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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Judiciary (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

61.08 Alimony.—

(1) In a proceeding for dissolution of marriage, the court  
may grant alimony to either party, which alimony may be bridge-  
the-gap, rehabilitative, durational, or long-term ~~permanent~~ in  
nature or any combination of these forms of alimony where  
appropriate. In any award of alimony, the court may order  
periodic payments, ~~or~~ payments in lump sum, or both. The court



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14 may consider the adultery of either spouse and the circumstances  
15 thereof in determining the amount of alimony, if any, to be  
16 awarded to the extent that the adultery caused a significant  
17 depletion in the marital assets or caused a significant  
18 reduction in the income of a party. In all dissolution actions,  
19 the court shall include findings of fact relative to the factors  
20 enumerated in subsection (2) supporting an award or denial of  
21 alimony.

22 (2) In determining whether to award alimony or maintenance,  
23 the court shall first make, in writing, a specific factual  
24 determination as to whether either party has an actual need for  
25 alimony or maintenance and whether either party has the ability  
26 to pay alimony or maintenance. If the court finds that a party  
27 has a need for alimony or maintenance and that the other party  
28 has the ability to pay alimony or maintenance, then in  
29 determining the proper type and amount of alimony or maintenance  
30 under subsections (5)-(8), the court shall consider and make  
31 written findings regarding all relevant factors, including, ~~but~~  
32 ~~not limited to:~~

33 (a) The standard of living established during the marriage.

34 (b) The duration of the marriage.

35 (c) The age and the physical and emotional condition of  
36 each party.

37 (d) The financial resources of each party, including the  
38 nonmarital and the marital assets and liabilities distributed to  
39 each.

40 (e) The earning capacities, educational levels, vocational  
41 skills, and employability of the parties and, when applicable,  
42 the time necessary for either party to acquire sufficient



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43 education or training to enable such party to find appropriate  
44 employment.

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

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

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

53 (i) All sources of income available to either party,  
54 including income available to either party through investments  
55 of any asset held by that party.

56 (j) The net income available to each party after the  
57 application of the alimony award.

58 (k) ~~(j)~~ Any other factor necessary to do equity and justice  
59 between the parties, if that factor is specifically identified  
60 in the award with findings of fact justifying the application of  
61 the factor.

62 (3) To the extent necessary to protect an award of alimony,  
63 the court may order any party who is ordered to pay alimony to  
64 purchase or maintain a life insurance policy or a bond, or to  
65 otherwise secure such alimony award with any other assets which  
66 may be suitable for that purpose.

67 (4) For purposes of determining alimony, there is a  
68 rebuttable presumption that a short-term marriage is a marriage  
69 having a duration of less than 7 years, a moderate-term marriage  
70 is a marriage having a duration of greater than 7 years but less  
71 than 17 years, and long-term marriage is a marriage having a



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72 duration of 17 years or greater. The length of a marriage is the  
73 period of time from the date of marriage until the date of  
74 filing of an action for dissolution of marriage.

75 (5) Bridge-the-gap alimony may be awarded to assist a party  
76 by providing support to allow the party to make a transition  
77 from being married to being single. Bridge-the-gap alimony is  
78 designed to assist a party with legitimate identifiable short-  
79 term needs, and the length of an award may not exceed 2 years.  
80 An award of bridge-the-gap alimony terminates upon the death of  
81 either party or upon the remarriage of the party receiving  
82 alimony. An award of bridge-the-gap alimony shall not be  
83 modifiable in amount or duration.

84 (6) (a) Rehabilitative alimony may be awarded to assist a  
85 party in establishing the capacity for self-support through  
86 either:

- 87 1. The redevelopment of previous skills or credentials; or  
88 2. The acquisition of education, training, or work  
89 experience necessary to develop appropriate employment skills or  
90 credentials.

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

94 (c) An award of rehabilitative alimony may be modified or  
95 terminated in accordance with s. 61.14 based upon a substantial  
96 change in circumstances, upon noncompliance with the  
97 rehabilitative plan, or upon completion of the rehabilitative  
98 plan.

99 (7) Durational alimony may be awarded when permanent  
100 periodic alimony is inappropriate. The purpose of durational



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101 alimony is to provide a party with economic assistance for a set  
102 period of time following a marriage of short or moderate  
103 duration or following a marriage of long duration if there is no  
104 ongoing need for support on a long-term ~~permanent~~ basis as  
105 provided in subsection (8). An award of durational alimony  
106 terminates upon the death of either party or upon the remarriage  
107 of the party receiving alimony. The amount of an award of  
108 durational alimony may be modified or terminated based upon a  
109 substantial change in circumstances in accordance with s. 61.14.  
110 However, The length of an award of durational alimony may not be  
111 modified except under exceptional circumstances and may not  
112 exceed the length of the marriage.

113 (8) Permanent alimony shall be renamed as long-term  
114 alimony, and long-term ~~Permanent~~ alimony may be awarded to  
115 provide for the needs and necessities of life as they were  
116 established during the marriage of the parties for a party who  
117 lacks the financial ability to meet his or her needs and  
118 necessities of life following a dissolution of marriage.  
119 Permanent alimony shall be renamed as long-term alimony, and  
120 long-term ~~Permanent~~ alimony may be awarded following a marriage  
121 of long duration if such an award is appropriate upon  
122 consideration of the factors set forth in subsection (2),  
123 following a marriage of moderate duration if such an award is  
124 appropriate based upon clear and convincing evidence after  
125 consideration of the factors set forth in subsection (2), or  
126 following a marriage of short duration if there are written  
127 findings of exceptional circumstances. In awarding long-term  
128 ~~permanent~~ alimony, the court shall include findings ~~a finding~~  
129 that no other form of alimony will provide for the needs and



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130 necessities of life of the recipient as they were established  
131 during the marriage of the parties and that no other form is  
132 fair and reasonable under the circumstances of the parties. An  
133 award of long-term ~~permanent~~ alimony remains payable until  
134 ~~terminates upon~~ the death of either party or upon the remarriage  
135 of the party receiving alimony. An award may be modified or  
136 terminated based upon a substantial change in circumstances or  
137 upon the existence of a supportive relationship in accordance  
138 with s. 61.14.

139 (9) The award of alimony may not leave the payor with  
140 significantly less net income than the net income of the  
141 recipient unless there are written findings of exceptional  
142 circumstances. The court shall make written findings regarding  
143 the relative incomes and standard of living as established  
144 during the marriage.

145 (10) (a) With respect to any order requiring the payment of  
146 alimony entered on or after January 1, 1985, unless ~~the~~  
147 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the  
148 court shall direct in the order that the payments of alimony be  
149 made through the appropriate depository as provided in s.  
150 61.181.

151 (b) With respect to any order requiring the payment of  
152 alimony entered before January 1, 1985, upon the subsequent  
153 appearance, on or after that date, of one or both parties before  
154 the court having jurisdiction for the purpose of modifying or  
155 enforcing the order or in any other proceeding related to the  
156 order, or upon the application of either party, unless ~~the~~  
157 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the  
158 court shall modify the terms of the order as necessary to direct



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159 that payments of alimony be made through the appropriate  
160 depository as provided in s. 61.181.

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

163 (d)1. If there is a minor child of the parties and both  
164 parties so request, the court may order that alimony payments  
165 need not be directed through the depository. In this case, the  
166 order of support shall provide, or be deemed to provide, that  
167 either party may subsequently apply to the depository to require  
168 that payments be made through the depository. The court shall  
169 provide a copy of the order to the depository.

170 2. If ~~the provisions of~~ subparagraph 1. applies apply,  
171 either party may subsequently file with the depository an  
172 affidavit alleging default or arrearages in payment and stating  
173 that the party wishes to initiate participation in the  
174 depository program. The party shall provide copies of the  
175 affidavit to the court and the other party or parties. Fifteen  
176 days after receipt of the affidavit, the depository shall notify  
177 all parties that future payments shall be directed to the  
178 depository.

179 3. In IV-D cases, the IV-D agency shall have the same  
180 rights as the obligee in requesting that payments be made  
181 through the depository.

182 Section 2. Paragraph (b) of subsection (1) of section  
183 61.14, Florida Statutes, is amended to read:

184 61.14 Enforcement and modification of support, maintenance,  
185 or alimony agreements or orders.—

186 (1)

187 (b)1. The court may reduce or terminate an award of alimony



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188 upon specific written findings by the court that since the  
189 granting of a divorce and the award of alimony a supportive  
190 relationship has existed between the obligee and a person with  
191 whom the obligee resides. On the issue of whether alimony should  
192 be reduced or terminated under this paragraph, the burden is on  
193 the obligor to prove by a preponderance of the evidence that a  
194 supportive relationship exists.

195 2. In determining whether an existing award of alimony  
196 should be reduced or terminated because of an alleged supportive  
197 relationship between an obligee and a person who is not related  
198 by consanguinity or affinity and with whom the obligee resides,  
199 the court shall elicit the nature and extent of the relationship  
200 in question. The court shall give consideration, without  
201 limitation, to circumstances, including, but not limited to, the  
202 following, in determining the relationship of an obligee to  
203 another person:

204 a. The extent to which the obligee and the other person  
205 have held themselves out as a married couple by engaging in  
206 conduct such as using the same last name, using a common mailing  
207 address, referring to each other in terms such as "my husband"  
208 or "my wife," or otherwise conducting themselves in a manner  
209 that evidences a permanent supportive relationship.

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

212 c. The extent to which the obligee and the other person  
213 have pooled their assets or income or otherwise exhibited  
214 financial interdependence.

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



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

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

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

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

225 i. Evidence in support of a claim that the obligee and the  
226 other person have an express agreement regarding property  
227 sharing or support.

228 j. Evidence in support of a claim that the obligee and the  
229 other person have an implied agreement regarding property  
230 sharing or support.

231 k. Whether the obligee and the other person have provided  
232 support to the children of one another, regardless of any legal  
233 duty to do so.

234 3. This paragraph does not abrogate the requirement that  
235 every marriage in this state be solemnized under a license, does  
236 not recognize a common law marriage as valid, and does not  
237 recognize a de facto marriage. This paragraph recognizes only  
238 that relationships do exist that provide economic support  
239 equivalent to a marriage and that alimony terminable on  
240 remarriage may be reduced or terminated upon the establishment  
241 of equivalent equitable circumstances as described in this  
242 paragraph. The existence of a conjugal relationship, though it  
243 may be relevant to the nature and extent of the relationship, is  
244 not necessary for the application of ~~the provisions of this~~  
245 paragraph.



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246           4. A court terminating an alimony award based on the  
247 existence of a supportive relationship may not reserve  
248 jurisdiction to later reinstate alimony.

249           Section 3. Section 61.19, Florida Statutes, is amended to  
250 read:

251           61.19 Entry of judgment of dissolution of marriage; ~~;~~ delay  
252 period; bifurcation.-

253           (1) A ~~Ne~~ final judgment of dissolution of marriage may not  
254 be entered until at least 20 days have elapsed from the date of  
255 filing the original petition for dissolution of marriage, ~~;~~ but  
256 the court, on a showing that injustice would result from this  
257 delay, may enter a final judgment of dissolution of marriage at  
258 an earlier date.

259           (2) During the first 180 days after the date of service of  
260 the original petition for dissolution of marriage, the court  
261 shall not grant a final dissolution of marriage with a  
262 reservation of jurisdiction to subsequently determine all other  
263 substantive issues except in exceptional circumstances when it  
264 is clearly necessary for the best interests of the parties or  
265 their children. The desire of one of the parties to remarry does  
266 not justify the use of this process. If more than 180 days have  
267 elapsed after the date of service of the original petition for  
268 dissolution of marriage, the court may grant a final dissolution  
269 of marriage with a reservation of jurisdiction to subsequently  
270 determine all other substantive issues only if the court enters  
271 such other temporary orders as are necessary to protect the  
272 interests of the parties and their children which shall remain  
273 effective until such time as all other issues can be adjudicated  
274 by the court. The temporary orders necessary to protect the



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275 interests of the children and the parties which may be entered  
276 before the granting of a dissolution of marriage without an  
277 adjudication of all substantive issues may include, but shall  
278 not be limited to, temporary orders that:

- 279 (a) Restrict the sale or disposition of property.
- 280 (b) Protect and preserve the marital assets.
- 281 (c) Establish support.
- 282 (d) Provide for maintenance of health insurance.
- 283 (e) Provide for maintenance of life insurance.

284  
285 The court is not required to enter temporary orders to protect  
286 the parties and their children if the court enters a final  
287 judgment of dissolution of marriage which adjudicates  
288 substantially all of the substantive issues between the parties  
289 but reserves jurisdiction to address ancillary issues such as  
290 the entry of a qualified domestic relations order or the  
291 adjudication of attorney fees and costs.

292 Section 4. This act shall take effect July 1, 2012.

293  
294 ===== T I T L E A M E N D M E N T =====

295 And the title is amended as follows:

296 Delete everything before the enacting clause  
297 and insert:

298 A bill to be entitled  
299 An act relating to dissolution of marriage; amending  
300 s. 61.08, F.S.; revising factors to be considered for  
301 alimony awards, including adultery; requiring a court  
302 to make certain written findings concerning alimony;  
303 revising provisions for award of durational alimony;



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304           redesignating permanent alimony as long-term alimony  
305           and revising provisions relating to its award;  
306           requiring written findings regarding the standard of  
307           living of the parties as established during the  
308           marriage; amending s. 61.14, F.S.; prohibiting a court  
309           from reserving jurisdiction to reinstate an alimony  
310           award if a supportive relationship ends; amending s.  
311           61.19, F.S.; prohibiting the court from granting a  
312           final dissolution of marriage with a reservation of  
313           jurisdiction during the first 180 days after the date  
314           of service of the original petition for dissolution of  
315           marriage to subsequently determine all other  
316           substantive issues except in exceptional  
317           circumstances; authorizing the court to grant a final  
318           dissolution of marriage with a reservation of  
319           jurisdiction to subsequently determine all other  
320           substantive issues only if the court enters such other  
321           temporary orders as are necessary to protect the  
322           interests of the parties and their children; providing  
323           circumstances in which the court is not required to  
324           enter a temporary order; providing an effective date.