
- 558 2. The obligor's motivation for retirement.
- 559 3. The obligor's profession or line of work and the typical
560 retirement age for that profession or line of work.
- 561 4. The obligee's needs and necessities of life and the
562 obligor's needs and necessities of life.
- 563 5. The impact that a termination or reduction of alimony
564 would have on the obligee. In determining the impact, the court
565 must consider any assets accumulated or received by the obligee,
566 including any income generated by such assets, since the final
567 judgment of dissolution of marriage.

568 (c) Up to 12 months before the obligor's anticipated
569 retirement under paragraph (a) or paragraph (b), the obligor may
570 file a petition to modify or terminate the alimony award,
571 effective upon his or her actual retirement date. The court
572 shall modify or terminate the alimony award after the obligor's
573 retirement unless the court makes written findings of fact under
574 paragraph (b) that the obligor's retirement is not reasonable.

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

579 (14) (a) Agreements on alimony payments, voluntary or
580 pursuant to a court order, which allow for modification or

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581 termination of alimony by virtue of either party reaching a
582 certain age, income, or other threshold, or agreements that
583 establish a limited period of time after which alimony is
584 modifiable, are considered agreements that are expressly
585 modifiable or eligible for termination for purposes of this
586 section once the specified condition is met.

587 (b) The court shall apply this section to any action to
588 modify or terminate an alimony award filed on or after July 1,
589 2021, or any action for which a final order has not been issued
590 or an appeal to a district court of appeal has not been decided
591 before July 1, 2021.

592 Section 5. Section 61.19, Florida Statutes, is amended to
593 read:

594 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay
595 period; separate adjudication of issues.-

596 (1) A ~~No~~ final judgment of dissolution of marriage may not
597 be entered until at least 20 days have elapsed from the date of
598 filing the original petition for dissolution of marriage,~~7~~ but
599 the court, on a showing that injustice would result from this
600 delay, may enter a final judgment of dissolution of marriage at
601 an earlier date.

602 (2) If more than 365 days have elapsed after the date of
603 service of the original petition for dissolution of marriage,
604 absent a showing by either party that irreparable harm will
605 result from granting a final judgment of dissolution of
606 marriage, the court shall, upon request of either party, grant a
607 final judgment of dissolution of marriage with a reservation of
608 jurisdiction to subsequently determine all other substantive
609 issues. Before granting the judgment, the court shall enter

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610 temporary orders necessary to protect the parties and their
611 children, which orders remain effective until all other issues
612 can be adjudicated by the court. This subsection applies to all
613 petitions for dissolution of marriage filed on or after July 1,
614 2021.

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