

20231416er

1
2 An act relating to dissolution of marriage; amending
3 s. 61.08, F.S.; making technical changes; authorizing
4 the court to consider the adultery of either spouse
5 and any resulting economic impact in determining the
6 amount of alimony awarded; requiring the court to make
7 certain written findings in its awards of alimony;
8 authorizing the court to award a combination of forms
9 of alimony or forms of payment for certain purposes;
10 providing a burden of proof for the party seeking
11 support, maintenance, or alimony; requiring the court
12 to make written findings under certain circumstances;
13 revising factors that the court must consider in
14 determining the form or forms of support, maintenance,
15 or alimony; requiring the court to make specific
16 findings regarding the purchase or maintenance of a
17 life insurance policy or a bond to secure alimony;
18 authorizing the court to apportion costs of such
19 policies or bonds; modifying certain rebuttable
20 presumptions related to the duration of a marriage for
21 purposes of determining alimony; prohibiting the
22 length of an award of rehabilitative alimony from
23 exceeding a specified timeframe; revising a provision
24 authorizing the modification of rehabilitative alimony
25 upon completion of the rehabilitative plan; revising
26 provisions related to durational alimony; prohibiting
27 the length of an award of durational alimony from
28 exceeding specified timeframes; authorizing the court
29 to extend durational alimony under certain

20231416er

30 circumstances; specifying the calculation of
31 durational alimony; removing a provision authorizing
32 the court to award permanent alimony; providing
33 applicability; amending s. 61.13, F.S.; removing the
34 unanticipated change of circumstances requirement
35 regarding modifying a parenting plan and time-sharing
36 schedule; authorizing the court to consider a certain
37 relocation of a parent as a substantial and material
38 change for the purpose of a modification to the time-
39 sharing schedule, subject to a certain determination;
40 amending s. 61.14, F.S.; requiring the court to reduce
41 or terminate support, maintenance, or alimony under
42 certain circumstances; clarifying provisions relating
43 to supportive relationships; specifying burdens of
44 proof for the obligor and obligee when the court must
45 determine that a supportive relationship exists or has
46 existed and the extent to which an award of support,
47 maintenance, or alimony should be reduced or
48 terminated; requiring the court to make certain
49 written findings; revising the additional factors the
50 court must consider regarding supportive
51 relationships; revising construction and
52 applicability; authorizing the court to reduce or
53 terminate an award of support, maintenance, or alimony
54 upon specific written findings of fact regarding the
55 obligor's retirement; providing burdens of proof for
56 the obligor and obligee; requiring the court to make
57 written findings regarding specified factors when
58 deciding whether to reduce or terminate support,

20231416er

59 maintenance, or alimony; authorizing the obligor to
60 file a petition within a certain timeframe to modify
61 or terminate his or her support, maintenance, or
62 alimony obligation in anticipation of retirement;
63 requiring the court to consider certain factors and
64 make certain written findings; amending s. 741.0306,
65 F.S.; revising the information contained in a certain
66 family law handbook; conforming a provision to changes
67 made by the act; providing an effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Section 61.08, Florida Statutes, is amended to
72 read:

73 61.08 Alimony.—

74 (1) (a) In a proceeding for dissolution of marriage, the
75 court may grant alimony to either party in the form or forms of
76 temporary, which alimony may be bridge-the-gap, rehabilitative,
77 or durational alimony, as is equitable or permanent in nature or
78 any combination of these forms of alimony. In an any award of
79 alimony, the court may order periodic or lump sum payments ~~or~~
80 ~~payments in lump sum or both.~~ The court may consider the
81 adultery of either spouse and any resulting economic impact in
82 determining the amount of alimony, if any, to be awarded.

83 (b) The court shall make written findings of fact regarding
84 the basis for awarding a form or any combination of forms of
85 alimony, including the type of alimony and the length of time
86 for which the alimony is awarded. The court may award a
87 combination of forms of alimony or forms of payment, including

20231416er

88 lump sum payments, to provide greater economic assistance in
89 order to allow the obligee to achieve self-support ~~The court may~~
90 ~~consider the adultery of either spouse and the circumstances~~
91 ~~thereof in determining the amount of alimony, if any, to be~~
92 ~~awarded. In all dissolution actions, the court shall include~~
93 ~~findings of fact relative to the factors enumerated in~~
94 ~~subsection (2) supporting an award or denial of alimony.~~

95 (2) (a) In determining whether to award support,
96 maintenance, or alimony ~~or maintenance,~~ the court shall first
97 make a specific, factual determination as to whether the either
98 party seeking support, maintenance, or alimony has an actual
99 need for it alimony or maintenance and whether the other either
100 party has the ability to pay support, maintenance, or alimony ~~or~~
101 maintenance. The party seeking support, maintenance, or alimony
102 has the burden of proving his or her need for support,
103 maintenance, or alimony and the other party's ability to pay
104 support, maintenance, or alimony.

105 (b) When determining a support, maintenance, or alimony
106 claim, the court shall include written findings of fact relative
107 to the factors provided in subsection (3) supporting an award or
108 denial of support, maintenance, or alimony, unless the denial is
109 based upon a failure to establish a need for or ability to pay
110 support, maintenance, or alimony. However, the court shall make
111 written findings of fact as to the lack of need or lack of
112 ability to pay in denying a request for support, maintenance, or
113 alimony.

114 (3) If the court finds that the a party seeking support,
115 maintenance, or alimony has a need for it alimony or maintenance
116 and that the other party has the ability to pay support,

20231416er

117 maintenance, or alimony or maintenance, then in determining the
118 proper form or forms type and amount of support, maintenance, or
119 alimony or maintenance under subsections (5)-(8), or a deviation
120 therefrom, the court shall consider all of the following
121 relevant factors, including, but not limited to:

122 (b) (a) The standard of living established during the
123 marriage and the anticipated needs and necessities of life for
124 each party after the entry of the final judgment.

125 (a) (b) The duration of the marriage.

126 (c) The age, and the physical, mental, and emotional
127 condition of each party, including whether either party is
128 physically or mentally disabled and the resulting impact on
129 either the obligee's ability to provide for his or her own needs
130 or the obligor's ability to pay alimony and whether such
131 conditions are expected to be temporary or permanent.

132 (d) The financial resources and income of each party,
133 including the income generated from both nonmarital and the
134 marital assets and liabilities distributed to each.

135 (e) The earning capacities, educational levels, vocational
136 skills, and employability of the parties, including the ability
137 of either party to obtain the necessary skills or education to
138 become self-supporting or to contribute to his or her self-
139 support prior to the termination of the support, maintenance, or
140 alimony award and, when applicable, the time necessary for
141 either party to acquire sufficient education or training to
142 enable such party to find appropriate employment.

143 (f) The contribution of each party to the marriage,
144 including, but not limited to, services rendered in homemaking,
145 child care, education, and career building of the other party.

20231416er

146 (g) The responsibilities each party will have with regard
147 to any minor children whom the parties they have in common, with
148 special consideration given to the need to care for a child with
149 a mental or physical disability.

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

153 ~~(i) All sources of income available to either party,~~
154 ~~including income available to either party through investments~~
155 ~~of any asset held by that party.~~

156 ~~(j)~~ Any other factor necessary for to de equity and justice
157 between the parties, which shall be specifically identified in
158 the written findings of fact. This may include a finding of a
159 supportive relationship as provided for in s. 61.14(1)(b) or a
160 reasonable retirement as provided for in s. 61.14(1)(c)1.

161 ~~(4)(3)~~ To the extent necessary to protect an award of
162 alimony, the court may order the obligor ~~any party who is~~
163 ~~ordered to pay alimony~~ to purchase or maintain a life insurance
164 policy or a bond, or to otherwise secure such alimony award with
165 any other assets that ~~which~~ may be suitable for that purpose.
166 The court must make specific findings that there are special
167 circumstances that warrant the purchase or maintenance of a life
168 insurance policy or a bond to secure the alimony award. If the
169 court orders a party to purchase or maintain a life insurance
170 policy or a bond, the court may apportion the costs of such
171 insurance or bond to either or both parties based upon a
172 determination of the ability of the obligee and obligor to pay
173 such costs.

174 ~~(5)(4)~~ For purposes of determining alimony, there is a

20231416er

175 rebuttable presumption that a short-term marriage is a marriage
176 having a duration of less than 10 7 years, a moderate-term
177 marriage is a marriage having a duration between 10 and 20 ~~of~~
178 ~~greater than 7 years but less than 17 years~~, and a long-term
179 marriage is a marriage having a duration of 20 ~~17~~ years or
180 longer ~~greater~~. The length of a marriage is the period of time
181 from the date of marriage until the date of filing of an action
182 for dissolution of marriage.

183 (6) ~~(5)~~ Bridge-the-gap alimony may be awarded to provide
184 support to assist a party in making the ~~by providing support to~~
185 ~~allow the party to make a~~ transition from being married to being
186 single. Bridge-the-gap alimony assists ~~is designed to assist~~ a
187 party with legitimate identifiable short-term needs. ~~and~~ The
188 length of an award of bridge-the-gap alimony may not exceed 2
189 years. An award of bridge-the-gap alimony terminates upon the
190 death of either party or upon the remarriage of the obligee
191 ~~party receiving alimony~~. An award of bridge-the-gap alimony is
192 ~~shall~~ not be modifiable in amount or duration.

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

- 196 1. The redevelopment of previous skills or credentials; or
197 2. The acquisition of education, training, or work
198 experience necessary to develop appropriate employment skills or
199 credentials.

200 (b) In order to award rehabilitative alimony, there must be
201 a specific and defined rehabilitative plan ~~which shall be~~
202 included as a part of any order awarding rehabilitative alimony.

203 (c) The length of an award of rehabilitative alimony may

20231416er

204 not exceed 5 years.

205 (d) An award of rehabilitative alimony may be modified or
206 terminated in accordance with s. 61.14 based upon a substantial
207 change in circumstances, upon noncompliance with the
208 rehabilitative plan, or upon completion of the rehabilitative
209 plan if the plan is completed before the length of the award of
210 rehabilitative alimony expires.

211 (8) (a) ~~(7)~~ Durational alimony may be awarded when permanent
212 periodic alimony is inappropriate. The purpose of durational
213 alimony is to provide a party with economic assistance for a set
214 period of time following a marriage of short or moderate
215 duration or following a marriage of long duration if there is no
216 ongoing need for support on a permanent basis. An award of
217 durational alimony terminates upon the death of either party or
218 upon the remarriage of the obligee party receiving alimony. The
219 amount of an award of durational alimony may be modified or
220 terminated based upon a substantial change in circumstances in
221 accordance with s. 61.14. Durational alimony may not be awarded
222 following a marriage lasting less than 3 years. However, The
223 length of an award of durational alimony may not be modified
224 except under exceptional circumstances and may not exceed the
225 length of the marriage except as set forth in this subsection.

226 (b) An award of durational alimony may not exceed 50
227 percent of the length of a short-term marriage, 60 percent of
228 the length of a moderate-term marriage, or 75 percent of the
229 length of a long-term marriage. Under exceptional circumstances,
230 the court may extend the term of durational alimony by a showing
231 of clear and convincing evidence that it is necessary after
232 application of the factors in subsection (3) and upon

20231416er

233 consideration of all of the following additional factors:

234 1. The extent to which the obligee's age and employability
235 limit the obligee's ability for self-support, either in whole or
236 in part.

237 2. The extent to which the obligee's available financial
238 resources limit the obligee's ability for self-support, either
239 in whole or in part.

240 3. The extent to which the obligee is mentally or
241 physically disabled or has been diagnosed with a mental or
242 physical condition that has rendered, or will render, him or her
243 incapable of self-support, either in whole or in part.

244 4. The extent to which the obligee is the caregiver to a
245 mentally or physically disabled child, whether or not the child
246 has attained the age of majority, who is common to the parties.
247 Any extension terminates upon the child no longer requiring
248 caregiving by the obligee, or upon death of the child, unless
249 one of the other factors in this paragraph apply.

250 (c) The amount of durational alimony is the amount
251 determined to be the obligee's reasonable need, or an amount not
252 to exceed 35 percent of the difference between the parties' net
253 incomes, whichever amount is less. Net income shall be
254 calculated in conformity with s. 61.30(2) and (3), excluding
255 spousal support paid pursuant to a court order in the action
256 between the parties.

257 ~~(8) Permanent alimony may be awarded to provide for the~~
258 ~~needs and necessities of life as they were established during~~
259 ~~the marriage of the parties for a party who lacks the financial~~
260 ~~ability to meet his or her needs and necessities of life~~
261 ~~following a dissolution of marriage. Permanent alimony may be~~

20231416er

262 ~~awarded following a marriage of long duration if such an award~~
263 ~~is appropriate upon consideration of the factors set forth in~~
264 ~~subsection (2), following a marriage of moderate duration if~~
265 ~~such an award is appropriate based upon clear and convincing~~
266 ~~evidence after consideration of the factors set forth in~~
267 ~~subsection (2), or following a marriage of short duration if~~
268 ~~there are written findings of exceptional circumstances. In~~
269 ~~awarding permanent alimony, the court shall include a finding~~
270 ~~that no other form of alimony is fair and reasonable under the~~
271 ~~circumstances of the parties. An award of permanent alimony~~
272 ~~terminates upon the death of either party or upon the remarriage~~
273 ~~of the party receiving alimony. An award may be modified or~~
274 ~~terminated based upon a substantial change in circumstances or~~
275 ~~upon the existence of a supportive relationship in accordance~~
276 ~~with s. 61.14.~~

277 (9) The award of alimony may not leave the payor with
278 significantly less net income than the net income of the
279 recipient unless there are written findings of exceptional
280 circumstances.

281 (10) (a) With respect to any order requiring the payment of
282 alimony entered on or after January 1, 1985, unless ~~the~~
283 ~~provisions of paragraph (c) or paragraph (d) applies apply,~~ the
284 court shall direct in the order that the payments of alimony be
285 made through the appropriate depository as provided in s.
286 61.181.

287 (b) With respect to any order requiring the payment of
288 alimony entered before January 1, 1985, upon the subsequent
289 appearance~~,~~ on or after that date~~,~~ of one or both parties before
290 the court having jurisdiction for the purpose of modifying or

20231416er

291 enforcing the order or in any other proceeding related to the
292 order, or upon the application of either party, unless ~~the~~
293 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
294 court shall modify the terms of the order as necessary to direct
295 that payments of alimony be made through the appropriate
296 depository as provided in s. 61.181.

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

299 (d)1. If there is a minor child of the parties and both
300 parties so request, the court may order that alimony payments
301 need not be directed through the depository. In this case, the
302 order of support must ~~shall~~ provide, or be deemed to provide,
303 that either party may subsequently apply to the depository to
304 require that payments be made through the depository. The court
305 shall provide a copy of the order to the depository.

306 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
307 either party may subsequently file with the depository an
308 affidavit alleging default or arrearages in payment and stating
309 that the party wishes to initiate participation in the
310 depository program. The party shall provide copies of the
311 affidavit to the court and the other party or parties. Fifteen
312 days after receipt of the affidavit, the depository shall notify
313 all parties that future payments must ~~shall~~ be directed to the
314 depository.

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

318 (11) The court shall apply this section to all initial
319 petitions for dissolution of marriage or support unconnected

20231416er

320 with dissolution of marriage pending or filed on or after July
321 1, 2023.

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

324 61.13 Support of children; parenting and time-sharing;
325 powers of court.—

326 (2)

327 (c) The court shall determine all matters relating to
328 parenting and time-sharing of each minor child of the parties in
329 accordance with the best interests of the child and in
330 accordance with the Uniform Child Custody Jurisdiction and
331 Enforcement Act, except that modification of a parenting plan
332 and time-sharing schedule requires a showing of a substantial
333 and, material, ~~and unanticipated~~ change of circumstances.

334 1. It is the public policy of this state that each minor
335 child has frequent and continuing contact with both parents
336 after the parents separate or the marriage of the parties is
337 dissolved and to encourage parents to share the rights and
338 responsibilities, and joys, of childrearing. Except as otherwise
339 provided in this paragraph, there is no presumption for or
340 against the father or mother of the child or for or against any
341 specific time-sharing schedule when creating or modifying the
342 parenting plan of the child.

343 2. The court shall order that the parental responsibility
344 for a minor child be shared by both parents unless the court
345 finds that shared parental responsibility would be detrimental
346 to the child. The following evidence creates a rebuttable
347 presumption of detriment to the child:

348 a. A parent has been convicted of a misdemeanor of the

20231416er

349 first degree or higher involving domestic violence, as defined
350 in s. 741.28 and chapter 775;

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

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

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

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

358

359 If the presumption is not rebutted after the convicted parent is
360 advised by the court that the presumption exists, shared
361 parental responsibility, including time-sharing with the child,
362 and decisions made regarding the child, may not be granted to
363 the convicted parent. However, the convicted parent is not
364 relieved of any obligation to provide financial support. If the
365 court determines that shared parental responsibility would be
366 detrimental to the child, it may order sole parental
367 responsibility and make such arrangements for time-sharing as
368 specified in the parenting plan as will best protect the child
369 or abused spouse from further harm. Whether or not there is a
370 conviction of any offense of domestic violence or child abuse or
371 the existence of an injunction for protection against domestic
372 violence, the court shall consider evidence of domestic violence
373 or child abuse as evidence of detriment to the child.

374 3. In ordering shared parental responsibility, the court
375 may consider the expressed desires of the parents and may grant
376 to one party the ultimate responsibility over specific aspects
377 of the child's welfare or may divide those responsibilities

20231416er

378 between the parties based on the best interests of the child.
379 Areas of responsibility may include education, health care, and
380 any other responsibilities that the court finds unique to a
381 particular family.

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

385 5. There is a rebuttable presumption against granting time-
386 sharing with a minor child if a parent has been convicted of or
387 had adjudication withheld for an offense enumerated in s.
388 943.0435(1)(h)1.a., and at the time of the offense:

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

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

392
393 A parent may rebut the presumption upon a specific finding in
394 writing by the court that the parent poses no significant risk
395 of harm to the child and that time-sharing is in the best
396 interests of the minor child. If the presumption is rebutted,
397 the court shall consider all time-sharing factors in subsection
398 (3) when developing a time-sharing schedule.

399 6. Access to records and information pertaining to a minor
400 child, including, but not limited to, medical, dental, and
401 school records, may not be denied to either parent. Full rights
402 under this subparagraph apply to either parent unless a court
403 order specifically revokes these rights, including any
404 restrictions on these rights as provided in a domestic violence
405 injunction. A parent having rights under this subparagraph has
406 the same rights upon request as to form, substance, and manner

20231416er

407 of access as are available to the other parent of a child,
408 including, without limitation, the right to in-person
409 communication with medical, dental, and education providers.

410 (3) For purposes of establishing or modifying parental
411 responsibility and creating, developing, approving, or modifying
412 a parenting plan, including a time-sharing schedule, which
413 governs each parent's relationship with his or her minor child
414 and the relationship between each parent with regard to his or
415 her minor child, the best interests ~~interest~~ of the child must
416 ~~shall~~ be the primary consideration. A determination of parental
417 responsibility, a parenting plan, or a time-sharing schedule may
418 not be modified without a showing of a substantial and~~7~~
419 ~~material, and unanticipated~~ change in circumstances and a
420 determination that the modification is in the best interests of
421 the child. If the parents of a child are residing greater than
422 50 miles apart at the time of the entry of the last order
423 establishing time sharing and a parent moves within 50 miles of
424 the other parent, then that move may be considered a substantial
425 and material change in circumstances for the purpose of a
426 modification to the time-sharing schedule, so long as there is a
427 determination that the modification is in the best interests of
428 the child. Determination of the best interests of the child must
429 ~~shall~~ be made by evaluating all of the factors affecting the
430 welfare and interests of the particular minor child and the
431 circumstances of that family, including, but not limited to:

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

20231416er

436 (b) The anticipated division of parental responsibilities
437 after the litigation, including the extent to which parental
438 responsibilities will be delegated to third parties.

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

442 (d) The length of time the child has lived in a stable,
443 satisfactory environment and the desirability of maintaining
444 continuity.

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

450 (f) The moral fitness of the parents.

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

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

453 (i) The reasonable preference of the child, if the court
454 deems the child to be of sufficient intelligence, understanding,
455 and experience to express a preference.

456 (j) The demonstrated knowledge, capacity, and disposition
457 of each parent to be informed of the circumstances of the minor
458 child, including, but not limited to, the child's friends,
459 teachers, medical care providers, daily activities, and favorite
460 things.

461 (k) The demonstrated capacity and disposition of each
462 parent to provide a consistent routine for the child, such as
463 discipline, and daily schedules for homework, meals, and
464 bedtime.

20231416er

465 (l) The demonstrated capacity of each parent to communicate
466 with and keep the other parent informed of issues and activities
467 regarding the minor child, and the willingness of each parent to
468 adopt a unified front on all major issues when dealing with the
469 child.

470 (m) Evidence of domestic violence, sexual violence, child
471 abuse, child abandonment, or child neglect, regardless of
472 whether a prior or pending action relating to those issues has
473 been brought. If the court accepts evidence of prior or pending
474 actions regarding domestic violence, sexual violence, child
475 abuse, child abandonment, or child neglect, the court must
476 specifically acknowledge in writing that such evidence was
477 considered when evaluating the best interests of the child.

478 (n) Evidence that either parent has knowingly provided
479 false information to the court regarding any prior or pending
480 action regarding domestic violence, sexual violence, child
481 abuse, child abandonment, or child neglect.

482 (o) The particular parenting tasks customarily performed by
483 each parent and the division of parental responsibilities before
484 the institution of litigation and during the pending litigation,
485 including the extent to which parenting responsibilities were
486 undertaken by third parties.

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

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

493 (r) The capacity and disposition of each parent to protect

20231416er

494 the child from the ongoing litigation as demonstrated by not
495 discussing the litigation with the child, not sharing documents
496 or electronic media related to the litigation with the child,
497 and refraining from disparaging comments about the other parent
498 to the child.

499 (s) The developmental stages and needs of the child and the
500 demonstrated capacity and disposition of each parent to meet the
501 child's developmental needs.

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

505 Section 3. Present paragraphs (c) and (d) of subsection (1)
506 of section 61.14, Florida Statutes, are redesignated as
507 paragraphs (d) and (e), respectively, a new paragraph (c) is
508 added to that subsection, and paragraph (b) of that subsection
509 is amended, to read:

510 61.14 Enforcement and modification of support, maintenance,
511 or alimony agreements or orders.—

512 (1)

513 (b)1. The court must ~~may~~ reduce or terminate an award of
514 support, maintenance, or alimony upon specific written findings
515 by the court that ~~since the granting of a divorce and the award~~
516 ~~of alimony~~ a supportive relationship has existed between the
517 obligee and a person who is not related to the obligee by
518 consanguinity or affinity ~~with whom the obligee resides. On the~~
519 ~~issue of whether alimony should be reduced or terminated under~~
520 ~~this paragraph, the burden is on the obligor to prove by a~~
521 ~~preponderance of the evidence that a supportive relationship~~
522 ~~exists.~~

20231416er

523 2. In determining the nature of the relationship between an
524 obligee and another person and the extent to which an ~~whether an~~
525 ~~existing~~ award of support, maintenance, or alimony should be
526 reduced or terminated because of the existence of a ~~an alleged~~
527 supportive relationship between an obligee and a person who is
528 not related by consanguinity or affinity, the court shall make
529 written findings of fact ~~and with whom the obligee resides, the~~
530 ~~court shall elicit the nature and extent of the relationship in~~
531 ~~question. The burden is on the obligor to prove, by a~~
532 preponderance of the evidence, that a supportive relationship
533 exists or has existed in the 365 days before the filing of the
534 petition for dissolution of marriage, separate maintenance, or
535 supplemental petition for modification. If a supportive
536 relationship is proven to exist or to have existed, the burden
537 shifts to the obligee to prove, by a preponderance of the
538 evidence, that the court should not deny or reduce an initial
539 award of support, maintenance, or alimony or reduce or terminate
540 an existing award of support, maintenance, or alimony. The court
541 shall consider and make written findings of fact regarding all
542 relevant facts in s. 61.08(3) and ~~give consideration, without~~
543 ~~limitation, to circumstances, including, but not limited to, the~~
544 ~~following~~ additional factors, ~~in determining the relationship of~~
545 ~~an obligee to another person:~~

546 a. The extent to which the obligee and the other person
547 have held themselves out as a married couple by engaging in
548 conduct such as using the same last name, using a common mailing
549 address, referring to each other in terms such as "my husband"
550 or "my wife," or otherwise conducting themselves in a manner
551 that evidences a permanent supportive relationship.

20231416er

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

554 c. The extent to which the obligee and the other person
555 have pooled their assets or income, acquired or maintained a
556 joint bank account or other financial accounts, or otherwise
557 exhibited financial interdependence.

558 d. The extent to which the obligee or the other person has
559 financially supported the other, in whole or in part, including
560 payment of the other's debts, expenses, or liabilities.

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

563 f. The extent to which the obligee or the other person has
564 performed valuable services for the other's business entity
565 ~~company~~ or employer.

566 g. The extent to which ~~Whether~~ the obligee and the other
567 person have worked together to acquire any assets ~~create~~ or to
568 enhance the anything ~~of~~ value of any assets.

569 h. The extent to which ~~Whether~~ the obligee and the other
570 person have jointly contributed to the purchase of any real or
571 personal property.

572 i. The extent to which ~~Evidence in support of a claim that~~
573 the obligee and the other person have an express or implied
574 agreement regarding property sharing or financial support.

575 j. The extent to which the obligor has paid the existing
576 alimony award or failed to do so and the existence and amount of
577 any arrearage ~~Evidence in support of a claim that the obligee~~
578 ~~and the other person have an implied agreement regarding~~
579 ~~property sharing or support.~~

580 k. The extent to which ~~Whether~~ the obligee and the other

20231416er

581 person have provided support to the children or other family
582 members of one another, regardless of any legal duty to do so.

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

596 (c)1. The court may reduce or terminate an award of
597 support, maintenance, or alimony upon specific, written findings
598 of fact that the obligor has reached normal retirement age as
599 defined by the Social Security Administration or the customary
600 retirement age for his or her profession and that the obligor
601 has taken demonstrative and measurable efforts or actions to
602 retire or has actually retired. The burden is on the obligor to
603 prove, by a preponderance of the evidence, that his or her
604 retirement reduces his or her ability to pay support,
605 maintenance, or alimony. If the court determines that the
606 obligor's retirement has reduced or will reduce the obligor's
607 ability to pay, the burden shifts to the obligee to prove, by a
608 preponderance of the evidence, that the obligor's support,
609 maintenance, or alimony obligation should not be terminated or

20231416er

610 reduced.

611 2. In determining whether an award of support, maintenance,
612 or alimony should be reduced or terminated because of the
613 obligor's voluntary retirement, the court shall give
614 consideration to, and make written findings of fact regarding
615 the following factors:

616 a. The age and health of the obligor.

617 b. The nature and type of work performed by the obligor.

618 c. The customary age of retirement in the obligor's
619 profession.

620 d. The obligor's motivation for retirement and likelihood
621 of returning to work.

622 e. The needs of the obligee and the ability of the obligee
623 to contribute toward his or her own basic needs.

624 f. The economic impact that a termination or reduction of
625 alimony would have on the obligee.

626 g. All assets of the obligee and the obligor accumulated or
627 acquired prior to the marriage, during the marriage, or
628 following the entry of the final judgment as well as the obligor
629 and obligee's respective roles in the wasteful depletion of any
630 marital assets received by him or her at the time of the entry
631 of the final judgment.

632 h. The income of the obligee and the obligor earned during
633 the marriage or following the entry of the final judgment.

634 i. The social security benefits, retirement plan benefits,
635 or pension benefits payable to the obligor and the obligee
636 following the final judgment of dissolution.

637 j. The obligor's compliance, in whole or in part, with the
638 existing alimony obligation.

20231416er

639 3. In reasonable anticipation of retirement, but not more
640 than 6 months before retirement, the obligor may file a petition
641 for modification of his or her support, maintenance, or alimony
642 obligation, which shall be effective upon his or her reasonable
643 and voluntary retirement as determined by the court pursuant to
644 the factors in subparagraph 2. The court shall give
645 consideration to, and make written findings of fact regarding,
646 the factors in subparagraph 2. and s. 61.08(3) when granting or
647 denying the obligor's petition for modification; when
648 confirming, reducing, or terminating the obligor's alimony
649 obligation; and when granting or denying any request for
650 modification, the date of filing of the obligor's modification
651 petition, or other date post-filing as equity requires, giving
652 due regard and consideration to the changed circumstances or the
653 financial ability of the parties.

654 Section 4. Paragraph (f) of subsection (3) of section
655 741.0306, Florida Statutes, is amended to read:

656 741.0306 Creation of a family law handbook.—

657 (3) The information contained in the handbook or other
658 electronic media presentation may be reviewed and updated
659 annually, and may include, but need not be limited to:

660 (f) Alimony, including temporary, durational, ~~permanent~~
661 rehabilitative, and lump sum.

662 Section 5. This act shall take effect July 1, 2023.