

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Civil Justice & Property
2 Rights Subcommittee
3 Representative Persons-Mulicka offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Present subsections (1) through (23) of section 61.046, Florida Statutes, are redesignated as subsections (2) through (24), respectively, a new subsection (1) is added to that section, and present subsection (8) of that section is amended, to read:

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

(1) "Active gross income" means salary, wages, bonuses, commissions, allowances, overtime, tips, and other similar payments and business income from self-employment, partnership,

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17 close corporations, independent contracts, and other similar
18 sources. For purposes of this definition, "business income"
19 means gross receipts minus ordinary and necessary expenses
20 required to produce income and requires that such business
21 income be derived in a way that meets any of the material
22 participation tests outlined in the Internal Revenue Service's
23 Publication 925 (2020), Passive Activity and At-Risk Rules.

24 (9)-(8) "Income" means any form of payment to an
25 individual, regardless of source, including, but not limited
26 to, ÷ wages, salary, commissions and bonuses, compensation as an
27 independent contractor, worker's compensation, disability
28 benefits, annuity and retirement benefits, pensions, dividends,
29 interest, royalties, trust distributions ~~trusts~~, and any other
30 payments, made by any person, private entity, federal or state
31 government, or any unit of local government. United States
32 Department of Veterans Affairs disability benefits and
33 reemployment assistance or unemployment compensation, as defined
34 in chapter 443, are excluded from this definition of income
35 except for purposes of establishing an amount of support.

36 Section 2. Section 61.08, Florida Statutes, is amended to
37 read:

38 61.08 Alimony.—

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

40 (a) "Alimony" means a court-ordered or voluntary payment
41 of support by one spouse to the other spouse. The term includes

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42 any voluntary payment made after the date of filing an order for
43 maintenance, spousal support, temporary support, or separate
44 support when the payment is not intended for the benefit of a
45 child in common.

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

48 (c) "Net income" means income that is determined by
49 subtracting allowable deductions from gross income. For purposes
50 of this section, allowable deductions include any of the
51 following:

52 1. Federal, state, or local income tax deductions,
53 adjusted for actual filing status and allowable dependents, and
54 income tax liabilities.

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

56 3. Mandatory union dues.

57 4. Mandatory retirement payments.

58 5. Health insurance payments, excluding payments for
59 coverage of a minor child.

60 6. Court-ordered support for other children which is
61 actually paid.

62 7. Spousal support paid pursuant to a court order from a
63 previous marriage.

64 (2)(a) In a proceeding for dissolution of marriage, the
65 court may grant alimony to either party in the form of, ~~which~~
66 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational

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67 alimony, or a permanent in nature or any combination of these
68 forms of alimony. In an any award of alimony, the court may
69 order periodic payments, ~~or~~ payments in lump sum, or both.

70 (b) The court shall make written findings regarding the
71 basis for awarding a combination of forms of alimony, including
72 the type of alimony and the length of time for which the alimony
73 is awarded. The court may award a combination of forms of
74 alimony only to provide greater economic assistance in order to
75 allow the recipient to achieve rehabilitation.

76 ~~(c) The court may consider the adultery of either spouse~~
77 ~~and the circumstances thereof in determining the amount of~~
78 ~~alimony, if any, to be awarded.~~ In all dissolution actions, the
79 court shall include written findings of fact relative to the
80 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
81 ~~an~~ award or denial of alimony.

82 (3)(2) In determining whether to award alimony or
83 maintenance, the court shall first make a specific, written
84 factual determination as to whether the either party seeking
85 alimony or maintenance has an actual need for it alimony or
86 ~~maintenance~~ and whether the other ~~either~~ party has the ability
87 to pay alimony or maintenance. If the court finds that the a
88 party seeking alimony or maintenance has a need for it alimony
89 ~~or maintenance~~ and that the other party has the ability to pay
90 alimony or maintenance, then in determining the proper type and
91 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~

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92 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,
93 including, but not limited to:

94 (a) The standard of living established during the
95 marriage, including the needs and necessities of life for each
96 party after the dissolution of marriage, taking into
97 consideration the presumption that both parties will have a
98 lower standard of living after the dissolution of marriage than
99 their standard of living during the marriage. This presumption
100 may be overcome by a preponderance of the evidence.

101 (b) The duration of the marriage.

102 (c) The age and the physical and emotional condition of
103 each party.

104 (d) The financial resources of each party, including the
105 nonmarital and the marital assets and liabilities distributed to
106 each.

107 (e) The earning capacities, educational levels, vocational
108 skills, and employability of the parties and, when applicable,
109 the time necessary for either party to acquire sufficient
110 education or training to enable such party to find appropriate
111 employment.

112 (f) The contribution of each party to the marriage,
113 including, but not limited to, services rendered in homemaking,
114 child care, education, and career building of either ~~the other~~
115 party.

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

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

121 (i) All sources of income available to either party,
122 including income available to either party through investments
123 of any asset held by that party.

124 (j) Any other factor necessary for to do equity and
125 justice between the parties, if such factor is specifically
126 identified in the award with findings of fact justifying the
127 application of such factor.

128 ~~(4)-(3)~~ To the extent necessary to protect an award of
129 alimony, the obligee may ~~court may order any party who is~~
130 ~~ordered to pay alimony to~~ purchase or maintain a life insurance
131 policy on the obligor's life in an amount adequate to ~~or a bond,~~
132 ~~or to otherwise~~ secure such alimony award. If the obligee
133 purchases a life insurance policy, the obligor must cooperate in
134 the process of procuring the issuance and underwriting of the
135 life insurance policy ~~with any other assets which may be~~
136 ~~suitable for that purpose.~~

137 ~~(5)-(4)~~ For purposes of determining alimony, there is a
138 rebuttable presumption that a short-term marriage is a marriage
139 having a duration of less than 10 ~~7~~ years, a moderate-term
140 marriage is a marriage having a duration between 10 ~~of greater~~

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141 ~~than 7 years and 20 but less than 17~~ years, and a long-term
142 marriage is a marriage having a duration of 20 ~~17~~ years or
143 longer ~~greater~~. The length of a marriage is the period of time
144 from the date of marriage until the date of filing of an action
145 for dissolution of marriage.

146 (6) ~~(5)~~ Bridge-the-gap alimony may be awarded to assist a
147 party by providing support to allow the party to make a
148 transition from being married to being single. Bridge-the-gap
149 alimony is designed to assist a party with legitimate
150 identifiable short-term needs, and the length of an award of of
151 bridge-the-gap alimony may not exceed 2 years. An award of
152 bridge-the-gap alimony terminates upon the death of either party
153 or upon the remarriage of the party receiving alimony. An award
154 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
155 or duration.

156 (7) (a) ~~(6) (a)~~ Rehabilitative alimony may be awarded to
157 assist a party in establishing the capacity for self-support
158 through either:

- 159 1. The redevelopment of previous skills or credentials; or
160 2. The acquisition of education, training, or work
161 experience necessary to develop appropriate employment skills or
162 credentials.

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

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166 (c) The length of an award of rehabilitative alimony may
167 not exceed 5 years.

168 (d) An award of rehabilitative alimony may be modified or
169 terminated in accordance with s. 61.14 based upon a substantial
170 change in circumstances, upon noncompliance with the
171 rehabilitative plan, or upon completion of the rehabilitative
172 plan if the plan is completed before the length of the award of
173 rehabilitative alimony expires.

174 ~~(8)(a)(7)~~ Durational alimony may be awarded ~~when permanent~~
175 ~~periodic alimony is inappropriate. The purpose of durational~~
176 ~~alimony is to provide a party with economic assistance for a set~~
177 ~~period of time following a marriage of short or moderate~~
178 ~~duration or following a marriage of long duration if there is no~~
179 ~~ongoing need for support on a permanent basis.~~ An award of
180 durational alimony terminates upon the death of either party or
181 upon the remarriage of the party receiving alimony. The amount
182 of an award of durational alimony may be modified or terminated
183 based upon a substantial change in circumstances in accordance
184 with s. 61.14. Durational alimony may not be awarded following a
185 marriage lasting fewer than 3 years. ~~However,~~ The length of an
186 award of durational alimony may not ~~be modified except under~~
187 ~~exceptional circumstances and may not exceed~~ 50 percent of the
188 length of a ~~the~~ marriage lasting between 3 and 10 years, 60
189 percent of the length of a marriage lasting between 10 and 20
190 years, or 75 percent of the length of a marriage lasting 20

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191 years or longer. However, if the party seeking alimony is either
192 permanently mentally or physically disabled and unable to
193 provide for his or her own support, either partially or fully,
194 or is the full-time in-home caregiver to a fully and permanently
195 mentally or physically disabled child who is common to the
196 parties, the court may extend durational alimony beyond the
197 thresholds established in this subsection based on the duration
198 of the marriage until the death of the child or until the court
199 determines that there is no longer a need for durational
200 alimony. For purposes of this subsection, the length of a
201 marriage is the period of time beginning on the date of marriage
202 and ending on the date an action for dissolution of marriage is
203 filed. When awarding durational alimony, the court must make
204 written findings that an award of another type of alimony, or a
205 combination of the other forms of alimony, is not appropriate.

206 (b) The amount of durational alimony is the amount
207 determined to be the obligee's reasonable need or an amount not
208 to exceed 35 percent of the difference between the parties' net
209 incomes, whichever amount is less.

210 (c) In determining the length of an award of durational
211 alimony, the court shall reduce the length of an award of
212 durational alimony for the length of time during which the
213 obligor made temporary support payments to the obligee, either
214 voluntarily or pursuant to a court order, after the date of
215 filing of a petition for dissolution of marriage.

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216 (d) In determining the extent to which alimony should be
217 granted because a supportive relationship exists or has existed
218 between the party seeking alimony and another person who is not
219 related by consanguinity or affinity at any time since 180 days
220 before the filing of the petition of dissolution of marriage,
221 the court shall consider all relevant factors presented
222 concerning the nature and extent of the supportive relationship
223 in question. The burden is on the obligor to prove by a
224 preponderance of the evidence that a supportive relationship
225 exists. If a supportive relationship is proven to exist, the
226 burden shifts to the obligee to disprove by a preponderance of
227 the evidence that the court should deny or reduce the initial
228 award of alimony. The court must make written finding of fact
229 concerning the circumstances of the supportive relationship,
230 including, but not limited to, the factors set forth in s.
231 61.14 (1) (b)2.

232 (e) In the event that the obligor reaches full retirement
233 age as determined by the Social Security Administration or the
234 customary retirement age for his or her profession before the
235 end of the durational period indicated by paragraph (a), the
236 durational alimony shall end on such retirement date if all of
237 the following conditions are met:

238 1. The obligor files a notice of retirement and intent to
239 terminate alimony with the court and personally serves the
240 alimony recipient or his or her last known attorney of record at

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241 least 1 year before the date that the obligor's retirement is
242 intended to become effective.

243 2. The obligee has not contested the notice of retirement
244 and intent to terminate alimony according to the factors
245 specified in s. 61.14(12) (b) or the court has determined that
246 such factors do not apply. If the court makes any of the
247 findings specified in s. 61.14(12) (b), the court must consider
248 and make written findings regarding the factors listed in s.
249 61.14(12) (c) to determine whether to extend the length of the
250 alimony award as set forth in s. 61.08(8) (a).

251
252 However, if the obligor continues to work beyond his or her
253 retirement age as provided under this paragraph and earns active
254 gross income of more than 50 percent of the obligor's average
255 preretirement annual active gross income for the 3 years
256 preceding his or her retirement age, the court may extend
257 alimony until the durational limitations established in this
258 subsection have been satisfied or the obligor retires and
259 reduces his or her active gross income below the 50 percent
260 threshold established in this paragraph.

261 (9) A party against whom alimony is sought who has
262 attained his or her full retirement age as determined by the
263 Social Security Administration before the adjudication of the
264 petition for dissolution of marriage may not be ordered to pay

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265 bridge-the-gap, rehabilitative, or durational alimony, unless
266 the court determines that:

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

269 (b)1. As a result of the dissolution of marriage, the
270 party seeking alimony would have an income less than 130 percent
271 of the federal poverty guidelines for a one-person household, as
272 published by the United States Department of Health and Human
273 Services, based on the income and investable assets available
274 after the dissolution is final, including any retirement assets
275 from which the obligee can access income without incurring early
276 withdrawal penalties; or

277 2. The party seeking alimony is the full-time in-home
278 caregiver to a fully and permanently mentally or physically
279 disabled child who is common to the parties, or the party is
280 permanently and mentally or physically disabled and unable to
281 provide for his or her own support, either partially or fully.

282 (10) Notwithstanding any other law, alimony may not be
283 awarded to a party who has a monthly net income that is equal to
284 or more than the other party's monthly net income.

285 (11) Social security retirement benefits may not be
286 imputed to the obligor as demonstrated by a social security
287 retirement benefits entitlement letter unless those benefits are
288 actually being paid.

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289 (12) If the obligee alleges that a physical disability has
290 impaired his or her capability to earn income, the obligee must
291 have qualified for benefits under the Social Security
292 Administration Disability Insurance Program or, in the event the
293 obligee is not eligible for the program, must demonstrate that
294 his or her disability meets the disability qualification
295 standards of the Social Security Administration Disability
296 Insurance Program.

297 ~~(8) Permanent alimony may be awarded to provide for the~~
298 ~~needs and necessities of life as they were established during~~
299 ~~the marriage of the parties for a party who lacks the financial~~
300 ~~ability to meet his or her needs and necessities of life~~
301 ~~following a dissolution of marriage. Permanent alimony may be~~
302 ~~awarded following a marriage of long duration if such an award~~
303 ~~is appropriate upon consideration of the factors set forth in~~
304 ~~subsection (2), following a marriage of moderate duration if~~
305 ~~such an award is appropriate based upon clear and convincing~~
306 ~~evidence after consideration of the factors set forth in~~
307 ~~subsection (2), or following a marriage of short duration if~~
308 ~~there are written findings of exceptional circumstances. In~~
309 ~~awarding permanent alimony, the court shall include a finding~~
310 ~~that no other form of alimony is fair and reasonable under the~~
311 ~~circumstances of the parties. An award of permanent alimony~~
312 ~~terminates upon the death of either party or upon the remarriage~~
313 ~~of the party receiving alimony. An award may be modified or~~

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314 ~~terminated based upon a substantial change in circumstances or~~
315 ~~upon the existence of a supportive relationship in accordance~~
316 ~~with s. 61.14.~~

317 ~~(9) The award of alimony may not leave the payor with~~
318 ~~significantly less net income than the net income of the~~
319 ~~recipient unless there are written findings of exceptional~~
320 ~~circumstances.~~

321 (13) (a) ~~(10) (a)~~ With respect to any order requiring the
322 payment of alimony entered on or after January 1, 1985, unless
323 ~~the provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~,
324 the court shall direct in the order that the payments of alimony
325 be made through the appropriate depository as provided in s.
326 61.181.

327 (b) With respect to any order requiring the payment of
328 alimony entered before January 1, 1985, upon the subsequent
329 appearance₇ on or after that date₇ of one or both parties before
330 the court having jurisdiction for the purpose of modifying or
331 enforcing the order or in any other proceeding related to the
332 order₇ or upon the application of either party, unless ~~the~~
333 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
334 court shall modify the terms of the order as necessary to direct
335 that payments of alimony be made through the appropriate
336 depository as provided in s. 61.181.

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

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339 (d)1. If there is a minor child of the parties and both
340 parties so request, the court may order that alimony payments
341 need not be directed through the depository. In this case, the
342 order of support must ~~shall~~ provide, or be deemed to provide,
343 that either party may subsequently apply to the depository to
344 require that payments be made through the depository. The court
345 shall provide a copy of the order to the depository.

346 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
347 either party may subsequently file with the depository an
348 affidavit alleging default or arrearages in payment and stating
349 that the party wishes to initiate participation in the
350 depository program. The party shall provide copies of the
351 affidavit to the court and the other party or parties. Fifteen
352 days after receipt of the affidavit, the depository shall notify
353 all parties that future payments shall be directed to the
354 depository.

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

358 (14) The court shall apply this section to all petitions
359 for dissolution of marriage which have not been adjudicated
360 before July 1, 2022, and to any petitions for dissolution of
361 marriage filed on or after July 1, 2022.

362 Section 3. Paragraph (c) of subsection (2) of section
363 61.13, Florida Statutes, is amended to read:

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364 61.13 Support of children; parenting and time-sharing;
365 powers of court.—

366 (2)

367 (c) The court shall determine all matters relating to
368 parenting and time-sharing of each minor child of the parties in
369 accordance with the best interests of the child and in
370 accordance with the Uniform Child Custody Jurisdiction and
371 Enforcement Act, except that modification of a parenting plan
372 and time-sharing schedule requires a showing of a substantial,
373 material, and unanticipated change of circumstances.

374 1. It is the public policy of this state that each minor
375 child has frequent and continuing contact with both parents
376 after the parents separate or the marriage of the parties is
377 dissolved and to encourage parents to share the rights and
378 responsibilities, and joys, of childrearing. Unless otherwise
379 provided in this section or agreed to by the parties, there is a
380 presumption that equal time-sharing of a minor child is in the
381 best interests of the minor child who is common to the parties
382 ~~Except as otherwise provided in this paragraph, there is no~~
383 ~~presumption for or against the father or mother of the child or~~
384 ~~for or against any specific time-sharing schedule when creating~~
385 ~~or modifying the parenting plan of the child.~~

386 2. The court shall order that the parental responsibility
387 for a minor child be shared by both parents unless the court
388 finds that shared parental responsibility would be detrimental

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389 to the child. The following evidence creates a rebuttable
390 presumption of detriment to the child:

391 a. A parent has been convicted of a misdemeanor of the
392 first degree or higher involving domestic violence, as defined
393 in s. 741.28 and chapter 775;

394 b. A parent meets the criteria of s. 39.806(1)(d); or

395 c. A parent has been convicted of or had adjudication
396 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
397 at the time of the offense:

398 (I) The parent was 18 years of age or older.

399 (II) The victim was under 18 years of age or the parent
400 believed the victim to be under 18 years of age.

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

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414 the existence of an injunction for protection against domestic
415 violence, the court shall consider evidence of domestic violence
416 or child abuse as evidence of detriment to the child.

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

425 4. The court shall order sole parental responsibility for
426 a minor child to one parent, with or without time-sharing with
427 the other parent if it is in the best interests of the minor
428 child.

429 5. There is a rebuttable presumption against granting
430 time-sharing with a minor child if a parent has been convicted
431 of or had adjudication withheld for an offense enumerated in s.
432 943.0435(1)(h)1.a., and at the time of the offense:

433 a. The parent was 18 years of age or older.

434 b. The victim was under 18 years of age or the parent
435 believed the victim to be under 18 years of age.

436

437 A parent may rebut the presumption upon a specific finding in
438 writing by the court that the parent poses no significant risk

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439 of harm to the child and that time-sharing is in the best
440 interests of the minor child. If the presumption is rebutted,
441 the court shall consider all time-sharing factors in subsection
442 (3) when developing a time-sharing schedule.

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

454 Section 4. Paragraph (b) of subsection (1) of section
455 61.14, Florida Statutes, is amended, and paragraph (c) is added
456 to subsection (11) and subsections (12), (13), and (14) are
457 added to that section, to read:

458 61.14 Enforcement and modification of support,
459 maintenance, or alimony agreements or orders.-

460 (1)

461 (b)1. The court may reduce or terminate an award of
462 alimony or order reimbursement to the obligor for any amount the
463 court determines is equitable upon specific written findings by

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464 the court that since the granting of a divorce and the award of
465 alimony, a supportive relationship exists or has existed between
466 the obligee and another a person at any time during the 180 days
467 before the filing of a petition for modification of alimony with
468 whom the obligee resides. On the issue of whether alimony should
469 be reduced or terminated under this paragraph, the burden is on
470 the obligor to prove by a preponderance of the evidence that a
471 supportive relationship exists or existed. If a supportive
472 relationship is proven to exist or have existed, the burden
473 shifts to the obligee to disprove, by a preponderance of the
474 evidence, that the court should terminate an existing award of
475 alimony.

476 2. In determining the extent to which ~~whether~~ an existing
477 award of alimony should be reduced or terminated because of an
478 alleged supportive relationship between an obligee and a person
479 who is not related by consanguinity or affinity ~~and with whom~~
480 ~~the obligee resides~~, the court must make written findings of
481 fact concerning the nature and the extent of the supportive
482 relationship in question and the circumstances of the supportive
483 relationship, including, but not limited to, the following
484 factors shall elicit the nature and extent of the relationship
485 ~~in question. The court shall give consideration, without~~
486 ~~limitation, to circumstances, including, but not limited to, the~~
487 ~~following, in determining the relationship of an obligee to~~
488 ~~another person:~~

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489 a. The extent to which the obligee and the other person
490 have held themselves out as a married couple by engaging in
491 conduct such as using the same last name, using a common mailing
492 address, referring to each other in terms such as "my husband"
493 or "my wife," or otherwise conducting themselves in a manner
494 that evidences a permanent supportive relationship.

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

497 c. The extent to which the obligee and the other person
498 have pooled their assets or income or otherwise exhibited
499 financial interdependence.

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

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

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

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

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

510 i. Evidence in support of a claim that the obligee and the
511 other person have an express agreement regarding property
512 sharing or support.

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513 j. Evidence in support of a claim that the obligee and the
514 other person have an implied agreement regarding property
515 sharing or support.

516 k. Whether the obligee and the other person have provided
517 support to the children of one another, regardless of any legal
518 duty to do so.

519 3. This paragraph does not abrogate the requirement that
520 every marriage in this state be solemnized under a license, does
521 not recognize a common law marriage as valid, and does not
522 recognize a de facto marriage. This paragraph recognizes only
523 that relationships do exist that provide economic support
524 equivalent to a marriage and that alimony terminable on
525 remarriage may be reduced or terminated upon the establishment
526 of equivalent equitable circumstances as described in this
527 paragraph. The existence of a conjugal relationship, though it
528 may be relevant to the nature and extent of the relationship, is
529 not necessary for the application of the provisions of this
530 paragraph.

531 (11)

532 (c) An obligor's subsequent remarriage or cohabitation
533 does not constitute a basis for either party to seek a
534 modification of an alimony award.

535 (12) (a) Up to 12 months before seeking to terminate
536 alimony as provided under this section, an obligor may file a
537 notice of retirement and intent to terminate alimony with the

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538 court and shall personally serve the obligee or his or her last
539 known attorney of record with such notice.

540 (b) The obligee shall have 20 days after the date of
541 service of the notice to request the court to enter findings
542 that as of the date of filing of the notice:

543 1. The reduction or termination of alimony would result in
544 any of the following:

545 a. The obligee's income would be less than 130 percent of
546 the federal poverty guidelines for a one-person household, as
547 published by the United States Department of Health and Human
548 Services, based on the obligee's income and investable assets,
549 including any retirement assets from which the obligee can
550 access income without incurring early withdrawal penalties.

551 b. A violation of the terms of the marital settlement
552 agreement between the parties because the marital settlement
553 agreement either does not allow for modification or termination
554 of the alimony award or the proposed reduction in alimony does
555 not comply with applicable terms for modification of alimony
556 specified in the agreement;

557 2. The obligee is the full-time in-home caregiver to a
558 fully and permanently mentally or physically disabled child who
559 is common to the parties; or

560 3. The obligee is permanently mentally or physically
561 disabled and unable to provide for his or her own support,
562 either partially or fully.

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563 (c) If the court makes any of the findings specified in
564 paragraph (b), the court must consider and make written findings
565 regarding the following factors when deciding whether to reduce
566 either the amount or duration of alimony:

567 1. The duration of the marriage.

568 2. The financial resources of the obligee, including the
569 nonmarital and marital assets and liabilities distributed to the
570 obligee, as well as the obligee's role in conserving or
571 depleting the marital assets distributed at the dissolution of
572 marriage.

573 3. The sources of income available to the obligee,
574 including income available to the obligee through investments of
575 any asset, including retirement assets from which the obligee
576 can access income without incurring early withdrawal penalties.

577 4. The effort and sacrifices of time and leisure necessary
578 for the obligor to continue to provide such alimony and
579 consideration of the presumption that the obligor has a right to
580 retire when attaining full retirement age as per the Social
581 Security Administration.

582 5. The age and health of the obligor.

583 6. The terms of the marital settlement agreement between
584 the parties which govern modification of alimony.

585 (d) If the court does not make any of the findings
586 specified in paragraph (b), the alimony award amount shall
587 decrease by 25 percent on the date the obligor reaches 65 years

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588 of age or 1 year after the date on which the notice of
589 retirement and intent to terminate alimony is filed, whichever
590 occurs later, and shall continue to decrease by 25 percent each
591 year thereafter until the date the obligor reaches 68 years of
592 age or 4 years after the date on which the notice is filed,
593 whichever occurs later, at which time alimony shall terminate.

594 (e) Notwithstanding paragraphs (a)-(d), if the obligor
595 continues to work beyond full retirement age as determined by
596 the United States Social Security Administration or beyond the
597 reasonable retirement age for his or her profession or line of
598 work as determined in paragraph (f), whichever occurs earlier,
599 and earns active gross income of more than 50 percent of the
600 obligor's average preretirement annual active gross income for
601 the 3 years preceding his or her retirement age, actual
602 retirement date, or reasonable retirement age, as applicable,
603 the court may extend alimony until the obligor retires and
604 reduces his or her active gross income below the 50 percent
605 active gross income threshold established under this paragraph.

606 (f) If an obligor seeks to retire at an age that is
607 reasonable for his or her profession or line of work, but before
608 he or she reaches 65 years of age, or if the obligor is past his
609 or her full retirement age as determined by the Social Security
610 Administration, the court may terminate an alimony award if it
611 determines that the obligor's retirement is reasonable. In

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612 determining whether the obligor's retirement is reasonable, the
613 court shall consider all of the following:

614 1. The obligor's age and health.

615 2. The obligor's motivation for retirement.

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

618 4. The impact that a termination or reduction of alimony
619 would have on the obligee. In determining the impact, the court
620 must consider any assets accumulated or received by the obligee
621 since the final judgment of dissolution of marriage, including
622 any income generated by such assets and retirement assets from
623 which the obligee can access income without incurring early
624 withdrawal penalties, and the obligee's role in the depletion or
625 conservation of any assets.

626 (g) Up to 12 months before the obligor's anticipated
627 retirement under paragraph (f), the obligor may file a petition
628 to modify or terminate the alimony award, effective upon his or
629 her actual retirement date. The court shall modify or terminate
630 the alimony award after the obligor's retirement unless the
631 court makes written findings of fact under paragraph (f) that
632 the obligor's retirement is not reasonable.

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

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637 (14) Agreements on alimony payments, voluntary or pursuant
638 to a court order, which allow for modification or termination of
639 alimony by virtue of either party reaching a certain age,
640 income, or other threshold, or agreements that establish a
641 limited period of time after which alimony is modifiable, are
642 considered agreements that are expressly modifiable or eligible
643 for termination for purposes of this section once the specified
644 condition is met.

645 Section 5. Section 61.19, Florida Statutes, is amended to
646 read:

647 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
648 period; separate adjudication of issues.-

649 (1) A ~~No~~ final judgment of dissolution of marriage may not
650 be entered until at least 20 days have elapsed from the date of
651 filing the original petition for dissolution of marriage, ~~1~~ but
652 the court, on a showing that injustice would result from this
653 delay, may enter a final judgment of dissolution of marriage at
654 an earlier date.

655 (2) If more than 2 years have elapsed after the date of
656 service of the original petition for dissolution of marriage,
657 absent a showing by either party that irreparable harm will
658 result from granting a final judgment of dissolution of
659 marriage, the court shall, upon request of either party, grant a
660 final judgment of dissolution of marriage with a reservation of
661 jurisdiction to subsequently determine all other substantive

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662 issues. Before granting the judgment, the court shall enter
663 temporary orders necessary to protect the parties and their
664 children, if any, which orders remain effective until all other
665 issues are adjudicated by the court. This subsection applies to
666 all petitions for dissolution of marriage filed on or after July
667 1, 2022.

668 Section 6. The court shall apply this act to any action
669 pending on or after July 1, 2022.

670 Section 7. This act shall take effect July 1, 2022.

671 -----

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

673 Remove everything before the enacting clause and insert:

674 An act relating to dissolution of marriage; amending s.
675 61.046, F.S.; defining the term "active gross income"; revising
676 the definition of the term "income"; amending s. 61.08, F.S.;
677 defining terms; requiring the court to make certain written
678 findings in its awards of alimony; limiting the court's ability
679 to award a combination of forms of alimony to only certain
680 circumstances; removing the court's ability to consider adultery
681 of either spouse in determining the amount of an alimony award;
682 requiring the court to make certain findings in writing;
683 revising factors that the court must consider in determining the
684 proper type and amount of alimony; removing the court's ability
685 to order an obligor to purchase or maintain a life insurance
686 policy or other instrument to secure an alimony award;

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687 authorizing a party to whom the court has awarded alimony to
688 purchase or maintain a life insurance policy on the obligor's
689 life to protect an award of alimony; requiring the obligor to
690 cooperate in the process of procuring the life insurance policy;
691 modifying certain rebuttable presumptions related to the
692 duration of a marriage for purposes of determining alimony;
693 prohibiting the length of an award of rehabilitative alimony
694 from exceeding a specified timeframe; revising a provision
695 authorizing the modification of rehabilitative alimony upon
696 completion of the rehabilitative plan to include a certain
697 condition; revising provisions related to durational alimony;
698 prohibiting the length of an award of durational alimony from
699 exceeding specified timeframes; authorizing the court to extend
700 durational alimony under certain circumstances; specifying what
701 constitutes the length of a marriage for the purpose of
702 determining durational alimony; requiring the court to make
703 certain written findings when awarding durational alimony;
704 providing a formula for the calculation of durational alimony;
705 requiring the court to reduce the length of an award of
706 durational alimony based on certain payments made by the
707 obligor; requiring the court to consider specified factors when
708 determining an alimony award involving the existence of a
709 supportive relationship between the obligee and another person;
710 providing for the burden of proof in such determinations;
711 requiring the court to make certain written findings in such

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712 determinations ; providing for the termination of a durational
713 alimony award upon retirement of the obligor under certain
714 circumstances; providing an exception; providing that a party
715 who has reached retirement age before adjudication of a petition
716 for dissolution of marriage may not be ordered to pay alimony;
717 providing exceptions; establishing that alimony may not be
718 awarded to a party who has a certain monthly net income;
719 prohibiting social security retirement benefits from being
720 imputed to the obligor, with an exception; requiring an obligee
721 to meet certain requirements if he or she alleges that a
722 physical disability has impaired his or her ability to earn
723 income; removing the court's ability to grant permanent alimony;
724 providing applicability; amending s. 61.13, F.S.; creating a
725 presumption that equal time-sharing is in the best interests of
726 a minor child; providing an exception; amending s. 61.14, F.S.;
727 authorizing the court to order an obligee to reimburse alimony
728 payments to the obligor under certain circumstances; specifying
729 a timeframe for the court to consider a supportive relationship
730 between the obligee and another person for purposes of reducing
731 or terminating an award of alimony or ordering reimbursement of
732 alimony payments; providing for the burden of proof in such
733 determinations; revising factors the court may consider when
734 determining whether a supportive relationship exists or existed
735 between the obligee and another person; requiring the court to
736 make its findings related to such factors in writing; providing

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737 that an obligor's subsequent remarriage or cohabitation is not a
738 basis for modification of alimony; authorizing an obligor to
739 file a notice of retirement and intent to terminate alimony
740 within a specified timeframe before such retirement; providing
741 notice and response requirements; requiring the court to make
742 written findings regarding specified factors when deciding
743 whether to reduce the amount or duration of alimony; providing
744 for the reduction and termination of alimony within specified
745 timeframes under certain circumstances; authorizing the court to
746 extend durational alimony beyond an obligor's full retirement
747 age or reasonable retirement age for his or her profession or
748 line of work under certain circumstances, notwithstanding its
749 other findings; authorizing the court to terminate an alimony
750 obligation if the obligor retires at a reasonable age for his or
751 her profession or line of work or is past his or her full
752 retirement age; requiring the court to consider certain factors
753 in determining whether the obligor's retirement is reasonable;
754 authorizing an obligor to prospectively file a petition for
755 modification or termination of alimony, effective upon his or
756 her retirement; requiring a court to modify or terminate an
757 alimony award upon retirement of the obligor, with an exception;
758 providing that certain benefits of the obligee constitute a
759 change in circumstances for which an obligor may seek
760 modification of an alimony award; providing that certain
761 agreements on alimony payments are considered expressly

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762 modifiable or eligible for termination under certain
763 circumstances; amending s. 61.19, F.S.; requiring the court to
764 grant, upon request of either party, a final judgment of
765 dissolution of marriage and reserve jurisdiction to adjudicate
766 other substantive issues, under certain circumstances; requiring
767 the court to enter temporary orders necessary to protect the
768 parties and their children, if any; providing that such
769 temporary orders are effective until all other issues are
770 adjudicated by the court; providing applicability; providing an
771 effective date.