

1 A bill to be entitled
2 An act relating to family law; amending s. 61.071,
3 F.S.; requiring that alimony pendente lite be
4 calculated in accordance with s. 61.08, F.S.; amending
5 s. 61.08, F.S.; defining terms; revising factors to be
6 considered for alimony awards; requiring a court to
7 make written findings regarding the basis for awarding
8 a combination of forms of alimony, including the type
9 of alimony and length of time for which it is awarded;
10 revising factors to be considered when deciding
11 whether to award alimony; providing that an award of
12 alimony automatically terminates without further
13 action under certain circumstances; providing that the
14 party seeking alimony has the burden of proof of
15 demonstrating a need for alimony and that the other
16 party has the ability to pay alimony; requiring the
17 court to consider specified relevant factors when
18 determining the proper type and amount of alimony;
19 revising provisions relating to the protection of
20 awards of alimony; revising provisions for an award of
21 durational alimony; specifying criteria related to the
22 rebuttable presumption to award or not to award
23 alimony; deleting a provision authorizing permanent
24 alimony; requiring written findings regarding the
25 incomes and standard of living of the parties after
26 dissolution of marriage; amending s. 61.09, F.S.;
27 providing for the calculation of alimony; amending s.
28 61.13, F.S.; establishing a presumption that it is in

29 | the best interests of the child for the court to order
30 | equal time-sharing for each minor child; providing
31 | exceptions; providing prospective applicability of the
32 | presumption; amending s. 61.14, F.S.; authorizing a
33 | party to apply for an order to terminate the amount of
34 | support, maintenance, or alimony; requiring that an
35 | alimony order be modified upward upon a showing by
36 | clear and convincing evidence of an increased ability
37 | to pay alimony by the other party; prohibiting an
38 | increase in an obligor's income from being considered
39 | permanent in nature until it has been maintained for a
40 | specified period without interruption; providing an
41 | exemption from the reduction or termination of an
42 | alimony award in certain circumstances; providing that
43 | there is a rebuttable presumption that any
44 | modification or termination of an alimony award is
45 | retroactive to the date of the filing of the petition;
46 | providing for an award of attorney fees and costs if
47 | it is determined that an obligee unnecessarily or
48 | unreasonably litigates a petition for modification or
49 | termination of an alimony award; revising provisions
50 | relating to the effect of a supportive relationship on
51 | an award of alimony; providing that income and assets
52 | of the obligor's spouse or the person with whom the
53 | obligor resides may not be considered in the
54 | redetermination in a modification action; prohibiting
55 | an alimony award from being modified providing that if
56 | the court orders alimony concurrent with a child

57 support order, the alimony award may not be modified
58 because of the later modification or termination of
59 child support payments; providing that an obligor's
60 subsequent remarriage or cohabitation is not a basis
61 for modification of alimony; providing that income and
62 assets of obligor's subsequent spouse or person with
63 whom the obligor is residing are generally not
64 relevant to modification; providing that the attaining
65 of retirement age is a substantial change in
66 circumstances; requiring the court to consider certain
67 factors in determining whether the obligor's
68 retirement is reasonable; requiring a court to
69 terminate or reduce an alimony award based on certain
70 factors; amending s. 61.19, F.S.; authorizing separate
71 adjudication of issues in a dissolution of marriage
72 case in certain circumstances; providing for
73 retroactive application of the act to alimony awards
74 entered before July 1, 2013; providing an exception;
75 providing allowable dates for the modification of such
76 awards; providing an effective date.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 Section 1. Section 61.071, Florida Statutes, is amended to
81 read:

82 61.071 Alimony pendente lite; suit money.—In every
83 proceeding for dissolution of the marriage, a party may claim
84 alimony and suit money in the petition or by motion, and if the

85 | petition is well founded, the court shall allow alimony
 86 | calculated in accordance with s. 61.08 and a reasonable sum of
 87 | suit money ~~therefor~~. If a party in any proceeding for
 88 | dissolution of marriage claims alimony or suit money in his or
 89 | her answer or by motion, and the answer or motion is well
 90 | founded, the court shall allow alimony calculated in accordance
 91 | with s. 61.08 and a reasonable sum of suit money ~~therefor~~.

92 | Section 2. Section 61.08, Florida Statutes, is amended to
 93 | read:

94 | 61.08 Alimony.—

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

96 | (a) "Alimony" means a court-ordered payment of support by
 97 | an obligor spouse to an obligee spouse.

98 | (b) "Long-term marriage" means a marriage having a
 99 | duration of 20 years or more, as measured from the date of the
 100 | marriage to the date of filing the petition for dissolution.

101 | (c) "Mid-term marriage" means a marriage having a duration
 102 | of more than 12 years but less than 20 years, as measured from
 103 | the date of the marriage to the date of filing the petition for
 104 | dissolution.

105 | (d) "Net income" means net income as determined in
 106 | accordance with s. 61.30.

107 | (e) "Short-term marriage" means a marriage having a
 108 | duration equal to or less than 12 years, as measured from the
 109 | date of the marriage to the date of filing the petition for
 110 | dissolution.

111 | (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
 112 | court may grant alimony to either party in the form of, ~~which~~

113 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
114 alimony, or a permanent in nature or any combination of these
115 forms of alimony, but shall prioritize an award of bridge-the-
116 gap alimony, followed by rehabilitative alimony, over any other
117 form of alimony. In an any award of alimony, the court may order
118 periodic payments, ~~or~~ payments in lump sum, or both.

119 (b) The court shall make written findings regarding the
120 basis for awarding a combination of forms of alimony, including
121 the type of alimony and the length of time for which it is
122 awarded. The court may award only a combination of forms of
123 alimony to provide greater economic assistance in order to allow
124 the recipient to achieve rehabilitation.

125 (c) The court may consider the adultery of either party
126 ~~spouse~~ and the circumstances thereof in determining the amount
127 of alimony, if any, to be awarded.

128 (d) In all dissolution actions, the court shall include
129 written findings of fact relative to the factors enumerated in
130 subsection (3) ~~(2)~~ supporting an award or denial of alimony.

131 (e) An award of alimony granted under this section
132 automatically terminates without further action of either party
133 or the court upon the earlier of:

- 134 1. The durational limits specified in this section; or
- 135 2. The obligor's normal retirement age for social security
136 retirement benefits. If the obligee proves by clear and
137 convincing evidence that the need for alimony continues to exist
138 and the court determines that the obligor continues to have the
139 ability to pay, the court shall issue written findings
140 justifying an extension of alimony consistent with the

141 provisions of this section.

142

143 If the obligee proves by clear and convincing evidence that the
 144 need for alimony continues to exist and the court determines
 145 that the obligor continues to have the ability to pay, the court
 146 shall issue written findings justifying an extension of alimony
 147 consistent with the provisions of this section.

148 (3)-(2) The party seeking alimony has the burden of proof
 149 of demonstrating a need for alimony in accordance with
 150 subsection (8) and that the other party has the ability to pay
 151 alimony. In determining whether to award alimony ~~or maintenance,~~
 152 the court shall ~~first~~ make, in writing, a specific factual
 153 determination as to whether the other ~~either party has an actual~~
 154 ~~need for alimony or maintenance and whether either party has the~~
 155 ability to pay alimony ~~or maintenance.~~ If the court finds that
 156 the a party seeking alimony has met its burden of proof in
 157 demonstrating a need for alimony ~~or maintenance~~ and that the
 158 other party has the ability to pay alimony ~~or maintenance,~~ then
 159 in determining the proper type and amount of alimony ~~or~~
 160 ~~maintenance~~ under subsections (5)-(9) ~~(5)-(8),~~ the court shall
 161 consider all relevant factors, ~~including, but not limited to:~~

162 ~~(a) The standard of living established during the~~
 163 ~~marriage.~~

164 (a)-(b) The duration of the marriage.

165 (b)-(e) The age and the physical and emotional condition of
 166 each party.

167 (c)-(d) The financial resources of each party, including
 168 the portion of nonmarital assets that were relied upon by the

169 parties during the marriage and the marital assets and
 170 liabilities distributed to each.

171 (d)-(e) The earning capacities, educational levels,
 172 vocational skills, and employability of the parties and, when
 173 applicable, the time necessary for either party to acquire
 174 sufficient education or training to enable such party to find
 175 appropriate employment.

176 (e)-(f) The contribution of each party to the marriage,
 177 including, but not limited to, services rendered in homemaking,
 178 child care, education, and career building of the other party.

179 (f)-(g) The responsibilities each party will have with
 180 regard to any minor children that the parties ~~they~~ have in
 181 common.

182 (g)-(h) The tax treatment and consequences to both parties
 183 of an any alimony award, which must be consistent with
 184 applicable state and federal tax laws and may include ~~including~~
 185 the designation of all or a portion of the payment as a
 186 nontaxable, nondeductible payment.

187 (h)-(i) All sources of income available to either party,
 188 including income available to either party through investments
 189 of any asset held by that party which was acquired during the
 190 marriage or acquired outside the marriage and relied upon during
 191 the marriage.

192 (i) The net income and standard of living available to
 193 each party after the application of the alimony award. There is
 194 a rebuttable presumption that both parties will have a lower
 195 standard of living after the dissolution of marriage than the
 196 standard of living they enjoyed during the marriage. This

197 presumption may be overcome by a preponderance of the evidence.

198 (j) Any other factor necessary to do equity and justice
 199 between the parties, if that factor is specifically identified
 200 in the award with findings of fact justifying the application of
 201 the factor.

202 ~~(4)(3)~~ To the extent necessary to protect an award of
 203 alimony, the court may order any party who is ordered to pay
 204 alimony to purchase or maintain a decreasing term life insurance
 205 policy or a bond, or to otherwise secure such alimony award with
 206 any other assets that ~~which~~ may be suitable for that purpose, in
 207 an amount adequate to secure the alimony award. Any such
 208 security may be awarded only upon a showing of special
 209 circumstances. If the court finds special circumstances and
 210 awards such security, the court must make specific evidentiary
 211 findings regarding the availability, cost, and financial impact
 212 on the obligated party. Any security may be modifiable in the
 213 event that the underlying alimony award is modified and shall be
 214 reduced in an amount commensurate with any reduction in the
 215 alimony award.

216 ~~(4) For purposes of determining alimony, there is a~~
 217 ~~rebuttable presumption that a short-term marriage is a marriage~~
 218 ~~having a duration of less than 7 years, a moderate-term marriage~~
 219 ~~is a marriage having a duration of greater than 7 years but less~~
 220 ~~than 17 years, and long-term marriage is a marriage having a~~
 221 ~~duration of 17 years or greater. The length of a marriage is the~~
 222 ~~period of time from the date of marriage until the date of~~
 223 ~~filing of an action for dissolution of marriage.~~

224 (5) Bridge-the-gap alimony may be awarded to assist a

225 party by providing support to allow the party to make a
226 transition from being married to being single. Bridge-the-gap
227 alimony is designed to assist a party with legitimate
228 identifiable short-term needs, and the length of an award may
229 not exceed 2 years. An award of bridge-the-gap alimony
230 terminates upon the death of either party or upon the remarriage
231 of the party receiving alimony. An award of bridge-the-gap
232 alimony is ~~shall~~ not ~~be~~ modifiable in amount or duration.

233 (6) (a) Rehabilitative alimony may be awarded to assist a
234 party in establishing the capacity for self-support through
235 either:

- 236 1. The redevelopment of previous skills or credentials; or
- 237 2. The acquisition of education, training, or work
238 experience necessary to develop appropriate employment skills or
239 credentials.

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

243 (c) An award of rehabilitative alimony may be modified or
244 terminated only during the rehabilitative period in accordance
245 with s. 61.14 based upon a substantial change in circumstances,
246 upon noncompliance with the rehabilitative plan, or upon
247 completion of the rehabilitative plan.

248 (7) Durational alimony may be awarded ~~when permanent~~
249 ~~periodic alimony is inappropriate. The purpose of durational~~
250 ~~alimony is~~ to provide a party with economic assistance for a set
251 period of time following a short-term, mid-term, or long-term
252 ~~marriage of short or moderate duration or following a marriage~~

253 ~~of long duration if there is no ongoing need for support on a~~
254 ~~permanent basis. When awarding durational alimony, the court~~
255 ~~must make written findings that an award of another form of~~
256 ~~alimony or a combination of the other forms of alimony is not~~
257 ~~appropriate.~~ An award of durational alimony terminates upon the
258 death of either party or upon the remarriage of the party
259 receiving alimony. The amount of an award of durational alimony
260 shall ~~may~~ be modified or terminated based upon a substantial
261 change in circumstances or upon the existence of a supportive
262 relationship in accordance with s. 61.14. ~~However,~~ The length of
263 an award of durational alimony may not ~~be modified except under~~
264 ~~exceptional circumstances and may not~~ exceed 50 percent of the
265 length of the marriage, unless the party seeking alimony proves
266 by a preponderance of the evidence the circumstances justifying
267 the need for a longer award of alimony, which circumstances must
268 be set out in writing by the court ~~the length of the marriage.~~

269 (8) (a) There is a rebuttable presumption against awarding
270 alimony for a short-term marriage. A party seeking alimony may
271 overcome this presumption by demonstrating by clear and
272 convincing evidence a need for alimony. If the court finds that
273 the party has met its burden in demonstrating a need for alimony
274 and that the other party has the ability to pay alimony, the
275 court shall determine a monthly award of alimony that may not
276 exceed 20 percent of the obligor's monthly net income.

277 (b) There is no presumption in favor of either party to an
278 award of alimony for a mid-term marriage. A party seeking such
279 alimony must prove by a preponderance of the evidence a need for
280 alimony. If the court finds that the party has met its burden in

281 demonstrating a need for alimony and that the other party has
282 the ability to pay alimony, the court shall determine a monthly
283 alimony obligation that may not exceed 30 percent of the
284 obligor's monthly net income.

285 (c) There is a rebuttable presumption in favor of awarding
286 alimony for a long-term marriage. A party against whom alimony
287 is sought may overcome this presumption by demonstrating by
288 clear and convincing evidence that there is no need for alimony.
289 If the court finds that the party against whom alimony is sought
290 fails to meet its burden to demonstrate that there is no need
291 for alimony and that the party has the ability to pay alimony,
292 the court shall determine a monthly alimony obligation that may
293 not exceed 33 percent of the obligor's monthly net income.

294 (9) The court may order alimony exceeding the monthly net
295 income limits established in subsection (8) if the court
296 determines, in accordance with the factors in subsection (3),
297 that there is a need for additional alimony, which determination
298 must be set out in writing. ~~Permanent alimony may be awarded to~~
299 ~~provide for the needs and necessities of life as they were~~
300 ~~established during the marriage of the parties for a party who~~
301 ~~lacks the financial ability to meet his or her needs and~~
302 ~~necessities of life following a dissolution of marriage.~~
303 ~~Permanent alimony may be awarded following a marriage of long~~
304 ~~duration if such an award is appropriate upon consideration of~~
305 ~~the factors set forth in subsection (2), following a marriage of~~
306 ~~moderate duration if such an award is appropriate based upon~~
307 ~~clear and convincing evidence after consideration of the factors~~
308 ~~set forth in subsection (2), or following a marriage of short~~

309 ~~duration if there are written findings of exceptional~~
310 ~~circumstances. In awarding permanent alimony, the court shall~~
311 ~~include a finding that no other form of alimony is fair and~~
312 ~~reasonable under the circumstances of the parties. An award of~~
313 ~~permanent alimony terminates upon the death of either party or~~
314 ~~upon the remarriage of the party receiving alimony. An award may~~
315 ~~be modified or terminated based upon a substantial change in~~
316 ~~circumstances or upon the existence of a supportive relationship~~
317 ~~in accordance with s. 61.14.~~

318 (10) A party against whom alimony is sought who has met
319 the requirements for retirement in accordance with s. 61.14(12)
320 before the filing of the petition for dissolution is not
321 required to pay alimony unless the party seeking alimony proves
322 by clear and convincing evidence the other party has the ability
323 to pay alimony, in addition to all other requirements of this
324 section.

325 (11)-(9) Notwithstanding any other provision of law,
326 alimony may not be awarded to a party who has a monthly net
327 income that is equal to or more than the other party. Except in
328 the case of a long-term marriage, in awarding alimony, the court
329 shall impute income to the obligor and obligee as follows:

330 (a) In the case of the obligor, social security retirement
331 benefits may not be imputed to the obligor, as demonstrated by a
332 social security retirement benefits entitlement letter.

333 (b) In the case of the obligee, if the obligee:

334 1. Is unemployed at the time the petition is filed and has
335 been unemployed for less than 1 year before the time of the
336 filing of the petition, the obligee's monthly net income shall

337 be imputed at 90 percent of the obligee's prior monthly net
338 income.

339 2. Is unemployed at the time the petition is filed and has
340 been unemployed for at least 1 year but less than 2 years before
341 the time of the filing of the petition, the obligee's monthly
342 net income shall be imputed at 80 percent of the obligee's prior
343 monthly net income.

344 3. Is unemployed at the time the petition is filed and has
345 been unemployed for at least 2 years but less than 3 years
346 before the time of the filing of the petition, the obligee's
347 monthly net income shall be imputed at 70 percent of the
348 obligee's prior monthly net income.

349 4. Is unemployed at the time the petition is filed and has
350 been unemployed for at least 3 years but less than 4 years
351 before the time of the filing of the petition, the obligee's
352 monthly net income shall be imputed at 60 percent of the
353 obligee's prior monthly net income.

354 5. Is unemployed at the time the petition is filed and has
355 been unemployed for at least 4 years but less than 5 years
356 before the time of the filing of the petition, the obligee's
357 monthly net income shall be imputed at 50 percent of the
358 obligee's prior monthly net income.

359 6. Is unemployed at the time the petition is filed and has
360 been unemployed for at least 5 years before the time of the
361 filing of the petition, the obligee's monthly net income shall
362 be imputed at 40 percent of the obligee's prior monthly net
363 income, or the monthly net income of a minimum wage earner at
364 the time of the filing of the petition, whichever is greater.

365 7. Proves by a preponderance of the evidence that he or
366 she does not have the ability to earn the imputed income through
367 reasonable means, the court shall reduce the imputation of
368 income specified in this paragraph. If the obligee alleges that
369 a physical disability has impaired his or her ability to earn
370 the imputed income, such disability must meet the definition of
371 disability as determined by the Social Security Administration.
372 ~~The award of alimony may not leave the payor with significantly~~
373 ~~less net income than the net income of the recipient unless~~
374 ~~there are written findings of exceptional circumstances.~~

375 (12) (a) (10) (a) With respect to any order requiring the
376 payment of alimony entered on or after January 1, 1985, unless
377 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
378 the court shall direct in the order that the payments of alimony
379 be made through the appropriate depository as provided in s.
380 61.181.

381 (b) With respect to any order requiring the payment of
382 alimony entered before January 1, 1985, upon the subsequent
383 appearance, on or after that date, of one or both parties before
384 the court having jurisdiction for the purpose of modifying or
385 enforcing the order or in any other proceeding related to the
386 order, or upon the application of either party, unless ~~the~~
387 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
388 court shall modify the terms of the order as necessary to direct
389 that payments of alimony be made through the appropriate
390 depository as provided in s. 61.181.

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

393 (d)1. If there is a minor child of the parties and both
394 parties so request, the court may order that alimony payments
395 need not be directed through the depository. In this case, the
396 order of support must ~~shall~~ provide, or be deemed to provide,
397 that either party may subsequently apply to the depository to
398 require that payments be made through the depository. The court
399 shall provide a copy of the order to the depository.

400 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
401 either party may subsequently file with the depository an
402 affidavit alleging default or arrearages in payment and stating
403 that the party wishes to initiate participation in the
404 depository program. The party shall provide copies of the
405 affidavit to the court and the other party or parties. Fifteen
406 days after receipt of the affidavit, the depository shall notify
407 all parties that future payments shall be directed to the
408 depository.

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

412 Section 3. Section 61.09, Florida Statutes, is amended to
413 read:

414 61.09 Alimony and child support unconnected with
415 dissolution.—If a person having the ability to contribute to the
416 maintenance of his or her spouse and support of his or her minor
417 child fails to do so, the spouse who is not receiving support
418 may apply to the court for alimony and for support for the child
419 without seeking dissolution of marriage, and the court shall
420 enter an order as it deems just and proper. Alimony awarded

421 under this section shall be calculated in accordance with s.
 422 61.08.

423 Section 4. Paragraph (c) of subsection (2) of section
 424 61.13, Florida Statutes, is amended to read:

425 61.13 Support of children; parenting and time-sharing;
 426 powers of court.—

427 (2)

428 (c) The court shall determine all matters relating to
 429 parenting and time-sharing of each minor child of the parties in
 430 accordance with the best interests of the child and in
 431 accordance with the Uniform Child Custody Jurisdiction and
 432 Enforcement Act, except that modification of a parenting plan
 433 and time-sharing schedule requires a showing of a substantial,
 434 material, and unanticipated change of circumstances.

435 1. It is the public policy of this state that each minor
 436 child has frequent and continuing contact with both parents
 437 after the parents separate or the marriage of the parties is
 438 dissolved and to encourage parents to share the rights and
 439 responsibilities, and joys, of childrearing. There is no
 440 presumption for or against the father or mother of the child or
 441 for or against any specific time-sharing schedule when creating
 442 or modifying the parenting plan of the child. Equal time-sharing
 443 with a minor child by both parents is presumed to be in the best
 444 interests of the child unless the court finds that:

445 a. The safety, well-being, and physical, mental, and
 446 emotional health of the child would be endangered by equal time-
 447 sharing, that visitation would be presumed detrimental
 448 consistent with s. 39.0139(3), or that supervised visitation is

449 appropriate, if any is appropriate;

450 b. Clear and convincing evidence of extenuating
451 circumstances justify a departure from equal time-sharing and
452 the court makes written findings justifying the departure from
453 equal time-sharing;

454 c. A parent is incarcerated;

455 d. The distance between parental residences makes equal
456 time-sharing impracticable;

457 e. A parent does not request at least 50 percent time-
458 sharing; or

459 f. There is evidence of domestic violence.

460 2. The court shall order that the parental responsibility
461 for a minor child be shared by both parents unless the court
462 finds that shared parental responsibility would be detrimental
463 to the child. Evidence that a parent has been convicted of a
464 misdemeanor of the first degree or higher involving domestic
465 violence, as defined in s. 741.28 and chapter 775, or meets the
466 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
467 detriment to the child. If the presumption is not rebutted after
468 the convicted parent is advised by the court that the
469 presumption exists, shared parental responsibility, including
470 time-sharing with the child, and decisions made regarding the
471 child, may not be granted to the convicted parent. However, the
472 convicted parent is not relieved of any obligation to provide
473 financial support. If the court determines that shared parental
474 responsibility would be detrimental to the child, it may order
475 sole parental responsibility and make such arrangements for
476 time-sharing as specified in the parenting plan as will best

477 protect the child or abused spouse from further harm. Whether or
478 not there is a conviction of any offense of domestic violence or
479 child abuse or the existence of an injunction for protection
480 against domestic violence, the court shall consider evidence of
481 domestic violence or child abuse as evidence of detriment to the
482 child.

483 a. In ordering shared parental responsibility, the court
484 may consider the expressed desires of the parents and may grant
485 to one party the ultimate responsibility over specific aspects
486 of the child's welfare or may divide those responsibilities
487 between the parties based on the best interests of the child.
488 Areas of responsibility may include education, health care, and
489 any other responsibilities that the court finds unique to a
490 particular family.

491 b. The court shall order sole parental responsibility for
492 a minor child to one parent, with or without time-sharing with
493 the other parent if it is in the best interests of the minor
494 child.

495 3. Access to records and information pertaining to a minor
496 child, including, but not limited to, medical, dental, and
497 school records, may not be denied to either parent. Full rights
498 under this subparagraph apply to either parent unless a court
499 order specifically revokes these rights, including any
500 restrictions on these rights as provided in a domestic violence
501 injunction. A parent having rights under this subparagraph has
502 the same rights upon request as to form, substance, and manner
503 of access as are available to the other parent of a child,
504 including, without limitation, the right to in-person

505 communication with medical, dental, and education providers.

506 Section 5. The amendments made by this act to s. 61.13,
507 Florida Statutes, creating a presumption in favor of equal time
508 sharing, apply prospectively to initial final custody orders
509 made on or after July 1, 2013. The amendments do not constitute
510 a substantial change in circumstances that warrant the
511 modification of a final custody order entered before July 1,
512 2013.

513 Section 6. Subsection (1) of section 61.14, Florida
514 Statutes, is amended, paragraphs (c) and (d) are added to
515 subsection (11) of that section, and subsection (12) is added to
516 that section, to read:

517 61.14 Enforcement and modification of support,
518 maintenance, or alimony agreements or orders.—

519 (1) (a) When the parties enter into an agreement for
520 payments for, or instead of, support, maintenance, or alimony,
521 whether in connection with a proceeding for dissolution or
522 separate maintenance or with any voluntary property settlement,
523 or when a party is required by court order to make any payments,
524 and the circumstances or the financial ability of either party
525 changes or the child who is a beneficiary of an agreement or
526 court order as described herein reaches majority after the
527 execution of the agreement or the rendition of the order, either
528 party may apply to the circuit court of the circuit in which the
529 parties, or either of them, resided at the date of the execution
530 of the agreement or reside at the date of the application, or in
531 which the agreement was executed or in which the order was
532 rendered, for an order terminating, decreasing, or increasing

533 the amount of support, maintenance, or alimony, and the court
534 has jurisdiction to make orders as equity requires, with due
535 regard to the changed circumstances or the financial ability of
536 the parties or the child, decreasing, increasing, or confirming
537 the amount of separate support, maintenance, or alimony provided
538 for in the agreement or order. A finding that medical insurance
539 is reasonably available or the child support guidelines schedule
540 in s. 61.30 may constitute changed circumstances. Except as
541 otherwise provided in s. 61.30(11)(c), the court may modify an
542 order of support, maintenance, or alimony by terminating,
543 increasing, or decreasing the support, maintenance, or alimony
544 retroactively to the date of the filing of the action or
545 supplemental action for modification as equity requires, giving
546 due regard to the changed circumstances or the financial ability
547 of the parties or the child.

548 (b)1. If the court has determined that an existing alimony
549 award as determined by the court at the time of dissolution is
550 insufficient to meet the needs of the obligee, and that such
551 need continues to exist, an alimony order shall be modified
552 upward upon a showing by clear and convincing evidence of a
553 permanently increased ability to pay alimony. Clear and
554 convincing evidence must include, but need not be limited to,
555 federal tax returns. An increase in an obligor's income may not
556 be considered permanent in nature unless the increase has been
557 maintained without interruption for at least 2 years, taking
558 into account the obligor's ability to sustain his or her income.

559 ~~2.1.~~ Notwithstanding subparagraph 1., the court shall ~~may~~
560 reduce or terminate an award of alimony upon specific written

561 findings by the court that since the granting of a divorce and
562 the award of alimony, a supportive relationship has existed
563 between the obligee and another a person, except upon a showing
564 by clear and convincing evidence by the obligee that his or her
565 long-term need for alimony, taking into account the totality of
566 the circumstances, has not been reduced by the supportive
567 relationship with whom the obligee resides. On the issue of
568 whether alimony should be reduced or terminated under this
569 paragraph, the burden is on the obligor to prove by a
570 preponderance of the evidence that a supportive relationship
571 exists.

572 ~~3.2.~~ In determining whether an existing award of alimony
573 should be reduced or terminated because of an alleged supportive
574 relationship between an obligee and a person who is not related
575 by consanguinity or affinity and with whom the obligee resides,
576 the court shall elicit the nature and extent of the relationship
577 in question. The court shall give consideration, without
578 limitation, to circumstances, including, but not limited to, the
579 following, in determining the relationship of an obligee to
580 another person:

581 a. The extent to which the obligee and the other person
582 have held themselves out as a married couple by engaging in
583 conduct such as using the same last name, using a common mailing
584 address, referring to each other in terms such as "my husband"
585 or "my wife," or otherwise conducting themselves in a manner
586 that evidences a permanent supportive relationship.

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

589 c. The extent to which the obligee and the other person
590 have pooled their assets or income or otherwise exhibited
591 financial interdependence.

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

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

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

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

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

602 i. Evidence in support of a claim that the obligee and the
603 other person have an express agreement regarding property
604 sharing or support.

605 j. Evidence in support of a claim that the obligee and the
606 other person have an implied agreement regarding property
607 sharing or support.

608 k. Whether the obligee and the other person have provided
609 support to the children of one another, regardless of any legal
610 duty to do so.

611 ~~4.3.~~ This paragraph does not abrogate the requirement that
612 every marriage in this state be solemnized under a license, does
613 not recognize a common law marriage as valid, and does not
614 recognize a de facto marriage. This paragraph recognizes only
615 that relationships do exist that provide economic support
616 equivalent to a marriage and that alimony terminable on

617 remarriage may be reduced or terminated upon the establishment
618 of equivalent equitable circumstances as described in this
619 paragraph. The existence of a conjugal relationship, though it
620 may be relevant to the nature and extent of the relationship, is
621 not necessary for the application of ~~the provisions of this~~
622 paragraph.

623 5. There is a rebuttable presumption that any modification
624 or termination of an alimony award is retroactive to the date of
625 the filing of the petition. In an action under this section, if
626 it is determined that the obligee unnecessarily or unreasonably
627 litigated the underlying petition for modification or
628 termination, the court may award the obligor his or her
629 reasonable attorney fees and costs pursuant to s. 61.16 and
630 applicable case law.

631 (c) For each support order reviewed by the department as
632 required by s. 409.2564(11), if the amount of the child support
633 award under the order differs by at least 10 percent but not
634 less than \$25 from the amount that would be awarded under s.
635 61.30, the department shall seek to have the order modified and
636 any modification shall be made without a requirement for proof
637 or showing of a change in circumstances.

638 (d) The department may ~~shall have authority to~~ adopt rules
639 to administer ~~implement~~ this section.

640 (11)

641 (c) If the court orders alimony payable concurrent with a
642 child support order, the alimony award may not be modified
643 solely because of a later reduction or termination of child
644 support payments, unless the court finds the obligor has the

645 ability to pay the modified alimony award, the existing alimony
646 award as determined by the court at the time of dissolution is
647 insufficient to meet the needs of the obligee, and such need
648 continues to exist.

649 (d) An obligor's subsequent remarriage or cohabitation
650 does not constitute a basis for a modification of alimony. The
651 income and assets of the obligor's subsequent spouse or person
652 with whom the obligor resides is not relevant in a modification
653 action except under exceptional circumstances.

654 (12) (a) The fact that an obligor has reached a reasonable
655 retirement age for his or her profession, has retired, and has
656 no intent to return to work, or has reached the normal
657 retirement age for social security benefits, is considered a
658 substantial change in circumstances as a matter of law. An
659 obligor who has reached the normal retirement age for social
660 security benefits shall be considered to have reached a
661 reasonable retirement age. With regard to an obligor who has
662 retired before the normal retirement age for social security
663 benefits, the court shall consider the following in determining
664 whether the obligor's retirement age is reasonable:

- 665 1. Age.
- 666 2. Health.
- 667 3. Type of work.
- 668 4. Normal retirement age for that type of work.

669 (b) In anticipation of retirement, the obligor may file a
670 petition for termination or modification of the alimony award
671 effective upon the earlier of the retirement date or the date
672 the obligor reaches the normal retirement age for social

673 security benefits. The court shall terminate the award or reduce
674 the award based on the circumstances of the parties after
675 retirement and based on the factors in s. 61.08, unless the
676 obligee proves by clear and convincing evidence that the need
677 for alimony at the present level continues to exist and that the
678 obligor's ability to pay has not been diminished.

679 Section 7. Section 61.19, Florida Statutes, is amended to
680 read:

681 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay
682 period; separate adjudication of issues.-

683 (1) A ~~No~~ final judgment of dissolution of marriage may not
684 be entered until at least 20 days have elapsed from the date of
685 filing the original petition for dissolution of marriage,~~7~~ but
686 the court, on a showing that injustice would result from this
687 delay, may enter a final judgment of dissolution of marriage at
688 an earlier date.

689 (2) (a) During the first 180 days after the date of service
690 of the original petition for dissolution of marriage, the court
691 may not grant a final dissolution of marriage with a reservation
692 of jurisdiction to subsequently determine all other substantive
693 issues unless the court makes written findings that there are
694 exceptional circumstances that make the use of this process
695 clearly necessary to protect the parties or their children and
696 that granting a final dissolution will not cause irreparable
697 harm to either party or the children. Before granting a final
698 dissolution of marriage with a reservation of jurisdiction to
699 subsequently determine all other substantive issues, the court
700 shall enter temporary orders necessary to protect the parties

701 and their children, which orders remain effective until all
702 other issues can be adjudicated by the court. The desire of one
703 party to remarry does not justify the use of this process.

704 (b) If more than 180 days have elapsed after the date of
705 service of the original petition for dissolution of marriage,
706 the court may grant a final dissolution of marriage with a
707 reservation of jurisdiction to subsequently determine all other
708 substantive issues only if the court enters temporary orders
709 necessary to protect the parties and their children, which
710 orders remain effective until such time as all other issues can
711 be adjudicated by the court, and makes a written finding that no
712 irreparable harm will result from granting a final dissolution.

713 (c) If more than 365 days have elapsed after the date of
714 service of the original petition for dissolution of marriage,
715 absent a showing by either party that irreparable harm will
716 result from granting a final dissolution, the court shall, upon
717 request of either party, immediately grant a final dissolution
718 of marriage with a reservation of jurisdiction to subsequently
719 determine all other substantive issues. Before granting a final
720 dissolution of marriage with a reservation of jurisdiction to
721 subsequently determine all other substantive issues, the court
722 shall enter temporary orders necessary to protect the parties
723 and their children, which orders remain effective until all
724 other issues can be adjudicated by the court.

725 (d) The temporary orders necessary to protect the parties
726 and their children entered before granting a dissolution of
727 marriage without an adjudication of all substantive issues may
728 include, but are not limited to, temporary orders that:

- 729 1. Restrict the sale or disposition of property.
- 730 2. Protect and preserve the marital assets.
- 731 3. Establish temporary support.
- 732 4. Provide for maintenance of health insurance.
- 733 5. Provide for maintenance of life insurance.

734 (e) The court is not required to enter temporary orders to
 735 protect the parties and their children if the court enters a
 736 final judgment of dissolution of marriage that adjudicates
 737 substantially all of the substantive issues between the parties
 738 but reserves jurisdiction to address ancillary issues such as
 739 the entry of a qualified domestic relations order or the
 740 adjudication of attorney fees and costs.

741 Section 8. (1) The amendments to chapter 61, Florida
 742 Statutes, made by this act apply to all initial awards of, and
 743 agreements for, alimony entered before July 1, 2013, and to all
 744 modifications of such awards or agreements made before July 1,
 745 2013, with the exception of agreements that are expressly
 746 nonmodifiable. Such amendments may serve as a basis to modify
 747 the amount or duration of an award existing before July 1, 2013.
 748 Such amendments may also serve as a basis to modify an agreement
 749 for alimony, unless the agreement is expressly nonmodifiable, if
 750 the agreement is 25 percent or more in duration or amount than
 751 an alimony award calculated under the amendments made by this
 752 act.

753 (2) An obligor whose initial award or modification of such
 754 award was made before July 1, 2013, may file a modification
 755 action according to the following schedule:

756 (a) An obligor who is subject to an alimony award of 15

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757 years or more may file a modification action on or after July 1,
758 2013.

759 (b) An obligor who is subject to an alimony award of 8
760 years of more, but less than 15 years, may file a modification
761 action on or after July 1, 2014.

762 (c) An obligor who is subject to an alimony award of less
763 than 8 years may file a modification action on or after July 1,
764 2015.

765 (3) An obligor whose initial agreement or modification of
766 such agreement was made before July 1, 2013, may file a
767 modification action according to the following schedule:

768 (a) An obligor who has agreed to permanent alimony may
769 file a modification action on or after July 1, 2013.

770 (b) An obligor who has agreed to durational alimony of 10
771 years or more may file a modification action on or after July 1,
772 2014.

773 (c) An obligor who has agreed to durational alimony of
774 more than 5 years but less than 10 years may file a modification
775 action on or after July 1, 2015.

776 Section 9. This act shall take effect July 1, 2013.