

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.046, F.S.; defining the term "active gross
4 income"; revising the definition of the term "income";
5 amending s. 61.08, F.S.; defining terms; requiring the
6 court to make certain written findings in its awards
7 of alimony; limiting the court's ability to award a
8 combination of forms of alimony to only certain
9 circumstances; removing the court's ability to
10 consider adultery of either spouse in determining the
11 amount of an alimony award; requiring the court to
12 make certain written findings; revising factors that
13 the court must consider in determining the proper type
14 and amount of alimony; removing the court's ability to
15 order an obligor to purchase or maintain a life
16 insurance policy or other instrument to secure an
17 alimony award; authorizing a party to whom the court
18 has awarded alimony to purchase or maintain a life
19 insurance policy on the obligor's life to protect an
20 award of alimony; requiring the obligor to cooperate
21 in the process of procuring the life insurance policy;
22 modifying certain rebuttable presumptions related to
23 the length of a marriage for purposes of determining
24 alimony; prohibiting the length of an award of
25 rehabilitative alimony from exceeding a specified

26 | timeframe; revising a provision authorizing the
27 | modification of rehabilitative alimony upon completion
28 | of the rehabilitative plan to include a certain
29 | condition; revising provisions related to durational
30 | alimony; prohibiting the length of an award of
31 | durational alimony from exceeding specified
32 | timeframes; authorizing the court to extend durational
33 | alimony under certain circumstances; specifying what
34 | constitutes the length of a marriage for the purpose
35 | of determining durational alimony; requiring the court
36 | to make certain written findings when awarding
37 | durational alimony; providing a formula for the
38 | calculation of durational alimony; requiring the court
39 | to reduce the length of an award of durational alimony
40 | based on certain payments made by the obligor;
41 | requiring the court to consider specified factors when
42 | determining an alimony award involving the existence
43 | of a supportive relationship between the obligee and
44 | another person; providing for the burden of proof in
45 | such determinations; requiring the court to make
46 | certain written findings in such determinations;
47 | providing for the termination of a durational alimony
48 | award upon retirement of the obligor under certain
49 | circumstances; providing an exception; providing that
50 | a party who has reached full retirement age before

51 adjudication of a petition for dissolution of marriage
52 may not be ordered to pay alimony; providing
53 exceptions; prohibiting alimony from being awarded to
54 a party who has a certain monthly net income;
55 prohibiting social security retirement benefits from
56 being imputed to the obligor; providing an exception;
57 requiring an obligee to meet certain requirements if
58 he or she alleges that a physical disability has
59 impaired his or her ability to earn income; removing
60 the court's ability to grant permanent alimony;
61 providing applicability; amending s. 61.13, F.S.;
62 creating a presumption that equal time-sharing is in
63 the best interests of a minor child; providing an
64 exception; amending s. 61.14, F.S.; authorizing the
65 court to order an obligee to reimburse alimony
66 payments to the obligor under certain circumstances;
67 specifying a timeframe for the court to consider a
68 supportive relationship between the obligee and
69 another person for purposes of reducing or terminating
70 an award of alimony or ordering reimbursement of
71 alimony payments; providing for the burden of proof in
72 such determinations; revising factors the court may
73 consider when determining whether a supportive
74 relationship exists or existed between the obligee and
75 another person; requiring the court to make written

76 findings related to such factors; providing that an
77 obligor's subsequent remarriage or cohabitation is not
78 a basis for modification of alimony; authorizing an
79 obligor to file a notice of retirement and intent to
80 terminate alimony within a specified timeframe before
81 such retirement; providing notice and response
82 requirements; requiring the court to make written
83 findings regarding specified factors when deciding
84 whether to reduce the amount or duration of alimony;
85 providing for the reduction and termination of alimony
86 within specified timeframes under certain
87 circumstances; authorizing the court to extend
88 durational alimony beyond an obligor's full retirement
89 age or reasonable retirement age for his or her
90 profession or line of work under certain
91 circumstances, notwithstanding its other findings;
92 authorizing the court to terminate an alimony
93 obligation if the obligor retires at a reasonable age
94 for his or her profession or line of work or is older
95 than his or her full retirement age; requiring the
96 court to consider certain factors in determining
97 whether the obligor's retirement is reasonable;
98 authorizing an obligor to prospectively file a
99 petition for modification or termination of alimony
100 effective upon his or her retirement; requiring a

101 court to modify or terminate an alimony award upon
 102 retirement of the obligor; providing an exception;
 103 providing that certain benefits of the obligee
 104 constitute a change in circumstances for which an
 105 obligor may seek modification of an alimony award;
 106 providing that certain agreements on alimony payments
 107 are considered expressly modifiable or eligible for
 108 termination under certain circumstances; amending s.
 109 61.19, F.S.; requiring the court to grant, upon
 110 request of either party, a final judgment of
 111 dissolution of marriage and reserve jurisdiction to
 112 adjudicate other substantive issues under certain
 113 circumstances; requiring the court to enter temporary
 114 orders necessary to protect the parties and their
 115 children, if any; providing that such temporary orders
 116 are effective until all other issues are adjudicated
 117 by the court; providing applicability; providing an
 118 effective date.

119

120 Be It Enacted by the Legislature of the State of Florida:

121

122 Section 1. Subsections (1) through (23) of section 61.046,
 123 Florida Statutes, are renumbered as subsections (2) through
 124 (24), respectively, a new subsection (1) is added to that
 125 section, and present subsection (8) of that section is amended,

126 to read:

127 61.046 Definitions.—As used in this chapter, the term:

128 (1) "Active gross income" means salary, wages, bonuses,
 129 commissions, allowances, overtime, tips, and other similar
 130 payments and business income from self-employment, partnerships,
 131 close corporations, independent contracts, and other similar
 132 sources. For purposes of this subsection, the term "business
 133 income" means gross receipts minus ordinary and necessary
 134 expenses required to produce income and requires that such
 135 business income be derived in a way that meets any of the
 136 material participation tests outlined in the Internal Revenue
 137 Service's Publication 925 (2020), Passive Activity and At-Risk
 138 Rules.

139 (9)-(8) "Income" means any form of payment to an
 140 individual, regardless of source, including, but not limited
 141 to, ÷ wages, salary, commissions and bonuses, compensation as an
 142 independent contractor, worker's compensation, disability
 143 benefits, annuity and retirement benefits, pensions, dividends,
 144 interest, royalties, trust distributions ~~trusts~~, and any other
 145 payments, made by any person, private entity, federal or state
 146 government, or any unit of local government. United States
 147 Department of Veterans Affairs disability benefits and
 148 reemployment assistance or unemployment compensation, as defined
 149 in chapter 443, are excluded from this definition of income
 150 except for purposes of establishing an amount of support.

151 Section 2. Section 61.08, Florida Statutes, is amended to
 152 read:

153 61.08 Alimony.—

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

155 (a) "Alimony" means a court-ordered or voluntary payment
 156 of support by one spouse to the other spouse. The term includes
 157 any voluntary payment made after the date of filing an order for
 158 maintenance, spousal support, temporary support, or separate
 159 support when the payment is not intended for the benefit of a
 160 child in common.

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

163 (c) "Net income" means income that is determined by
 164 subtracting allowable deductions from gross income. For purposes
 165 of this section, allowable deductions include any of the
 166 following:

167 1. Federal, state, or local income tax deductions,
 168 adjusted for actual filing status and allowable dependents, and
 169 income tax liabilities.

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

171 3. Mandatory union dues.

172 4. Mandatory retirement payments.

173 5. Health insurance payments, excluding payments for
 174 coverage of a minor child.

175 6. Court-ordered support for other children which is

176 actually paid.

177 7. Spousal support paid pursuant to a court order from a
178 previous marriage.

179 (2) (a) In a proceeding for dissolution of marriage, the
180 court may grant alimony to either party in the form of, ~~which~~
181 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
182 alimony, or a permanent in nature or any combination of these
183 forms of alimony. In an any award of alimony, the court may
184 order periodic payments, ~~or~~ payments in lump sum, or both.

185 (b) The court shall make written findings regarding the
186 basis for awarding a combination of forms of alimony, including
187 the type of alimony and the length of time for which the alimony
188 is awarded. The court may award a combination of forms of
189 alimony only to provide greater economic assistance in order to
190 allow the recipient to achieve rehabilitation.

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

197 (3) (2) In determining whether to award alimony or
198 maintenance, the court shall first make a specific, written
199 factual determination as to whether the either party seeking
200 alimony or maintenance has an actual need for it ~~alimony or~~

201 ~~maintenance~~ and whether the other ~~either~~ party has the ability
 202 to pay alimony or maintenance. If the court finds that the a
 203 party seeking alimony or maintenance has a need for it alimony
 204 ~~or maintenance~~ and that the other party has the ability to pay
 205 alimony or maintenance, then in determining the proper type and
 206 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~
 207 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,
 208 including, but not limited to:

209 (a) The standard of living established during the
 210 marriage, including the needs and necessities of life for each
 211 party after the dissolution of marriage, taking into
 212 consideration the presumption that both parties will have a
 213 lower standard of living after the dissolution of marriage than
 214 their standard of living during the marriage. This presumption
 215 may be overcome by a preponderance of the evidence.

216 (b) The duration of the marriage.

217 (c) The age and the physical and emotional condition of
 218 each party.

219 (d) The financial resources of each party, including the
 220 nonmarital and the marital assets and liabilities distributed to
 221 each.

222 (e) The earning capacities, educational levels, vocational
 223 skills, and employability of the parties and, when applicable,
 224 the time necessary for either party to acquire sufficient
 225 education or training to enable such party to find appropriate

226 employment.

227 (f) The contribution of each party to the marriage,
 228 including, but not limited to, services rendered in homemaking,
 229 child care, education, and career building of either ~~the other~~
 230 party.

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

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

236 (i) All sources of income available to either party,
 237 including income available to either party through investments
 238 of any asset held by that party.

239 (j) Any other factor necessary for ~~to de~~ equity and
 240 justice between the parties, if such factor is specifically
 241 identified in the award with findings of fact justifying the
 242 application of such factor.

243 ~~(4)-(3)~~ To the extent necessary to protect an award of
 244 alimony, the obligee may ~~court may order any party who is~~
 245 ~~ordered to pay alimony to~~ purchase or maintain a life insurance
 246 policy on the obligor's life in an amount adequate to ~~or a bond,~~
 247 ~~or to otherwise~~ secure such alimony award. If the obligee
 248 purchases a life insurance policy, the obligor must cooperate in
 249 the process of procuring the issuance and underwriting of the
 250 life insurance policy ~~with any other assets which may be~~

251 ~~suitable for that purpose.~~

252 (5)~~(4)~~ For purposes of determining alimony, there is a
253 rebuttable presumption that a short-term marriage is a marriage
254 having a duration of fewer ~~less~~ than 10 7 years, a moderate-term
255 marriage is a marriage having a duration between 10 and 20 ~~of~~
256 ~~greater than 7 years but less than 17~~ years, and a long-term
257 marriage is a marriage having a duration of 20 ~~17~~ years or
258 longer ~~greater~~. The length of a marriage is the period of time
259 from the date of marriage until the date of filing ~~of~~ an action
260 for dissolution of marriage.

261 (6)~~(5)~~ Bridge-the-gap alimony may be awarded to assist a
262 party by providing support to allow the party to make a
263 transition from being married to being single. Bridge-the-gap
264 alimony is designed to assist a party with legitimate
265 identifiable short-term needs, and the length of an award of
266 bridge-the-gap alimony may not exceed 2 years. An award of
267 bridge-the-gap alimony terminates upon the death of either party
268 or upon the remarriage of the party receiving alimony. An award
269 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
270 or duration.

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

- 274 1. The redevelopment of previous skills or credentials; or
275 2. The acquisition of education, training, or work

276 | experience necessary to develop appropriate employment skills or
277 | credentials.

278 | (b) In order to award rehabilitative alimony, there must
279 | be a specific and defined rehabilitative plan which shall be
280 | included as a part of any order awarding rehabilitative alimony.

281 | (c) The length of an award of rehabilitative alimony may
282 | not exceed 5 years.

283 | (d) An award of rehabilitative alimony may be modified or
284 | terminated in accordance with s. 61.14 based upon a substantial
285 | change in circumstances, upon noncompliance with the
286 | rehabilitative plan, or upon completion of the rehabilitative
287 | plan if the plan is completed before the length of the award of
288 | rehabilitative alimony expires.

289 | ~~(8)(a)-(7)~~ Durational alimony may be awarded ~~when permanent~~
290 | ~~periodic alimony is inappropriate. The purpose of durational~~
291 | ~~alimony is to provide a party with economic assistance for a set~~
292 | ~~period of time following a marriage of short or moderate~~
293 | ~~duration or following a marriage of long duration if there is no~~
294 | ~~ongoing need for support on a permanent basis.~~ An award of
295 | durational alimony terminates upon the death of either party or
296 | upon the remarriage of the party receiving alimony. The amount
297 | of an award of durational alimony may be modified or terminated
298 | based upon a substantial change in circumstances in accordance
299 | with s. 61.14. Durational alimony may not be awarded following a
300 | marriage lasting fewer than 3 years. ~~However,~~ The length of an

301 ~~award of durational alimony may not be modified except under~~
302 ~~exceptional circumstances and may not exceed 50 percent of the~~
303 ~~length of a the marriage lasting between 3 and 10 years, 60~~
304 ~~percent of the length of a marriage lasting between 10 and 20~~
305 ~~years, or 75 percent of the length of a marriage lasting 20~~
306 ~~years or longer. However, if the party seeking alimony is either~~
307 ~~permanently mentally or physically disabled and unable to~~
308 ~~provide for his or her own support, either partially or fully,~~
309 ~~or is the full-time in-home caregiver to a fully and permanently~~
310 ~~mentally or physically disabled child who is common to the~~
311 ~~parties, the court may extend durational alimony beyond the~~
312 ~~thresholds established in this paragraph based on the duration~~
313 ~~of the marriage until the death of the child or until the court~~
314 ~~determines that there is no longer a need for durational~~
315 ~~alimony. For purposes of this subsection, the length of a~~
316 ~~marriage is the period of time beginning on the date of marriage~~
317 ~~and ending on the date an action for dissolution of marriage is~~
318 ~~filed. When awarding durational alimony, the court must make~~
319 ~~written findings of fact that an award of another type of~~
320 ~~alimony, or a combination of the other forms of alimony, is not~~
321 ~~appropriate.~~

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

326 (c) In determining the length of an award of durational
327 alimony, the court shall reduce the length of an award of
328 durational alimony for the length of time during which the
329 obligor made temporary support payments to the obligee, either
330 voluntarily or pursuant to a court order, after the date of
331 filing a petition for dissolution of marriage.

332 (d) In determining the extent to which alimony should be
333 granted because a supportive relationship exists or has existed
334 between the party seeking alimony and another person who is not
335 related by consanguinity or affinity at any time since 180 days
336 before filing the petition for dissolution of marriage, the
337 court shall consider all relevant factors presented concerning
338 the nature and extent of the supportive relationship in
339 question. The burden is on the obligor to prove by a
340 preponderance of the evidence that a supportive relationship
341 exists. If a supportive relationship is proven to exist, the
342 burden shifts to the obligee to disprove by a preponderance of
343 the evidence that the court should deny or reduce the initial
344 award of alimony. The court must make written findings of fact
345 concerning the circumstances of the supportive relationship,
346 including, but not limited to, the factors set forth in s.
347 61.14 (1) (b)2.

348 (e) If an obligor reaches full retirement age as
349 determined by the Social Security Administration or the
350 customary retirement age for his or her profession before the

351 end of the durational period indicated by paragraph (a), the
352 durational alimony shall end on the date the obligor retires if
353 all of the following conditions are met:

354 1. The obligor files a notice of retirement and intent to
355 terminate alimony with the court and personally serves the
356 alimony recipient or his or her last known attorney of record at
357 least 1 year before the date on which the obligor's retirement
358 is intended to become effective.

359 2. The obligee has not contested the notice of retirement
360 and intent to terminate alimony according to the factors
361 specified in s. 61.14(12) (b) or the court has determined that
362 such factors do not apply. If the court makes any of the
363 findings specified in s. 61.14(12) (b), the court must consider
364 and make written findings regarding the factors listed in s.
365 61.14(12) (c) to determine whether to extend the length of the
366 alimony award as set forth in s. 61.08(8) (a).

367
368 However, if the obligor continues to work beyond his or her
369 retirement age as provided under this paragraph and earns active
370 gross income of more than 50 percent of the obligor's average
371 preretirement annual active gross income for the 3 years
372 preceding his or her retirement age, the court may extend
373 alimony until the durational limitations established in this
374 subsection have been satisfied or the obligor retires and
375 reduces his or her active gross income below the 50 percent

376 threshold established in this paragraph.

377 (9) A party against whom alimony is sought who has
 378 attained his or her full retirement age as determined by the
 379 Social Security Administration before the adjudication of the
 380 petition for dissolution of marriage may not be ordered to pay
 381 bridge-the-gap, rehabilitative, or durational alimony, unless
 382 the court determines that:

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

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

393 2. The party seeking alimony is the full-time in-home
 394 caregiver to a fully and permanently mentally or physically
 395 disabled child who is common to the parties, or the party is
 396 permanently mentally or physically disabled and unable to
 397 provide for his or her own support, either partially or fully.

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

401 (11) Social security retirement benefits may not be
402 imputed to the obligor as demonstrated by a social security
403 retirement benefits entitlement letter unless those benefits are
404 actually being paid.

405 (12) If the obligee alleges that a physical disability has
406 impaired his or her capability to earn income, the obligee must
407 have qualified for benefits under the Social Security
408 Administration Disability Insurance program or, in the event the
409 obligee is not eligible for the program, must demonstrate that
410 his or her disability meets the disability qualification
411 standards of the Social Security Administration Disability
412 Insurance program.

413 ~~(8) Permanent alimony may be awarded to provide for the~~
414 ~~needs and necessities of life as they were established during~~
415 ~~the marriage of the parties for a party who lacks the financial-~~
416 ~~ability to meet his or her needs and necessities of life~~
417 ~~following a dissolution of marriage. Permanent alimony may be~~
418 ~~awarded following a marriage of long duration if such an award~~
419 ~~is appropriate upon consideration of the factors set forth in~~
420 ~~subsection (2), following a marriage of moderate duration if~~
421 ~~such an award is appropriate based upon clear and convincing~~
422 ~~evidence after consideration of the factors set forth in~~
423 ~~subsection (2), or following a marriage of short duration if~~
424 ~~there are written findings of exceptional circumstances. In~~
425 ~~awarding permanent alimony, the court shall include a finding~~

426 ~~that no other form of alimony is fair and reasonable under the~~
427 ~~circumstances of the parties. An award of permanent alimony~~
428 ~~terminates upon the death of either party or upon the remarriage~~
429 ~~of the party receiving alimony. An award may be modified or~~
430 ~~terminated based upon a substantial change in circumstances or~~
431 ~~upon the existence of a supportive relationship in accordance~~
432 ~~with s. 61.14.~~

433 ~~(9) The award of alimony may not leave the payor with~~
434 ~~significantly less net income than the net income of the~~
435 ~~recipient unless there are written findings of exceptional~~
436 ~~circumstances.~~

437 (13) (a) (10) (a) With respect to any order requiring the
438 payment of alimony entered on or after January 1, 1985, unless
439 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
440 the court shall direct in the order that the payments of alimony
441 be made through the appropriate depository as provided in s.
442 61.181.

443 (b) With respect to any order requiring the payment of
444 alimony entered before January 1, 1985, upon the subsequent
445 appearance₇ on or after that date₇ of one or both parties before
446 the court having jurisdiction for the purpose of modifying or
447 enforcing the order or in any other proceeding related to the
448 order₇ or upon the application of either party, unless ~~the~~
449 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
450 court shall modify the terms of the order as necessary to direct

451 that payments of alimony be made through the appropriate
452 depository as provided in s. 61.181.

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

455 (d)1. If there is a minor child of the parties and both
456 parties so request, the court may order that alimony payments
457 need not be directed through the depository. In this case, the
458 order of support must ~~shall~~ provide, or be deemed to provide,
459 that either party may subsequently apply to the depository to
460 require that payments be made through the depository. The court
461 shall provide a copy of the order to the depository.

462 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
463 either party may subsequently file with the depository an
464 affidavit alleging default or arrearages in payment and stating
465 that the party wishes to initiate participation in the
466 depository program. The party shall provide copies of the
467 affidavit to the court and the other party or parties. Fifteen
468 days after receipt of the affidavit, the depository shall notify
469 all parties that future payments shall be directed to the
470 depository.

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

474 (14) The court shall apply this section to all petitions
475 for dissolution of marriage which have not been adjudicated

476 before July 1, 2022, and to any petitions for dissolution of
 477 marriage filed on or after July 1, 2022.

478 Section 3. Paragraph (c) of subsection (2) of section
 479 61.13, Florida Statutes, is amended to read:

480 61.13 Support of children; parenting and time-sharing;
 481 powers of court.—

482 (2)

483 (c) The court shall determine all matters relating to
 484 parenting and time-sharing of each minor child of the parties in
 485 accordance with the best interests of the child and in
 486 accordance with the Uniform Child Custody Jurisdiction and
 487 Enforcement Act, except that modification of a parenting plan
 488 and time-sharing schedule requires a showing of a substantial,
 489 material, and unanticipated change of circumstances.

490 1. It is the public policy of this state that each minor
 491 child has frequent and continuing contact with both parents
 492 after the parents separate or the marriage of the parties is
 493 dissolved and to encourage parents to share the rights and
 494 responsibilities, and joys, of childrearing. Unless otherwise
 495 provided in this section or agreed to by the parties, there is a
 496 presumption that equal time-sharing of a minor child is in the
 497 best interests of the minor child who is common to the parties
 498 ~~Except as otherwise provided in this paragraph, there is no~~
 499 ~~presumption for or against the father or mother of the child or~~
 500 ~~for or against any specific time-sharing schedule when creating~~

501 or modifying the parenting plan of the child.

502 2. The court shall order that the parental responsibility
503 for a minor child be shared by both parents unless the court
504 finds that shared parental responsibility would be detrimental
505 to the child. The following evidence creates a rebuttable
506 presumption of detriment to the child:

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

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

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

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

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

517

518 If the presumption is not rebutted after the convicted parent is
519 advised by the court that the presumption exists, shared
520 parental responsibility, including time-sharing with the child,
521 and decisions made regarding the child, may not be granted to
522 the convicted parent. However, the convicted parent is not
523 relieved of any obligation to provide financial support. If the
524 court determines that shared parental responsibility would be
525 detrimental to the child, it may order sole parental

526 responsibility and make such arrangements for time-sharing as
527 specified in the parenting plan as will best protect the child
528 or abused spouse from further harm. Whether or not there is a
529 conviction of any offense of domestic violence or child abuse or
530 the existence of an injunction for protection against domestic
531 violence, the court shall consider evidence of domestic violence
532 or child abuse as evidence of detriment to the child.

533 3. In ordering shared parental responsibility, the court
534 may consider the expressed desires of the parents and may grant
535 to one party the ultimate responsibility over specific aspects
536 of the child's welfare or may divide those responsibilities
537 between the parties based on the best interests of the child.
538 Areas of responsibility may include education, health care, and
539 any other responsibilities that the court finds unique to a
540 particular family.

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

545 5. There is a rebuttable presumption against granting
546 time-sharing with a minor child if a parent has been convicted
547 of or had adjudication withheld for an offense enumerated in s.
548 943.0435(1)(h)1.a., and at the time of the offense:

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

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

552 |

553 | A parent may rebut the presumption upon a specific finding in
554 | writing by the court that the parent poses no significant risk
555 | of harm to the child and that time-sharing is in the best
556 | interests of the minor child. If the presumption is rebutted,
557 | the court shall consider all time-sharing factors in subsection
558 | (3) when developing a time-sharing schedule.

559 | 6. Access to records and information pertaining to a minor
560 | child, including, but not limited to, medical, dental, and
561 | school records, may not be denied to either parent. Full rights
562 | under this subparagraph apply to either parent unless a court
563 | order specifically revokes these rights, including any
564 | restrictions on these rights as provided in a domestic violence
565 | injunction. A parent having rights under this subparagraph has
566 | the same rights upon request as to form, substance, and manner
567 | of access as are available to the other parent of a child,
568 | including, without limitation, the right to in-person
569 | communication with medical, dental, and education providers.

570 | Section 4. Paragraph (b) of subsection (1) of section
571 | 61.14, Florida Statutes, is amended, and paragraph (c) is added
572 | to subsection (11) and subsections (12), (13), and (14) are
573 | added to that section, to read:

574 | 61.14 Enforcement and modification of support,
575 | maintenance, or alimony agreements or orders.—

576 (1)
 577 (b)1. The court may reduce or terminate an award of
 578 alimony or order reimbursement to the obligor for any amount the
 579 court determines is equitable upon specific written findings by
 580 the court that since the granting of a divorce and the award of
 581 alimony, a supportive relationship exists or ~~has~~ existed between
 582 the obligee and another ~~a~~ person at any time during the 180 days
 583 before the filing of a petition for modification of alimony with
 584 ~~whom the obligee resides~~. On the issue of whether alimony should
 585 be reduced or terminated under this paragraph, the burden is on
 586 the obligor to prove by a preponderance of the evidence that a
 587 supportive relationship exists or existed. If the obligor proves
 588 that a supportive relationship exists or existed, the burden
 589 shifts to the obligee to disprove, by a preponderance of the
 590 evidence, that the court should terminate an existing award of
 591 alimony.

592 2. In determining the extent to which ~~whether~~ an existing
 593 award of alimony should be reduced or terminated because of an
 594 alleged supportive relationship between an obligee and a person
 595 who is not related by consanguinity or affinity ~~and with whom~~
 596 ~~the obligee resides~~, the court must make written findings of
 597 fact concerning the nature and the extent of the supportive
 598 relationship in question and the circumstances of the supportive
 599 relationship, including, but not limited to, the following
 600 factors ~~shall elicit the nature and extent of the relationship~~

601 ~~in question. The court shall give consideration, without~~
602 ~~limitation, to circumstances, including, but not limited to, the~~
603 ~~following, in determining the relationship of an obligee to~~
604 ~~another person:~~

605 a. The extent to which the obligee and the other person
606 have held themselves out as a married couple by engaging in
607 conduct such as using the same last name, using a common mailing
608 address, referring to each other in terms such as "my husband"
609 or "my wife," or otherwise conducting themselves in a manner
610 that evidences a permanent supportive relationship.

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

613 c. The extent to which the obligee and the other person
614 have pooled their assets or income or otherwise exhibited
615 financial interdependence.

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

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

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

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

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

626 i. Evidence in support of a claim that the obligee and the
 627 other person have an express agreement regarding property
 628 sharing or support.

629 j. Evidence in support of a claim that the obligee and the
 630 other person have an implied agreement regarding property
 631 sharing or support.

632 k. Whether the obligee and the other person have provided
 633 support to the children of one another, regardless of any legal
 634 duty to do so.

635 3. This paragraph does not abrogate the requirement that
 636 every marriage in this state be solemnized under a license, does
 637 not recognize a common law marriage as valid, and does not
 638 recognize a de facto marriage. This paragraph recognizes only
 639 that relationships do exist that provide economic support
 640 equivalent to a marriage and that alimony terminable on
 641 remarriage may be reduced or terminated upon the establishment
 642 of equivalent equitable circumstances as described in this
 643 paragraph. The existence of a conjugal relationship, though it
 644 may be relevant to the nature and extent of the relationship, is
 645 not necessary for the application of the provisions of this
 646 paragraph.

647 (11)

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

651 (12) (a) Up to 12 months before seeking to terminate
652 alimony as provided under this section, an obligor may file a
653 notice of retirement and intent to terminate alimony with the
654 court and shall personally serve the obligee or his or her last
655 known attorney of record with such notice.

656 (b) The obligee has 20 days after the date of service of
657 the notice to request the court to enter findings that as of the
658 date on which the notice was filed:

659 1. The reduction or termination of alimony would result in
660 any of the following:

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

667 b. A violation of the terms of the marital settlement
668 agreement between the parties because the marital settlement
669 agreement either does not allow for modification or termination
670 of the alimony award or the proposed reduction in alimony does
671 not comply with applicable terms for modification of alimony
672 specified in the agreement;

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

676 3. The obligee is permanently mentally or physically
677 disabled and unable to provide for his or her own support,
678 either partially or fully.

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

683 1. The duration of the marriage.

684 2. The financial resources of the obligee, including the
685 nonmarital and marital assets and liabilities distributed to the
686 obligee, as well as the obligee's role in conserving or
687 depleting the marital assets distributed at the dissolution of
688 marriage.

689 3. The sources of income available to the obligee,
690 including income available to the obligee through investments of
691 any asset, including retirement assets from which the obligee
692 can access income without incurring early withdrawal penalties.

693 4. The effort and sacrifices of time and leisure necessary
694 for the obligor to continue to provide such alimony and
695 consideration of the presumption that the obligor has a right to
696 retire when attaining full retirement age as determined by the
697 Social Security Administration.

698 5. The age and health of the obligor.

699 6. The terms of the marital settlement agreement between
700 the parties which govern modification of alimony.

701 (d) If the court does not make any of the findings
702 specified in paragraph (b), the alimony award amount shall
703 decrease by 25 percent on the date on which the obligor reaches
704 65 years of age or 1 year after the date on which the notice of
705 retirement and intent to terminate alimony is filed, whichever
706 occurs later, and shall continue to decrease by 25 percent each
707 year thereafter until the date the obligor reaches 68 years of
708 age or 4 years after the date on which the notice of retirement
709 is filed, whichever occurs later, at which time alimony shall
710 terminate.

711 (e) Notwithstanding paragraphs (a)-(d), if the obligor
712 continues to work beyond full retirement age as determined by
713 the United States Social Security Administration or beyond the
714 reasonable retirement age for his or her profession or line of
715 work as determined in paragraph (f), whichever occurs earlier,
716 and earns active gross income of more than 50 percent of the
717 obligor's average preretirement annual active gross income for
718 the 3 years preceding his or her full retirement age, actual
719 retirement date, or reasonable retirement age, as applicable,
720 the court may extend alimony until the obligor retires and
721 reduces his or her active gross income below the 50 percent
722 active gross income threshold established under this paragraph.

723 (f) If an obligor seeks to retire at an age that is
724 reasonable for his or her profession or line of work, but before
725 he or she reaches 65 years of age, or if the obligor is older

726 than his or her full retirement age as determined by the Social
727 Security Administration, the court may terminate an alimony
728 award if it determines that the obligor's retirement is
729 reasonable. In determining whether the obligor's retirement is
730 reasonable, the court shall consider all of the following:

- 731 1. The obligor's age and health.
- 732 2. The obligor's motivation for retirement.
- 733 3. The obligor's profession or line of work and the
734 typical retirement age for that profession or line of work.
- 735 4. The impact that a termination or reduction of alimony
736 would have on the obligee. In determining the impact, the court
737 must consider any assets accumulated or received by the obligee
738 since the final judgment of dissolution of marriage, including
739 any income generated by such assets and retirement assets from
740 which the obligee can access income without incurring early
741 withdrawal penalties, and the obligee's role in the depletion or
742 conservation of any assets.

743 (g) Up to 12 months before the obligor's anticipated
744 retirement under paragraph (f), the obligor may file a petition
745 to modify or terminate the alimony award, effective upon his or
746 her actual retirement date. The court shall modify or terminate
747 the alimony award after the obligor's retirement date unless the
748 court makes written findings of fact under paragraph (f) that
749 the obligor's retirement is not reasonable.

750 (13) Any amount of social security or disability benefits

751 or retirement payments received by an obligee subsequent to an
 752 initial award of alimony constitutes a change in circumstances
 753 for which an obligor may seek modification of an alimony award.

754 (14) Agreements on alimony payments, voluntary or pursuant
 755 to a court order, which allow for modification or termination of
 756 alimony by virtue of either party reaching a certain age,
 757 income, or other threshold, or agreements that establish a
 758 limited period of time after which alimony is modifiable, are
 759 considered agreements that are expressly modifiable or eligible
 760 for termination for purposes of this section once the specified
 761 condition is met.

762 Section 5. Section 61.19, Florida Statutes, is amended to
 763 read:

764 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
 765 period; separate adjudication of issues.-

766 (1) A ~~No~~ final judgment of dissolution of marriage may not
 767 be entered until at least 20 days have elapsed from the date of
 768 filing the original petition for dissolution of marriage, ~~17~~ but
 769 the court, on a showing that injustice would result from this
 770 delay, may enter a final judgment of dissolution of marriage at
 771 an earlier date.

772 (2) If more than 2 years have elapsed after the date of
 773 service of the original petition for dissolution of marriage,
 774 absent a showing by either party that irreparable harm will
 775 result from granting a final judgment of dissolution of

776 marriage, the court shall, upon request of either party, grant a
777 final judgment of dissolution of marriage with a reservation of
778 jurisdiction to subsequently determine all other substantive
779 issues. Before granting the judgment, the court shall enter
780 temporary orders necessary to protect the parties and their
781 children, if any, which orders remain effective until all other
782 issues are adjudicated by the court. This subsection applies to
783 all petitions for dissolution of marriage filed on or after July
784 1, 2022.

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

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