

20221796e1

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 repealing 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

20221796e1

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

20221796e1

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

20221796e1

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

20221796e1

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,

20221796e1

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.

20221796e1

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

20221796e1

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.

20221796e1

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 ~~(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 7 years, a moderate-term marriage~~
255 ~~is a marriage having a duration of greater than 7 years but less~~
256 ~~than 17 years, and long-term marriage is a marriage having a~~
257 ~~duration of 17 years or greater. The length of a marriage is the~~
258 ~~period of time from the date of marriage until the date of~~
259 ~~filing of an action for dissolution of marriage.~~

260 (5) Bridge-the-gap alimony may be awarded to assist a party
261 by providing support to allow the party to make a transition

20221796e1

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

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

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

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

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

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

287 (7) (a) ~~Durational alimony may be awarded when permanent~~
288 ~~periodic alimony is inappropriate. The purpose of durational~~
289 ~~alimony is to provide a party with economic assistance for a set~~
290 ~~period of time following a marriage of short or moderate~~

20221796e1

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

319 (b) The amount of durational alimony is the amount

20221796e1

320 determined to be the obligee's reasonable need or an amount not
321 to exceed 35 percent of the difference between the parties' net
322 incomes, whichever amount is less.

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

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

345 (e) In the event that the obligor reaches full retirement
346 age as determined by the Social Security Administration before
347 the end of the durational period indicated by paragraph (a), and
348 has reached at least 65 years of age, the durational alimony

20221796e1

349 shall end on such retirement date if all of the following
350 conditions are met:

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

357 2. The obligee has not contested the notice of retirement
358 and intent to terminate alimony according to the factors
359 specified in s. 61.14(12) (b) or the court has determined that
360 such factors do not apply. If the court makes any of the
361 findings specified in s. 61.14(12) (b), the court must consider
362 and make written findings regarding the factors listed in s.
363 61.14(12) (c) to determine whether to extend the length of the
364 alimony award as set forth in s. 61.08(7) (a).

365
366 However, if the obligor continues to work beyond his or her
367 retirement age as provided under this paragraph and earns active
368 gross income of more than 50 percent of the obligor's average
369 preretirement annual active gross income for the 3 years
370 preceding his or her retirement age, the court may extend
371 alimony until the durational limitations established in this
372 subsection have been satisfied or the obligor retires and
373 reduces his or her active gross income below the 50 percent
374 threshold established in this paragraph.

375 (8) (a) A party against whom alimony is sought who has
376 attained his or her full retirement age as determined by the
377 Social Security Administration before the adjudication of the

20221796e1

378 petition for dissolution of marriage may not be ordered to pay
379 bridge-the-gap, rehabilitative, or durational alimony, unless
380 the court determines that:

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

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

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

398 (b) However, if the obligor continues to work beyond his or
399 her retirement age as provided under this subsection and earns
400 active gross income of more than 50 percent of the obligor's
401 average preretirement annual active gross income for the 3 years
402 preceding his or her retirement age, the court may award
403 durational alimony until the durational limitations established
404 in subsection (7) have been satisfied or the obligor retires and
405 reduces his or her active gross income below the 50 percent
406 threshold established in this paragraph.

20221796e1

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

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

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

422 ~~(8) Permanent alimony may be awarded to provide for the~~
423 ~~needs and necessities of life as they were established during~~
424 ~~the marriage of the parties for a party who lacks the financial~~
425 ~~ability to meet his or her needs and necessities of life~~
426 ~~following a dissolution of marriage. Permanent alimony may be~~
427 ~~awarded following a marriage of long duration if such an award~~
428 ~~is appropriate upon consideration of the factors set forth in~~
429 ~~subsection (2), following a marriage of moderate duration if~~
430 ~~such an award is appropriate based upon clear and convincing~~
431 ~~evidence after consideration of the factors set forth in~~
432 ~~subsection (2), or following a marriage of short duration if~~
433 ~~there are written findings of exceptional circumstances. In~~
434 ~~awarding permanent alimony, the court shall include a finding~~
435 ~~that no other form of alimony is fair and reasonable under the~~

20221796e1

436 ~~circumstances of the parties. An award of permanent alimony~~
437 ~~terminates upon the death of either party or upon the remarriage~~
438 ~~of the party receiving alimony. An award may be modified or~~
439 ~~terminated based upon a substantial change in circumstances or~~
440 ~~upon the existence of a supportive relationship in accordance~~
441 ~~with s. 61.14.~~

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

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

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

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

464 (d)1. If there is a minor child of the parties and both

20221796e1

465 parties so request, the court may order that alimony payments
466 need not be directed through the depository. In this case, the
467 order of support must ~~shall~~ provide, or be deemed to provide,
468 that either party may subsequently apply to the depository to
469 require that payments be made through the depository. The court
470 shall provide a copy of the order to the depository.

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

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

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

487 Section 3. Paragraph (c) of subsection (2) and subsection
488 (3) of section 61.13, Florida Statutes, are amended to read:
489 61.13 Support of children; parenting and time-sharing;
490 powers of court.—

491 (2)

492 (c) The court shall determine all matters relating to
493 parenting and time-sharing of each minor child of the parties in

20221796e1

494 accordance with the best interests of the child and in
495 accordance with the Uniform Child Custody Jurisdiction and
496 Enforcement Act, except that modification of a parenting plan
497 and time-sharing schedule requires a showing of a substantial,
498 material, and unanticipated change of circumstances.

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

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

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

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

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

20221796e1

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

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

526

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

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

550 4. The court shall order sole parental responsibility for a
551 minor child to one parent, with or without time-sharing with the

20221796e1

552 other parent if it is in the best interests of the minor child.

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

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

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

560

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

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

578 (3) For purposes of establishing or modifying parental
579 responsibility and creating, developing, approving, or modifying
580 a parenting plan, including a time-sharing schedule, which

20221796e1

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

20221796e1

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

20221796e1

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

20221796e1

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

20221796e1

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.

20221796e1

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

20221796e1

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,

20221796e1

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 7. Whether the obligor and obligee agreed to permanent
808 alimony or an extraordinary term of alimony in exchange for the
809 obligor retaining significant marital assets, as reflected in
810 the written marital settlement agreement.

811 (d) If the court does not make any of the findings
812 specified in paragraph (b), the alimony award amount shall

20221796e1

813 decrease by 25 percent on the date the obligor reaches 65 years
814 of age or 1 year after the date on which the notice of
815 retirement and intent to terminate alimony is filed, whichever
816 occurs later, and shall continue to decrease by 25 percent each
817 year thereafter until the date the obligor reaches 68 years of
818 age or 4 years after the date on which the notice is filed,
819 whichever occurs later, at which time alimony shall terminate.

820 (e) Notwithstanding paragraphs (a)-(d), if the obligor
821 continues to work beyond retirement age as determined by
822 paragraph (d) and earns active gross income of more than 50
823 percent of the obligor's average preretirement annual active
824 gross income for the 3 years preceding his or her retirement age
825 or actual retirement date, the court may extend alimony until
826 the obligor retires and reduces his or her active gross income
827 below the 50 percent active gross income threshold established
828 under this paragraph.

829 (f) If an obligor, so long as he or she is older than 65
830 years of age, seeks to retire, the court may terminate an
831 alimony award if it determines that the obligor's retirement is
832 reasonable. In determining whether the obligor's retirement is
833 reasonable, the court shall consider all of the following:

- 834 1. The obligor's age and health.
- 835 2. The obligor's motivation for retirement.
- 836 3. The obligor's profession or line of work and the typical
837 retirement age for that profession or line of work.
- 838 4. The impact that a termination or reduction of alimony
839 would have on the obligee. In determining the impact, the court
840 must consider any assets accumulated or received by the obligee
841 since the final judgment of dissolution of marriage, including

20221796e1

842 any income generated by such assets and retirement assets from
843 which the obligee can access income without incurring early
844 withdrawal penalties, and the obligee's role in the depletion or
845 conservation of any assets.

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

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

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

865 Section 5. Section 61.19, Florida Statutes, is amended to
866 read:

867 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
868 period; separate adjudication of issues.—

869 (1) A ~~No~~ final judgment of dissolution of marriage may not
870 be entered until at least 20 days have elapsed from the date of

20221796e1

871 filing the original petition for dissolution of marriage,~~r~~ but
872 the court, on a showing that injustice would result from this
873 delay, may enter a final judgment of dissolution of marriage at
874 an earlier date.

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

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

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