

By Senator Stargel

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1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.071, F.S.; requiring that alimony pendente lite
4 be calculated in accordance with s. 61.08, F.S.;
5 amending s. 61.08, F.S.; defining terms; revising
6 factors to be considered for alimony awards; requiring
7 a court to make written findings regarding the basis
8 for awarding a combination of forms of alimony,
9 including the type of alimony and length of time for
10 which it is awarded; revising factors to be considered
11 when deciding whether to award alimony; providing that
12 an award of alimony granted automatically terminates
13 without further action under certain circumstances;
14 providing that the party seeking alimony has the
15 burden of proof of demonstrating a need for alimony
16 and that the other party has the ability to pay
17 alimony; requiring the court to consider specified
18 relevant factors when determining the proper type and
19 amount of alimony; revising provisions relating to the
20 protection of awards of alimony; revising provisions
21 for an award of durational alimony; specifying
22 criteria related to the rebuttable presumption to
23 award or not to award alimony; deleting a provision
24 authorizing permanent alimony; requiring written
25 findings regarding the incomes and standard of living
26 of the parties after dissolution of marriage; amending
27 s. 61.09, F.S.; providing for the calculation of
28 alimony; amending s. 61.14, F.S.; authorizing a party
29 to apply for an order to terminate the amount of

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30 support, maintenance, or alimony; requiring that an
31 alimony order be modified upward upon a showing by
32 clear and convincing evidence of an increased ability
33 to pay alimony by the other party; prohibiting an
34 increase in an obligor's income from being considered
35 permanent in nature until it has been maintained for a
36 specified period without interruption; providing an
37 exemption from the reduction or termination of an
38 alimony award in certain circumstances; providing that
39 there is a rebuttable presumption that any
40 modification or termination of an alimony award is
41 retroactive to the date of the filing of the petition;
42 providing for an award of attorney fees and costs if
43 it is determined that an obligee unnecessarily or
44 unreasonably litigates a petition for modification or
45 termination of an alimony award; revising provisions
46 relating to the effect of a supportive relationship on
47 an award of alimony; providing that income and assets
48 of the obligor's spouse or the person with whom the
49 obligor resides may not be considered in the
50 redetermination in a modification action; prohibiting
51 an alimony award from being modified providing that if
52 the court orders alimony concurrent with a child
53 support order, the alimony award may not be modified
54 because of the later modification or termination of
55 child support payments; providing that the attaining
56 of retirement age is a substantial change in
57 circumstances; requiring the court to consider certain
58 factors in determining whether the obligor's

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59 retirement is reasonable; requiring a court to
60 terminate or reduce an alimony award based on certain
61 factors; amending s. 61.19, F.S.; authorizing separate
62 adjudication of issues in a dissolution of marriage
63 case in certain circumstances; providing for
64 retroactive application of the act to alimony awards
65 entered before July 1, 2013; providing allowable dates
66 for the modification of such awards; providing an
67 effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:
70

71 Section 1. Section 61.071, Florida Statutes, is amended to
72 read:

73 61.071 Alimony pendente lite; suit money.—In every
74 proceeding for dissolution of the marriage, a party may claim
75 alimony and suit money in the petition or by motion, and if the
76 petition is well founded, the court shall allow alimony
77 calculated in accordance with s. 61.08 and a reasonable sum of
78 suit money ~~therefor~~. If a party in any proceeding for
79 dissolution of marriage claims alimony or suit money in his or
80 her answer or by motion, and the answer or motion is well
81 founded, the court shall allow alimony calculated in accordance
82 with s. 61.08 and a reasonable sum of suit money ~~therefor~~.

83 Section 2. Section 61.08, Florida Statutes, is amended to
84 read:

85 61.08 Alimony.—

86 (1) For purposes of this section, the term:

87 (a) "Alimony" means a court-ordered payment of support by

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88 an obligor to an obligee after the dissolution of a marriage.

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

92 (c) "Mid-term marriage" means a marriage having a duration
93 of more than 10 years but less than 20 years, as measured from
94 the date of the marriage to the date of filing the petition for
95 dissolution.

96 (d) "Net income" means net income as determined in
97 accordance with s. 61.30.

98 (e) "Short-term marriage" means a marriage having a
99 duration equal to or less than 10 years, as measured from the
100 date of the marriage to the date of filing the petition for
101 dissolution.

102 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
103 court may grant alimony to either party in the form of, ~~which~~
104 alimony may be bridge-the-gap, rehabilitative, or durational
105 alimony, or a permanent in nature or any combination of these
106 forms of alimony, but shall prioritize an award of bridge-the-
107 gap alimony, followed by rehabilitative alimony, over any other
108 form of alimony. In an ~~any~~ award of alimony, the court may order
109 periodic payments, ~~or~~ payments in lump sum, or both. Alimony may
110 not be awarded in any other action.

111 (b) The court shall make written findings regarding the
112 basis for awarding a combination of forms of alimony, including
113 the type of alimony and length of time for which it is awarded.
114 The court may award only a combination of forms of alimony to
115 provide greater economic assistance in order to allow the
116 recipient to achieve rehabilitation.

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

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

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

- 126 1. The durational limits specified in this section; or
127 2. The obligee's normal retirement age for social security
128 retirement benefits.

129
130 If the obligee proves by clear and convincing evidence that the
131 need for alimony continues to exist and the court determines
132 that the obligor continues to have the ability to pay, the court
133 shall issue written findings justifying an extension of alimony
134 consistent with the provisions of this section.

135 (f) The clerk of the court shall, upon request, indicate in
136 writing that an alimony obligation has terminated in accordance
137 with paragraph (e), unless there is a pending motion before the
138 court disputing the fulfillment of the alimony obligation.

139 (3)~~(2)~~ The party seeking alimony has the burden of proof of
140 demonstrating a need for alimony in accordance with subsection
141 (8) and that the other party has the ability to pay alimony. In
142 determining whether to award alimony ~~or maintenance~~, the court
143 shall ~~first~~ make, in writing, a specific factual determination
144 as to whether the other ~~either party has an actual need for~~
145 alimony ~~or maintenance~~ and whether either party has the ability

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146 to pay alimony ~~or maintenance~~. If the court finds that the a
147 party seeking alimony has met its burden of proof in
148 demonstrating a need for alimony ~~or maintenance~~ and that the
149 other party has the ability to pay alimony ~~or maintenance~~, then
150 in determining the proper type and amount of alimony ~~or~~
151 ~~maintenance~~ under subsections (5)-(9) ~~(5)-(8)~~, the court shall
152 consider all relevant factors, including, ~~but not limited to:~~
153 ~~(a) The standard of living established during the marriage.~~
154 (a) ~~(b)~~ The duration of the marriage.
155 (b) ~~(e)~~ The age and the physical and emotional condition of
156 each party.
157 (c) ~~(d)~~ The financial resources of each party, including the
158 portion of nonmarital assets that were relied upon by the
159 parties during the marriage and the marital assets and
160 liabilities distributed to each.
161 (d) ~~(e)~~ The earning capacities, educational levels,
162 vocational skills, and employability of the parties and, when
163 applicable, the time necessary for either party to acquire
164 sufficient education or training to enable such party to find
165 appropriate employment.
166 (e) ~~(f)~~ The contribution of each party to the marriage,
167 including, but not limited to, services rendered in homemaking,
168 child care, education, and career building of the other party.
169 (f) ~~(g)~~ The responsibilities each party will have with
170 regard to any minor children that the parties ~~they~~ have in
171 common.
172 (g) ~~(h)~~ The tax treatment and consequences to both parties
173 of an any alimony award, which must be consistent with
174 applicable state and federal tax laws and may include ~~including~~

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175 the designation of all or a portion of the payment as a
176 nontaxable, nondeductible payment.

177 (h)~~(i)~~ All sources of income available to either party,
178 including income available to either party through investments
179 of any asset held by that party which was acquired during the
180 marriage or acquired outside the marriage and relied upon during
181 the marriage.

182 (i) The net income and standard of living available to each
183 party after the application of the alimony award. There is a
184 rebuttable presumption that both parties will have a lower
185 standard of living after the dissolution of marriage than the
186 standard of living they enjoyed during the marriage. This
187 presumption may be overcome by a preponderance of the evidence.

188 (j) Any other factor necessary to do equity and justice
189 between the parties, if that factor is specifically identified
190 in the award with findings of fact justifying the application of
191 the factor.

192 (4)~~(3)~~ To the extent necessary to protect an award of
193 alimony, the court may order any party who is ordered to pay
194 alimony to purchase or maintain a decreasing term life insurance
195 policy or a bond, or to otherwise secure such alimony award with
196 any other assets that ~~which~~ may be suitable for that purpose, in
197 an amount adequate to secure the alimony award. Any such
198 security may be awarded only upon a showing of special
199 circumstances. If the court finds special circumstances and
200 awards such security, the court must make specific evidentiary
201 findings regarding the availability, cost, and financial impact
202 on the obligated party. Any security may be modifiable in the
203 event that the underlying alimony award is modified and shall be

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204 reduced in an amount commensurate with any reduction in the
205 alimony award.

206 ~~(4) For purposes of determining alimony, there is a~~
207 ~~rebuttable presumption that a short-term marriage is a marriage~~
208 ~~having a duration of less than 7 years, a moderate-term marriage~~
209 ~~is a marriage having a duration of greater than 7 years but less~~
210 ~~than 17 years, and long-term marriage is a marriage having a~~
211 ~~duration of 17 years or greater. The length of a marriage is the~~
212 ~~period of time from the date of marriage until the date of~~
213 ~~filing of an action for dissolution of marriage.~~

214 (5) Bridge-the-gap alimony may be awarded to assist a party
215 by providing support to allow the party to make a transition
216 from being married to being single. Bridge-the-gap alimony is
217 designed to assist a party with legitimate identifiable short-
218 term needs, and the length of an award may not exceed 2 years.
219 An award of bridge-the-gap alimony terminates upon the death of
220 either party or upon the remarriage of the party receiving
221 alimony. An award of bridge-the-gap alimony is ~~shall~~ not be
222 modifiable in amount or duration.

223 (6) (a) Rehabilitative alimony may be awarded to assist a
224 party in establishing the capacity for self-support through
225 either:

- 226 1. The redevelopment of previous skills or credentials; or
227 2. The acquisition of education, training, or work
228 experience necessary to develop appropriate employment skills or
229 credentials.

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

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233 (c) An award of rehabilitative alimony may be modified or
234 terminated only during the rehabilitative period in accordance
235 with s. 61.14 based upon a substantial change in circumstances,
236 upon noncompliance with the rehabilitative plan, or upon
237 completion of the rehabilitative plan.

238 (7) Durational alimony may be awarded ~~when permanent~~
239 ~~periodic alimony is inappropriate. The purpose of durational~~
240 ~~alimony is~~ to provide a party with economic assistance for a set
241 period of time following a short-term, mid-term, or long-term
242 ~~marriage of short or moderate duration or following a marriage~~
243 ~~of long duration if there is no ongoing need for support on a~~
244 ~~permanent basis. When awarding durational alimony, the court~~
245 ~~must make written findings that an award of another form of~~
246 ~~alimony or a combination of the other forms of alimony is not~~
247 ~~appropriate. An award of durational alimony terminates upon the~~
248 ~~death of either party or upon the remarriage of the party~~
249 ~~receiving alimony. The amount of an award of durational alimony~~
250 ~~shall~~ may be modified or terminated based upon a substantial
251 change in circumstances or upon the existence of a supportive
252 relationship in accordance with s. 61.14. ~~However,~~ The length of
253 an award of durational alimony may not ~~be modified except under~~
254 ~~exceptional circumstances and may not~~ exceed 50 percent of the
255 length of the marriage, unless the party seeking alimony proves
256 by clear and convincing evidence that exceptional circumstances
257 justify the need for a longer award of alimony, which
258 exceptional circumstances must be set out in writing by the
259 court the length of the marriage.

260 (8) (a) There is a rebuttable presumption against awarding
261 alimony for a short-term marriage. A party seeking alimony may

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262 overcome this presumption by demonstrating by clear and
263 convincing evidence a need for alimony. If the court finds that
264 the party has met its burden in demonstrating a need for alimony
265 and that the other party has the ability to pay alimony, the
266 court shall determine a monthly award of alimony that may not
267 exceed 20 percent of the obligor's monthly net income.

268 (b) There is no presumption in favor of either party to an
269 award of alimony for a mid-term marriage. A party seeking such
270 alimony must prove by a preponderance of the evidence a need for
271 alimony. If the court finds that the party has met its burden in
272 demonstrating a need for alimony and that the other party has
273 the ability to pay alimony, the court shall determine a monthly
274 alimony obligation that may not exceed 30 percent of the
275 obligor's monthly net income.

276 (c) There is a rebuttable presumption in favor of awarding
277 alimony for a long-term marriage. A party against whom alimony
278 is sought may overcome this presumption by demonstrating by
279 clear and convincing evidence that there is no need for alimony.
280 If the court finds that the party against whom alimony is sought
281 fails to meet its burden to demonstrate that there is no need
282 for alimony and that the party has the ability to pay alimony,
283 the court shall determine a monthly alimony obligation that may
284 not exceed 33 percent of the obligor's monthly net income.

285 (9) The court may order alimony exceeding the monthly net
286 income limits established in subsection (8) if the court
287 determines, in accordance with the factors in subsection (3),
288 that there is a need for additional alimony, which determination
289 must be set out in writing. ~~Permanent alimony may be awarded to~~
290 ~~provide for the needs and necessities of life as they were~~

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291 ~~established during the marriage of the parties for a party who~~
292 ~~lacks the financial ability to meet his or her needs and~~
293 ~~necessities of life following a dissolution of marriage.~~
294 ~~Permanent alimony may be awarded following a marriage of long~~
295 ~~duration if such an award is appropriate upon consideration of~~
296 ~~the factors set forth in subsection (2), following a marriage of~~
297 ~~moderate duration if such an award is appropriate based upon~~
298 ~~clear and convincing evidence after consideration of the factors~~
299 ~~set forth in subsection (2), or following a marriage of short~~
300 ~~duration if there are written findings of exceptional~~
301 ~~circumstances. In awarding permanent alimony, the court shall~~
302 ~~include a finding that no other form of alimony is fair and~~
303 ~~reasonable under the circumstances of the parties. An award of~~
304 ~~permanent alimony terminates upon the death of either party or~~
305 ~~upon the remarriage of the party receiving alimony. An award may~~
306 ~~be modified or terminated based upon a substantial change in~~
307 ~~circumstances or upon the existence of a supportive relationship~~
308 ~~in accordance with s. 61.14.~~

309 (10) A party against whom alimony is sought who has met the
310 requirements for retirement in accordance with s. 61.14(12)
311 before the filing of the petition for dissolution is not
312 required to pay alimony unless the party seeking alimony proves
313 by clear and convincing evidence the other party has the ability
314 to pay alimony, in addition to all other requirements of this
315 section.

316 (11)-(9) Notwithstanding any other law, alimony may not be
317 awarded to a party who has a monthly net income that is equal to
318 or more than the other party. Except in the case of a long-term
319 marriage, in awarding alimony, the court shall impute income to

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320 the obligor and obligee as follows:

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

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

325 1. Is unemployed at the time the petition is filed and has
326 been unemployed for less than 1 year before the time of the
327 filing of the petition, the obligee's monthly net income shall
328 be imputed at 90 percent of the obligee's prior monthly net
329 income.

330 2. Is unemployed at the time the petition is filed and has
331 been unemployed for at least 1 year but less than 2 years before
332 the time of the filing of the petition, the obligee's monthly
333 net income shall be imputed at 80 percent of the obligee's prior
334 monthly net income.

335 3. Is unemployed at the time the petition is filed and has
336 been unemployed for at least 2 years but less than 3 years
337 before the time of the filing of the petition, the obligee's
338 monthly net income shall be imputed at 70 percent of the
339 obligee's prior monthly net income.

340 4. Is unemployed at the time the petition is filed and has
341 been unemployed for at least 3 years but less than 4 years
342 before the time of the filing of the petition, the obligee's
343 monthly net income shall be imputed at 60 percent of the
344 obligee's prior monthly net income.

345 5. Is unemployed at the time the petition is filed and has
346 been unemployed for at least 4 years but less than 5 years
347 before the time of the filing of the petition, the obligee's
348 monthly net income shall be imputed at 50 percent of the

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349 obligee's prior monthly net income.

350 6. Is unemployed at the time the petition is filed and has
351 been unemployed for at least 5 years before the time of the
352 filing of the petition, the obligee's monthly net income shall
353 be imputed at 40 percent of the obligee's prior monthly net
354 income, or the monthly net income of a minimum wage earner at
355 the time of the filing of the petition, whichever is greater.

356 7. Proves by a preponderance of the evidence that he or she
357 does not have the ability to earn the imputed income through
358 reasonable means, the court shall reduce the imputation of
359 income specified in this paragraph. ~~The award of alimony may not~~
360 ~~leave the payor with significantly less net income than the net~~
361 ~~income of the recipient unless there are written findings of~~
362 ~~exceptional circumstances.~~

363 (12) (a) ~~(10) (a)~~ With respect to any order requiring the
364 payment of alimony entered on or after January 1, 1985, unless
365 ~~the provisions of paragraph (c) or paragraph (d) applies apply,~~
366 the court shall direct in the order that the payments of alimony
367 be made through the appropriate depository as provided in s.
368 61.181.

369 (b) With respect to any order requiring the payment of
370 alimony entered before January 1, 1985, upon the subsequent
371 appearance, on or after that date, of one or both parties before
372 the court having jurisdiction for the purpose of modifying or
373 enforcing the order or in any other proceeding related to the
374 order, or upon the application of either party, unless ~~the~~
375 ~~provisions of paragraph (c) or paragraph (d) applies apply,~~ the
376 court shall modify the terms of the order as necessary to direct
377 that payments of alimony be made through the appropriate

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378 depository as provided in s. 61.181.

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

381 (d)1. If there is a minor child of the parties and both
382 parties so request, the court may order that alimony payments
383 need not be directed through the depository. In this case, the
384 order of support must ~~shall~~ provide, or be deemed to provide,
385 that either party may subsequently apply to the depository to
386 require that payments be made through the depository. The court
387 shall provide a copy of the order to the depository.

388 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
389 either party may subsequently file with the depository an
390 affidavit alleging default or arrearages in payment and stating
391 that the party wishes to initiate participation in the
392 depository program. The party shall provide copies of the
393 affidavit to the court and the other party or parties. Fifteen
394 days after receipt of the affidavit, the depository shall notify
395 all parties that future payments shall be directed to the
396 depository.

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

400 Section 3. Section 61.09, Florida Statutes, is amended to
401 read:

402 61.09 Alimony and child support unconnected with
403 dissolution.—If a person having the ability to contribute to the
404 maintenance of his or her spouse and support of his or her minor
405 child fails to do so, the spouse who is not receiving support
406 may apply to the court for alimony and for support for the child

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407 without seeking dissolution of marriage, and the court shall
408 enter an order as it deems just and proper. Alimony awarded
409 under this section shall be calculated in accordance with s.
410 61.08.

411 Section 4. Subsection (1) of section 61.14, Florida
412 Statutes, is amended, paragraph (c) is added to subsection (11)
413 of that section, and subsection (12) is added to that section,
414 to read:

415 61.14 Enforcement and modification of support, maintenance,
416 or alimony agreements or orders.—

417 (1) (a) When the parties enter into an agreement for
418 payments for, or instead of, support, maintenance, or alimony,
419 whether in connection with a proceeding for dissolution or
420 separate maintenance or with any voluntary property settlement,
421 or when a party is required by court order to make any payments,
422 and the circumstances or the financial ability of either party
423 changes or the child who is a beneficiary of an agreement or
424 court order as described herein reaches majority after the
425 execution of the agreement or the rendition of the order, either
426 party may apply to the circuit court of the circuit in which the
427 parties, or either of them, resided at the date of the execution
428 of the agreement or reside at the date of the application, or in
429 which the agreement was executed or in which the order was
430 rendered, for an order terminating, decreasing, or increasing
431 the amount of support, maintenance, or alimony, and the court
432 has jurisdiction to make orders as equity requires, with due
433 regard to the changed circumstances or the financial ability of
434 the parties or the child, decreasing, increasing, or confirming
435 the amount of separate support, maintenance, or alimony provided

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436 for in the agreement or order. A finding that medical insurance
437 is reasonably available or the child support guidelines schedule
438 in s. 61.30 may constitute changed circumstances. Except as
439 otherwise provided in s. 61.30(11)(c), the court may modify an
440 order of support, maintenance, or alimony by terminating,
441 increasing, or decreasing the support, maintenance, or alimony
442 retroactively to the date of the filing of the action or
443 supplemental action for modification as equity requires, giving
444 due regard to the changed circumstances or the financial ability
445 of the parties or the child.

446 (b)1. An alimony order shall be modified upward upon a
447 showing by clear and convincing evidence of an increased ability
448 to pay alimony. Clear and convincing evidence must include, but
449 need not limited to, federal tax returns. An increase in an
450 obligor's income may not be considered permanent in nature
451 unless the increase has been maintained without interruption for
452 at least 2 years, taking into account the obligor's ability to
453 sustain his or her income.

454 2.1. Notwithstanding subparagraph 1., the court shall ~~may~~
455 reduce or terminate an award of alimony upon specific written
456 findings by the court that since the granting of a divorce and
457 the award of alimony, a supportive relationship has existed
458 between the obligee and another ~~a~~ person, except upon a showing
459 by clear and convincing evidence by the obligee that his or her
460 long-term need for alimony, taking into account the totality of
461 the circumstances, has not been reduced by the supportive
462 relationship with whom the obligee resides. On the issue of
463 whether alimony should be reduced or terminated under this
464 paragraph, the burden is on the obligor to prove by a

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465 preponderance of the evidence that a supportive relationship
466 exists.

467 3.2. In determining whether an existing award of alimony
468 should be reduced or terminated because of an alleged supportive
469 relationship between an obligee and a person who is not related
470 by consanguinity or affinity and with whom the obligee resides,
471 the court shall elicit the nature and extent of the relationship
472 in question. The court shall give consideration, without
473 limitation, to circumstances, including, but not limited to, the
474 following, in determining the relationship of an obligee to
475 another person:

476 a. The extent to which the obligee and the other person
477 have held themselves out as a married couple by engaging in
478 conduct such as using the same last name, using a common mailing
479 address, referring to each other in terms such as "my husband"
480 or "my wife," or otherwise conducting themselves in a manner
481 that evidences a permanent supportive relationship.

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

484 c. The extent to which the obligee and the other person
485 have pooled their assets or income or otherwise exhibited
486 financial interdependence.

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

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

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

493 g. Whether the obligee and the other person have worked

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494 together to create or enhance anything of value.

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

497 i. Evidence in support of a claim that the obligee and the
498 other person have an express agreement regarding property
499 sharing or support.

500 j. Evidence in support of a claim that the obligee and the
501 other person have an implied agreement regarding property
502 sharing or support.

503 k. Whether the obligee and the other person have provided
504 support to the children of one another, regardless of any legal
505 duty to do so.

506 ~~4.3.~~ This paragraph does not abrogate the requirement that
507 every marriage in this state be solemnized under a license, does
508 not recognize a common law marriage as valid, and does not
509 recognize a de facto marriage. This paragraph recognizes only
510 that relationships do exist that provide economic support
511 equivalent to a marriage and that alimony terminable on
512 remarriage may be reduced or terminated upon the establishment
513 of equivalent equitable circumstances as described in this
514 paragraph. The existence of a conjugal relationship, though it
515 may be relevant to the nature and extent of the relationship, is
516 not necessary for the application of the provisions of this
517 paragraph.

518 5. There is a rebuttable presumption that any modification
519 or termination of an alimony award is retroactive to the date of
520 the filing of the petition. In an action under this section, if
521 it is determined that the obligee unnecessarily or unreasonably
522 litigated the underlying petition for modification or

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523 termination, the court may award the obligor his or her
524 reasonable attorney fees and costs pursuant to s. 61.16 and
525 applicable case law.

526 (c) For each support order reviewed by the department as
527 required by s. 409.2564(11), if the amount of the child support
528 award under the order differs by at least 10 percent but not
529 less than \$25 from the amount that would be awarded under s.
530 61.30, the department shall seek to have the order modified and
531 any modification shall be made without a requirement for proof
532 or showing of a change in circumstances.

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

535 (11)

536 (c) If the court orders alimony payable concurrent with a
537 child support order, the alimony award may not be modified
538 solely because of a later reduction or termination of child
539 support payments, unless the alimony award as determined by the
540 court at the time of dissolution is insufficient to meet the
541 needs of the obligee.

542 (12) (a) The fact that an obligor has reached a reasonable
543 retirement age for his or her profession, has retired, and has
544 no intent to return to work, or has reached the normal
545 retirement age for social security benefits, is considered a
546 substantial change in circumstances as a matter of law. An
547 obligor who has reached the normal retirement age for social
548 security benefits shall be considered to have reached a
549 reasonable retirement age. With regard to an obligor who has
550 retired before the normal retirement age for social security
551 benefits, the court shall consider the following in determining

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552 whether the obligor's retirement age is reasonable:

553 1. Age.

554 2. Health.

555 3. Type of work.

556 4. Normal retirement age for that type of work.

557 (b) In anticipation of retirement, the obligor may file a
558 petition for termination or modification of the alimony award
559 effective upon the earlier of the retirement date or the date
560 the obligor reaches the normal retirement age for social
561 security benefits. The court shall terminate the award or reduce
562 the award based on the circumstances of the parties after
563 retirement and based on the factors in s. 61.08, unless the
564 obligee proves by clear and convincing evidence that the need
565 for alimony at the present level continues to exist and that the
566 obligor's ability to pay has not been diminished.

567 Section 5. Section 61.19, Florida Statutes, is amended to
568 read:

569 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay
570 period; separate adjudication of issues.—

571 (1) A ~~Ne~~ final judgment of dissolution of marriage may not
572 be entered until at least 20 days have elapsed from the date of
573 filing the original petition for dissolution of marriage,~~7~~ but
574 the court, on a showing that injustice would result from this
575 delay, may enter a final judgment of dissolution of marriage at
576 an earlier date.

577 (2) (a) During the first 180 days after the date of service
578 of the original petition for dissolution of marriage, the court
579 may not grant a final dissolution of marriage with a reservation
580 of jurisdiction to subsequently determine all other substantive

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581 issues unless the court makes written findings that there are
582 exceptional circumstances that make the use of this process
583 clearly necessary to protect the parties or their children and
584 that granting a final dissolution will not cause irreparable
585 harm to either party or the children. Before granting a final
586 dissolution of marriage with a reservation of jurisdiction to
587 subsequently determine all other substantive issues, the court
588 shall enter temporary orders necessary to protect the parties
589 and their children, which orders remain effective until all
590 other issues can be adjudicated by the court. The desire of one
591 party to remarry does not justify the use of this process.

592 (b) If more than 180 days have elapsed after the date of
593 service of the original petition for dissolution of marriage,
594 the court may grant a final dissolution of marriage with a
595 reservation of jurisdiction to subsequently determine all other
596 substantive issues only if the court enters temporary orders
597 necessary to protect the parties and their children, which
598 orders remain effective until such time as all other issues can
599 be adjudicated by the court, and makes a written finding that no
600 irreparable harm will result from granting a final dissolution.

601 (c) If more than 365 days have elapsed after the date of
602 service of the original petition for dissolution of marriage,
603 absent a showing by either party that irreparable harm will
604 result from granting a final dissolution, the court shall, upon
605 request of either party, immediately grant a final dissolution
606 of marriage with a reservation of jurisdiction to subsequently
607 determine all other substantive issues. Before granting a final
608 dissolution of marriage with a reservation of jurisdiction to
609 subsequently determine all other substantive issues, the court

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610 shall enter temporary orders necessary to protect the parties
611 and their children, which orders remain effective until all
612 other issues can be adjudicated by the court.

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

- 617 1. Restrict the sale or disposition of property.
- 618 2. Protect and preserve the marital assets.
- 619 3. Establish temporary support.
- 620 4. Provide for maintenance of health insurance.
- 621 5. Provide for maintenance of life insurance.

622 (e) The court is not required to enter temporary orders to
623 protect the parties and their children if the court enters a
624 final judgment of dissolution of marriage which adjudicates
625 substantially all of the substantive issues between the parties
626 but reserves jurisdiction to address ancillary issues such as
627 the entry of a qualified domestic relations order or the
628 adjudication of attorney fees and costs.

629 Section 6. (1) The amendments to chapter 61, Florida
630 Statutes, made by this act apply to all initial awards of, and
631 agreements for, alimony entered before July 1, 2013, and to all
632 modifications of such awards or agreements made before July 1,
633 2013, with the exception of agreements that are expressly
634 nonmodifiable. Such amendments may serve as a basis to modify
635 awards entered before July 1, 2013, or as a basis to change the
636 amount or duration of an award existing before July 1, 2013.
637 Such amendments may also serve as a basis to modify an agreement
638 for alimony if the agreement is 25 percent or more in duration

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639 or amount than an alimony award calculated under the amendments
640 made by this act.

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

644 (a) An obligor who was married to the alimony recipient 8
645 years or less may file a modification action on or after July 1,
646 2013.

647 (b) An obligor who was married to the alimony recipient 8
648 years or more, but less than 15 years, may file a modification
649 action on or after July 1, 2014.

650 (c) An obligor who has agreed to durational alimony of less
651 than 10 years may file a modification action on or after July 1,
652 2015.

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

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

658 (b) An obligor who has agreed to durational alimony of 10
659 years or more may file a modification action on or after July 1,
660 2014.

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

664 Section 7. This act shall take effect July 1, 2013.