



536442

LEGISLATIVE ACTION

Senate

House

Floor: 2/AD/2R  
03/03/2022 05:37 PM

Senator Gruters moved the following:

1           **Senate Substitute for Amendment (466290) (with title**  
2 **amendment)**

3           Delete lines 252 - 485

4 and insert:

5           (4) ~~For purposes of determining alimony, there is a~~  
6 ~~rebuttable presumption that a short-term marriage is a marriage~~  
7 ~~having a duration of less than 7 years, a moderate term marriage~~  
8 ~~is a marriage having a duration of greater than 7 years but less~~  
9 ~~than 17 years, and long-term marriage is a marriage having a~~  
10 ~~duration of 17 years or greater. The length of a marriage is the~~



536442

12 period of time from the date of marriage until the date of  
13 filing of an action for dissolution of marriage.

14 (5) Bridge-the-gap alimony may be awarded to assist a party  
15 by providing support to allow the party to make a transition  
16 from being married to being single. Bridge-the-gap alimony is  
17 designed to assist a party with legitimate identifiable short-  
18 term needs, and the length of an award of bridge-the-gap alimony  
19 may not exceed 2 years. An award of bridge-the-gap alimony  
20 terminates upon the death of either party or upon the remarriage  
21 of the party receiving alimony. An award of bridge-the-gap  
22 alimony is shall not be modifiable in amount or duration.

23 (6) (a) Rehabilitative alimony may be awarded to assist a  
24 party in establishing the capacity for self-support through  
25 either:

26 1. The redevelopment of previous skills or credentials; or  
27 2. The acquisition of education, training, or work  
28 experience necessary to develop appropriate employment skills or  
29 credentials.

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

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

35 (d) An award of rehabilitative alimony may be modified or  
36 terminated in accordance with s. 61.14 based upon a substantial  
37 change in circumstances, upon noncompliance with the  
38 rehabilitative plan, or upon completion of the rehabilitative  
39 plan if the plan is completed before the length of the award of  
40 rehabilitative alimony expires.



536442

41       (7)(a) Durational alimony may be awarded ~~when permanent~~  
42 ~~periodic alimony is inappropriate. The purpose of durational~~  
43 ~~alimony is to provide a party with economic assistance for a set~~  
44 ~~period of time following a marriage of short or moderate~~  
45 ~~duration or following a marriage of long duration if there is no~~  
46 ~~ongoing need for support on a permanent basis.~~ An award of  
47 durational alimony terminates upon the death of either party or  
48 upon the remarriage of the party receiving alimony. The amount  
49 of an award of durational alimony may be modified or terminated  
50 based upon a substantial change in circumstances in accordance  
51 with s. 61.14. Durational alimony may not be awarded following a  
52 marriage lasting fewer than 3 years. However, The length of an  
53 award of durational alimony may not be modified except under  
54 ~~exceptional circumstances and may not exceed 50 percent of the~~  
55 ~~length of a~~ the marriage lasting between 3 and 10 years, 60  
56 percent of the length of a marriage lasting between 10 and 20  
57 years, or 75 percent of the length of a marriage lasting 20  
58 years or longer. However, if the party seeking alimony is either  
59 permanently mentally or physically disabled and unable to  
60 provide for his or her own support, either partially or fully,  
61 or is the full-time in-home caregiver to a fully and permanently  
62 mentally or physically disabled child who is common to the  
63 parties, the court may extend durational alimony beyond the  
64 thresholds established in this subsection based on the duration  
65 of the marriage until the death of the child or until the court  
66 determines that there is no longer a need for durational  
67 alimony. For purposes of this subsection, the length of a  
68 marriage is the period of time beginning on the date of marriage  
69 and ending on the date an action for dissolution of marriage is



536442

70 filed. When awarding durational alimony, the court must make  
71 written findings that an award of another type of alimony, or a  
72 combination of the other forms of alimony, is insufficient.

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

77 (c) In determining the length of an award of durational  
78 alimony, the court shall reduce the length of an award of  
79 durational alimony for the length of time during which the  
80 obligor made temporary support payments to the obligee, either  
81 voluntarily or pursuant to a court order, after the date of  
82 filing of a petition for dissolution of marriage.

83 (d) In determining the extent to which alimony should be  
84 granted because a supportive relationship exists or has existed  
85 between the party seeking alimony and another person who is not  
86 related by consanguinity or affinity at any time since 180 days  
87 before the filing of the petition of dissolution of marriage,  
88 the court shall consider all relevant factors presented  
89 concerning the nature and extent of the supportive relationship  
90 in question. The burden is on the obligor to prove by a  
91 preponderance of the evidence that a supportive relationship  
92 exists. If a supportive relationship is proven to exist, the  
93 burden shifts to the obligee to disprove by a preponderance of  
94 the evidence that the court should deny or reduce the initial  
95 award of alimony. The court must make written findings of fact  
96 concerning the circumstances of the supportive relationship,  
97 including, but not limited to, the factors set forth in s.  
98 61.14(1)(b)2.



536442

99       (e) In the event that the obligor reaches full retirement  
100 age as determined by the Social Security Administration before  
101 the end of the durational period indicated by paragraph (a), and  
102 has reached at least 65 years of age, the durational alimony  
103 shall end on such retirement date if all of the following  
104 conditions are met:

105       1. The obligor files a notice of retirement and intent to  
106 terminate alimony with the court and personally serves the  
107 alimony recipient and his or her last known attorney of record,  
108 if such attorney is still practicing in the same county, at  
109 least 1 year before the date that the obligor's retirement is  
110 intended to become effective.

111       2. The obligee has not contested the notice of retirement  
112 and intent to terminate alimony according to the factors  
113 specified in s. 61.14(12)(b) or the court has determined that  
114 such factors do not apply. If the court makes any of the  
115 findings specified in s. 61.14(12)(b), the court must consider  
116 and make written findings regarding the factors listed in s.  
117 61.14(12)(c) to determine whether to extend the length of the  
118 alimony award as set forth in s. 61.08(7)(a).

119  
120 However, if the obligor continues to work beyond his or her  
121 retirement age as provided under this paragraph and earns active  
122 gross income of more than 50 percent of the obligor's average  
123 preretirement annual active gross income for the 3 years  
124 preceding his or her retirement age, the court may extend  
125 alimony until the durational limitations established in this  
126 subsection have been satisfied or the obligor retires and  
127 reduces his or her active gross income below the 50 percent



536442

threshold established in this paragraph.

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

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

2. The party seeking alimony would be left with the inability to meet his or her basic needs and necessities of life, including, but not limited to, housing, utilities, food, and transportation; or

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

(b) However, if the obligor continues to work beyond his or her retirement age as provided under this subsection and earns active gross income of more than 50 percent of the obligor's average preretirement annual active gross income for the 3 years preceding his or her retirement age, the court may award



536442

157 durational alimony until the durational limitations established  
158 in subsection (7) have been satisfied or the obligor retires and  
159 reduces his or her active gross income below the 50 percent  
160 threshold established in this paragraph.

161 (9) Notwithstanding any other law, alimony may not be  
162 awarded to a party who has a monthly net income that is equal to  
163 or more than the other party's monthly net income.

164 (10) Social security retirement benefits may not be imputed  
165 to the obligor as demonstrated by a social security retirement  
166 benefits entitlement letter unless those benefits are actually  
167 being paid.

168 (11) If the obligee alleges that a physical disability has  
169 impaired his or her capability to earn income, the obligee must  
170 have qualified for benefits under the Social Security  
171 Administration Disability Insurance Program or, in the event the  
172 obligee is not eligible for the program, must demonstrate that  
173 his or her disability meets the disability qualification  
174 standards of the Social Security Administration Disability  
175 Insurance Program.

176 (8) Permanent alimony may be awarded to provide for the  
177 needs and necessities of life as they were established during  
178 the marriage of the parties for a party who lacks the financial  
179 ability to meet his or her needs and necessities of life  
180 following a dissolution of marriage. Permanent alimony may be  
181 awarded following a marriage of long duration if such an award  
182 is appropriate upon consideration of the factors set forth in  
183 subsection (2), following a marriage of moderate duration if  
184 such an award is appropriate based upon clear and convincing  
185 evidence after consideration of the factors set forth in



536442

186 subsection (2), or following a marriage of short duration if  
187 there are written findings of exceptional circumstances. In  
188 awarding permanent alimony, the court shall include a finding  
189 that no other form of alimony is fair and reasonable under the  
190 circumstances of the parties. An award of permanent alimony  
191 terminates upon the death of either party or upon the remarriage  
192 of the party receiving alimony. An award may be modified or  
193 terminated based upon a substantial change in circumstances or  
194 upon the existence of a supportive relationship in accordance  
195 with s. 61.14.

196 (9) The award of alimony may not leave the payor with  
197 significantly less net income than the net income of the  
198 recipient unless there are written findings of exceptional  
199 circumstances.

200 (12) (a) (10) (a) With respect to any order requiring the  
201 payment of alimony entered on or after January 1, 1985, unless  
202 the provisions of paragraph (c) or paragraph (d) applies apply,  
203 the court shall direct in the order that the payments of alimony  
204 be made through the appropriate depository as provided in s.  
205 61.181.

206 (b) With respect to any order requiring the payment of  
207 alimony entered before January 1, 1985, upon the subsequent  
208 appearance, on or after that date, of one or both parties before  
209 the court having jurisdiction for the purpose of modifying or  
210 enforcing the order or in any other proceeding related to the  
211 order, or upon the application of either party, unless the  
212 provisions of paragraph (c) or paragraph (d) applies apply, the  
213 court shall modify the terms of the order as necessary to direct  
214 that payments of alimony be made through the appropriate



536442

215 depository as provided in s. 61.181.

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

218 (d) 1. If there is a minor child of the parties and both  
219 parties so request, the court may order that alimony payments  
220 need not be directed through the depository. In this case, the  
221 order of support must ~~shall~~ provide, or be deemed to provide,  
222 that either party may subsequently apply to the depository to  
223 require that payments be made through the depository. The court  
224 shall provide a copy of the order to the depository.

225 2. If ~~the provisions of~~ subparagraph 1. applies apply,  
226 either party may subsequently file with the depository an  
227 affidavit alleging default or arrearages in payment and stating  
228 that the party wishes to initiate participation in the  
229 depository program. The party shall provide copies of the  
230 affidavit to the court and the other party or parties. Fifteen  
231 days after receipt of the affidavit, the depository shall notify  
232 all parties that future payments shall be directed to the  
233 depository.

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

237 (13) The court shall apply this section to all petitions

238 ===== T I T L E A M E N D M E N T ======  
239 And the title is amended as follows:

240 Delete line 22

241 and insert:

242 repealing certain rebuttable presumptions related to