

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Learned offered the following:

Amendment (with directory and title amendments)

Remove lines 647-761 and insert:

6 (c)1. The court may reduce or terminate an award of
7 alimony upon specific written findings of fact by the court
8 that, after the entry of a judgment of dissolution of marriage,
9 the obligor has reached full retirement age as defined by the
10 United States Social Security Administration or the customary
11 retirement age for his or her profession or line of work and the
12 obligor has taken demonstrative, measurable, and definitive
13 efforts or actions to retire or has actually retired. Up to 12
14 months before his or her retirement date, an obligor may file a
15 petition for modification or termination of his or her alimony
16 obligation, which is effective upon the date of the obligor's

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17 reasonable and voluntary retirement or involuntary retirement as
18 required by his or her profession or line of work. The court
19 shall make a determination as to the reasonableness of the
20 obligor's retirement as provided in this paragraph.

21 2. The obligor must prove, by a preponderance of the
22 evidence, that his or her retirement reduces or will reduce his
23 or her ability to pay alimony. If the court determines that the
24 obligor's retirement reduces or will reduce the obligor's
25 ability to pay alimony, the burden shifts to the obligee to
26 prove, by a preponderance of the evidence, that the obligor's
27 alimony obligation should not be reduced or terminated. There is
28 a rebuttable presumption that the obligor's alimony obligation
29 must be reduced or terminated if the obligor proves by a
30 preponderance of the evidence that his or her ability to pay
31 alimony is reduced or will be reduced because of his or her
32 retirement.

33 3. In determining if the obligor has met the burden of
34 proving that his or her ability to pay alimony is reduced or
35 will be reduced because of his or her retirement, the court must
36 make specific findings of fact regarding the obligor's income as
37 provided in s. 61.08. If the court determines that the obligor's
38 ability to pay alimony is reduced or will be reduced, the court
39 must determine the extent to which the alimony award may be
40 reduced or terminated by making specific findings of fact.

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41 (12) Any amount of social security or disability benefits
42 or retirement payments received by an obligee subsequent to an
43 initial award of alimony constitutes a change in circumstances
44 for which an obligor may seek modification or termination of an
45 alimony award.

46 (13) Agreements on alimony payments, voluntary or pursuant
47 to a court order, which allow for modification or termination of
48 alimony by virtue of either party reaching a certain age,
49 income, or other threshold, or agreements that establish a
50 limited period of time after which alimony is modifiable or
51 eligible for termination, are considered agreements that are
52 expressly modifiable or eligible for termination for purposes of
53 this section once the specified condition is met.

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56 **D I R E C T O R Y A M E N D M E N T**

57 Remove lines 570-572 and insert:

58 Section 4. Paragraphs (c) and (d) of subsection (1) of
59 section 61.14, Florida Statutes, are redesignated as paragraphs
60 (d) and (e), respectively, paragraph (b) of subsection (1) is
61 amended, a new paragraph (c) is added to subsection (1), and
62 subsections (12) and (13) are

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

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66 Remove lines 76-102 and insert:
67 findings related to such factors; authorizing the
68 court to reduce or terminate an award of alimony based
69 on the obligor's retirement under certain
70 circumstances; authorizing the obligor to file a
71 petition for modification within a specified time
72 before his or her retirement date; providing a burden
73 of proof for the obligor and obligee; creating a
74 rebuttable presumption; requiring the court to make
75 specific findings of fact regarding the obligor's
76 income and the extent to which an alimony award may be
77 reduced or terminated;