

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.046, F.S.; providing and revising definitions;
4 amending s. 61.08, F.S.; providing definitions;
5 providing for the priority of different forms of
6 alimony; revising provisions relating to permanent
7 alimony; requiring a court to make written findings
8 regarding the basis for awarding a combination of
9 forms of alimony; prohibiting a court from denying a
10 request for alimony or awarding alimony solely on the
11 basis of adultery; providing an exception; revising
12 specified factors to be considered when determining
13 the proper type and amount of alimony; revising
14 provisions relating to the protection of awards of
15 alimony; revising the rebuttable presumptions related
16 to the duration of a marriage for purposes of
17 determining alimony; prohibiting the length of an
18 award of rehabilitative alimony from exceeding a
19 certain length of time; specifying criteria for
20 modifying or terminating rehabilitative alimony;
21 revising provisions relating to the award of
22 durational alimony; revising requirements for the
23 termination of durational alimony upon the obligor
24 reaching full retirement age; providing requirements
25 relating to reducing or terminating an award of

26 | alimony or ordering reimbursement of certain alimony
27 | payments based on the existence of a supportive
28 | relationship; creating factors a court may consider
29 | when determining whether a supportive relationship
30 | exists or existed; specifying the type of marriages
31 | recognized under state law; prohibiting certain
32 | parties from being ordered to pay alimony; providing
33 | exceptions; prohibiting an award of alimony to a party
34 | who has a certain monthly net income; prohibiting
35 | social security retirement benefits from being imputed
36 | to the obligor unless such benefits are actually paid;
37 | requiring an obligee to meet certain requirements when
38 | he or she alleges a physical disability; deleting a
39 | provision prohibiting an award of alimony under
40 | certain circumstances; requiring the court to apply
41 | certain payments made to an obligee when determining
42 | the amount and length of an award of certain alimony;
43 | providing applicability; amending s. 61.13, F.S.;
44 | creating a presumption that equal time-sharing is in
45 | the best interests of a minor child; providing an
46 | exception; amending s. 61.14, F.S.; revising
47 | provisions relating to reducing or terminating an
48 | award of alimony or ordering reimbursement of certain
49 | alimony payments based on the existence of a
50 | supportive relationship; revising factors a court may

51 consider when determining whether a supportive
52 relationship exists or existed; prohibiting an
53 obligor's subsequent remarriage or cohabitation from
54 constituting a basis for either party to seek
55 modification of an alimony award; prohibiting
56 modification of an alimony award under certain
57 circumstances; authorizing an obligor to file a
58 certain notice within a specified time; providing that
59 an obligee may request, within a certain time, the
60 court to make certain written findings; providing that
61 an award of alimony decreases by a specified amount
62 each year when an obligor reaches a certain age;
63 requiring the court to make certain written findings
64 if it chooses to reduce the amount and duration of the
65 alimony award; providing factors to be considered in
66 determining whether an obligor's retirement age is
67 reasonable; authorizing an obligor to prospectively
68 file a petition for modification or termination of an
69 alimony award effective upon his or her retirement;
70 authorizing the court to extend an award of alimony
71 under certain circumstances if an obligor continues to
72 work past his or her full retirement age; providing
73 that certain benefits received by an obligee
74 constitute a change in circumstances for which an
75 obligor may seek modification of an alimony award;

76 providing that certain agreements for alimony payments
 77 are considered expressly modifiable or eligible for
 78 termination under certain circumstances; amending s.
 79 61.19, F.S.; requiring the court to grant a final
 80 judgment of dissolution of marriage and reserve
 81 jurisdiction to subsequently determine all other
 82 substantive issues under certain circumstances;
 83 requiring the court to enter temporary orders to
 84 protect the parties and their children; providing
 85 applicability; providing an effective date.
 86

87 Be It Enacted by the Legislature of the State of Florida:
 88

89 Section 1. Section 61.046, Florida Statutes, is amended to
 90 read:

91 61.046 Definitions.—As used in this chapter, the term:

92 (1) "Active gross income" means salary or wages, bonuses,
 93 commissions, allowances, overtime, tips, and other similar
 94 payments, and business income from sources such as self-
 95 employment, partnerships, corporations, and independent
 96 contracts.

97 (2)~~(1)~~ "Business day" means any day other than a Saturday,
 98 Sunday, or legal holiday.

99 (3) "Business income" means gross receipts minus ordinary
 100 and necessary expenses required to produce income.

101 ~~(4)-(2)~~ "Clerk of Court Child Support Collection System" or
102 "CLERC System" means the automated system established pursuant
103 to s. 61.181(2)(b)1., integrating all clerks of court and
104 depositories and through which payment data and State Case
105 Registry data is transmitted to the department's automated child
106 support enforcement system.

107 ~~(5)-(3)~~ "Department" means the Department of Revenue.

108 ~~(6)-(4)~~ "Depository" means the central governmental
109 depository established pursuant to s. 61.181, created by special
110 act of the Legislature or other entity established before June
111 1, 1985, to perform depository functions and to receive, record,
112 report, disburse, monitor, and otherwise handle alimony and
113 child support payments not otherwise required to be processed by
114 the State Disbursement Unit.

115 ~~(7)-(5)~~ "Electronic communication" means contact, other
116 than face-to-face contact, facilitated by tools such as
117 telephones, electronic mail or e-mail, webcams,
118 videoconferencing equipment and software or other wired or
119 wireless technologies, or other means of communication to
120 supplement face-to-face contact between a parent and that
121 parent's minor child.

122 ~~(8)-(6)~~ "Federal Case Registry of Child Support Orders"
123 means the automated registry of support order abstracts and
124 other information established and maintained by the United
125 States Department of Health and Human Services as provided by 42

126 U.S.C. s. 653(h).

127 ~~(9)-(7)~~ "Health insurance" means coverage under a fee-for-
 128 service arrangement, health maintenance organization, or
 129 preferred provider organization, and other types of coverage
 130 available to either parent, under which medical services could
 131 be provided to a dependent child.

132 ~~(10)-(8)~~ "Income" means any form of payment to an
 133 individual, regardless of source, including, but not limited to:
 134 wages, salary, commissions and bonuses, compensation as an
 135 independent contractor, worker's compensation, disability
 136 benefits, annuity and retirement benefits, pensions, dividends,
 137 interest, royalties, trusts, and any other payments, made by any
 138 person, private entity, federal or state government, or any unit
 139 of local government. United States Department of Veterans
 140 Affairs disability benefits and combat-related disability
 141 benefits, as long as such benefits are not elected by the
 142 recipient to reduce the amount of retirement pay to which the
 143 recipient is entitled, and reemployment assistance or
 144 unemployment compensation, as defined in chapter 443, are
 145 excluded from this definition of income except for purposes of
 146 establishing an amount of child support.

147 ~~(11)-(10)~~ "Local officer" means an elected or appointed
 148 constitutional or charter government official including, but not
 149 limited to, the state attorney and clerk of the circuit court.

150 ~~(12)-(11)~~ "National medical support notice" means the

151 notice required under 42 U.S.C. s. 666(a)(19).

152 (13)~~(12)~~ "Obligee" means the person to whom payments are
153 made pursuant to an order establishing, enforcing, or modifying
154 an obligation for alimony, for child support, or for alimony and
155 child support.

156 (14)~~(13)~~ "Obligor" means a person responsible for making
157 payments pursuant to an order establishing, enforcing, or
158 modifying an obligation for alimony, for child support, or for
159 alimony and child support.

160 (15)~~(14)~~ "Parenting plan" means a document created to
161 govern the relationship between the parents relating to
162 decisions that must be made regarding the minor child and must
163 contain a time-sharing schedule for the parents and child. The
164 issues concerning the minor child may include, but are not
165 limited to, the child's education, health care, and physical,
166 social, and emotional well-being. In creating the plan, all
167 circumstances between the parents, including their historic
168 relationship, domestic violence, and other factors must be taken
169 into consideration.

170 (a) The parenting plan must be:

171 1. Developed and agreed to by the parents and approved by
172 a court; or

173 2. Established by the court, with or without the use of a
174 court-ordered parenting plan recommendation, if the parents
175 cannot agree to a plan or the parents agreed to a plan that is

176 | not approved by the court.

177 | (b) Any parenting plan formulated under this chapter must
 178 | address all jurisdictional issues, including the Uniform Child
 179 | Custody Jurisdiction and Enforcement Act, part II of this
 180 | chapter, the International Child Abduction Remedies Act, 42
 181 | U.S.C. ss. 11601 et seq., the Parental Kidnapping Prevention
 182 | Act, and the Convention on the Civil Aspects of International
 183 | Child Abduction enacted at the Hague on October 25, 1980.

184 | (c) For purposes of the Uniform Child Custody Jurisdiction
 185 | and Enforcement Act, part II of this chapter, a judgment or
 186 | order incorporating a parenting plan under this part is a child
 187 | custody determination under part II of this chapter.

188 | (d) For purposes of the International Child Abduction
 189 | Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on
 190 | the Civil Aspects of International Child Abduction, enacted at
 191 | the Hague on October 25, 1980, rights of custody and rights of
 192 | access are determined pursuant to the parenting plan under this
 193 | part.

194 | (16)~~(15)~~ "Parenting plan recommendation" means a
 195 | nonbinding recommendation concerning one or more elements of a
 196 | parenting plan made by a court-appointed mental health
 197 | practitioner or other professional designated pursuant to s.
 198 | 61.20, s. 61.401, or Florida Family Law Rules of Procedure
 199 | 12.363.

200 | (17)~~(16)~~ "Payor" means an employer or former employer or

201 any other person or agency providing or administering income to
 202 the obligor.

203 (18)~~(17)~~ "Shared parental responsibility" means a court-
 204 ordered relationship in which both parents retain full parental
 205 rights and responsibilities with respect to their child and in
 206 which both parents confer with each other so that major
 207 decisions affecting the welfare of the child will be determined
 208 jointly.

209 (19)~~(18)~~ "Sole parental responsibility" means a court-
 210 ordered relationship in which one parent makes decisions
 211 regarding the minor child.

212 (20)~~(19)~~ "State Case Registry" means the automated
 213 registry maintained by the Title IV-D agency, containing records
 214 of each Title IV-D case and of each support order established or
 215 modified in the state on or after October 1, 1998. Such records
 216 shall consist of data elements as required by the United States
 217 Secretary of Health and Human Services.

218 (21)~~(20)~~ "State Disbursement Unit" means the unit
 219 established and operated by the Title IV-D agency to provide one
 220 central address for collection and disbursement of child support
 221 payments made in cases enforced by the department pursuant to
 222 Title IV-D of the Social Security Act and in cases not being
 223 enforced by the department in which the support order was
 224 initially issued in this state on or after January 1, 1994, and
 225 in which the obligor's child support obligation is being paid

226 | through income deduction order.

227 | (22) "Support," unless otherwise specified, means:

228 | (a) Child support and, when the child support obligation
 229 | is being enforced by the department ~~of Revenue~~, spousal support
 230 | or alimony for the spouse or former spouse of the obligor with
 231 | whom the child is living.

232 | (b) Child support only in cases not being enforced by the
 233 | department ~~of Revenue~~.

234 | (23)~~(21)~~ "Support order" means a judgment, decree, or
 235 | order, whether temporary or final, issued by a court of
 236 | competent jurisdiction or administrative agency for the support
 237 | and maintenance of a child which provides for monetary support,
 238 | health care, arrearages, or past support. When the child support
 239 | obligation is being enforced by the Department of Revenue, the
 240 | term "support order" also means a judgment, decree, or order,
 241 | whether temporary or final, issued by a court of competent
 242 | jurisdiction for the support and maintenance of a child and the
 243 | spouse or former spouse of the obligor with whom the child is
 244 | living which provides for monetary support, health care,
 245 | arrearages, or past support.

246 | (24)~~(23)~~ "Time-sharing schedule" means a timetable that
 247 | must be included in the parenting plan that specifies the time,
 248 | including overnights and holidays, that a minor child will spend
 249 | with each parent. The time-sharing schedule shall be:

250 | (a) Developed and agreed to by the parents of a minor

251 child and approved by the court; or

252 (b) Established by the court if the parents cannot agree
 253 or if their agreed-upon schedule is not approved by the court.

254 ~~(25)-(9)~~ "Title IV-D" or "IV-D" means services provided
 255 pursuant to Title IV-D of the Social Security Act, 42 U.S.C. ss.
 256 651 et seq.

257 Section 2. Section 61.08, Florida Statutes, is amended to
 258 read:

259 61.08 Alimony.—

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

261 (a) "Alimony" means a court-ordered or voluntary payment
 262 of support made by one spouse to the other spouse. The term
 263 includes any voluntary payment made after the date of filing of
 264 an order for maintenance, spousal support, temporary support, or
 265 separate support when the payment is not intended for the
 266 benefit of a child in common.

267 (b) "Gross income" means income as determined in
 268 accordance with s. 61.30(2).

269 (c) "Net income" means income that is determined by
 270 subtracting allowable deductions from gross income. For purposes
 271 of this section, the term "allowable deductions" includes any of
 272 the following:

273 1. Federal, state, or local income tax deductions,
 274 adjusted for actual filing status and allowable dependents and
 275 income tax liabilities.

- 276 2. Federal insurance contributions or self-employment tax.
- 277 3. Mandatory union dues.
- 278 4. Mandatory retirement payments.
- 279 5. Health insurance payments, excluding payments for
280 coverage of a minor child.
- 281 6. Court-ordered support for other children which is
282 actually paid.
- 283 7. Spousal support paid pursuant to a court order from a
284 previous marriage.

285 (2) (a) (1) In a proceeding for dissolution of marriage, the
286 court may grant alimony to either party in the form of, ~~which~~
287 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
288 alimony, or a permanent in nature or any combination of these
289 forms of alimony, but shall prioritize an award of bridge-the-
290 gap alimony, followed by rehabilitative alimony, over any other
291 form of alimony. The court may grant permanent alimony only if
292 the parties enter into an agreement for permanent alimony. In an
293 ~~any~~ award of alimony, the court may order periodic payments, ~~or~~
294 payments in lump sum, or both.

295 (b) The court shall make written findings regarding the
296 basis for awarding a combination of forms of alimony, including
297 the type of alimony and the length of time for which the alimony
298 is awarded. The court may award a combination of forms of
299 alimony only to provide greater economic assistance in order to
300 allow the recipient to achieve rehabilitation.

301 (c) The court may consider the adultery of either spouse
 302 and the circumstances thereof in determining the amount of
 303 alimony, if any, to be awarded. However, the adultery of a
 304 spouse may not be the court's sole basis for denying a request
 305 for alimony or awarding alimony, unless the adultery contributed
 306 to a depletion of marital assets. In all dissolution actions,
 307 the court shall include written findings of fact relative to the
 308 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
 309 ~~an~~ award or denial of alimony.

310 (3)~~(2)~~ In determining whether to award alimony ~~or~~
 311 ~~maintenance~~, the court shall first make a specific, written
 312 factual determination as to whether the other ~~either~~ party has
 313 an actual need for alimony ~~or maintenance~~ and whether the other
 314 ~~either~~ party has the ability to pay alimony ~~or maintenance~~. If
 315 the court finds that the a party seeking alimony has a need for
 316 alimony ~~or maintenance~~ and that the other party has the ability
 317 to pay alimony ~~or maintenance~~, then in determining the proper
 318 type and amount of alimony ~~or maintenance~~ under subsections (6),
 319 (7), and (8) ~~(5)-(8)~~, the court shall consider all relevant
 320 factors, including, but not limited to:

321 (a) The standard of living established during the
 322 marriage, including the needs and necessities of life for each
 323 party after the dissolution of marriage, taking into
 324 consideration the presumption that both parties will have a
 325 lower standard of living after the dissolution of marriage than

326 the standard of living they enjoyed during the marriage. This
 327 presumption may be overcome by a preponderance of the evidence.

328 (b) The duration of the marriage.

329 (c) The age and the physical and emotional condition of
 330 each party.

331 (d) The financial resources of each party, including the
 332 nonmarital and the marital assets and liabilities distributed to
 333 each.

334 (e) The earning capacities, educational levels, vocational
 335 skills, and employability of the parties and, when applicable,
 336 the time necessary for either party to acquire sufficient
 337 education or training to enable such party to find appropriate
 338 employment.

339 (f) The contribution of each party to the marriage,
 340 including, but not limited to, services rendered in homemaking,
 341 child care, education, and career building of either ~~the other~~
 342 party.

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

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

348 (i) All sources of income available to either party,
 349 including income available to either party through investments
 350 of any asset held by that party.

351 (j) Any other factor necessary ~~for to do~~ equity and
 352 justice between the parties if such factor is specifically
 353 identified in the award with findings of fact justifying the
 354 application of such factor.

355 ~~(4)(3)~~ To the extent necessary to protect an award of
 356 alimony, the obligee court may ~~order any party who is ordered to~~
 357 ~~pay alimony to~~ purchase or maintain a life insurance policy on
 358 the obligor's life in an amount adequate ~~or a bond, or to~~
 359 ~~otherwise secure such alimony award with any other assets which~~
 360 ~~may be suitable for that purpose.~~ If the obligee purchases a
 361 life insurance policy, the obligor shall cooperate in the
 362 process of procuring the issuance and underwriting of the life
 363 insurance policy.

364 ~~(5)(4)~~ For purposes of determining alimony, there is a
 365 rebuttable presumption that a short-term marriage is a marriage
 366 having a duration of less than 10 ~~7~~ years, a moderate-term
 367 marriage is a marriage having a duration of at least ~~greater~~
 368 ~~than~~ 10 ~~7~~ years but less than 20 ~~17~~ years, and long-term
 369 marriage is a marriage having a duration of 20 ~~17~~ years or
 370 greater. The length of a marriage is the period of time from the
 371 date of marriage until the date of filing of an action for
 372 dissolution of marriage.

373 ~~(6)(5)~~ Bridge-the-gap alimony may be awarded to assist a
 374 party by providing support to allow the party to make a
 375 transition from being married to being single. Bridge-the-gap

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376 alimony is designed to assist a party with legitimate
377 identifiable short-term needs, and the length of an award of
378 bridge-the-gap alimony may not exceed 2 years. An award of
379 bridge-the-gap alimony terminates upon the death of either party
380 or upon the remarriage of the party receiving alimony. An award
381 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
382 or duration.

383 (7) (a) - (6) (a) Rehabilitative alimony may be awarded to
384 assist a party in establishing the capacity for self-support
385 through either:

- 386 1. The redevelopment of previous skills or credentials; or
- 387 2. The acquisition of education, training, or work
388 experience necessary to develop appropriate employment skills or
389 credentials.

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

393 (c) The length of an award of rehabilitative alimony may
394 not exceed 5 years or the limitations for durational alimony as
395 provided in subsection (8), whichever period of time is shorter.

396 (d) - (e) An award of rehabilitative alimony may be modified
397 or terminated in accordance with s. 61.14 based upon a
398 substantial change in circumstances, upon noncompliance with the
399 rehabilitative plan, or upon completion of the rehabilitative
400 plan if the plan is completed before the length of the award of

401 rehabilitative alimony expires.

402 ~~(8)(a)(7)~~ Durational alimony may be awarded ~~when permanent~~
403 ~~periodic alimony is inappropriate. The purpose of durational~~
404 ~~alimony is~~ to provide a party with economic assistance for a set
405 period of time ~~following a marriage of short or moderate~~
406 ~~duration or following a marriage of long duration if there is no~~
407 ~~ongoing need for support on a permanent basis.~~ An award of
408 durational alimony terminates upon the death of either party or
409 upon the remarriage of the party receiving alimony. The amount
410 of an award of durational alimony may be modified or terminated
411 in accordance with s. 61.14 based upon a substantial change in
412 ~~circumstances in accordance with s. 61.14.~~ Durational alimony
413 may not be awarded in a case if the length of the marriage is 3
414 years or less. ~~However,~~ The length of an award of durational
415 alimony may not be ~~modified except under exceptional~~
416 ~~circumstances and may not exceed 50 percent of the length of a~~
417 ~~the marriage lasting longer than 3 years but less than 10 years,~~
418 ~~60 percent of the length of a marriage lasting at least 10 years~~
419 ~~but less than 20 years, or 75 percent of the length of a~~
420 ~~marriage lasting 20 years or longer.~~ For purposes of this
421 section, the term "length of a marriage" means the period of
422 time beginning on the date of the marriage and ending on the
423 date an action for dissolution of marriage is filed. However, if
424 the party seeking alimony meets the primary qualifications for
425 the Florida Medicaid medically needy program under part III of

426 chapter 409 and the related rules in effect on March 1, 2022, or
427 is the full-time, in-home caregiver to a totally and permanently
428 disabled child due to a physical or mental impairment who is
429 common to the parties, the court may extend durational alimony
430 beyond the durational limits in this paragraph until the death
431 of the child or until the court determines that there is no
432 longer a need for durational alimony.

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

436 (c) The amount of durational alimony is the amount
437 determined to be the obligee's reasonable need or 30 percent of
438 the difference between the parties' net incomes, whichever
439 amount is less.

440 (d) If an obligor attains full retirement age as
441 determined by the United States Social Security Administration
442 or the customary retirement age for his or her profession or
443 line of work before the end of the durational period established
444 under paragraph (a), the award of durational alimony ends on the
445 obligor's retirement date. However, if the obligor does not
446 retire and continues to work and earn active gross income of
447 more than 50 percent of the obligor's average active gross
448 income for the 3 year period before he or she attained
449 retirement age, the court may extend an award of alimony until
450 the durational limitations established under paragraph (a) have

451 been satisfied, the obligor retires, or the obligor reduces his
 452 or her active gross income below the 50 percent threshold.

453 (9) In determining the extent that an award of alimony
 454 should be granted because of an alleged supportive relationship
 455 between the party seeking alimony and a person who is not
 456 related by consanguinity or affinity at any point in time during
 457 the 180 days before the filing of the petition for dissolution
 458 of marriage, the court shall consider all relevant factors
 459 concerning the nature and extent of the relationship in
 460 question. The burden is on the party against whom alimony is
 461 sought to prove, by a preponderance of the evidence, that a
 462 supportive relationship exists or existed and that the court
 463 should deny or reduce an initial award of alimony. If the party
 464 against whom alimony is sought proves that a supportive
 465 relationship exists or existed, the burden shifts to the party
 466 seeking alimony to disprove, by a preponderance of the evidence,
 467 such fact. The court shall make written findings of fact
 468 concerning the circumstances, including, but not limited to, the
 469 following, as well as the factors in subsection (3), in
 470 determining the relationship of a party seeking alimony to
 471 another person:

472 (a) The extent to which the party seeking alimony and the
 473 other person have held themselves out as a couple by engaging in
 474 conduct such as using the same last name, using a common mailing
 475 address, referring to each other in terms such as "my husband,"

476 "my wife," "my partner," or "my fiancé," or otherwise conducting
477 themselves in a manner that evidences a permanent or
478 longstanding committed and supportive relationship.

479 (b) If the party seeking alimony has resided with the
480 other person and, if so, the period of time that the party
481 seeking alimony has resided with the other person.

482 (c) The extent to which the party seeking alimony and the
483 other person have pooled their assets or income, acquired or
484 maintained a joint bank or financial account, or otherwise
485 exhibited financial interdependence.

486 (d) The extent to which the party seeking alimony or the
487 other person has financially or economically supported the
488 other, in whole or in part.

489 (e) The extent to which the party seeking alimony or the
490 other person has performed financial or economic services for
491 the other.

492 (f) The extent to which the party seeking alimony or the
493 other person has performed services for the other's business
494 entity or employer.

495 (g) Whether the party seeking alimony and the other person
496 have worked together to acquire assets or create or enhance
497 anything of value.

498 (h) Whether the party seeking alimony and the other person
499 have jointly contributed to the purchase of any real or personal
500 property.

501 (i) Evidence that the party seeking alimony and the other
502 person have an express or implied agreement regarding property
503 sharing or financial support.

504 (j) Whether the party seeking alimony and the other person
505 have provided support to the children of one another, regardless
506 of any legal duty to do so.

507 (k) Whether the party seeking alimony and the other person
508 are engaged to be married.

509

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

521 (10) A party against whom alimony is sought who has met
522 the requirements for retirement in accordance with s. 61.14(12)
523 before the filing of the petition for dissolution of marriage
524 may not be ordered to pay bridge-the-gap, rehabilitative, or
525 durational alimony unless the court determines that the party

526 seeking alimony has not reached the age to qualify for any
527 social security retirement benefits and:

528 (a) As a result of the dissolution of marriage, the party
529 seeking alimony, based on the income and investable assets
530 available, including retirement assets if the obligee is able to
531 access the income of such retirement assets without penalty,
532 after the dissolution of marriage is final, has an annual income
533 at or below 130 percent of the federal poverty level for
534 individuals according to the most recent report by the United
535 States Census Bureau;

536 (b) The party seeking alimony is the full-time, in-home
537 caregiver to a permanently mentally or physically disabled child
538 who is common to the parties; or

539 (c) The party seeking alimony is permanently mentally or
540 physically disabled and unable to provide for his or her own
541 support either partially or fully.

542 (11) (a) Notwithstanding any other provision of law,
543 alimony may not be awarded to a party who has a monthly net
544 income that is equal to or more than the other party's monthly
545 net income.

546 (b) Social security retirement benefits may not be imputed
547 to the obligor as demonstrated by a social security retirement
548 benefits entitlement letter unless those benefits are actually
549 being paid.

550 (c) If the obligee alleges that a physical disability has

551 impaired his or her capability to earn the income imputed by the
552 court, the obligee must qualify for benefits under the Social
553 Security Disability Insurance program or, in the event the
554 obligee is not eligible for the program, must demonstrate that
555 his or her disability meets the disability qualification
556 standards of the Social Security Disability Insurance program.

557 ~~(8) Permanent alimony may be awarded to provide for the~~
558 ~~needs and necessities of life as they were established during~~
559 ~~the marriage of the parties for a party who lacks the financial~~
560 ~~ability to meet his or her needs and necessities of life~~
561 ~~following a dissolution of marriage. Permanent alimony may be~~
562 ~~awarded following a marriage of long duration if such an award~~
563 ~~is appropriate upon consideration of the factors set forth in~~
564 ~~subsection (2), following a marriage of moderate duration if~~
565 ~~such an award is appropriate based upon clear and convincing~~
566 ~~evidence after consideration of the factors set forth in~~
567 ~~subsection (2), or following a marriage of short duration if~~
568 ~~there are written findings of exceptional circumstances. In~~
569 ~~awarding permanent alimony, the court shall include a finding~~
570 ~~that no other form of alimony is fair and reasonable under the~~
571 ~~circumstances of the parties. An award of permanent alimony~~
572 ~~terminates upon the death of either party or upon the remarriage~~
573 ~~of the party receiving alimony. An award may be modified or~~
574 ~~terminated based upon a substantial change in circumstances or~~
575 ~~upon the existence of a supportive relationship in accordance~~

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576 with s. 61.14.

577 ~~(9) The award of alimony may not leave the payor with~~
578 ~~significantly less net income than the net income of the~~
579 ~~recipient unless there are written findings of exceptional~~
580 ~~circumstances.~~

581 (12) (a) ~~(10) (a)~~ With respect to any order requiring the
582 payment of alimony entered on or after January 1, 1985, unless
583 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
584 the court shall direct in the order that the payments of alimony
585 be made through the appropriate depository as provided in s.
586 61.181.

587 (b) With respect to any order requiring the payment of
588 alimony entered before January 1, 1985, upon the subsequent
589 appearance₇ on or after that date₇ of one or both parties before
590 the court having jurisdiction for the purpose of modifying or
591 enforcing the order or in any other proceeding related to the
592 order₇ or upon the application of either party, unless ~~the~~
593 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
594 court shall modify the terms of the order as necessary to direct
595 that payments of alimony be made through the appropriate
596 depository as provided in s. 61.181.

597 (c) If there is no minor child of the parties, alimony
598 payments do not need to ~~not~~ be directed through the depository.

599 (d)1. If there is a minor child of the parties and both
600 parties so request, the court may order that alimony payments do

601 not need to ~~not~~ be directed through the depository. In this
602 case, the order of support must ~~shall~~ provide, or be deemed to
603 provide, that either party may subsequently apply to the
604 depository to require that payments be made through the
605 depository. The court shall provide a copy of the order to the
606 depository.

607 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
608 either party may subsequently file with the depository an
609 affidavit alleging default or arrearages in payment and stating
610 that the party wishes to initiate participation in the
611 depository program. The party shall provide copies of the
612 affidavit to the court and the other party or parties. Fifteen
613 days after receipt of the affidavit, the depository shall notify
614 all parties that future payments shall be directed to the
615 depository.

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

619 (13) The court shall apply any alimony payments made
620 either voluntarily or pursuant to a court order to the obligee
621 after the date of filing of a petition for dissolution of
622 marriage in determining the amount and length of an award of
623 rehabilitative or durational alimony.

624 (14) This section applies to all petitions for dissolution
625 of marriage that have not been adjudicated before July 1, 2022,

626 and to all petitions for dissolution of marriage filed on or
 627 after July 1, 2022.

628 Section 3. Paragraph (c) of subsection (2) of section
 629 61.13, Florida Statutes, is amended to read:

630 61.13 Support of children; parenting and time-sharing;
 631 powers of court.—

632 (2)

633 (c) The court shall determine all matters relating to
 634 parenting and time-sharing of each minor child of the parties in
 635 accordance with the best interests of the child and in
 636 accordance with the Uniform Child Custody Jurisdiction and
 637 Enforcement Act, except that modification of a parenting plan
 638 and time-sharing schedule requires a showing of a substantial,
 639 material, and unanticipated change of circumstances.

640 1. It is the public policy of this state that each minor
 641 child has frequent and continuing contact with both parents
 642 after the parents separate or the marriage of the parties is
 643 dissolved and to encourage parents to share the rights and
 644 responsibilities, and joys, of childrearing. Unless otherwise
 645 provided in this section or agreed to by the parties, there is a
 646 presumption that equal time-sharing of a minor child is in the
 647 best interests of the minor child who is common to the parties
 648 ~~Except as otherwise provided in this paragraph, there is no~~
 649 ~~presumption for or against the father or mother of the child or~~
 650 ~~for or against any specific time-sharing schedule~~ when creating

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651 or modifying the parenting plan of the child.

652 2. The court shall order that the parental responsibility
653 for a minor child be shared by both parents unless the court
654 finds that shared parental responsibility would be detrimental
655 to the child. The following evidence creates a rebuttable
656 presumption of detriment to the child:

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

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

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

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

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

667

668 If the presumption is not rebutted after the convicted parent is
669 advised by the court that the presumption exists, shared
670 parental responsibility, including time-sharing with the child,
671 and decisions made regarding the child, may not be granted to
672 the convicted parent. However, the convicted parent is not
673 relieved of any obligation to provide financial support. If the
674 court determines that shared parental responsibility would be
675 detrimental to the child, it may order sole parental

676 responsibility and make such arrangements for time-sharing as
677 specified in the parenting plan as will best protect the child
678 or abused spouse from further harm. Whether or not there is a
679 conviction of any offense of domestic violence or child abuse or
680 the existence of an injunction for protection against domestic
681 violence, the court shall consider evidence of domestic violence
682 or child abuse as evidence of detriment to the child.

683 3. In ordering shared parental responsibility, the court
684 may consider the expressed desires of the parents and may grant
685 to one party the ultimate responsibility over specific aspects
686 of the child's welfare or may divide those responsibilities
687 between the parties based on the best interests of the child.
688 Areas of responsibility may include education, health care, and
689 any other responsibilities that the court finds unique to a
690 particular family.

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

695 5. There is a rebuttable presumption against granting
696 time-sharing with a minor child if a parent has been convicted
697 of or had adjudication withheld for an offense enumerated in s.
698 943.0435(1)(h)1.a., and at the time of the offense:

- 699 a. The parent was 18 years of age or older.
700 b. The victim was under 18 years of age or the parent

701 | believed the victim to be under 18 years of age.

702 |

703 | A parent may rebut the presumption upon a specific finding in
 704 | writing by the court that the parent poses no significant risk
 705 | of harm to the child and that time-sharing is in the best
 706 | interests of the minor child. If the presumption is rebutted,
 707 | the court shall consider all time-sharing factors in subsection
 708 | (3) when developing a time-sharing schedule.

709 | 6. Access to records and information pertaining to a minor
 710 | child, including, but not limited to, medical, dental, and
 711 | school records, may not be denied to either parent. Full rights
 712 | under this subparagraph apply to either parent unless a court
 713 | order specifically revokes these rights, including any
 714 | restrictions on these rights as provided in a domestic violence
 715 | injunction. A parent having rights under this subparagraph has
 716 | the same rights upon request as to form, substance, and manner
 717 | of access as are available to the other parent of a child,
 718 | including, without limitation, the right to in-person
 719 | communication with medical, dental, and education providers.

720 | Section 4. Paragraph (b) of subsection (1) of section
 721 | 61.14, Florida Statutes, is amended, paragraph (c) is added to
 722 | subsection (11), and subsections (12), (13), and (14) are added
 723 | to that section, to read:

724 | 61.14 Enforcement and modification of support,
 725 | maintenance, or alimony agreements or orders.—

726 (1)
 727 (b)1. The court may reduce or terminate an award of
 728 alimony or order reimbursement to the obligor for any amount the
 729 court determines is equitable upon specific written findings by
 730 the court that since the granting of a divorce and the award of
 731 alimony, a supportive relationship exists or ~~has~~ existed between
 732 the obligee and another ~~a~~ person at any time during the 180 days
 733 before the filing of a petition for modification of alimony with
 734 ~~whom the obligee resides~~. On the issue of whether alimony should
 735 be reduced or terminated under this paragraph, the burden is on
 736 the obligor to prove by a preponderance of the evidence that a
 737 supportive relationship exists or existed. If the obligor proves
 738 that a supportive relationship exists or existed, the burden
 739 shifts to the obligee to disprove, by a preponderance of the
 740 evidence, such fact.

741 2. In determining whether an existing award of alimony
 742 should be reduced or terminated because of an alleged supportive
 743 relationship between an obligee and a person who is not related
 744 by consanguinity or affinity and with whom the obligee resides,
 745 the court shall make written findings of fact concerning ~~elicit~~
 746 the nature and extent of the relationship and ~~in question~~. The
 747 ~~court~~ shall give consideration, without limitation, to the
 748 circumstances listed in s. 61.08 (3) and (9), ~~including, but not~~
 749 ~~limited to, the following, in determining the relationship of an~~
 750 ~~obligee to another person:~~

751 ~~a. The extent to which the obligee and the other person~~
 752 ~~have held themselves out as a married couple by engaging in~~
 753 ~~conduct such as using the same last name, using a common mailing~~
 754 ~~address, referring to each other in terms such as "my husband"~~
 755 ~~or "my wife," or otherwise conducting themselves in a manner~~
 756 ~~that evidences a permanent supportive relationship.~~

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

759 ~~c. The extent to which the obligee and the other person~~
 760 ~~have pooled their assets or income or otherwise exhibited~~
 761 ~~financial interdependence.~~

762 ~~d. The extent to which the obligee or the other person has~~
 763 ~~supported the other, in whole or in part.~~

764 ~~e. The extent to which the obligee or the other person has~~
 765 ~~performed valuable services for the other.~~

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

768 ~~g. Whether the obligee and the other person have worked~~
 769 ~~together to create or enhance anything of value.~~

770 ~~h. Whether the obligee and the other person have jointly~~
 771 ~~contributed to the purchase of any real or personal property.~~

772 ~~i. Evidence in support of a claim that the obligee and the~~
 773 ~~other person have an express agreement regarding property~~
 774 ~~sharing or support.~~

775 ~~j. Evidence in support of a claim that the obligee and the~~

776 ~~other person have an implied agreement regarding property~~
777 ~~sharing or support.~~

778 ~~k. Whether the obligee and the other person have provided~~
779 ~~support to the children of one another, regardless of any legal~~
780 ~~duty to do so.~~

781 ~~3. This paragraph does not abrogate the requirement that~~
782 ~~every marriage in this state be solemnized under a license, does~~
783 ~~not recognize a common law marriage as valid, and does not~~
784 ~~recognize a de facto marriage. This paragraph recognizes only~~
785 ~~that relationships do exist that provide economic support~~
786 ~~equivalent to a marriage and that alimony terminable on~~
787 ~~remarriage may be reduced or terminated upon the establishment~~
788 ~~of equivalent equitable circumstances as described in this~~
789 ~~paragraph. The existence of a conjugal relationship, though it~~
790 ~~may be relevant to the nature and extent of the relationship, is~~
791 ~~not necessary for the application of the provisions of this~~
792 ~~paragraph.~~

793 (11)

794 (c) An obligor's subsequent remarriage or cohabitation
795 does not constitute a basis for either party to seek a
796 modification of an alimony award. An obligee may not seek
797 modification to increase an award of alimony based on the income
798 and assets of the obligor's subsequent spouse or person with
799 whom the obligor cohabitates, and the obligor may not seek
800 modification to reduce an award of alimony based on the

801 obligor's reliance upon the income and assets of the obligor's
 802 subsequent spouse or person with whom the obligor cohabitates.

803 (12) (a) Up to 12 months before an obligor seeks to reduce
 804 or terminate an award of alimony because of his or her impending
 805 retirement, the obligor may file a "Notice of Retirement and
 806 Intent to Terminate Alimony" with the court and personally serve
 807 the notice on the obligee or the obligee's last known attorney
 808 of record.

809 (b) The obligee has 20 days after the date of service of
 810 the "Notice of Retirement and Intent to Terminate Alimony" to
 811 respond to the notice and request that the court find the
 812 reduction or termination of alimony invalid because:

813 1. The income of the obligee, based on his or her income
 814 and investable assets available, including retirement assets if
 815 the obligee is able to access the income of such retirement
 816 assets without penalty, would be at or below 130 percent of the
 817 federal poverty level for individuals according to the most
 818 recent report by the United States Census Bureau;

819 2. The terms of the marital settlement agreement between
 820 the parties do not allow for modification or termination of an
 821 award of alimony, or the modification or termination of the
 822 award of alimony must conform to the applicable terms of the
 823 marital settlement agreement;

824 3. The obligee is the full-time, in-home caregiver to a
 825 permanently mentally or physically disabled child who is common

826 to the parties; or

827 4. The obligee is permanently mentally or physically
828 disabled and unable to provide for his or her own support either
829 partially or fully.

830

831 Absent a finding by the court that a factor in subparagraphs 1.-
832 4. applies, when the obligor reaches, or if the obligor has
833 already reached, 65 years of age, the award of alimony must
834 decrease by 40 percent and then 30 percent for each year
835 thereafter so that the award of alimony terminates when the
836 obligor reaches 67 years of age.

837 (c) If the court finds that any of the factors in
838 subparagraphs (b)1.-4. apply, the court must consider all of the
839 following factors and make written findings regarding reducing
840 both the amount and the duration of the award of alimony:

841 1. The length of the marriage.

842 2. The financial resources of the obligee, including the
843 nonmarital and marital assets and liabilities distributed to the
844 obligee, as well as the obligee's role in conserving or
845 depleting the marital assets during the dissolution of the
846 marriage.

847 3. The sources of income available to the obligee,
848 including income available through investments of any asset as
849 well as retirement assets if the obligee is able to access the
850 income of such retirement assets without penalty.

851 4. The effort and sacrifices of time and leisure necessary
852 for the obligor to continue to provide alimony to the obligee,
853 taking into consideration the presumption that the obligor has a
854 right to retire when he or she reaches full retirement age as
855 determined by the United States Social Security Administration.

856 5. The terms governing modification or termination of an
857 award of alimony in the marital settlement agreement between the
858 parties.

859 (d) If an obligor seeks to retire at an age that is
860 customary for his or her profession or line of work, but before
861 he or she reaches full retirement age as determined by the
862 United States Social Security Administration, the court may
863 terminate an alimony award if it determines that the obligor's
864 retirement is reasonable. In determining whether the obligor's
865 retirement is reasonable, the court shall consider all of the
866 following:

867 1. The obligor's age and health.

868 2. The obligor's motivation for retirement.

869 3. The obligor's profession or line of work and the
870 customary retirement age for that profession or line of work.

871 4. The impact that a termination or reduction of alimony
872 would have on the obligee. In determining such impact, the court
873 must consider any assets accumulated or received by the obligee,
874 including any income generated by such assets, any retirement
875 assets if the obligee is able to access the income of such

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876 retirement assets without penalty, and the obligee's role in
877 conserving or depleting the assets, since the final judgment of
878 dissolution of marriage.

879 (e) Up to 12 months before the obligor's anticipated
880 retirement under paragraph (d), the obligor may file a petition
881 to modify or terminate the alimony award effective upon his or
882 her actual retirement date. The court shall modify or terminate
883 the alimony award after the obligor's retirement unless after
884 consideration of the factors under paragraph (d), the court
885 makes written findings of fact that the obligor's retirement is
886 unreasonable.

887 (f) If the obligor does not retire and continues to work
888 beyond the earlier of his or her full retirement age as
889 determined by the United States Social Security Administration
890 or the retirement age that is customary for the obligor's
891 profession or line of work, and earns active gross income of
892 more than 50 percent of the obligor's average active gross
893 income for the 3 year period before he or she attained
894 retirement age, the court may extend an award of alimony until
895 the obligor retires or the obligor reduces his or her active
896 gross income below the 50 percent threshold.

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

901 (14) Agreements on alimony payments, whether voluntary or
 902 court ordered, that allow for modification or termination of
 903 alimony by virtue of either party reaching a certain age,
 904 income, or other threshold, or agreements that establish a
 905 limited period of time after which alimony is modifiable, are
 906 considered agreements that are expressly modifiable or eligible
 907 for termination for purposes of this section once the specified
 908 condition is met.

909 Section 5. Section 61.19, Florida Statutes, is amended to
 910 read:

911 61.19 Entry of judgment of dissolution of marriage; delay
 912 period; separate adjudication of issues.-

913 (1) A ~~No~~ final judgment of dissolution of marriage may not
 914 be entered until at least 20 days after ~~have elapsed from~~ the
 915 date of filing the original petition for dissolution of
 916 marriage, but the court, on a showing that injustice would
 917 result from this delay, may enter a final judgment of
 918 dissolution of marriage at an earlier date.

919 (2) If a final judgment of dissolution of marriage has not
 920 been entered within 365 days after the date of service of the
 921 original petition for dissolution of marriage, the court shall,
 922 upon request of either party, grant a final judgment of
 923 dissolution of marriage with a reservation of jurisdiction to
 924 subsequently determine all other substantive issues unless
 925 either party shows that irreparable harm will result from

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926 | granting the judgment. Before granting the judgment, the court
927 | shall enter temporary orders necessary to protect the parties
928 | and their children, which orders remain effective until all
929 | other issues are adjudicated by the court. This subsection
930 | applies to all petitions for dissolution of marriage filed on or
931 | after July 1, 2022.

932 | Section 6. This act shall take effect July 1, 2022.