

By Senator Gruters

23-00014B-22

20221796__

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 prioritize certain forms of alimony;
7 authorizing the court to grant permanent alimony only
8 if both parties enter into such agreement; requiring
9 the court to make certain written findings in its
10 awards of alimony; prohibiting the court from denying
11 or granting an award of alimony solely on the basis of
12 adultery, with an exception; revising factors that the
13 court must consider in determining the proper type and
14 amount of alimony; authorizing a party to whom the
15 court has awarded alimony to purchase or maintain a
16 life insurance policy on the obligor's life to protect
17 an award of alimony; requiring the obligor to
18 cooperate in the process of procuring the life
19 insurance; modifying certain rebuttable presumptions
20 related to the duration of a marriage for purposes of
21 determining alimony; prohibiting an award of
22 rehabilitative alimony from exceeding specified
23 timeframes; revising a provision authorizing the
24 modification of rehabilitative alimony upon completion
25 of the rehabilitative plan to include a certain
26 condition; revising provisions related to durational
27 alimony; prohibiting the length of an award of
28 durational alimony from exceeding specified
29 timeframes; authorizing the court to extend durational

23-00014B-22

20221796__

30 alimony under certain circumstances; specifying what
31 constitutes the length of a marriage for the purpose
32 of determining durational alimony; requiring the court
33 to make certain written findings when awarding
34 durational alimony; requiring the court to consider
35 specified factors when determining an alimony award
36 involving the existence of a supportive relationship
37 between the obligee and another person; providing for
38 the burden of proof in such determinations; providing
39 construction; providing for the termination of a
40 durational alimony award upon retirement of the
41 obligor under certain circumstances; providing a
42 formula for the calculation of durational alimony;
43 providing that a party who has reached retirement age
44 in accordance with specified provisions may not be
45 ordered to pay alimony; providing exceptions;
46 establishing that alimony may not be awarded to a
47 party who has a certain monthly net income;
48 prohibiting social security retirement benefits from
49 being imputed to the obligor, with an exception;
50 requiring an obligee to meet certain requirements if
51 he or she alleges that a physical disability has
52 impaired his or her ability to earn income; requiring
53 the court to consider any alimony payments made to the
54 obligee when determining the amount and length of
55 rehabilitative or durational alimony; providing
56 applicability; amending s. 61.14, F.S.; authorizing
57 the court to order an obligee to reimburse alimony
58 payments to the obligor under certain circumstances;

23-00014B-22

20221796__

59 specifying a timeframe for the court to consider a
60 supportive relationship between the obligee and
61 another person for purposes of reducing or terminating
62 an award of alimony or ordering reimbursement of
63 alimony payments; providing for the burden of proof in
64 such determinations; revising factors the court may
65 consider when determining whether a supportive
66 relationship exists or existed between the obligee and
67 another person; requiring the court to make its
68 findings related to such factors in writing; providing
69 that an obligor's subsequent remarriage or
70 cohabitation is not a basis for modification of
71 alimony; prohibiting modifications of alimony awards
72 based on the income of either party's subsequent
73 spouse or person with whom he or she resides;
74 authorizing an obligor to file a notice of retirement
75 and intent to terminate alimony within a specified
76 timeframe before such retirement; providing notice and
77 response requirements; requiring the court to make
78 written findings regarding specified factors when
79 deciding whether to reduce the amount or duration of
80 alimony; providing for the reduction and termination
81 of alimony within specified timeframes under certain
82 circumstances; authorizing the court to extend
83 durational alimony beyond an obligor's retirement age
84 under certain circumstances notwithstanding its other
85 findings; authorizing the court to terminate an
86 alimony obligation if the obligor retires at a
87 reasonable age for his or her profession or line of

23-00014B-22

20221796__

88 work; requiring the court to consider certain factors
89 in determining whether the obligor's retirement age is
90 reasonable; authorizing an obligor to prospectively
91 file a petition for modification or termination of
92 alimony, effective upon his or her retirement;
93 requiring a court to modify or terminate an alimony
94 award upon retirement of the obligor, with an
95 exception; providing that certain benefits of the
96 obligee constitute a change in circumstance for which
97 an obligor may seek modification of an alimony award;
98 providing that certain agreements on alimony payments
99 are considered expressly modifiable or eligible for
100 termination under certain circumstances; amending s.
101 61.19, F.S.; requiring the court to grant, upon
102 request of either party, a final judgment of
103 dissolution of marriage and reserve jurisdiction to
104 adjudicate other substantive issues, under certain
105 circumstances; providing for temporary orders
106 necessary to protect the parties and their children,
107 if any; providing that such temporary orders are
108 effective until all other issues are adjudicated by
109 the court; providing applicability; providing an
110 effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. Present subsections (1) through (23) of section
115 61.046, Florida Statutes, are redesignated as subsections (2)
116 through (24), respectively, a new subsection (1) is added to

23-00014B-22

20221796__

117 that section, and present subsection (8) of that section is
118 amended, to read:

119 61.046 Definitions.—As used in this chapter, the term:

120 (1) "Active gross income" means salary, wages, bonuses,
121 commissions, allowances, overtime, tips, and other similar
122 payments and business income from self-employment, partnership,
123 close corporations, independent contracts, and other similar
124 sources. For purposes of this definition, "business income"
125 means gross receipts minus ordinary and necessary expenses
126 required to produce income and requires that such business
127 income be derived in a way that meets any of the material
128 participation tests outlined in the Internal Revenue Service's
129 Publication 925 (2020), Passive Activity and At-Risk Rules.

130 (9) ~~(8)~~ "Income" means any form of payment to an individual,
131 regardless of source, including, but not limited to, ~~+~~ wages,
132 salary, commissions and bonuses, compensation as an independent
133 contractor, worker's compensation, disability benefits, annuity
134 and retirement benefits, pensions, dividends, interest,
135 royalties, trust distributions ~~trusts~~, and any other payments,
136 made by any person, private entity, federal or state government,
137 or any unit of local government. United States Department of
138 Veterans Affairs disability benefits, involuntary combat-related
139 disability benefits, and combat-related special compensation
140 disability benefits, provided the servicemember recipient has
141 not elected to have the amount of retirement benefits to which
142 he or she is entitled reduced by the receipt of such disability
143 benefits, and reemployment assistance or unemployment
144 compensation, as defined in chapter 443, are excluded from this
145 definition of income except for purposes of establishing an

23-00014B-22

20221796__

146 amount of child support.

147 Section 2. Section 61.08, Florida Statutes, is amended to
148 read:

149 61.08 Alimony.—

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

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

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

159 (c) "Net income" means income that is determined by
160 subtracting allowable deductions from gross income. For purposes
161 of this section, allowable deductions include any of the
162 following:

163 1. Federal, state, or local income tax deductions, adjusted
164 for actual filing status and allowable dependents, and income
165 tax liabilities.

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

167 3. Mandatory union dues.

168 4. Mandatory retirement payments.

169 5. Health insurance payments, excluding payments for
170 coverage of a minor child.

171 6. Court-ordered support for other children which is
172 actually paid.

173 7. Spousal support paid pursuant to a court order from a
174 previous marriage.

23-00014B-22

20221796__

175 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
176 court may grant alimony to either party in the form of, ~~which~~
177 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
178 alimony, or a permanent in nature or any combination of these
179 forms of alimony, but shall prioritize an award of bridge-the-
180 gap alimony, followed by rehabilitative alimony, over any other
181 form of alimony. The court may grant permanent alimony only if
182 the parties enter into an agreement for permanent alimony. In an
183 ~~any~~ award of alimony, the court may order periodic payments, or
184 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. However, the adultery of a
194 spouse may not be the court's sole basis for denying a request
195 for alimony or awarding alimony, unless the adultery contributed
196 to a depletion of marital assets. In all dissolution actions,
197 the court shall include written findings of fact relative to the
198 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
199 ~~an~~ award or denial of alimony.

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

23-00014B-22

20221796__

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

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

219 (b) The duration of the marriage.

220 (c) The age and the physical and emotional condition of
221 each party.

222 (d) The financial resources of each party, including the
223 nonmarital and the marital assets and liabilities distributed to
224 each.

225 (e) The earning capacities, educational levels, vocational
226 skills, and employability of the parties and, when applicable,
227 the time necessary for either party to acquire sufficient
228 education or training to enable such party to find appropriate
229 employment.

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

23-00014B-22

20221796__

233 party.

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

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

239 (i) All sources of income available to either party,
240 including income available to either party through investments
241 of any asset held by that party.

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

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

255 ~~(5)(4)~~ For purposes of determining alimony, there is a
256 rebuttable presumption that a short-term marriage is a marriage
257 having a duration of less than 10 ~~7~~ years, a moderate-term
258 marriage is a marriage having a duration between ~~of greater than~~
259 10 ~~7~~ years and ~~20~~ but less than ~~17~~ years, and a long-term
260 marriage is a marriage having a duration of 20 ~~17~~ years or
261 longer ~~greater~~. The length of a marriage is the period of time

23-00014B-22

20221796__

262 from the date of marriage until the date of filing of an action
263 for dissolution of marriage.

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

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

- 277 1. The redevelopment of previous skills or credentials; or
278 2. The acquisition of education, training, or work
279 experience necessary to develop appropriate employment skills or
280 credentials.

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

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

287 (d) An award of rehabilitative alimony may be modified or
288 terminated in accordance with s. 61.14 based upon a substantial
289 change in circumstances, upon noncompliance with the
290 rehabilitative plan, or upon completion of the rehabilitative

23-00014B-22

20221796__

291 plan if the plan is completed before the length of the award of
292 rehabilitative alimony expires.

293 (8) (a) ~~(7)~~ Durational alimony may be awarded ~~when permanent~~
294 ~~periodic alimony is inappropriate. The purpose of durational~~
295 ~~alimony is~~ to provide a party with economic assistance for a set
296 period of time ~~following a marriage of short or moderate~~
297 ~~duration or following a marriage of long duration if there is no~~
298 ~~ongoing need for support on a permanent basis. An award of~~
299 durational alimony terminates upon the death of either party or
300 upon the remarriage of the party receiving alimony. The amount
301 of an award of durational alimony may be modified or terminated
302 based upon a substantial change in circumstances in accordance
303 with s. 61.14. Durational alimony may not be awarded following a
304 marriage lasting fewer than 3 years. ~~However,~~ The length of an
305 award of durational alimony may not ~~be modified except under~~
306 ~~exceptional circumstances and may not~~ exceed 50 percent of the
307 length of a ~~the~~ marriage lasting between 3 and 10 years, 60
308 percent of the length of a marriage lasting between 10 and 20
309 years, or 75 percent of the length of a marriage lasting 20
310 years or longer. However, if the party seeking alimony is either
311 medically needy under part III of chapter 409 and related rules
312 or is the full-time in-home caregiver to a fully and permanently
313 mentally or physically disabled child who is common to the
314 parties, the court may extend durational alimony beyond the
315 thresholds established in this subsection based on the duration
316 of the marriage until the death of the child or until the court
317 determines that there is no longer a need for durational
318 alimony. For purposes of this subsection, the length of a
319 marriage is the period of time beginning on the date of marriage

23-00014B-22

20221796__

320 and ending on the date an action for dissolution of marriage is
321 filed. When awarding durational alimony, the court must make
322 written findings that an award of another type of alimony, or a
323 combination of the other forms of alimony, is not appropriate.

324 (b) In determining the extent to which alimony should be
325 granted because a supportive relationship exists or has existed
326 between the party seeking alimony and another person who is not
327 related by consanguinity or affinity at any time since 180 days
328 before the filing of the petition of dissolution of marriage,
329 the court shall consider all relevant factors presented
330 concerning the nature and extent of the supportive relationship
331 in question. The burden is on the obligor to prove by a
332 preponderance of the evidence that a supportive relationship
333 exists. If a supportive relationship is proven to exist, the
334 burden shifts to the obligee to disprove by a preponderance of
335 the evidence that the court should deny or reduce the initial
336 award of alimony or reduce or terminate an existing award of
337 alimony. The court must make written finding of fact concerning
338 the circumstances of the supportive relationship, including, but
339 not limited to, the factors set forth in subsection (3) and all
340 of the following factors:

341 1. The extent to which the obligee and the other person
342 have held themselves out as a married couple by engaging in such
343 conduct as using the same last name, using a common mailing
344 address, referring to each other in terms such as "my husband,"
345 "my wife," "my partner," or "my fiance," or otherwise conducting
346 themselves in a manner that evidences a permanent or
347 longstanding committed and supportive relationship.

348 2. Whether the obligee has resided with the other person

23-00014B-22

20221796__

349 and, if so, for what period of time.

350 3. The extent to which the obligee and the other person
351 have pooled their income or assets, have acquired or maintained
352 joint bank or financial accounts, or have otherwise exhibited
353 financial interdependence.

354 4. The extent to which the obligee or the other person has
355 financially or economically supported the other, in whole or in
356 part.

357 5. The extent to which the obligee or the other person has
358 performed financial or economic services for the other.

359 6. The extent to which the obligee or the other person has
360 performed services for the other's business entity or employer.

361 7. The extent to which the obligee and the other person
362 have together acquired any assets or created or enhanced
363 anything of value.

364 8. The extent to which the obligee and the other person
365 have jointly contributed to the purchase of any real or personal
366 property.

367 9. Evidence that the obligee and the other person have an
368 express or implied agreement regarding property sharing or
369 financial support.

370 10. The extent to which the obligee and the other person
371 have provided support to the children of one or the other,
372 regardless of any legal duty to do so.

373 11. Whether the obligee and the other person are engaged to
374 be married.

375

376 This paragraph does not abrogate the requirement that every
377 marriage in this state be solemnized under a license, does not

23-00014B-22

20221796__

378 recognize a common law marriage as valid, and does not recognize
379 a de facto marriage. This paragraph recognizes only that those
380 relationships do exist which provide economic support equivalent
381 to a marriage and that alimony terminable on remarriage may be
382 reduced or terminated upon the establishment of equivalent
383 equitable circumstances as described in this paragraph. The
384 existence of a conjugal relationship, though it may be relevant
385 to the nature and extent of the relationship, is not necessary
386 for the application of this paragraph.

387 (c) In the event that the party obliged to pay alimony
388 reaches 65 years of age or the customary retirement age for his
389 or her profession before the end of the durational period
390 indicated by paragraph (a), the durational alimony shall end on
391 such retirement date if all of the following conditions are met:

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

397 2. The obligee has not contested the notice of retirement
398 and intent to terminate alimony according to the factors
399 specified in s. 61.14(12)(b) or the court has determined that
400 such factors do not apply.

401
402 If the conditions of this paragraph are met, the obligor's
403 obligation to pay alimony ends 1 year after the date of filing
404 of the notice of retirement and intent to terminate alimony or
405 on the date the obligor reaches 65 years of age, whichever
406 occurs later. However, if the obligor continues to work beyond

23-00014B-22

20221796

407 his or her retirement age as provided under this paragraph and
408 earns active gross income of more than 50 percent of the
409 obligor's average preretirement annual active gross income for
410 the 3 years preceding his or her retirement age, the court may
411 extend alimony until the durational limitations established in
412 this subsection have been satisfied or the obligor retires and
413 reduces his or her active gross income below the 50 percent
414 threshold established in this paragraph.

415 (d) The amount of durational alimony is the amount
416 determined to be the obligee's reasonable need or an amount not
417 to exceed 35 percent of the difference between the parties' net
418 incomes, whichever amount is less.

419 (9) A party against whom alimony is sought who has met the
420 requirements for retirement in accordance with s. 61.14(12)
421 before the filing of the petition for dissolution of marriage
422 may not be ordered to pay bridge-the-gap, rehabilitative, or
423 durational alimony, unless the court determines that:

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

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

434 2. The party seeking alimony is the full-time in-home
435 caregiver to a fully and permanently mentally or physically

23-00014B-22

20221796__

436 disabled child who is common to the parties or the party is
437 permanently and mentally or physically disabled and unable to
438 provide for his or her own support, either partially or fully.

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

442 (11) Social security retirement benefits may not be imputed
443 to the obligor as demonstrated by a social security retirement
444 benefits entitlement letter unless those benefits are actually
445 being paid.

446 (12) If the obligee alleges that a physical disability has
447 impaired his or her capability to earn income, the obligee must
448 have qualified for benefits under the Social Security
449 Administration Disability Insurance Program or, in the event the
450 obligee is not eligible for the program, must demonstrate that
451 his or her disability meets the disability qualification
452 standards of the Social Security Administration Disability
453 Insurance Program.

454 ~~(8) Permanent alimony may be awarded to provide for the~~
455 ~~needs and necessities of life as they were established during~~
456 ~~the marriage of the parties for a party who lacks the financial~~
457 ~~ability to meet his or her needs and necessities of life~~
458 ~~following a dissolution of marriage. Permanent alimony may be~~
459 ~~awarded following a marriage of long duration if such an award~~
460 ~~is appropriate upon consideration of the factors set forth in~~
461 ~~subsection (2), following a marriage of moderate duration if~~
462 ~~such an award is appropriate based upon clear and convincing~~
463 ~~evidence after consideration of the factors set forth in~~
464 ~~subsection (2), or following a marriage of short duration if~~

23-00014B-22

20221796__

465 ~~there are written findings of exceptional circumstances. In~~
466 ~~awarding permanent alimony, the court shall include a finding~~
467 ~~that no other form of alimony is fair and reasonable under the~~
468 ~~circumstances of the parties. An award of permanent alimony~~
469 ~~terminates upon the death of either party or upon the remarriage~~
470 ~~of the party receiving alimony. An award may be modified or~~
471 ~~terminated based upon a substantial change in circumstances or~~
472 ~~upon the existence of a supportive relationship in accordance~~
473 ~~with s. 61.14.~~

474 ~~(9) The award of alimony may not leave the payor with~~
475 ~~significantly less net income than the net income of the~~
476 ~~recipient unless there are written findings of exceptional~~
477 ~~circumstances.~~

478 ~~(13) (a) (10) (a)~~ With respect to any order requiring the
479 payment of alimony entered on or after January 1, 1985, unless
480 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
481 the court shall direct in the order that the payments of alimony
482 be made through the appropriate depository as provided in s.
483 61.181.

484 (b) With respect to any order requiring the payment of
485 alimony entered before January 1, 1985, upon the subsequent
486 appearance₇ on or after that date₇ of one or both parties before
487 the court having jurisdiction for the purpose of modifying or
488 enforcing the order or in any other proceeding related to the
489 order₇ or upon the application of either party, unless ~~the~~
490 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
491 court shall modify the terms of the order as necessary to direct
492 that payments of alimony be made through the appropriate
493 depository as provided in s. 61.181.

23-00014B-22

20221796__

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

496 (d)1. If there is a minor child of the parties and both
497 parties so request, the court may order that alimony payments
498 need not be directed through the depository. In this case, the
499 order of support must ~~shall~~ provide, or be deemed to provide,
500 that either party may subsequently apply to the depository to
501 require that payments be made through the depository. The court
502 shall provide a copy of the order to the depository.

503 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
504 either party may subsequently file with the depository an
505 affidavit alleging default or arrearages in payment and stating
506 that the party wishes to initiate participation in the
507 depository program. The party shall provide copies of the
508 affidavit to the court and the other party or parties. Fifteen
509 days after receipt of the affidavit, the depository shall notify
510 all parties that future payments shall be directed to the
511 depository.

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

515 (14) The court shall consider any alimony payments made to
516 the obligee after the date of filing of a petition for
517 dissolution of marriage, either voluntarily or pursuant to a
518 court order, in determining the amount and length of an award of
519 rehabilitative or durational alimony.

520 (15) The court shall apply this section to all petitions
521 for dissolution of marriage which have not been adjudicated
522 before July 1, 2022, and to any petitions for dissolution of

23-00014B-22

20221796__

523 marriage filed on or after July 1, 2022.

524 Section 3. Paragraph (b) of subsection (1) of section
525 61.14, Florida Statutes, is amended, and paragraph (c) is added
526 to subsection (11) and subsections (12), (13), and (14) are
527 added to that section, to read:

528 61.14 Enforcement and modification of support, maintenance,
529 or alimony agreements or orders.—

530 (1)

531 (b)1. The court may reduce or terminate an award of alimony
532 or order reimbursement to the obligor for any amount the court
533 determines is equitable upon specific written findings by the
534 court that since the granting of a divorce and the award of
535 alimony, a supportive relationship exists or ~~has~~ existed between
536 the obligee and another a person at any time during the 180 days
537 before the filing of a petition for modification of alimony with
538 ~~whom the obligee resides~~. On the issue of whether alimony should
539 be reduced or terminated under this paragraph, the burden is on
540 the obligor to prove by a preponderance of the evidence that a
541 supportive relationship exists or existed. If a supportive
542 relationship is proven to exist, the burden shifts to the
543 obligee to disprove, by a preponderance of the evidence, that
544 the court should deny or reduce an initial award of alimony or
545 reduce or terminate an existing award of alimony.

546 2. In determining whether an existing award of alimony
547 should be reduced or terminated because of an alleged supportive
548 relationship between an obligee and a person who is not related
549 by consanguinity or affinity and with whom the obligee resides,
550 the court must make written findings of fact concerning the
551 circumstances of the supportive relationship, including, but not

23-00014B-22

20221796__

552 limited to, the factors set forth in s. 61.08(8)(b) ~~shall elicit~~
553 ~~the nature and extent of the relationship in question. The court~~
554 ~~shall give consideration, without limitation, to circumstances,~~
555 ~~including, but not limited to, the following, in determining the~~
556 ~~relationship of an obligee to another person:~~

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

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

565 e. ~~The extent to which the obligee and the other person~~
566 ~~have pooled their assets or income or otherwise exhibited~~
567 ~~financial interdependence.~~

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

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

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

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

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

578 i. ~~Evidence in support of a claim that the obligee and the~~
579 ~~other person have an express agreement regarding property~~
580 ~~sharing or support.~~

23-00014B-22

20221796__

581 ~~j. Evidence in support of a claim that the obligee and the~~
582 ~~other person have an implied agreement regarding property~~
583 ~~sharing or support.~~

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

587 ~~3. This paragraph does not abrogate the requirement that~~
588 ~~every marriage in this state be solemnized under a license, does~~
589 ~~not recognize a common law marriage as valid, and does not~~
590 ~~recognize a de facto marriage. This paragraph recognizes only~~
591 ~~that relationships do exist that provide economic support~~
592 ~~equivalent to a marriage and that alimony terminable on~~
593 ~~remarriage may be reduced or terminated upon the establishment~~
594 ~~of equivalent equitable circumstances as described in this~~
595 ~~paragraph. The existence of a conjugal relationship, though it~~
596 ~~may be relevant to the nature and extent of the relationship, is~~
597 ~~not necessary for the application of the provisions of this~~
598 ~~paragraph.~~

599 (11)

600 (c) An obligor's subsequent remarriage or cohabitation does
601 not constitute a basis for either party to seek a modification
602 of an alimony award. An obligee may not seek modification to
603 increase an award of alimony based on the income of the
604 obligor's subsequent spouse or the person with whom the obligor
605 resides, and the obligor may not seek modification to reduce an
606 award of alimony based on the obligor's reliance upon the income
607 and assets of the obligor's subsequent spouse or person with
608 whom the obligor resides.

609 (12) (a) Up to 12 months before seeking to terminate alimony

23-00014B-22

20221796__

610 as provided under this section, an obligor may file a notice of
611 retirement and intent to terminate alimony with the court and
612 shall personally serve the obligee or his or her last known
613 attorney of record with such notice.

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

617 1. The reduction or termination of alimony would result in
618 any of the following:

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

625 b. A violation of the terms of the marital settlement
626 agreement between the parties because the marital settlement
627 agreement either does not allow for modification or termination
628 of the alimony award or the proposed reduction in alimony does
629 not comply with applicable terms for modification of alimony
630 specified in the agreement;

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

634 3. The obligee is permanently mentally or physically
635 disabled and unable to provide for his or her own support,
636 either partially or fully.

637 (c) If the court makes any of the findings specified in
638 paragraph (b), the court must consider and make written findings

23-00014B-22

20221796__

639 regarding the following factors when deciding whether to reduce
640 either the amount or duration of alimony:

641 1. The duration of the marriage.

642 2. The financial resources of the obligee, including the
643 nonmarital and marital assets and liabilities distributed to the
644 obligee, as well as the obligee's role in conserving or
645 depleting the marital assets distributed at the dissolution of
646 marriage.

647 3. The sources of income available to the obligee,
648 including income available to the obligee through investments of
649 any asset, including retirement assets from which the obligee
650 can access income without incurring early withdrawal penalties.

651 4. The effort and sacrifices of time and leisure necessary
652 for the obligor to continue to provide such alimony and
653 consideration of the presumption that the obligor has a right to
654 retire when attaining full retirement age as per the Social
655 Security Administration.

656 5. The age and health of the obligor.

657 6. The terms of the marital settlement agreement between
658 the parties which govern modification of alimony.

659 (d) If the court does not make any of the findings
660 specified in paragraph (b), the alimony award amount shall
661 decrease by 25 percent on the date the obligor reaches 65 years
662 of age or 1 year after the date on which the notice of
663 retirement and intent to terminate alimony is filed, whichever
664 occurs later, and shall continue to decrease by 25 percent each
665 year thereafter until the date the obligor reaches 68 years of
666 age or 4 years after the date on which the notice is filed,
667 whichever occurs later, at which time alimony shall terminate.

23-00014B-22

20221796__

668 (e) Notwithstanding paragraphs (a)-(d), if the obligor
669 continues to work beyond full retirement age as determined by
670 the United States Social Security Administration or beyond the
671 reasonable retirement age for his or her profession or line of
672 work as determined in paragraph (f), whichever occurs earlier,
673 and earns active gross income of more than 50 percent of the
674 obligor's average preretirement annual active gross income for
675 the 3 years preceding his or her retirement age or reasonable
676 retirement age, as applicable, the court may extend alimony
677 until the obligor retires and reduces his or her active gross
678 income below the 50 percent active gross income threshold
679 established under this paragraph.

680 (f) If an obligor seeks to retire at an age that is
681 reasonable for his or her profession or line of work, but before
682 he or she reaches 65 years of age, the court may terminate an
683 alimony award if it determines that the obligor's retirement is
684 reasonable. In determining whether the obligor's retirement is
685 reasonable, the court shall consider all of the following:

686 1. The obligor's age and health.
687 2. The obligor's motivation for retirement.
688 3. The obligor's profession or line of work and the typical
689 retirement age for that profession or line of work.

690 4. The impact that a termination or reduction of alimony
691 would have on the obligee. In determining the impact, the court
692 must consider any assets accumulated or received by the obligee
693 since the final judgment of dissolution of marriage, including
694 any income generated by such assets and retirement assets from
695 which the obligee can access income without incurring early
696 withdrawal penalties, and the obligee's role in the depletion or

23-00014B-22

20221796

697 conservation of any assets.

698 (g) Up to 12 months before the obligor's anticipated
699 retirement under paragraph (f), the obligor may file a petition
700 to modify or terminate the alimony award, effective upon his or
701 her actual retirement date. The court shall modify or terminate
702 the alimony award after the obligor's retirement unless the
703 court makes written findings of fact under paragraph (f) that
704 the obligor's retirement is not reasonable.

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

709 (14) Agreements on alimony payments, voluntary or pursuant
710 to a court order, which allow for modification or termination of
711 alimony by virtue of either party reaching a certain age,
712 income, or other threshold, or agreements that establish a
713 limited period of time after which alimony is modifiable, are
714 considered agreements that are expressly modifiable or eligible
715 for termination for purposes of this section once the specified
716 condition is met.

717 Section 4. Section 61.19, Florida Statutes, is amended to
718 read:

719 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
720 period; separate adjudication of issues.-

721 (1) A ~~No~~ final judgment of dissolution of marriage may not
722 be entered until at least 20 days have elapsed from the date of
723 filing the original petition for dissolution of marriage, ~~7~~ but
724 the court, on a showing that injustice would result from this
725 delay, may enter a final judgment of dissolution of marriage at

23-00014B-22

20221796__

726 an earlier date.

727 (2) If more than 365 days have elapsed after the date of
728 service of the original petition for dissolution of marriage,
729 absent a showing by either party that irreparable harm will
730 result from granting a final judgment of dissolution of
731 marriage, the court shall, upon request of either party, grant a
732 final judgment of dissolution of marriage with a reservation of
733 jurisdiction to subsequently determine all other substantive
734 issues. Before granting the judgment, the court shall enter
735 temporary orders necessary to protect the parties and their
736 children, if any, which orders remain effective until all other
737 issues are adjudicated by the court. This subsection applies to
738 all petitions for dissolution of marriage filed on or after July
739 1, 2022.

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

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