



706994

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2022	.	
	.	
	.	
	.	

The Committee on Judiciary (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) "Active gross income" means salary, wages, bonuses,



706994

12 commissions, allowances, overtime, tips, and other similar
13 payments and business income from self-employment, partnership,
14 close corporations, independent contracts, and other similar
15 sources. For purposes of this definition, "business income"
16 means gross receipts minus ordinary and necessary expenses
17 required to produce income and requires that such business
18 income be derived in a way that meets any of the material
19 participation tests outlined in the Internal Revenue Service's
20 Publication 925 (2020), Passive Activity and At-Risk Rules.

21 (9)(8) "Income" means any form of payment to an individual,
22 regardless of source, including, but not limited to, ÷ wages,
23 salary, commissions and bonuses, compensation as an independent
24 contractor, worker's compensation, disability benefits, annuity
25 and retirement benefits, pensions, dividends, interest,
26 royalties, trust distributions trusts, and any other payments,
27 made by any person, private entity, federal or state government,
28 or any unit of local government. United States Department of
29 Veterans Affairs disability benefits and reemployment assistance
30 or unemployment compensation, as defined in chapter 443, are
31 excluded from this definition of income except for purposes of
32 establishing an amount of support.

33 Section 2. Section 61.08, Florida Statutes, is amended to
34 read:

35 61.08 Alimony.—

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

37 (a) "Alimony" means a court-ordered or voluntary payment of
38 support by one spouse to the other spouse. The term includes any
39 voluntary payment made after the date of filing an order for
40 maintenance, spousal support, temporary support, or separate



706994

41 support when the payment is not intended for the benefit of a
42 child in common.

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

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

49 1. Federal, state, or local income tax deductions, adjusted
50 for actual filing status and allowable dependents, and income
51 tax liabilities.

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

53 3. Mandatory union dues.

54 4. Mandatory retirement payments.

55 5. Health insurance payments, excluding payments for
56 coverage of a minor child.

57 6. Court-ordered support for other children which is
58 actually paid.

59 7. Spousal support paid pursuant to a court order from a
60 previous marriage.

61 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
62 court may grant alimony to either party in the form of, ~~which~~
63 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
64 ~~alimony,~~ or a permanent in nature or any combination of these
65 forms of alimony. In an any award of alimony, the court may
66 order periodic payments, ~~or~~ payments in lump sum, or both.

67 (b) The court shall make written findings regarding the
68 basis for awarding a combination of forms of alimony, including
69 the type of alimony and the length of time for which the alimony



706994

70 is awarded. The court may award a combination of forms of
71 alimony only to provide greater economic assistance in order to
72 allow the recipient to achieve rehabilitation.

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

79 ~~(3)(2)~~ In determining whether to award alimony or
80 maintenance, the court shall first make a specific, written
81 factual determination as to whether the either party seeking
82 alimony or maintenance has an actual need for it alimony or
83 ~~maintenance~~ and whether the other either party has the ability
84 to pay alimony or maintenance. If the court finds that the a
85 party seeking alimony or maintenance has a need for it alimony
86 ~~or maintenance~~ and that the other party has the ability to pay
87 alimony or maintenance, then in determining the proper type and
88 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~
89 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,
90 including, but not limited to:

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

98 (b) The duration of the marriage.



706994

- 99 (c) The age and the physical and emotional condition of
100 each party.
- 101 (d) The financial resources of each party, including the
102 nonmarital and the marital assets and liabilities distributed to
103 each.
- 104 (e) The earning capacities, educational levels, vocational
105 skills, and employability of the parties and, when applicable,
106 the time necessary for either party to acquire sufficient
107 education or training to enable such party to find appropriate
108 employment.
- 109 (f) The contribution of each party to the marriage,
110 including, but not limited to, services rendered in homemaking,
111 child care, education, and career building of either ~~the other~~
112 party.
- 113 (g) The responsibilities each party will have with regard
114 to any minor children whom the parties ~~they~~ have in common.
- 115 (h) The tax treatment and consequences to both parties of
116 an any alimony award, ~~including the designation of all or a~~
117 ~~portion of the payment as a nontaxable, nondeductible payment.~~
- 118 (i) All sources of income available to either party,
119 including income available to either party through investments
120 of any asset held by that party.
- 121 (j) Any other factor necessary for ~~to do~~ equity and justice
122 between the parties, if such factor is specifically identified
123 in the award with findings of fact justifying the application of
124 such factor.
- 125 ~~(4)(3)~~ To the extent necessary to protect an award of
126 alimony, the obligee may ~~court may order any party who is~~
127 ~~ordered to pay alimony to~~ purchase or maintain a life insurance



706994

128 policy on the obligor's life in an amount adequate to ~~or a bond,~~
129 ~~or to otherwise~~ secure such alimony award. If the obligee
130 purchases a life insurance policy, the obligor must cooperate in
131 the process of procuring the issuance and underwriting of the
132 life insurance policy ~~with any other assets which may be~~
133 ~~suitable for that purpose.~~

134 (5) ~~(4)~~ For purposes of determining alimony, there is a
135 rebuttable presumption that a short-term marriage is a marriage
136 having a duration of less than 10 ~~7~~ years, a moderate-term
137 marriage is a marriage having a duration between ~~of greater than~~
138 10 ~~7~~ years and 20 ~~but less than 17~~ years, and a long-term
139 marriage is a marriage having a duration of 20 ~~17~~ years or
140 longer ~~greater~~. The length of a marriage is the period of time
141 from the date of marriage until the date of filing of an action
142 for dissolution of marriage.

143 (6) ~~(5)~~ Bridge-the-gap alimony may be awarded to assist a
144 party by providing support to allow the party to make a
145 transition from being married to being single. Bridge-the-gap
146 alimony is designed to assist a party with legitimate
147 identifiable short-term needs, and the length of an award of
148 bridge-the-gap alimony may not exceed 2 years. An award of
149 bridge-the-gap alimony terminates upon the death of either party
150 or upon the remarriage of the party receiving alimony. An award
151 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
152 or duration.

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

156 1. The redevelopment of previous skills or credentials; or



706994

157 2. The acquisition of education, training, or work
158 experience necessary to develop appropriate employment skills or
159 credentials.

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

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

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

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



186 percent of the length of a marriage lasting between 10 and 20
187 years, or 75 percent of the length of a marriage lasting 20
188 years or longer. However, if the party seeking alimony is either
189 permanently mentally or physically disabled and unable to
190 provide for his or her own support, either partially or fully,
191 or is the full-time in-home caregiver to a fully and permanently
192 mentally or physically disabled child who is common to the
193 parties, the court may extend durational alimony beyond the
194 thresholds established in this subsection based on the duration
195 of the marriage until the death of the child or until the court
196 determines that there is no longer a need for durational
197 alimony. For purposes of this subsection, the length of a
198 marriage is the period of time beginning on the date of marriage
199 and ending on the date an action for dissolution of marriage is
200 filed. When awarding durational alimony, the court must make
201 written findings that an award of another type of alimony, or a
202 combination of the other forms of alimony, is not appropriate.

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

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

213 (d) In determining the extent to which alimony should be
214 granted because a supportive relationship exists or has existed



706994

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

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

235 1. The payor files a notice of retirement and intent to
236 terminate alimony with the court and personally serves the
237 alimony recipient or his or her last known attorney of record at
238 least 1 year before the date that the obligor's retirement is
239 intended to become effective.

240 2. The obligee has not contested the notice of retirement
241 and intent to terminate alimony according to the factors
242 specified in s. 61.14(12)(b) or the court has determined that
243 such factors do not apply. If the court makes any of the



244 findings specified in s. 61.14(12)(b), the court must consider
245 and make written findings regarding the factors listed in s.
246 61.14(12)(c) to determine whether to extend the length of the
247 alimony award as set forth in s. 61.08(8)(a).

248
249 However, if the obligor continues to work beyond his or her
250 retirement age as provided under this paragraph and earns active
251 gross income of more than 50 percent of the obligor's average
252 preretirement annual active gross income for the 3 years
253 preceding his or her retirement age, the court may extend
254 alimony until the durational limitations established in this
255 subsection have been satisfied or the obligor retires and
256 reduces his or her active gross income below the 50 percent
257 threshold established in this paragraph.

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

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

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



706994

273 withdrawal penalties; or

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

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

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

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

294 ~~(8) Permanent alimony may be awarded to provide for the~~
295 ~~needs and necessities of life as they were established during~~
296 ~~the marriage of the parties for a party who lacks the financial~~
297 ~~ability to meet his or her needs and necessities of life~~
298 ~~following a dissolution of marriage. Permanent alimony may be~~
299 ~~awarded following a marriage of long duration if such an award~~
300 ~~is appropriate upon consideration of the factors set forth in~~
301 ~~subsection (2), following a marriage of moderate duration if~~



706994

302 ~~such an award is appropriate based upon clear and convincing~~
303 ~~evidence after consideration of the factors set forth in~~
304 ~~subsection (2), or following a marriage of short duration if~~
305 ~~there are written findings of exceptional circumstances. In~~
306 ~~awarding permanent alimony, the court shall include a finding~~
307 ~~that no other form of alimony is fair and reasonable under the~~
308 ~~circumstances of the parties. An award of permanent alimony~~
309 ~~terminates upon the death of either party or upon the remarriage~~
310 ~~of the party receiving alimony. An award may be modified or~~
311 ~~terminated based upon a substantial change in circumstances or~~
312 ~~upon the existence of a supportive relationship in accordance~~
313 ~~with s. 61.14.~~

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

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

324 (b) With respect to any order requiring the payment of
325 alimony entered before January 1, 1985, upon the subsequent
326 appearance~~7~~ on or after that date~~7~~ of one or both parties before
327 the court having jurisdiction for the purpose of modifying or
328 enforcing the order or in any other proceeding related to the
329 order~~7~~ or upon the application of either party, unless ~~the~~
330 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the



706994

331 court shall modify the terms of the order as necessary to direct
332 that payments of alimony be made through the appropriate
333 depository as provided in s. 61.181.

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

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

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

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

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

359 Section 3. Paragraph (b) of subsection (1) of section



706994

360 61.14, Florida Statutes, is amended, and paragraph (c) is added
361 to subsection (11) and subsections (12), (13), and (14) are
362 added to that section, to read:

363 61.14 Enforcement and modification of support, maintenance,
364 or alimony agreements or orders.—

365 (1)

366 (b)1. The court may reduce or terminate an award of alimony
367 or order reimbursement to the obligor for any amount the court
368 determines is equitable upon specific written findings by the
369 court that since the granting of a divorce and the award of
370 alimony, a supportive relationship exists or has existed between
371 the obligee and another a person at any time during the 180 days
372 before the filing of a petition for modification of alimony with
373 whom the obligee resides. On the issue of whether alimony should
374 be reduced or terminated under this paragraph, the burden is on
375 the obligor to prove by a preponderance of the evidence that a
376 supportive relationship exists or existed. If a supportive
377 relationship is proven to exist, the burden shifts to the
378 obligee to disprove, by a preponderance of the evidence, that
379 the court should terminate an existing award of alimony.

380 2. In determining the extent to which ~~whether~~ an existing
381 award of alimony should be reduced or terminated because of an
382 alleged supportive relationship between an obligee and a person
383 who is not related by consanguinity or affinity ~~and with whom~~
384 ~~the obligee resides~~, the court must make written findings of
385 fact concerning the nature and the extent of the supportive
386 relationship in question and the circumstances of the supportive
387 relationship, including, but not limited to, the following
388 factors ~~shall elicit the nature and extent of the relationship~~



706994

389 ~~in question. The court shall give consideration, without~~
390 ~~limitation, to circumstances, including, but not limited to, the~~
391 ~~following, in determining the relationship of an obligee to~~
392 ~~another person:~~

393 a. The extent to which the obligee and the other person
394 have held themselves out as a married couple by engaging in
395 conduct such as using the same last name, using a common mailing
396 address, referring to each other in terms such as "my husband"
397 or "my wife," or otherwise conducting themselves in a manner
398 that evidences a permanent supportive relationship.

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

401 c. The extent to which the obligee and the other person
402 have pooled their assets or income or otherwise exhibited
403 financial interdependence.

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

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

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

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

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

414 i. Evidence in support of a claim that the obligee and the
415 other person have an express agreement regarding property
416 sharing or support.

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



706994

418 other person have an implied agreement regarding property
419 sharing or support.

420 k. Whether the obligee and the other person have provided
421 support to the children of one another, regardless of any legal
422 duty to do so.

423 3. This paragraph does not abrogate the requirement that
424 every marriage in this state be solemnized under a license, does
425 not recognize a common law marriage as valid, and does not
426 recognize a de facto marriage. This paragraph recognizes only
427 that relationships do exist that provide economic support
428 equivalent to a marriage and that alimony terminable on
429 remarriage may be reduced or terminated upon the establishment
430 of equivalent equitable circumstances as described in this
431 paragraph. The existence of a conjugal relationship, though it
432 may be relevant to the nature and extent of the relationship, is
433 not necessary for the application of the provisions of this
434 paragraph.

435 (11)

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

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

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



706994

447 1. The reduction or termination of alimony would result in
448 any of the following:

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

455 b. A violation of the terms of the marital settlement
456 agreement between the parties because the marital settlement
457 agreement either does not allow for modification or termination
458 of the alimony award or the proposed reduction in alimony does
459 not comply with applicable terms for modification of alimony
460 specified in the agreement;

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

464 3. The obligee is permanently mentally or physically
465 disabled and unable to provide for his or her own support,
466 either partially or fully.

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

471 1. The duration of the marriage.

472 2. The financial resources of the obligee, including the
473 nonmarital and marital assets and liabilities distributed to the
474 obligee, as well as the obligee's role in conserving or
475 depleting the marital assets distributed at the dissolution of



706994

476 marriage.

477 3. The sources of income available to the obligee,
478 including income available to the obligee through investments of
479 any asset, including retirement assets from which the obligee
480 can access income without incurring early withdrawal penalties.

481 4. The effort and sacrifices of time and leisure necessary
482 for the obligor to continue to provide such alimony and
483 consideration of the presumption that the obligor has a right to
484 retire when attaining full retirement age as per the Social
485 Security Administration.

486 5. The age and health of the obligor.

487 6. The terms of the marital settlement agreement between
488 the parties which govern modification of alimony.

489 (d) If the court does not make any of the findings
490 specified in paragraph (b), the alimony award amount shall
491 decrease by 25 percent on the date the obligor reaches 65 years
492 of age or 1 year after the date on which the notice of
493 retirement and intent to terminate alimony is filed, whichever
494 occurs later, and shall continue to decrease by 25 percent each
495 year thereafter until the date the obligor reaches 68 years of
496 age or 4 years after the date on which the notice is filed,
497 whichever occurs later, at which time alimony shall terminate.

498 (e) Notwithstanding paragraphs (a)-(d), if the obligor
499 continues to work beyond full retirement age as determined by
500 the United States Social Security Administration or beyond the
501 reasonable retirement age for his or her profession or line of
502 work as determined in paragraph (f), whichever occurs earlier,
503 and earns active gross income of more than 50 percent of the
504 obligor's average preretirement annual active gross income for



706994

505 the 3 years preceding his or her retirement age, actual
506 retirement date, or reasonable retirement age, as applicable,
507 the court may extend alimony until the obligor retires and
508 reduces his or her active gross income below the 50 percent
509 active gross income threshold established under this paragraph.

510 (f) If an obligor seeks to retire at an age that is
511 reasonable for his or her profession or line of work, but before
512 he or she reaches 65 years of age, or if the obligor is past his
513 or her full retirement age as determined by the Social Security
514 Administration, the court may terminate an alimony award if it
515 determines that the obligor's retirement is reasonable. In
516 determining whether the obligor's retirement is reasonable, the
517 court shall consider all of the following:

518 1. The obligor's age and health.
519 2. The obligor's motivation for retirement.
520 3. The obligor's profession or line of work and the typical
521 retirement age for that profession or line of work.

522 4. The impact that a termination or reduction of alimony
523 would have on the obligee. In determining the impact, the court
524 must consider any assets accumulated or received by the obligee
525 since the final judgment of dissolution of marriage, including
526 any income generated by such assets and retirement assets from
527 which the obligee can access income without incurring early
528 withdrawal penalties, and the obligee's role in the depletion or
529 conservation of any assets.

530 (g) Up to 12 months before the obligor's anticipated
531 retirement under paragraph (f), the obligor may file a petition
532 to modify or terminate the alimony award, effective upon his or
533 her actual retirement date. The court shall modify or terminate



706994

534 the alimony award after the obligor's retirement unless the
535 court makes written findings of fact under paragraph (f) that
536 the obligor's retirement is not reasonable.

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

541 (14) Agreements on alimony payments, voluntary or pursuant
542 to a court order, which allow for modification or termination of
543 alimony by virtue of either party reaching a certain age,
544 income, or other threshold, or agreements that establish a
545 limited period of time after which alimony is modifiable, are
546 considered agreements that are expressly modifiable or eligible
547 for termination for purposes of this section once the specified
548 condition is met.

549 Section 4. Section 61.19, Florida Statutes, is amended to
550 read:

551 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
552 period; separate adjudication of issues.-

553 (1) A ~~Ne~~ final judgment of dissolution of marriage may not
554 be entered until at least 20 days have elapsed from the date of
555 filing the original petition for dissolution of marriage, ~~7~~ but
556 the court, on a showing that injustice would result from this
557 delay, may enter a final judgment of dissolution of marriage at
558 an earlier date.

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



706994

563 marriage, the court shall, upon request of either party, grant a
564 final judgment of dissolution of marriage with a reservation of
565 jurisdiction to subsequently determine all other substantive
566 issues. Before granting the judgment, the court shall enter
567 temporary orders necessary to protect the parties and their
568 children, if any, which orders remain effective until all other
569 issues are adjudicated by the court. This subsection applies to
570 all petitions for dissolution of marriage filed on or after July
571 1, 2022.

572 Section 5. The court shall apply this act to any action
573 pending on or after July 1, 2022.

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

575
576 ===== T I T L E A M E N D M E N T =====

577 And the title is amended as follows:

578 Delete everything before the enacting clause
579 and insert:

580 A bill to be entitled
581 An act relating to dissolution of marriage; amending
582 s. 61.046, F.S.; defining the term "active gross
583 income"; revising the definition of the term "income";
584 amending s. 61.08, F.S.; defining terms; requiring the
585 court to make certain written findings in its awards
586 of alimony; removing the court's ability to consider
587 adultery of either spouse in determining the amount of
588 an alimony award; revising factors that the court must
589 consider in determining the proper type and amount of
590 alimony; authorizing a party to whom the court has
591 awarded alimony to purchase or maintain a life



706994

592 insurance policy on the obligor's life to protect an
593 award of alimony; requiring the obligor to cooperate
594 in the process of procuring the life insurance;
595 modifying certain rebuttable presumptions related to
596 the duration of a marriage for purposes of determining
597 alimony; prohibiting an award of rehabilitative
598 alimony from exceeding a specified timeframe; revising
599 a provision authorizing the modification of
600 rehabilitative alimony upon completion of the
601 rehabilitative plan to include a certain condition;
602 revising provisions related to durational alimony;
603 prohibiting the length of an award of durational
604 alimony from exceeding specified timeframes;
605 specifying what constitutes the length of a marriage
606 for the purpose of determining durational alimony;
607 requiring the court to reduce the length of an award
608 of durational alimony based on certain payments made
609 by the obligor; authorizing the court to extend
610 durational alimony under certain circumstances;
611 requiring the court to make certain written findings
612 when awarding durational alimony; requiring the court
613 to consider specified factors when determining an
614 alimony award involving the existence of a supportive
615 relationship between the obligee and another person;
616 providing for the burden of proof in such
617 determinations; providing construction; providing for
618 the termination of a durational alimony award upon
619 retirement of the obligor under certain circumstances;
620 providing a formula for the calculation of durational



621 alimony; providing that a party who has reached
622 retirement age before adjudication of a petition for
623 dissolution of marriage may not be ordered to pay
624 alimony; providing exceptions; establishing that
625 alimony may not be awarded to a party who has a
626 certain monthly net income; prohibiting social
627 security retirement benefits from being imputed to the
628 obligor, with an exception; requiring an obligee to
629 meet certain requirements if he or she alleges that a
630 physical disability has impaired his or her ability to
631 earn income; providing applicability; amending s.
632 61.14, F.S.; authorizing the court to order an obligee
633 to reimburse alimony payments to the obligor under
634 certain circumstances; specifying a timeframe for the
635 court to consider a supportive relationship between
636 the obligee and another person for purposes of
637 reducing or terminating an award of alimony or
638 ordering reimbursement of alimony payments; providing
639 for the burden of proof in such determinations;
640 revising factors the court may consider when
641 determining whether a supportive relationship exists
642 or existed between the obligee and another person;
643 requiring the court to make its findings related to
644 such factors in writing; providing that an obligor's
645 subsequent remarriage or cohabitation is not a basis
646 for modification of alimony; authorizing an obligor to
647 file a notice of retirement and intent to terminate
648 alimony within a specified timeframe before such
649 retirement; providing notice and response



650 requirements; requiring the court to make written
651 findings regarding specified factors when deciding
652 whether to reduce the amount or duration of alimony;
653 providing for the reduction and termination of alimony
654 within specified timeframes under certain
655 circumstances; authorizing the court to extend
656 durational alimony beyond an obligor's retirement age
657 under certain circumstances notwithstanding its other
658 findings; authorizing the court to terminate an
659 alimony obligation if the obligor retires at a
660 reasonable age for his or her profession or line of
661 work or is past his or her full retirement age;
662 requiring the court to consider certain factors in
663 determining whether the obligor's retirement age is
664 reasonable; authorizing an obligor to prospectively
665 file a petition for modification or termination of
666 alimony, effective upon his or her retirement;
667 requiring a court to modify or terminate an alimony
668 award upon retirement of the obligor, with an
669 exception; providing that certain benefits of the
670 obligee constitute a change in circumstance for which
671 an obligor may seek modification of an alimony award;
672 providing that certain agreements on alimony payments
673 are considered expressly modifiable or eligible for
674 termination under certain circumstances; amending s.
675 61.19, F.S.; requiring the court to grant, upon
676 request of either party, a final judgment of
677 dissolution of marriage and reserve jurisdiction to
678 adjudicate other substantive issues, under certain



706994

679 circumstances; providing for temporary orders
680 necessary to protect the parties and their children,
681 if any; providing that such temporary orders are
682 effective until all other issues are adjudicated by
683 the court; providing applicability; providing an
684 effective date.