

By the Committee on Judiciary; and Senators Stargel, Grimsley, Richter, Thrasher, Soto, and Altman

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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 61.13, F.S.; establishing a
29 presumption that it is in the best interests of the

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

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59 alimony award may not be modified because of the later
60 modification or termination of child support payments;
61 providing that the attaining of retirement age is a
62 substantial change in circumstances; requiring the
63 court to consider certain factors in determining
64 whether the obligor's retirement is reasonable;
65 requiring a court to terminate or reduce an alimony
66 award based on certain factors; amending s. 61.19,
67 F.S.; authorizing separate adjudication of issues in a
68 dissolution of marriage case in certain circumstances;
69 providing for retroactive application of the act to
70 alimony awards entered before July 1, 2013; providing
71 allowable dates for the modification of such awards;
72 providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Section 61.071, Florida Statutes, is amended to
77 read:

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

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88 Section 2. Section 61.08, Florida Statutes, is amended to
89 read:

90 61.08 Alimony.—

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

92 (a) "Alimony" means a court-ordered payment of support by
93 an obligor to an obligee after the dissolution of a marriage.

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

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

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

103 (e) "Short-term marriage" means a marriage having a
104 duration equal to or less than 10 years, as measured from the
105 date of the marriage to the date of filing the petition for
106 dissolution.

107 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
108 court may grant alimony to either party in the form of, ~~which~~
109 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
110 ~~alimony, or a permanent in nature or any~~ combination of these
111 forms of alimony, but shall prioritize an award of bridge-the-
112 gap alimony, followed by rehabilitative alimony, over any other
113 form of alimony. In an any award of alimony, the court may order
114 periodic payments, ~~or~~ payments in lump sum, or both.

115 (b) The court shall make written findings regarding the
116 basis for awarding a combination of forms of alimony, including

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117 the type of alimony and length of time for which it is awarded.
118 The court may award only a combination of forms of alimony to
119 provide greater economic assistance in order to allow the
120 recipient to achieve rehabilitation.

121 (c) The court may consider the adultery of either party
122 spouse and the circumstances thereof in determining the amount
123 of alimony, if any, to be awarded.

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

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

130 1. The durational limits specified in this section; or
131 2. The obligor's normal retirement age for social security
132 retirement benefits.

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

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

143 (3)~~(2)~~ The party seeking alimony has the burden of proof of
144 demonstrating a need for alimony in accordance with subsection
145 (8) and that the other party has the ability to pay alimony. In

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

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

158 (a) ~~(b)~~ The duration of the marriage.

159 (b) ~~(e)~~ The age and the physical and emotional condition of
160 each party.

161 (c) ~~(d)~~ The financial resources of each party, including the
162 portion of nonmarital assets that were relied upon by the
163 parties during the marriage and the marital assets and
164 liabilities distributed to each.

165 (d) ~~(e)~~ The earning capacities, educational levels,
166 vocational skills, and employability of the parties and, when
167 applicable, the time necessary for either party to acquire
168 sufficient education or training to enable such party to find
169 appropriate employment.

170 (e) ~~(f)~~ The contribution of each party to the marriage,
171 including, but not limited to, services rendered in homemaking,
172 child care, education, and career building of the other party.

173 (f) ~~(g)~~ The responsibilities each party will have with
174 regard to any minor children that the parties ~~they~~ have in

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175 common.

176 (g)~~(h)~~ The tax treatment and consequences to both parties
177 of an any alimony award, which must be consistent with
178 applicable state and federal tax laws and may include ~~including~~
179 the designation of all or a portion of the payment as a
180 nontaxable, nondeductible payment.

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

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

192 (j) Any other factor necessary to do equity and justice
193 between the parties, if that factor is specifically identified
194 in the award with findings of fact justifying the application of
195 the factor.

196 (4)~~(3)~~ To the extent necessary to protect an award of
197 alimony, the court may order any party who is ordered to pay
198 alimony to purchase or maintain a decreasing term life insurance
199 policy or a bond, or to otherwise secure such alimony award with
200 any other assets that ~~which~~ may be suitable for that purpose, in
201 an amount adequate to secure the alimony award. Any such
202 security may be awarded only upon a showing of special
203 circumstances. If the court finds special circumstances and

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204 awards such security, the court must make specific evidentiary
205 findings regarding the availability, cost, and financial impact
206 on the obligated party. Any security may be modifiable in the
207 event that the underlying alimony award is modified and shall be
208 reduced in an amount commensurate with any reduction in the
209 alimony award.

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

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

227 (6) (a) Rehabilitative alimony may be awarded to assist a
228 party in establishing the capacity for self-support through
229 either:

- 230 1. The redevelopment of previous skills or credentials; or
- 231 2. The acquisition of education, training, or work
- 232 experience necessary to develop appropriate employment skills or

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233 credentials.

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

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

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

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262 be set out in writing by the court ~~the length of the marriage.~~

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

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

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

288 (9) The court may order alimony exceeding the monthly net
289 income limits established in subsection (8) if the court
290 determines, in accordance with the factors in subsection (3),

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

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

319 (11)-(9) Notwithstanding any other law, alimony may not be

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320 awarded to a party who has a monthly net income that is equal to
321 or more than the other party. Except in the case of a long-term
322 marriage, in awarding alimony, the court shall impute income to
323 the obligor and obligee as follows:

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

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

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

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

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

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

348 5. Is unemployed at the time the petition is filed and has

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349 been unemployed for at least 4 years but less than 5 years
350 before the time of the filing of the petition, the obligee's
351 monthly net income shall be imputed at 50 percent of the
352 obligee's prior monthly net income.

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

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

366 (12) (a) ~~(10) (a)~~ With respect to any order requiring the
367 payment of alimony entered on or after January 1, 1985, unless
368 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
369 the court shall direct in the order that the payments of alimony
370 be made through the appropriate depository as provided in s.
371 61.181.

372 (b) With respect to any order requiring the payment of
373 alimony entered before January 1, 1985, upon the subsequent
374 appearance, on or after that date, of one or both parties before
375 the court having jurisdiction for the purpose of modifying or
376 enforcing the order or in any other proceeding related to the
377 order, or upon the application of either party, unless ~~the~~

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378 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
379 court shall modify the terms of the order as necessary to direct
380 that payments of alimony be made through the appropriate
381 depository as provided in s. 61.181.

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

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

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

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

403 Section 3. Section 61.09, Florida Statutes, is amended to
404 read:

405 61.09 Alimony and child support unconnected with
406 dissolution.—If a person having the ability to contribute to the

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407 maintenance of his or her spouse and support of his or her minor
408 child fails to do so, the spouse who is not receiving support
409 may apply to the court for alimony and for support for the child
410 without seeking dissolution of marriage, and the court shall
411 enter an order as it deems just and proper. Alimony awarded
412 under this section shall be calculated in accordance with s.
413 61.08.

414 Section 4. Paragraph (c) of subsection (2) of section
415 61.13, Florida Statutes, is amended to read:

416 61.13 Support of children; parenting and time-sharing;
417 powers of court.—

418 (2)

419 (c) The court shall determine all matters relating to
420 parenting and time-sharing of each minor child of the parties in
421 accordance with the best interests of the child and in
422 accordance with the Uniform Child Custody Jurisdiction and
423 Enforcement Act, except that modification of a parenting plan
424 and time-sharing schedule requires a showing of a substantial,
425 material, and unanticipated change of circumstances.

426 1. It is the public policy of this state that each minor
427 child has frequent and continuing contact with both parents
428 after the parents separate or the marriage of the parties is
429 dissolved and to encourage parents to share the rights and
430 responsibilities, and joys, of childrearing. There is no
431 presumption for or against the father or mother of the child or
432 for or against any specific time-sharing schedule when creating
433 or modifying the parenting plan of the child. Equal time-sharing
434 with a minor child by both parents is presumed to be in the best
435 interests of the child unless the court finds that:

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436 a. The safety, well-being, and physical, mental, and
437 emotional health of the child would be endangered by equal time-
438 sharing, that visitation would be presumed detrimental
439 consistent with s. 39.0139(3), or that supervised visitation is
440 appropriate, if any is appropriate;

441 b. Clear and convincing evidence of extenuating
442 circumstances justify a departure from equal time-sharing and
443 the court makes written findings justifying the departure from
444 equal time-sharing;

445 c. A parent is incarcerated;

446 d. The distance between parental residences makes equal
447 time-sharing impracticable;

448 e. A parent does not request at least 50 percent time-
449 sharing;

450 f. A parent has been convicted of a misdemeanor of the
451 first degree or higher involving domestic violence; or

452 g. A parent is subject to an injunction for protection
453 against domestic violence.

454 2. The court shall order that the parental responsibility
455 for a minor child be shared by both parents unless the court
456 finds that shared parental responsibility would be detrimental
457 to the child. Evidence that a parent has been convicted of a
458 misdemeanor of the first degree or higher involving domestic
459 violence, as defined in s. 741.28 and chapter 775, or meets the
460 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
461 detriment to the child. If the presumption is not rebutted after
462 the convicted parent is advised by the court that the
463 presumption exists, shared parental responsibility, including
464 time-sharing with the child, and decisions made regarding the

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465 child, may not be granted to the convicted parent. However, the
466 convicted parent is not relieved of any obligation to provide
467 financial support. If the court determines that shared parental
468 responsibility would be detrimental to the child, it may order
469 sole parental responsibility and make such arrangements for
470 time-sharing as specified in the parenting plan as will best
471 protect the child or abused spouse from further harm. Whether or
472 not there is a conviction of any offense of domestic violence or
473 child abuse or the existence of an injunction for protection
474 against domestic violence, the court shall consider evidence of
475 domestic violence or child abuse as evidence of detriment to the
476 child.

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

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

488 3. Access to records and information pertaining to a minor
489 child, including, but not limited to, medical, dental, and
490 school records, may not be denied to either parent. Full rights
491 under this subparagraph apply to either parent unless a court
492 order specifically revokes these rights, including any
493 restrictions on these rights as provided in a domestic violence

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494 injunction. A parent having rights under this subparagraph has
495 the same rights upon request as to form, substance, and manner
496 of access as are available to the other parent of a child,
497 including, without limitation, the right to in-person
498 communication with medical, dental, and education providers.

499 Section 5. The amendment by this act to s. 61.13, Florida
500 Statutes, which creates a presumption in favor of equal time-
501 sharing applies prospectively to initial final custody orders
502 made on or after July 1, 2013. The amendments do not constitute
503 a substantial change in circumstances which warrant the
504 modification of a final custody order entered before July 1,
505 2013.

506 Section 6. Subsection (1) of section 61.14, Florida
507 Statutes, is amended, paragraph (c) is added to subsection (11)
508 of that section, and subsection (12) is added to that section,
509 to read:

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

512 (1) (a) When the parties enter into an agreement for
513 payments for, or instead of, support, maintenance, or alimony,
514 whether in connection with a proceeding for dissolution or
515 separate maintenance or with any voluntary property settlement,
516 or when a party is required by court order to make any payments,
517 and the circumstances or the financial ability of either party
518 changes or the child who is a beneficiary of an agreement or
519 court order as described herein reaches majority after the
520 execution of the agreement or the rendition of the order, either
521 party may apply to the circuit court of the circuit in which the
522 parties, or either of them, resided at the date of the execution

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523 of the agreement or reside at the date of the application, or in
524 which the agreement was executed or in which the order was
525 rendered, for an order terminating, decreasing, or increasing
526 the amount of support, maintenance, or alimony, and the court
527 has jurisdiction to make orders as equity requires, with due
528 regard to the changed circumstances or the financial ability of
529 the parties or the child, decreasing, increasing, or confirming
530 the amount of separate support, maintenance, or alimony provided
531 for in the agreement or order. A finding that medical insurance
532 is reasonably available or the child support guidelines schedule
533 in s. 61.30 may constitute changed circumstances. Except as
534 otherwise provided in s. 61.30(11)(c), the court may modify an
535 order of support, maintenance, or alimony by terminating,
536 increasing, or decreasing the support, maintenance, or alimony
537 retroactively to the date of the filing of the action or
538 supplemental action for modification as equity requires, giving
539 due regard to the changed circumstances or the financial ability
540 of the parties or the child.

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

549 2.1- Notwithstanding subparagraph 1., the court shall ~~may~~
550 reduce or terminate an award of alimony upon specific written
551 findings by the court that since the granting of a divorce and

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552 the award of alimony, a supportive relationship has existed
553 between the obligee and another a person, except upon a showing
554 by clear and convincing evidence by the obligee that his or her
555 long-term need for alimony, taking into account the totality of
556 the circumstances, has not been reduced by the supportive
557 relationship with whom the obligee resides. On the issue of
558 whether alimony should be reduced or terminated under this
559 paragraph, the burden is on the obligor to prove by a
560 preponderance of the evidence that a supportive relationship
561 exists.

562 ~~3.2~~ In determining whether an existing award of alimony
563 should be reduced or terminated because of an alleged supportive
564 relationship between an obligee and a person who is not related
565 by consanguinity or affinity and with whom the obligee resides,
566 the court shall elicit the nature and extent of the relationship
567 in question. The court shall give consideration, without
568 limitation, to circumstances, including, but not limited to, the
569 following, in determining the relationship of an obligee to
570 another person:

571 a. The extent to which the obligee and the other person
572 have held themselves out as a married couple by engaging in
573 conduct such as using the same last name, using a common mailing
574 address, referring to each other in terms such as "my husband"
575 or "my wife," or otherwise conducting themselves in a manner
576 that evidences a permanent supportive relationship.

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

579 c. The extent to which the obligee and the other person
580 have pooled their assets or income or otherwise exhibited

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581 financial interdependence.

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

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

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

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

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

592 i. Evidence in support of a claim that the obligee and the
593 other person have an express agreement regarding property
594 sharing or support.

595 j. Evidence in support of a claim that the obligee and the
596 other person have an implied agreement regarding property
597 sharing or support.

598 k. Whether the obligee and the other person have provided
599 support to the children of one another, regardless of any legal
600 duty to do so.

601 ~~4.3-~~ This paragraph does not abrogate the requirement that
602 every marriage in this state be solemnized under a license, does
603 not recognize a common law marriage as valid, and does not
604 recognize a de facto marriage. This paragraph recognizes only
605 that relationships do exist that provide economic support
606 equivalent to a marriage and that alimony terminable on
607 remarriage may be reduced or terminated upon the establishment
608 of equivalent equitable circumstances as described in this
609 paragraph. The existence of a conjugal relationship, though it

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610 may be relevant to the nature and extent of the relationship, is
611 not necessary for the application of the provisions of this
612 paragraph.

613 5. There is a rebuttable presumption that any modification
614 or termination of an alimony award is retroactive to the date of
615 the filing of the petition. In an action under this section, if
616 it is determined that the obligee unnecessarily or unreasonably
617 litigated the underlying petition for modification or
618 termination, the court may award the obligor his or her
619 reasonable attorney fees and costs pursuant to s. 61.16 and
620 applicable case law.

621 (c) For each support order reviewed by the department as
622 required by s. 409.2564(11), if the amount of the child support
623 award under the order differs by at least 10 percent but not
624 less than \$25 from the amount that would be awarded under s.
625 61.30, the department shall seek to have the order modified and
626 any modification shall be made without a requirement for proof
627 or showing of a change in circumstances.

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

630 (11)

631 (c) If the court orders alimony payable concurrent with a
632 child support order, the alimony award may not be modified
633 solely because of a later reduction or termination of child
634 support payments, unless the alimony award as determined by the
635 court at the time of dissolution is insufficient to meet the
636 needs of the obligee.

637 (12) (a) The fact that an obligor has reached a reasonable
638 retirement age for his or her profession, has retired, and has

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639 no intent to return to work, or has reached the normal
640 retirement age for social security benefits, is considered a
641 substantial change in circumstances as a matter of law. An
642 obligor who has reached the normal retirement age for social
643 security benefits shall be considered to have reached a
644 reasonable retirement age. With regard to an obligor who has
645 retired before the normal retirement age for social security
646 benefits, the court shall consider the following in determining
647 whether the obligor's retirement age is reasonable:

- 648 1. Age.
- 649 2. Health.
- 650 3. Type of work.
- 651 4. Normal retirement age for that type of work.

652 (b) In anticipation of retirement, the obligor may file a
653 petition for termination or modification of the alimony award
654 effective upon the earlier of the retirement date or the date
655 the obligor reaches the normal retirement age for social
656 security benefits. The court shall terminate the award or reduce
657 the award based on the circumstances of the parties after
658 retirement and based on the factors in s. 61.08, unless the
659 obligee proves by clear and convincing evidence that the need
660 for alimony at the present level continues to exist and that the
661 obligor's ability to pay has not been diminished.

662 Section 7. Section 61.19, Florida Statutes, is amended to
663 read:

664 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
665 period; separate adjudication of issues.-

666 (1) A ~~No~~ final judgment of dissolution of marriage may not
667 be entered until at least 20 days have elapsed from the date of

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668 filing the original petition for dissolution of marriage,~~†~~ but
669 the court, on a showing that injustice would result from this
670 delay, may enter a final judgment of dissolution of marriage at
671 an earlier date.

672 (2) (a) During the first 180 days after the date of service
673 of the original petition for dissolution of marriage, the court
674 may not grant a final dissolution of marriage with a reservation
675 of jurisdiction to subsequently determine all other substantive
676 issues unless the court makes written findings that there are
677 exceptional circumstances that make the use of this process
678 clearly necessary to protect the parties or their children and
679 that granting a final dissolution will not cause irreparable
680 harm to either party or the children. Before granting a final
681 dissolution of marriage with a reservation of jurisdiction to
682 subsequently determine all other substantive issues, the court
683 shall enter temporary orders necessary to protect the parties
684 and their children, which orders remain effective until all
685 other issues can be adjudicated by the court. The desire of one
686 party to remarry does not justify the use of this process.

687 (b) If more than 180 days have elapsed after the date of
688 service of the original petition for dissolution of marriage,
689 the court may grant a final dissolution of marriage with a
690 reservation of jurisdiction to subsequently determine all other
691 substantive issues only if the court enters temporary orders
692 necessary to protect the parties and their children, which
693 orders remain effective until such time as all other issues can
694 be adjudicated by the court, and makes a written finding that no
695 irreparable harm will result from granting a final dissolution.

696 (c) If more than 365 days have elapsed after the date of

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697 service of the original petition for dissolution of marriage,
698 absent a showing by either party that irreparable harm will
699 result from granting a final dissolution, the court shall, upon
700 request of either party, immediately grant a final dissolution
701 of marriage with a reservation of jurisdiction to subsequently
702 determine all other substantive issues. Before granting a final
703 dissolution of marriage with a reservation of jurisdiction to
704 subsequently determine all other substantive issues, the court
705 shall enter temporary orders necessary to protect the parties
706 and their children, which orders remain effective until all
707 other issues can be adjudicated by the court.

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

- 712 1. Restrict the sale or disposition of property.
- 713 2. Protect and preserve the marital assets.
- 714 3. Establish temporary support.
- 715 4. Provide for maintenance of health insurance.
- 716 5. Provide for maintenance of life insurance.

717 (e) The court is not required to enter temporary orders to
718 protect the parties and their children if the court enters a
719 final judgment of dissolution of marriage which adjudicates
720 substantially all of the substantive issues between the parties
721 but reserves jurisdiction to address ancillary issues such as
722 the entry of a qualified domestic relations order or the
723 adjudication of attorney fees and costs.

724 Section 8. (1) The amendments to chapter 61, Florida
725 Statutes, made by this act apply to all initial awards of, and

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726 agreements for, alimony entered before July 1, 2013, and to all
727 modifications of such awards or agreements made before July 1,
728 2013, with the exception of agreements that are expressly
729 nonmodifiable. Such amendments may serve as a basis to modify
730 awards entered before July 1, 2013, or as a basis to change the
731 amount or duration of an award existing before July 1, 2013.
732 Such amendments also serve as a basis to modify an agreement for
733 alimony, unless the agreement is expressly nonmodifiable, if the
734 agreement is 25 percent or more in duration or amount than an
735 alimony award calculated under the amendments made by this act.

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

739 (a) An obligor who was married to the alimony recipient 8
740 years or less may file a modification action on or after July 1,
741 2013.

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

745 (c) An obligor who has agreed to durational alimony of less
746 than 10 years may file a modification action on or after July 1,
747 2015.

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

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

753 (b) An obligor who has agreed to durational alimony of 10
754 years or more may file a modification action on or after July 1,

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755 2014.

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

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