

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Fiscal Policy

CS/SB 1416 — Dissolution of Marriage

by Fiscal Policy Committee and Senator Gruters

The bill amends laws related to dissolution of marriage. Changes to the laws governing alimony awards which will apply to any final judgment entered on or after July 1, 2023 include:

- The option to award permanent (lifetime) alimony is eliminated, leaving bridge-the-gap, rehabilitative, and durational forms of alimony.
- Rehabilitative alimony is limited to 5 years.
- Durational alimony may not be awarded for a marriage of less than 3 years. The term of an award is limited based on the duration of the marriage, with certain exceptions, and may not exceed the lesser of the obligee’s reasonable need or 35 percent of the difference between the parties’ net incomes.
- A court must make specific written findings if it requires an obligor to purchase life insurance to secure the award of alimony.
- A court must reduce or terminate an award of alimony if it makes specific written findings that a supportive relationship exists. The bill places the burden on the obligor to prove by a preponderance of the evidence that such a relationship exists. Once proven, the burden shifts to the obligee to prove by a preponderance of the evidence the court should not reduce or terminate alimony.

Current case law allows for the modification or termination of alimony upon “reasonable retirement,” a loosely-defined court-created concept. The bill codifies standards and procedures related to retirement of a party in a dissolution of marriage case. If the obligor seeks to retire, the obligor may apply for modification of the alimony award no sooner than 6 months prior to the planned retirement. The bill provides a number of factors the court must consider in determining whether to modify or terminate alimony.

The bill provides that a parent moving to a residence within 50 miles of the primary residence of a child is a substantial change in circumstances. For a modification of parenting plan and time-sharing schedule, the bill eliminates a requirement that a party shows that a change in circumstance was unanticipated.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 34-6; House 102-12

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Fiscal Policy

SB 7064 — Human Trafficking

by Fiscal Policy Committee

The bill establishes a new civil cause of action for a victim of human trafficking. The victim may recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows the human trafficking victim to work, perform, or dance at the adult theatre. In broad, general terms, an adult theatre is an enclosure or business used for presenting performances characterized by sexual activities for observation by its patrons, and which purports to limit admission to adults.

To comply with the statute of limitations, a lawsuit must be brought in circuit court within the same time period that is required for intentional torts based on abuse or sexual battery offenses on victims younger than 16 years. A victim who prevails in the lawsuit may recover economic and noneconomic damages, punitive damages, reasonable attorney fees, and costs.

If an adult theatre “knowingly” fails to obtain and maintain certain age verification documents of its employees and independent contractors, as required by the child labor laws contained in ch. 450, F.S., the current violation is a first degree misdemeanor. Under the bill, that penalty is increased to a third degree felony and the requirement that the violation be done “knowingly” is removed.

The bill amends the educational program penalties that must be imposed upon someone who is convicted of soliciting or enticing another to commit prostitution. In addition to other penalties, the offender must pay for and attend an educational program established by a judicial circuit that teaches the relationship between the demand for commercial sex and human trafficking and its impact on victims, if the program exists in the judicial circuit.

Under existing law, the real or personal property of a person convicted of a human trafficking offense which was used to facilitate human trafficking may be seized and forfeited to a seizing entity. The bill provides that the proceeds of the sale of forfeited property be allocated to pay restitution to the human trafficking victim or victims in the criminal case for which the owner was convicted before any funds may be retained by the seizing government entity for its own use.

The bill requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking as part of the basic recruit training or the additional required training.

Finally, the bill establishes the state’s unified Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida Trafficking in Persons - Risk to Resilience Lab. The human trafficking data, which must be submitted by law enforcement agencies and other entities, will be used to aid in combatting human trafficking, prosecuting those engaged in human trafficking, and assisting victims of human trafficking.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
--

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 116-0