

1 A bill to be entitled
2 An act relating to dissolution of marriage; amending
3 s. 61.046, F.S.; revising the definition of the term
4 "income"; amending s. 61.08, F.S.; providing
5 definitions; providing for the priority of different
6 forms of alimony; revising provisions relating to
7 permanent alimony; requiring a court to make written
8 findings regarding the basis for awarding a
9 combination of forms of alimony; prohibiting a court
10 from denying a request for alimony or awarding alimony
11 solely on the basis of adultery; providing an
12 exception; revising specified factors to be considered
13 when determining the proper type and amount of alimony
14 or maintenance; revising provisions relating to the
15 protection of awards of alimony; deleting certain
16 rebuttable presumptions related to the duration of a
17 marriage for purposes of determining alimony;
18 prohibiting the length of an award of rehabilitative
19 alimony from exceeding a certain length of time;
20 specifying criteria for modifying or terminating
21 rehabilitative alimony; revising provisions relating
22 to the award of durational alimony; providing that a
23 party who has reached full retirement age in
24 accordance with a specified provision may not be
25 ordered to pay alimony; providing an exception;

26 | prohibiting an award of alimony to a party who has a
27 | certain monthly net income; prohibiting social
28 | security retirement benefits from being imputed to the
29 | obligor unless such benefits are actually paid;
30 | requiring an obligee to meet certain requirements when
31 | he or she alleges a physical disability; deleting a
32 | provision prohibiting an award of alimony under
33 | certain circumstances; requiring the court to consider
34 | certain payments made to an obligee when determining
35 | the amount and length of an award of certain alimony;
36 | providing applicability; amending s. 61.13, F.S.;
37 | creating a presumption that equal time-sharing is in
38 | the best interests of a minor child; providing an
39 | exception; providing applicability; amending s. 61.14,
40 | F.S.; revising provisions relating to reducing or
41 | terminating an award of alimony or ordering
42 | reimbursement of certain alimony payments based on the
43 | existence of a supportive relationship; revising
44 | factors a court may consider when determining whether
45 | a supportive relationship exists or existed; providing
46 | that an obligor's subsequent remarriage or
47 | cohabitation is not a basis for modification of
48 | alimony; prohibiting modification of an alimony award
49 | under certain circumstances; requiring an alimony
50 | award to terminate when the obligor reaches full

51 retirement age; providing an exception; providing
52 factors to be considered in determining whether an
53 obligor's retirement age is reasonable; authorizing an
54 obligor to prospectively file a petition for
55 modification or termination of an alimony award
56 effective upon his or her retirement; providing that
57 certain benefits received by an obligee constitute a
58 change in circumstances for which an obligor may seek
59 modification of an alimony award; providing that
60 certain agreements for alimony payments are considered
61 expressly modifiable or eligible for termination under
62 certain circumstances; providing applicability;
63 amending s. 61.19, F.S.; requiring the court to grant
64 a final judgment of dissolution of marriage and
65 reserve jurisdiction to subsequently determine all
66 other substantive issues under certain circumstances;
67 requiring the court to enter temporary orders to
68 protect the parties and their children; providing
69 applicability; providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Subsection (8) of section 61.046, Florida
74 Statutes, is amended to read:

75 61.046 Definitions.—As used in this chapter, the term:

76 (8) "Income" means any form of payment to an individual,
 77 regardless of source, including, but not limited to: wages,
 78 salary, commissions and bonuses, compensation as an independent
 79 contractor, worker's compensation, disability benefits, annuity
 80 and retirement benefits, pensions, dividends, interest,
 81 royalties, trusts, and any other payments, made by any person,
 82 private entity, federal or state government, or any unit of
 83 local government. United States Department of Veterans Affairs
 84 disability benefits and reemployment assistance or unemployment
 85 compensation, as defined in chapter 443, are excluded from this
 86 definition of income except for purposes of establishing an
 87 amount of child support.

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

90 61.08 Alimony.—

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

92 (a) "Alimony" means a court-ordered or voluntary payment
 93 of support made by one spouse to the other spouse. The term
 94 includes any voluntary payment made after the date of filing of
 95 an order for maintenance, spousal support, temporary support, or
 96 separate support when the payment is not intended for the
 97 benefit of a child in common.

98 (b) "Gross income" means gross income as determined in
 99 accordance with s. 61.30(2).

100 (c) "Net income" means income that is determined by

101 subtracting allowable deductions from gross income. For purposes
102 of this section, allowable deductions include any of the
103 following:

104 1. Federal, state, or local income tax deductions,
105 adjusted for actual filing status and allowable dependents and
106 income tax liabilities.

107 2. Federal insurance contributions or self-employment tax.

108 3. Mandatory union dues.

109 4. Mandatory retirement payments.

110 5. Health insurance payments, excluding payments for
111 coverage of a minor child.

112 6. Court-ordered support for other children which is
113 actually paid.

114 7. Spousal support paid pursuant to a court order from a
115 previous marriage.

116 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
117 court may grant alimony to either party in the form of, ~~which~~
118 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
119 alimony, or a permanent in nature or any combination of these
120 forms of alimony, but shall prioritize an award of bridge-the-
121 gap alimony, followed by rehabilitative alimony, over any other
122 form of alimony. The court may grant permanent alimony only if
123 the parties enter into an agreement for permanent alimony. In an
124 ~~any~~ award of alimony, the court may order periodic payments, ~~or~~
125 payments in lump sum, or both.

126 (b) The court shall make written findings regarding the
 127 basis for awarding a combination of forms of alimony, including
 128 the type of alimony and the length of time for which the alimony
 129 is awarded. The court may award a combination of forms of
 130 alimony only to provide greater economic assistance in order to
 131 allow the recipient to achieve rehabilitation.

132 (c) The court may consider the adultery of either spouse
 133 and the circumstances thereof in determining the amount of
 134 alimony, if any, to be awarded. However, the adultery of a
 135 spouse may not be the court's sole basis for denying a request
 136 for alimony or awarding alimony, unless the adultery contributed
 137 to a depletion of marital assets. In all dissolution actions,
 138 the court shall include written findings of fact relative to the
 139 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
 140 ~~an~~ award or denial of alimony.

141 (3) ~~(2)~~ In determining whether to award alimony or
 142 maintenance, the court shall first make a specific, written
 143 factual determination as to whether the other ~~either~~ party has
 144 an actual need for alimony or maintenance and whether the other
 145 ~~either~~ party has the ability to pay alimony or maintenance. If
 146 the court finds that the a party seeking alimony has a need for
 147 alimony or maintenance and that the other party has the ability
 148 to pay alimony or maintenance, then in determining the proper
 149 type and amount of alimony or maintenance under subsections (5),
 150 (6), and (7) ~~(5)-(8)~~, the court shall consider all relevant

151 factors, including, but not limited to:

152 (a) The standard of living established during the
153 marriage, including the needs and necessities of life for each
154 party after the dissolution of marriage, taking into
155 consideration the presumption that both parties will have a
156 lower standard of living after the dissolution of marriage than
157 the standard of living they enjoyed during the marriage. This
158 presumption may be overcome by a preponderance of the evidence.

159 (b) The duration of the marriage.

160 (c) The age and the physical and emotional condition of
161 each party.

162 (d) The financial resources of each party, including the
163 nonmarital and the marital assets and liabilities distributed to
164 each.

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

170 (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 either ~~the other~~
173 party.

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

176 (h) The tax treatment and consequences to both parties of
177 an any alimony award, ~~including the designation of all or a~~
178 ~~portion of the payment as a nontaxable, nondeductible payment.~~

179 (i) All sources of income available to either party,
180 including income available to either party through investments
181 of any asset held by that party.

182 (j) Any other factor necessary for ~~to do~~ equity and
183 justice between the parties if such factor is specifically
184 identified in the award with findings of fact justifying the
185 application of such factor.

186 ~~(4)(3)~~ To the extent necessary to protect an award of
187 alimony, the obligee ~~court~~ may ~~order any party who is ordered to~~
188 ~~pay alimony to~~ purchase or maintain a life insurance policy on
189 the obligor's life in an amount adequate to ~~or a bond, or to~~
190 ~~otherwise secure such alimony award with any other assets which~~
191 ~~may be suitable for that purpose.~~ If the obligee purchases a
192 life insurance policy, the obligor shall cooperate in the
193 process of procuring the issuance and underwriting of the life
194 insurance policy.

195 ~~(4)~~ ~~For purposes of determining alimony, there is a~~
196 ~~rebuttable presumption that a short-term marriage is a marriage~~
197 ~~having a duration of less than 7 years, a moderate-term marriage~~
198 ~~is a marriage having a duration of greater than 7 years but less~~
199 ~~than 17 years, and long-term marriage is a marriage having a~~
200 ~~duration of 17 years or greater. The length of a marriage is the~~

201 ~~period of time from the date of marriage until the date of~~
202 ~~filing of an action for dissolution of marriage.~~

203 (5) Bridge-the-gap alimony may be awarded to assist a
204 party by providing support to allow the party to make a
205 transition from being married to being single. Bridge-the-gap
206 alimony is designed to assist a party with legitimate
207 identifiable short-term needs, and the length of an award of
208 bridge-the-gap alimony may not exceed 2 years. An award of
209 bridge-the-gap alimony terminates upon the death of either party
210 or upon the remarriage of the party receiving alimony. An award
211 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
212 or duration.

213 (6) (a) Rehabilitative alimony may be awarded to assist a
214 party in establishing the capacity for self-support through
215 either:

- 216 1. The redevelopment of previous skills or credentials; or
217 2. The acquisition of education, training, or work
218 experience necessary to develop appropriate employment skills or
219 credentials.

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

223 (c) The length of an award of rehabilitative alimony may
224 not exceed 5 years or the limitations for durational alimony as
225 provided in subsection (7), whichever period of time is shorter.

226 ~~(d)-(e)~~ An award of rehabilitative alimony may be modified
 227 or terminated in accordance with s. 61.14 based upon a
 228 substantial change in circumstances, upon noncompliance with the
 229 rehabilitative plan, or upon completion of the rehabilitative
 230 plan if the plan is completed before the length of the award of
 231 rehabilitative alimony expires.

232 (7) (a) Durational alimony may be awarded ~~when permanent~~
 233 ~~periodic alimony is inappropriate. The purpose of durational~~
 234 ~~alimony is~~ to provide a party with economic assistance for a set
 235 period of time ~~following a marriage of short or moderate~~
 236 ~~duration or following a marriage of long duration if there is no~~
 237 ~~ongoing need for support on a permanent basis.~~ An award of
 238 durational alimony terminates upon the death of either party or
 239 upon the remarriage of the party receiving alimony. The amount
 240 of an award of durational alimony may be modified or terminated
 241 based upon a substantial change in circumstances or upon a
 242 finding that a supportive relationship exists or existed between
 243 the obligee and another person in accordance with s. 61.14.
 244 ~~However,~~ The length of an award of durational alimony may not ~~be~~
 245 ~~modified except under exceptional circumstances and may not~~
 246 ~~exceed 50 percent of the length of the marriage.~~ For purposes of
 247 this section, the length of a marriage is the period of time
 248 beginning on the date of marriage and ending on the date an
 249 action for dissolution of marriage is filed. However, if the
 250 party seeking alimony is either medically needy under part III

251 of chapter 409 and the related rules, or the full-time in-home
252 caregiver to a fully and permanently mentally or physically
253 disabled child that is common to the parties, the court may
254 extend durational alimony beyond 50 percent of the duration of
255 the marriage, until the death of the child or until the court
256 determines that there is no longer a need for durational
257 alimony.

258 (b) When awarding durational alimony, the court must make
259 written findings that an award of another type of alimony, or a
260 combination of the other forms of alimony, is not appropriate.

261 (c) The amount of durational alimony is the amount
262 determined to be the obligee's reasonable need or 25 percent of
263 the difference between the parties' net incomes, whichever
264 amount is less.

265 (8) A party against whom alimony is sought who has met the
266 requirements for retirement in accordance with s. 61.14(12)
267 before the filing of the petition for dissolution of marriage
268 may not be ordered to pay bridge-the-gap, rehabilitative, or
269 durational alimony, unless the court determines all of the
270 following:

271 (a) That the party seeking alimony has not reached the age
272 to qualify for any social security retirement benefits.

273 (b) That as a result of the dissolution of marriage, the
274 party seeking alimony would, based on the income and assets
275 available after the dissolution of marriage is final, meet the

276 primary qualifications for the Florida Medicaid medically needy
277 program under part III of chapter 409 and the related rules in
278 effect on March 1, 2020.

279 (9) (a) Notwithstanding any other provision of law, alimony
280 may not be awarded to a party who has a monthly net income that
281 is equal to or more than the other party's monthly net income.

282 (b) Social security retirement benefits may not be imputed
283 to the obligor as demonstrated by a social security retirement
284 benefits entitlement letter unless those benefits are actually
285 being paid.

286 (c) If the obligee alleges that a physical disability has
287 impaired his or her capability to earn the income imputed by the
288 court, the obligee must have qualified for benefits under the
289 Social Security Disability Insurance program or, in the event
290 the obligee is not eligible for the program, must demonstrate
291 that his or her disability meets the disability qualification
292 standards of the Social Security Disability Insurance program.

293 ~~(8) Permanent alimony may be awarded to provide for the~~
294 ~~needs and necessities of life as they were established during~~
295 ~~the marriage of the parties for a party who lacks the financial~~
296 ~~ability to meet his or her needs and necessities of life~~
297 ~~following a dissolution of marriage. Permanent alimony may be~~
298 ~~awarded following a marriage of long duration if such an award~~
299 ~~is appropriate upon consideration of the factors set forth in~~
300 ~~subsection (2), following a marriage of moderate duration if~~

301 ~~such an award is appropriate based upon clear and convincing~~
302 ~~evidence after consideration of the factors set forth in~~
303 ~~subsection (2), or following a marriage of short duration if~~
304 ~~there are written findings of exceptional circumstances. In~~
305 ~~awarding permanent alimony, the court shall include a finding~~
306 ~~that no other form of alimony is fair and reasonable under the~~
307 ~~circumstances of the parties. An award of permanent alimony~~
308 ~~terminates upon the death of either party or upon the remarriage~~
309 ~~of the party receiving alimony. An award may be modified or~~
310 ~~terminated based upon a substantial change in circumstances or~~
311 ~~upon the existence of a supportive relationship in accordance~~
312 ~~with s. 61.14.~~

313 ~~(9) The award of alimony may not leave the payor with~~
314 ~~significantly less net income than the net income of the~~
315 ~~recipient unless there are written findings of exceptional~~
316 ~~circumstances.~~

317 (10) (a) With respect to any order requiring the payment of
318 alimony entered on or after January 1, 1985, unless ~~the~~
319 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
320 court shall direct in the order that the payments of alimony be
321 made through the appropriate depository as provided in s.
322 61.181.

323 (b) With respect to any order requiring the payment of
324 alimony entered before January 1, 1985, upon the subsequent
325 appearance~~7~~, on or after that date~~7~~, of one or both parties before

326 the court having jurisdiction for the purpose of modifying or
327 enforcing the order or in any other proceeding related to the
328 order, ~~or upon the application of either party, unless the~~
329 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
330 court shall modify the terms of the order as necessary to direct
331 that payments of alimony be made through the appropriate
332 depository as provided in s. 61.181.

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

335 (d)1. If there is a minor child of the parties and both
336 parties so request, the court may order that alimony payments
337 need not be directed through the depository. In this case, the
338 order of support must ~~shall~~ provide, or be deemed to provide,
339 that either party may subsequently apply to the depository to
340 require that payments be made through the depository. The court
341 shall provide a copy of the order to the depository.

342 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
343 either party may subsequently file with the depository an
344 affidavit alleging default or arrearages in payment and stating
345 that the party wishes to initiate participation in the
346 depository program. The party shall provide copies of the
347 affidavit to the court and the other party or parties. Fifteen
348 days after receipt of the affidavit, the depository shall notify
349 all parties that future payments shall be directed to the
350 depository.

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

354 (11) The court shall consider any alimony payments made to
355 the obligee after the date of filing of a petition for
356 dissolution of marriage, either voluntarily or pursuant to a
357 court order, in determining the amount and length of an award of
358 rehabilitative or durational alimony.

359 (12) This section applies to all petitions for dissolution
360 of marriage which have not been adjudicated before July 1, 2021,
361 to cases pending on appeal, and to all petitions for dissolution
362 of marriage filed on or after July 1, 2021.

363 Section 3. Paragraph (c) of subsection (2) of section
364 61.13, Florida Statutes, is amended to read:

365 61.13 Support of children; parenting and time-sharing;
366 powers of court.—

367 (2)

368 (c) The court shall determine all matters relating to
369 parenting and time-sharing of each minor child of the parties in
370 accordance with the best interests of the child and in
371 accordance with the Uniform Child Custody Jurisdiction and
372 Enforcement Act, except that modification of a parenting plan
373 and time-sharing schedule requires a showing of a substantial,
374 material, and unanticipated change of circumstances.

375 1. It is the public policy of this state that each minor

376 child has frequent and continuing contact with both parents
377 after the parents separate or the marriage of the parties is
378 dissolved and to encourage parents to share the rights and
379 responsibilities, and joys, of childrearing. Unless otherwise
380 provided in this section or agreed to by the parties, there is a
381 presumption that equal time-sharing of a minor child is in the
382 best interests of the minor child common to both parties. This
383 subparagraph applies to all actions filed on or after July 1,
384 2021 ~~There is no presumption for or against the father or mother~~
385 ~~of the child or for or against any specific time-sharing~~
386 ~~schedule when creating or modifying the parenting plan of the~~
387 ~~child.~~

388 2. The court shall order that the parental responsibility
389 for a minor child be shared by both parents unless the court
390 finds that shared parental responsibility would be detrimental
391 to the child. Evidence that a parent has been convicted of a
392 misdemeanor of the first degree or higher involving domestic
393 violence, as defined in s. 741.28 and chapter 775, or meets the
394 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
395 detriment to the child. If the presumption is not rebutted after
396 the convicted parent is advised by the court that the
397 presumption exists, shared parental responsibility, including
398 time-sharing with the child, and decisions made regarding the
399 child, may not be granted to the convicted parent. However, the
400 convicted parent is not relieved of any obligation to provide

401 financial support. If the court determines that shared parental
402 responsibility would be detrimental to the child, it may order
403 sole parental responsibility and make such arrangements for
404 time-sharing as specified in the parenting plan as will best
405 protect the child or abused spouse from further harm. Regardless
406 of whether ~~or not~~ there is a conviction of any offense of
407 domestic violence or child abuse or the existence of an
408 injunction for protection against domestic violence, the court
409 shall consider evidence of domestic violence or child abuse as
410 evidence of detriment to the child.

411 a. In ordering shared parental responsibility, the court
412 may consider the expressed desires of the parents and may grant
413 to one party the ultimate responsibility over specific aspects
414 of the child's welfare or may divide those responsibilities
415 between the parties based on the best interests of the child.
416 Areas of responsibility may include education, health care, and
417 any other responsibilities that the court finds unique to a
418 particular family.

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

423 3. Access to records and information pertaining to a minor
424 child, including, but not limited to, medical, dental, and
425 school records, may not be denied to either parent. Full rights

426 | under this subparagraph apply to either parent unless a court
 427 | order specifically revokes these rights, including any
 428 | restrictions on these rights as provided in a domestic violence
 429 | injunction. A parent having rights under this subparagraph has
 430 | the same rights upon request as to form, substance, and manner
 431 | of access as are available to the other parent of a child,
 432 | including, without limitation, the right to in-person
 433 | communication with medical, dental, and education providers.

434 | Section 4. Paragraph (b) of subsection (1) of section
 435 | 61.14, Florida Statutes, is amended, paragraph (c) is added to
 436 | subsection (11), and subsections (12), (13), and (14) are added
 437 | to that section, to read:

438 | 61.14 Enforcement and modification of support,
 439 | maintenance, or alimony agreements or orders.—

440 | (1)

441 | (b)1. The court may reduce or terminate an award of
 442 | alimony or order reimbursement to the obligor for any amount the
 443 | court determines is equitable upon specific written findings by
 444 | the court that since the granting of a divorce and the award of
 445 | alimony, a supportive relationship exists or ~~has~~ existed between
 446 | the obligee and another ~~a~~ person at any time during the 180 days
 447 | before the filing of a petition for modification of alimony with
 448 | ~~whom the obligee resides~~. On the issue of whether alimony should
 449 | be reduced or terminated under this paragraph, the burden is on
 450 | the obligor to prove by a preponderance of the evidence that a

451 supportive relationship exists or existed.

452 2. In determining whether an existing award of alimony
453 should be reduced or terminated because of an alleged supportive
454 relationship between an obligee and a person who is not related
455 by consanguinity or affinity and with whom the obligee resides,
456 the court shall elicit the nature and extent of the relationship
457 in question. The court shall give consideration, without
458 limitation, to circumstances, including, but not limited to, the
459 following, in determining the relationship of an obligee to
460 another person:

461 a. The extent to which the obligee and the other person
462 have held themselves out as a married couple by engaging in
463 conduct such as using the same last name, using a common mailing
464 address, referring to each other in terms such as "my husband,"
465 ~~or~~ "my wife," "my partner," or "my fiancé," or otherwise
466 conducting themselves in a manner that evidences a permanent or
467 longstanding committed and supportive relationship.

468 b. The period of time that the obligee has resided with
469 the other person ~~in a permanent place of abode~~.

470 c. The extent to which the obligee and the other person
471 have pooled their assets or income or otherwise exhibited
472 financial interdependence.

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

475 e. The extent to which the obligee or the other person has

476 performed valuable services for the other.

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

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

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

483 i. Evidence in support of a claim that the obligee and the
484 other person have an express agreement regarding property
485 sharing or support.

486 j. Evidence in support of a claim that the obligee and the
487 other person have an implied agreement regarding property
488 sharing or support.

489 k. Whether the obligee and the other person have provided
490 support to the children of one another, regardless of any legal
491 duty to do so.

492 l. Whether the obligee and the other person are engaged to
493 be married.

494 3. This paragraph does not abrogate the requirement that
495 every marriage in this state be solemnized under a license, does
496 not recognize a common law marriage as valid, and does not
497 recognize a de facto marriage. This paragraph recognizes only
498 that relationships do exist that provide economic support
499 equivalent to a marriage and that alimony terminable on
500 remarriage may be reduced or terminated upon the establishment

501 of equivalent equitable circumstances as described in this
502 paragraph. The existence of a conjugal relationship, though it
503 may be relevant to the nature and extent of the relationship, is
504 not necessary for the application of ~~the provisions of~~ this
505 paragraph.

506 (11)

507 (c) An obligor's subsequent remarriage or cohabitation
508 does not constitute a basis for either party to seek a
509 modification of an alimony award. An obligee may not seek
510 modification to increase an award of alimony based on the income
511 and assets of the obligor's subsequent spouse or person with
512 whom the obligor resides, and the obligor may not seek
513 modification to reduce an award of alimony based on the
514 obligor's reliance upon the income and assets of the obligor's
515 subsequent spouse or person with whom the obligor resides.

516 (12) (a) An alimony award terminates when the obligor
517 reaches full retirement age as determined by the United States
518 Social Security Administration. However, if an obligor reaches
519 full retirement age as determined by the United States Social
520 Security Administration but he or she has not paid durational
521 alimony for a period equal to 50 percent of the length of the
522 marriage, the court may require the obligor to continue to pay
523 durational alimony, not to exceed 50 percent of the length of
524 the marriage, only if the court determines that all of the
525 following apply:

526 1. The obligee has not reached the minimum age to qualify
527 for social security retirement benefits.

528 2. As a result of the dissolution of marriage or the
529 termination of alimony payments under this paragraph, the
530 obligee would, based on the income and assets available after
531 the dissolution of marriage is final, meet the primary
532 qualifications for the Florida Medicaid medically needy program
533 under part III of chapter 409 and the related rules in effect on
534 March 1, 2020.

535 (b) If an obligor seeks to retire at an age that is
536 reasonable for his or her profession or line of work, but before
537 he or she reaches full retirement age as determined by the
538 United States Social Security Administration, the court may
539 terminate an alimony award if it determines that the obligor's
540 retirement is reasonable. In determining whether the obligor's
541 retirement is reasonable, the court shall consider all of the
542 following:

543 1. The obligor's age and health.

544 2. The obligor's motivation for retirement.

545 3. The obligor's profession or line of work and the
546 typical retirement age for that profession or line of work.

547 4. The obligee's needs and necessities of life and the
548 obligor's needs and necessities of life.

549 5. The impact that a termination or reduction of alimony
550 would have on the obligee. In determining such impact, the court

551 must consider any assets accumulated or received by the obligee,
552 including any income generated by such assets, since the final
553 judgment of dissolution of marriage.

554 (c) Up to 12 months before the obligor's anticipated
555 retirement under paragraph (a) or paragraph (b), the obligor may
556 file a petition to modify or terminate the alimony award,
557 effective upon his or her actual retirement date. The court
558 shall modify or terminate the alimony award after the obligor's
559 retirement unless, after consideration of the factors under
560 paragraph (b), the court makes written findings of fact that the
561 obligor's retirement is unreasonable.

562 (13) Any amount of social security or disability benefits
563 or retirement payments received by an obligee subsequent to an
564 initial award of alimony constitutes a change in circumstances
565 for which an obligor may seek modification of an alimony award.

566 (14) (a) Agreements on alimony payments, whether voluntary
567 or court ordered, which allow for modification or termination of
568 alimony by virtue of either party reaching a certain age,
569 income, or other threshold, or agreements that establish a
570 limited period of time after which alimony is modifiable, are
571 considered agreements that are expressly modifiable or eligible
572 for termination for purposes of this section once the specified
573 condition is met.

574 (b) This section applies to an action to modify or
575 terminate an alimony award filed on or after July 1, 2021, or an

576 action for which a final order has not been issued before July
577 1, 2021.

578 Section 5. Section 61.19, Florida Statutes, is amended to
579 read:

580 61.19 Entry of judgment of dissolution of marriage;~~7~~ delay
581 period; separate adjudication of issues.—

582 (1) A ~~No~~ final judgment of dissolution of marriage may not
583 be entered until at least 20 days have elapsed from the date of
584 filing the original petition for dissolution of marriage,~~7~~ but
585 the court, on a showing that injustice would result from this
586 delay, may enter a final judgment of dissolution of marriage at
587 an earlier date.

588 (2) If more than 365 days have elapsed after the date of
589 service of the original petition for dissolution of marriage,
590 absent a showing by either party that irreparable harm will
591 result from granting a final judgment of dissolution of
592 marriage, the court shall, upon request of either party, grant a
593 final judgment of dissolution of marriage with a reservation of
594 jurisdiction to subsequently determine all other substantive
595 issues. Before granting the judgment, the court shall enter
596 temporary orders necessary to protect the parties and their
597 children, which orders remain effective until all other issues
598 can be adjudicated by the court. This subsection applies to all
599 petitions for dissolution of marriage filed on or after July 1,
600 2021.

601 | Section 6. This act shall take effect July 1, 2021. |