

By the Committees on Rules; and Judiciary; and Senators Gruters, Rodriguez, Hooper, and Diaz

595-03644-22

20221796c2

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

595-03644-22

20221796c2

30 alimony; prohibiting the length of an award of
31 durational alimony from exceeding specified
32 timeframes; authorizing the court to extend durational
33 alimony under certain circumstances; specifying what
34 constitutes the length of a marriage for the purpose
35 of determining durational alimony; requiring the court
36 to make certain written findings when awarding
37 durational alimony; providing a formula for the
38 calculation of durational alimony; requiring the court
39 to reduce the length of an award of durational alimony
40 based on certain payments made by the obligor;
41 requiring the court to consider specified factors when
42 determining an alimony award involving the existence
43 of a supportive relationship between the obligee and
44 another person; providing for the burden of proof in
45 such determinations; requiring the court to make
46 certain written findings in such determinations ;
47 providing for the termination of a durational alimony
48 award upon retirement of the obligor under certain
49 circumstances; providing an exception; providing that
50 a party who has reached retirement age before
51 adjudication of a petition for dissolution of marriage
52 may not be ordered to pay alimony; providing
53 exceptions; establishing that alimony may not be
54 awarded to a party who has a certain monthly net
55 income; prohibiting social security retirement
56 benefits from being imputed to the obligor, with an
57 exception; requiring an obligee to meet certain
58 requirements if he or she alleges that a physical

595-03644-22

20221796c2

59 disability has impaired his or her ability to earn
60 income; removing the court's ability to grant
61 permanent alimony; providing applicability; amending
62 s. 61.13, F.S.; creating a presumption that equal
63 time-sharing is in the best interest of the child,
64 with exceptions; creating a presumption for purposes
65 of modifying a parenting plan or time-sharing
66 schedule; amending s. 61.14, F.S.; authorizing the
67 court to order an obligee to reimburse alimony
68 payments to the obligor under certain circumstances;
69 specifying a timeframe for the court to consider a
70 supportive relationship between the obligee and
71 another person for purposes of reducing or terminating
72 an award of alimony or ordering reimbursement of
73 alimony payments; providing for the burden of proof in
74 such determinations; revising factors the court may
75 consider when determining whether a supportive
76 relationship exists or existed between the obligee and
77 another person; requiring the court to make its
78 findings related to such factors in writing; providing
79 that an obligor's subsequent remarriage or
80 cohabitation is not a basis for modification of
81 alimony; authorizing an obligor to file a notice of
82 retirement and intent to terminate alimony within a
83 specified timeframe before such retirement; providing
84 notice and response requirements; requiring the court
85 to make written findings regarding specified factors
86 when deciding whether to reduce the amount or duration
87 of alimony; providing for the reduction and

595-03644-22

20221796c2

88 termination of alimony within specified timeframes
89 under certain circumstances; authorizing the court to
90 extend durational alimony beyond an obligor's full
91 retirement age or reasonable retirement age for his or
92 her profession or line of work under certain
93 circumstances, notwithstanding its other findings;
94 authorizing the court to terminate an alimony
95 obligation if the obligor retires at a reasonable age
96 for his or her profession or line of work or is past
97 his or her full retirement age; requiring the court to
98 consider certain factors in determining whether the
99 obligor's retirement is reasonable; authorizing an
100 obligor to prospectively file a petition for
101 modification or termination of alimony, effective upon
102 his or her retirement; requiring a court to modify or
103 terminate an alimony award upon retirement of the
104 obligor, with an exception; providing that certain
105 benefits of the obligee constitute a change in
106 circumstances for which an obligor may seek
107 modification of an alimony award; providing that
108 certain agreements on alimony payments are considered
109 expressly modifiable or eligible for termination under
110 certain circumstances; amending s. 61.19, F.S.;
111 requiring the court to grant, upon request of either
112 party, a final judgment of dissolution of marriage and
113 reserve jurisdiction to adjudicate other substantive
114 issues, under certain circumstances; requiring the
115 court to enter temporary orders necessary to protect
116 the parties and their children, if any; providing that

595-03644-22

20221796c2

117 such temporary orders are effective until all other
118 issues are adjudicated by the court; providing
119 applicability; providing an effective date.
120

121 Be It Enacted by the Legislature of the State of Florida:
122

123 Section 1. Present subsections (1) through (23) of section
124 61.046, Florida Statutes, are redesignated as subsections (2)
125 through (24), respectively, a new subsection (1) is added to
126 that section, and present subsection (8) of that section is
127 amended, to read:

128 61.046 Definitions.—As used in this chapter, the term:

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

139 (9) ~~(8)~~ "Income" means any form of payment to an individual,
140 regardless of source, including, but not limited to, ~~÷~~ wages,
141 salary, commissions and bonuses, compensation as an independent
142 contractor, worker's compensation, disability benefits, annuity
143 and retirement benefits, pensions, dividends, interest,
144 royalties, trust distributions ~~trusts~~, and any other payments,
145 made by any person, private entity, federal or state government,

595-03644-22

20221796c2

146 or any unit of local government. United States Department of
147 Veterans Affairs disability benefits and reemployment assistance
148 or unemployment compensation, as defined in chapter 443, are
149 excluded from this definition of income except for purposes of
150 establishing an amount of support.

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

153 61.08 Alimony.—

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

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

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

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

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

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

171 3. Mandatory union dues.

172 4. Mandatory retirement payments.

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

595-03644-22

20221796c2

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

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

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

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

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

197 ~~(3) (2)~~ In determining whether to award alimony or
198 maintenance, the court shall first make a specific, written
199 factual determination as to whether the either party seeking
200 alimony or maintenance has an actual need for it alimony or
201 ~~maintenance~~ and whether the other either party has the ability
202 to pay alimony or maintenance. If the court finds that the a
203 party seeking alimony or maintenance has a need for it alimony

595-03644-22

20221796c2

204 ~~or maintenance~~ and that the other party has the ability to pay
205 alimony or maintenance, then in determining the proper type and
206 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~
207 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,
208 including, but not limited to:

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

216 (b) The duration of the marriage.

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

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

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

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

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

595-03644-22

20221796c2

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

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

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

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

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

261 (6) ~~(5)~~ Bridge-the-gap alimony may be awarded to assist a

595-03644-22

20221796c2

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

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

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

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

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

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

289 (8) (a) ~~(7)~~ Durational alimony may be awarded ~~when permanent~~
290 ~~periodic alimony is inappropriate. The purpose of durational~~

595-03644-22

20221796c2

291 ~~alimony is to provide a party with economic assistance for a set~~
292 ~~period of time following a marriage of short or moderate~~
293 ~~duration or following a marriage of long duration if there is no~~
294 ~~ongoing need for support on a permanent basis.~~ An award of
295 durational alimony terminates upon the death of either party or
296 upon the remarriage of the party receiving alimony. The amount
297 of an award of durational alimony may be modified or terminated
298 based upon a substantial change in circumstances in accordance
299 with s. 61.14. Durational alimony may not be awarded following a
300 marriage lasting fewer than 3 years. However, The length of an
301 award of durational alimony may not ~~be modified except under~~
302 ~~exceptional circumstances and may not~~ exceed 50 percent of the
303 length of a the marriage lasting between 3 and 10 years, 60
304 percent of the length of a marriage lasting between 10 and 20
305 years, or 75 percent of the length of a marriage lasting 20
306 years or longer. However, if the party seeking alimony is either
307 permanently mentally or physically disabled and unable to
308 provide for his or her own support, either partially or fully,
309 or is the full-time in-home caregiver to a fully and permanently
310 mentally or physically disabled child who is common to the
311 parties, the court may extend durational alimony beyond the
312 thresholds established in this subsection based on the duration
313 of the marriage until the death of the child or until the court
314 determines that there is no longer a need for durational
315 alimony. For purposes of this subsection, the length of a
316 marriage is the period of time beginning on the date of marriage
317 and ending on the date an action for dissolution of marriage is
318 filed. When awarding durational alimony, the court must make
319 written findings that an award of another type of alimony, or a

595-03644-22

20221796c2

320 combination of the other forms of alimony, is insufficient.

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

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

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

347 (e) In the event that the obligor reaches full retirement
348 age as determined by the Social Security Administration before

595-03644-22

20221796c2

349 the end of the durational period indicated by paragraph (a), and
350 has reached at least 65 years of age, the durational alimony
351 shall end on such retirement date if all of the following
352 conditions are met:

353 1. The obligor files a notice of retirement and intent to
354 terminate alimony with the court and personally serves the
355 alimony recipient and his or her last known attorney of record,
356 if such attorney is still practicing in the same county, at
357 least 1 year before the date that the obligor's retirement is
358 intended to become effective.

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

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

377 (9) (a) A party against whom alimony is sought who has

595-03644-22

20221796c2

378 attained his or her full retirement age as determined by the
379 Social Security Administration before the adjudication of the
380 petition for dissolution of marriage may not be ordered to pay
381 bridge-the-gap, rehabilitative, or durational alimony, unless
382 the court determines that:

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

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

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

400 (b) However, if the obligor continues to work beyond his or
401 her retirement age as provided under this subsection and earns
402 active gross income of more than 50 percent of the obligor's
403 average preretirement annual active gross income for the 3 years
404 preceding his or her retirement age, the court may award
405 durational alimony until the durational limitations established
406 in subsection (8) have been satisfied or the obligor retires and

595-03644-22

20221796c2

407 reduces his or her active gross income below the 50 percent
408 threshold established in this paragraph.

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

412 (11) Social security retirement benefits may not be imputed
413 to the obligor as demonstrated by a social security retirement
414 benefits entitlement letter unless those benefits are actually
415 being paid.

416 (12) If the obligee alleges that a physical disability has
417 impaired his or her capability to earn income, the obligee must
418 have qualified for benefits under the Social Security
419 Administration Disability Insurance Program or, in the event the
420 obligee is not eligible for the program, must demonstrate that
421 his or her disability meets the disability qualification
422 standards of the Social Security Administration Disability
423 Insurance Program.

424 ~~(8) Permanent alimony may be awarded to provide for the~~
425 ~~needs and necessities of life as they were established during~~
426 ~~the marriage of the parties for a party who lacks the financial~~
427 ~~ability to meet his or her needs and necessities of life~~
428 ~~following a dissolution of marriage. Permanent alimony may be~~
429 ~~awarded following a marriage of long duration if such an award~~
430 ~~is appropriate upon consideration of the factors set forth in~~
431 ~~subsection (2), following a marriage of moderate duration if~~
432 ~~such an award is appropriate based upon clear and convincing~~
433 ~~evidence after consideration of the factors set forth in~~
434 ~~subsection (2), or following a marriage of short duration if~~
435 ~~there are written findings of exceptional circumstances. In~~

595-03644-22

20221796c2

436 ~~awarding permanent alimony, the court shall include a finding~~
437 ~~that no other form of alimony is fair and reasonable under the~~
438 ~~circumstances of the parties. An award of permanent alimony~~
439 ~~terminates upon the death of either party or upon the remarriage~~
440 ~~of the party receiving alimony. An award may be modified or~~
441 ~~terminated based upon a substantial change in circumstances or~~
442 ~~upon the existence of a supportive relationship in accordance~~
443 ~~with s. 61.14.~~

444 ~~(9) The award of alimony may not leave the payor with~~
445 ~~significantly less net income than the net income of the~~
446 ~~recipient unless there are written findings of exceptional~~
447 ~~circumstances.~~

448 (13) (a) (10) (a) With respect to any order requiring the
449 payment of alimony entered on or after January 1, 1985, unless
450 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
451 the court shall direct in the order that the payments of alimony
452 be made through the appropriate depository as provided in s.
453 61.181.

454 (b) With respect to any order requiring the payment of
455 alimony entered before January 1, 1985, upon the subsequent
456 appearance~~7~~ on or after that date~~7~~ of one or both parties before
457 the court having jurisdiction for the purpose of modifying or
458 enforcing the order or in any other proceeding related to the
459 order~~7~~ or upon the application of either party, unless ~~the~~
460 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
461 court shall modify the terms of the order as necessary to direct
462 that payments of alimony be made through the appropriate
463 depository as provided in s. 61.181.

464 (c) If there is no minor child, alimony payments need not

595-03644-22

20221796c2

465 be directed through the depository.

466 (d)1. If there is a minor child of the parties and both
467 parties so request, the court may order that alimony payments
468 need not be directed through the depository. In this case, the
469 order of support must ~~shall~~ provide, or be deemed to provide,
470 that either party may subsequently apply to the depository to
471 require that payments be made through the depository. The court
472 shall provide a copy of the order to the depository.

473 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
474 either party may subsequently file with the depository an
475 affidavit alleging default or arrearages in payment and stating
476 that the party wishes to initiate participation in the
477 depository program. The party shall provide copies of the
478 affidavit to the court and the other party or parties. Fifteen
479 days after receipt of the affidavit, the depository shall notify
480 all parties that future payments shall be directed to the
481 depository.

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

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

489 Section 3. Paragraph (c) of subsection (2) and subsection
490 (3) of section 61.13, Florida Statutes, are amended to read:

491 61.13 Support of children; parenting and time-sharing;
492 powers of court.—

493 (2)

595-03644-22

20221796c2

494 (c) The court shall determine all matters relating to
495 parenting and time-sharing of each minor child of the parties in
496 accordance with the best interests of the child and in
497 accordance with the Uniform Child Custody Jurisdiction and
498 Enforcement Act, except that modification of a parenting plan
499 and time-sharing schedule requires a showing of a substantial,
500 material, and unanticipated change of circumstances.

501 1. It is the public policy of this state that each minor
502 child has frequent and continuing contact with both parents
503 after the parents separate or the marriage of the parties is
504 dissolved and to encourage parents to share the rights and
505 responsibilities, and joys, of childrearing. Unless otherwise
506 provided in this section or agreed to by the parties, there is a
507 presumption that equal time-sharing of a minor child is in the
508 best interests of the minor child who is common to the parties
509 ~~Except as otherwise provided in this paragraph, there is no~~
510 ~~presumption for or against the father or mother of the child or~~
511 ~~for or against any specific time-sharing schedule~~ when creating
512 or modifying the parenting plan of the child.

513 2. The court shall order that the parental responsibility
514 for a minor child be shared by both parents unless the court
515 finds that shared parental responsibility would be detrimental
516 to the child. The following evidence creates a rebuttable
517 presumption of detriment to the child:

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

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

522 c. A parent has been convicted of or had adjudication

595-03644-22

20221796c2

523 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
524 at the time of the offense:

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

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

528

529 If the presumption is not rebutted after the convicted parent is
530 advised by the court that the presumption exists, shared
531 parental responsibility, including time-sharing with the child,
532 and decisions made regarding the child, may not be granted to
533 the convicted parent. However, the convicted parent is not
534 relieved of any obligation to provide financial support. If the
535 court determines that shared parental responsibility would be
536 detrimental to the child, it may order sole parental
537 responsibility and make such arrangements for time-sharing as
538 specified in the parenting plan as will best protect the child
539 or abused spouse from further harm. Whether or not there is a
540 conviction of any offense of domestic violence or child abuse or
541 the existence of an injunction for protection against domestic
542 violence, the court shall consider evidence of domestic violence
543 or child abuse as evidence of detriment to the child.

544 3. In ordering shared parental responsibility, the court
545 may consider the expressed desires of the parents and may grant
546 to one party the ultimate responsibility over specific aspects
547 of the child's welfare or may divide those responsibilities
548 between the parties based on the best interests of the child.
549 Areas of responsibility may include education, health care, and
550 any other responsibilities that the court finds unique to a
551 particular family.

595-03644-22

20221796c2

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

555 5. There is a rebuttable presumption against granting time-
556 sharing with a minor child if a parent has been convicted of or
557 had adjudication withheld for an offense enumerated in s.
558 943.0435(1)(h)1.a., and at the time of the offense:

559 a. The parent was 18 years of age or older.

560 b. The victim was under 18 years of age or the parent
561 believed the victim to be under 18 years of age.

562
563 A parent may rebut the presumption upon a specific finding in
564 writing by the court that the parent poses no significant risk
565 of harm to the child and that time-sharing is in the best
566 interests of the minor child. If the presumption is rebutted,
567 the court shall consider all time-sharing factors in subsection
568 (3) when developing a time-sharing schedule.

569 6. Access to records and information pertaining to a minor
570 child, including, but not limited to, medical, dental, and
571 school records, may not be denied to either parent. Full rights
572 under this subparagraph apply to either parent unless a court
573 order specifically revokes these rights, including any
574 restrictions on these rights as provided in a domestic violence
575 injunction. A parent having rights under this subparagraph has
576 the same rights upon request as to form, substance, and manner
577 of access as are available to the other parent of a child,
578 including, without limitation, the right to in-person
579 communication with medical, dental, and education providers.

580 (3) For purposes of establishing or modifying parental

595-03644-22

20221796c2

581 responsibility and creating, developing, approving, or modifying
582 a parenting plan, including a time-sharing schedule, which
583 governs each parent's relationship with his or her minor child
584 and the relationship between each parent with regard to his or
585 her minor child, the best interest of the child shall be the
586 primary consideration. A determination of parental
587 responsibility, a parenting plan, or a time-sharing schedule may
588 not be modified without a showing of a substantial, material,
589 and unanticipated change in circumstances and a determination
590 that the modification is in the best interests of the child. For
591 purposes of the modification of a parenting plan and time-
592 sharing schedule, a parent's permanent relocation to a residence
593 within 50 miles of the primary residence of the child is
594 presumed to be a substantial, material, and unanticipated change
595 in circumstances. Determination of the best interests of the
596 child shall be made by evaluating all of the factors affecting
597 the welfare and interests of the particular minor child and the
598 circumstances of that family, including, but not limited to:

599 (a) The demonstrated capacity and disposition of each
600 parent to facilitate and encourage a close and continuing
601 parent-child relationship, to honor the time-sharing schedule,
602 and to be reasonable when changes are required.

603 (b) The anticipated division of parental responsibilities
604 after the litigation, including the extent to which parental
605 responsibilities will be delegated to third parties.

606 (c) The demonstrated capacity and disposition of each
607 parent to determine, consider, and act upon the needs of the
608 child as opposed to the needs or desires of the parent.

609 (d) The length of time the child has lived in a stable,

595-03644-22

20221796c2

610 satisfactory environment and the desirability of maintaining
611 continuity.

612 (e) The geographic viability of the parenting plan, with
613 special attention paid to the needs of school-age children and
614 the amount of time to be spent traveling to effectuate the
615 parenting plan. This factor does not create a presumption for or
616 against relocation of either parent with a child.

617 (f) The moral fitness of the parents.

618 (g) The mental and physical health of the parents.

619 (h) The home, school, and community record of the child.

620 (i) The reasonable preference of the child, if the court
621 deems the child to be of sufficient intelligence, understanding,
622 and experience to express a preference.

623 (j) The demonstrated knowledge, capacity, and disposition
624 of each parent to be informed of the circumstances of the minor
625 child, including, but not limited to, the child's friends,
626 teachers, medical care providers, daily activities, and favorite
627 things.

628 (k) The demonstrated capacity and disposition of each
629 parent to provide a consistent routine for the child, such as
630 discipline, and daily schedules for homework, meals, and
631 bedtime.

632 (l) The demonstrated capacity of each parent to communicate
633 with and keep the other parent informed of issues and activities
634 regarding the minor child, and the willingness of each parent to
635 adopt a unified front on all major issues when dealing with the
636 child.

637 (m) Evidence of domestic violence, sexual violence, child
638 abuse, child abandonment, or child neglect, regardless of

595-03644-22

20221796c2

639 whether a prior or pending action relating to those issues has
640 been brought. If the court accepts evidence of prior or pending
641 actions regarding domestic violence, sexual violence, child
642 abuse, child abandonment, or child neglect, the court must
643 specifically acknowledge in writing that such evidence was
644 considered when evaluating the best interests of the child.

645 (n) Evidence that either parent has knowingly provided
646 false information to the court regarding any prior or pending
647 action regarding domestic violence, sexual violence, child
648 abuse, child abandonment, or child neglect.

649 (o) The particular parenting tasks customarily performed by
650 each parent and the division of parental responsibilities before
651 the institution of litigation and during the pending litigation,
652 including the extent to which parenting responsibilities were
653 undertaken by third parties.

654 (p) The demonstrated capacity and disposition of each
655 parent to participate and be involved in the child's school and
656 extracurricular activities.

657 (q) The demonstrated capacity and disposition of each
658 parent to maintain an environment for the child which is free
659 from substance abuse.

660 (r) The capacity and disposition of each parent to protect
661 the child from the ongoing litigation as demonstrated by not
662 discussing the litigation with the child, not sharing documents
663 or electronic media related to the litigation with the child,
664 and refraining from disparaging comments about the other parent
665 to the child.

666 (s) The developmental stages and needs of the child and the
667 demonstrated capacity and disposition of each parent to meet the

595-03644-22

20221796c2

668 child's developmental needs.

669 (t) Any other factor that is relevant to the determination
670 of a specific parenting plan, including the time-sharing
671 schedule.

672 Section 4. Paragraph (b) of subsection (1) of section
673 61.14, Florida Statutes, is amended, and paragraph (c) is added
674 to subsection (11) of that section, and subsections (12), (13),
675 and (14) are added to that section, to read:

676 61.14 Enforcement and modification of support, maintenance,
677 or alimony agreements or orders.—

678 (1)

679 (b)1. The court may reduce or terminate an award of alimony
680 or order reimbursement to the obligor for any amount the court
681 determines is equitable upon specific written findings by the
682 court that since the granting of a divorce and the award of
683 alimony, a supportive relationship exists or ~~has~~ existed between
684 the obligee and another a person at any time during the 180 days
685 before the filing of a petition for modification of alimony with
686 ~~whom the obligee resides~~. On the issue of whether alimony should
687 be reduced or terminated under this paragraph, the burden is on
688 the obligor to prove by a preponderance of the evidence that a
689 supportive relationship exists or existed. If a supportive
690 relationship is proven to exist or have existed, the burden
691 shifts to the obligee to disprove, by a preponderance of the
692 evidence, that the court should terminate an existing award of
693 alimony.

694 2. In determining the extent to which ~~whether~~ an existing
695 award of alimony should be reduced or terminated because of an
696 alleged supportive relationship between an obligee and a person

595-03644-22

20221796c2

697 who is not related by consanguinity or affinity ~~and with whom~~
698 ~~the obligee resides~~, the court must make written findings of
699 fact concerning the nature and the extent of the supportive
700 relationship in question and the circumstances of the supportive
701 relationship, including, but not limited to, the following
702 factors shall elicit the nature and extent of the relationship
703 ~~in question. The court shall give consideration, without~~
704 ~~limitation, to circumstances, including, but not limited to, the~~
705 ~~following, in determining the relationship of an obligee to~~
706 ~~another person:~~

707 a. The extent to which the obligee and the other person
708 have held themselves out as a married couple by engaging in
709 conduct such as using the same last name, using a common mailing
710 address, referring to each other in terms such as "my husband"
711 or "my wife," or otherwise conducting themselves in a manner
712 that evidences a permanent supportive relationship.

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

715 c. The extent to which the obligee and the other person
716 have pooled their assets or income or otherwise exhibited
717 financial interdependence.

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

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

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

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

595-03644-22

20221796c2

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

728 i. Evidence in support of a claim that the obligee and the
729 other person have an express agreement regarding property
730 sharing or support.

731 j. Evidence in support of a claim that the obligee and the
732 other person have an implied agreement regarding property
733 sharing or support.

734 k. Whether the obligee and the other person have provided
735 support to the children of one another, regardless of any legal
736 duty to do so.

737 3. This paragraph does not abrogate the requirement that
738 every marriage in this state be solemnized under a license, does
739 not recognize a common law marriage as valid, and does not
740 recognize a de facto marriage. This paragraph recognizes only
741 that relationships do exist that provide economic support
742 equivalent to a marriage and that alimony terminable on
743 remarriage may be reduced or terminated upon the establishment
744 of equivalent equitable circumstances as described in this
745 paragraph. The existence of a conjugal relationship, though it
746 may be relevant to the nature and extent of the relationship, is
747 not necessary for the application of the provisions of this
748 paragraph.

749 (11)

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

753 (12) (a) Up to 12 months before seeking to terminate alimony
754 as provided under this section, an obligor may file a notice of

595-03644-22

20221796c2

755 retirement and intent to terminate alimony with the court and
756 shall personally serve the obligee and his or her last known
757 attorney of record, if such attorney is still practicing in the
758 same county, with such notice.

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

762 1. The reduction or termination of alimony would result in
763 any of the following:

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

770 b. The obligee would be left with the inability to meet the
771 obligee's basic needs and necessities of life, including, but
772 not limited to, housing, utilities, food, and transportation.

773 c. A violation of the terms of the marital settlement
774 agreement between the parties because the marital settlement
775 agreement either does not allow for modification or termination
776 of the alimony award or the proposed reduction in alimony does
777 not comply with applicable terms for modification of alimony
778 specified in the agreement;

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

782 3. The obligee is permanently mentally or physically
783 disabled and unable to provide for his or her own support,

595-03644-22

20221796c2

784 either partially or fully.

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

789 1. The duration of the marriage.

790 2. The financial resources of the obligee, including the
791 nonmarital and marital assets and liabilities distributed to the
792 obligee, as well as the obligee's role in conserving or
793 depleting the marital assets distributed at the dissolution of
794 marriage.

795 3. The sources of income available to the obligee,
796 including income available to the obligee through investments of
797 any asset, including retirement assets from which the obligee
798 can access income without incurring early withdrawal penalties.

799 4. The effort and sacrifices of time and leisure necessary
800 for the obligor to continue to provide such alimony and
801 consideration of the presumption that the obligor has a right to
802 retire when attaining full retirement age as per the Social
803 Security Administration.

804 5. The age and health of the obligor.

805 6. The terms of the marital settlement agreement between
806 the parties which govern modification of alimony.

807 (d) If the court does not make any of the findings
808 specified in paragraph (b), the alimony award amount shall
809 decrease by 25 percent on the date the obligor reaches 65 years
810 of age or 1 year after the date on which the notice of
811 retirement and intent to terminate alimony is filed, whichever
812 occurs later, and shall continue to decrease by 25 percent each

595-03644-22

20221796c2

813 year thereafter until the date the obligor reaches 68 years of
814 age or 4 years after the date on which the notice is filed,
815 whichever occurs later, at which time alimony shall terminate.

816 (e) Notwithstanding paragraphs (a)-(d), if the obligor
817 continues to work beyond full retirement age as determined by
818 the United States Social Security Administration or beyond the
819 reasonable retirement age for his or her profession or line of
820 work as determined in paragraph (f), whichever occurs earlier,
821 and earns active gross income of more than 50 percent of the
822 obligor's average preretirement annual active gross income for
823 the 3 years preceding his or her retirement age, actual
824 retirement date, or reasonable retirement age, as applicable,
825 the court may extend alimony until the obligor retires and
826 reduces his or her active gross income below the 50 percent
827 active gross income threshold established under this paragraph.

828 (f) If an obligor, so long as he or she is older than 65
829 years of age, seeks to retire at an age that is reasonable for
830 his or her profession or line of work, but before he or she
831 reaches 65 years of age, or if the obligor is past his or her
832 full retirement age as determined by the Social Security
833 Administration, the court may terminate an alimony award if it
834 determines that the obligor's retirement is reasonable. In
835 determining whether the obligor's retirement is reasonable, the
836 court shall consider all of the following:

- 837 1. The obligor's age and health.
- 838 2. The obligor's motivation for retirement.
- 839 3. The obligor's profession or line of work and the typical
840 retirement age for that profession or line of work.
- 841 4. The impact that a termination or reduction of alimony

595-03644-22

20221796c2

842 would have on the obligee. In determining the impact, the court
843 must consider any assets accumulated or received by the obligee
844 since the final judgment of dissolution of marriage, including
845 any income generated by such assets and retirement assets from
846 which the obligee can access income without incurring early
847 withdrawal penalties, and the obligee's role in the depletion or
848 conservation of any assets.

849 (g) Up to 12 months before the obligor's anticipated
850 retirement under paragraph (f), the obligor may file a petition
851 to modify or terminate the alimony award, effective upon his or
852 her actual retirement date. The court shall modify or terminate
853 the alimony award after the obligor's retirement unless the
854 court makes written findings of fact under paragraph (f) that
855 the obligor's retirement is not reasonable.

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

860 (14) Agreements on alimony payments, voluntary or pursuant
861 to a court order, which allow for modification or termination of
862 alimony by virtue of either party reaching a certain age,
863 income, or other threshold, or agreements that establish a
864 limited period of time after which alimony is modifiable, are
865 considered agreements that are expressly modifiable or eligible
866 for termination for purposes of this section once the specified
867 condition is met.

868 Section 5. Section 61.19, Florida Statutes, is amended to
869 read:

870 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay

595-03644-22

20221796c2

871 period; separate adjudication of issues.-

872 (1) A ~~Ne~~ final judgment of dissolution of marriage may not
873 be entered until at least 20 days have elapsed from the date of
874 filing the original petition for dissolution of marriage,~~r~~ but
875 the court, on a showing that injustice would result from this
876 delay, may enter a final judgment of dissolution of marriage at
877 an earlier date.

878 (2) If more than 2 years have elapsed after the date of
879 service of the original petition for dissolution of marriage,
880 absent a showing by either party that irreparable harm will
881 result from granting a final judgment of dissolution of
882 marriage, the court shall, upon request of either party, grant a
883 final judgment of dissolution of marriage with a reservation of
884 jurisdiction to subsequently determine all other substantive
885 issues. Before granting the judgment, the court shall enter
886 temporary orders necessary to protect the parties and their
887 children, if any, which orders remain effective until all other
888 issues are adjudicated by the court. This subsection applies to
889 all petitions for dissolution of marriage filed on or after July
890 1, 2022.

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

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