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1  
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

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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

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disability has impaired his or her ability to earn income; removing the court's ability to grant permanent alimony; providing applicability; amending s. 61.13, F.S.; creating a presumption that equal time-sharing is in the best interest of the child, with exceptions; creating a presumption for purposes of modifying a parenting plan or time-sharing schedule; amending s. 61.14, F.S.; authorizing the court to order an obligee to reimburse alimony payments to the obligor under certain circumstances; specifying a timeframe for the court to consider a supportive relationship between the obligee and another person for purposes of reducing or terminating an award of alimony or ordering reimbursement of alimony payments; providing for the burden of proof in such determinations; revising factors the court may consider when determining whether a supportive relationship exists or existed between the obligee and another person; requiring the court to make its findings related to such factors in writing; providing that an obligor's subsequent remarriage or cohabitation is not a basis for modification of alimony; authorizing an obligor to file a notice of retirement and intent to terminate alimony within a specified timeframe before such retirement; providing notice and response requirements; requiring the court to make written findings regarding specified factors when deciding whether to reduce the amount or duration of alimony; providing for the reduction and

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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

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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,

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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.

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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

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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.

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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 ~~filings 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

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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~~

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

(b) The amount of durational alimony is the amount

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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

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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

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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.

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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

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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, on or after that date, 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, 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

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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

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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:

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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

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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

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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,

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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

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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

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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

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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.

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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

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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,

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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

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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

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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;;~~;~~ 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

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871 filing the original petition for dissolution of marriage,~~not~~ 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.