

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 | amending s. 61.13, F.S.; creating a presumption that  
37 | equal time-sharing is in the best interests of a minor  
38 | child; providing an exception; amending s. 61.14,  
39 | F.S.; revising provisions relating to reducing or  
40 | terminating an award of alimony or ordering  
41 | reimbursement of certain alimony payments based on the  
42 | existence of a supportive relationship; revising  
43 | factors a court may consider when determining whether  
44 | a supportive relationship exists or existed; providing  
45 | that an obligor's subsequent remarriage or  
46 | cohabitation is not a basis for modification of  
47 | alimony; prohibiting modification of an alimony award  
48 | under certain circumstances; requiring an alimony  
49 | award to terminate when the obligor reaches full  
50 | retirement age; providing an exception; providing

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

69  
 70 Be It Enacted by the Legislature of the State of Florida:  
 71

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

74 61.046 Definitions.—As used in this chapter, the term:  
 75 (8) "Income" means any form of payment to an individual,

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

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

89 | 61.08 Alimony.—

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

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

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

99 | (c) "Net income" means income that is determined by  
 100 | subtracting allowable deductions from gross income. For purposes

101 of this section, allowable deductions include any of the  
102 following:

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

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

107 3. Mandatory union dues.

108 4. Mandatory retirement payments.

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

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

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

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

125 (b) The court shall make written findings regarding the

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

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

140 (3)~~(2)~~ In determining whether to award alimony or  
141 maintenance, the court shall first make a specific, written  
142 factual determination as to whether the other ~~either~~ party has  
143 an actual need for alimony or maintenance and whether the other  
144 ~~either~~ party has the ability to pay alimony or maintenance. If  
145 the court finds that the ~~a~~ party seeking alimony has a need for  
146 alimony or maintenance and that the other party has the ability  
147 to pay alimony or maintenance, then in determining the proper  
148 type and amount of alimony or maintenance under subsections (5),  
149 (6), and (7) ~~(5)-(8)~~, the court shall consider all relevant  
150 factors, including, but not limited to:

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

158 (b) The duration of the marriage.

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

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

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

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

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

175 (h) The tax treatment and consequences to both parties of

176 ~~an any~~ alimony award, ~~including the designation of all or a~~  
177 ~~portion of the payment as a nontaxable, nondeductible payment.~~

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

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

185 ~~(4)(3)~~ To the extent necessary to protect an award of  
186 alimony, the obligee court may ~~order any party who is ordered to~~  
187 ~~pay alimony to~~ purchase or maintain a life insurance policy on  
188 the obligor's life in an amount adequate to or a bond, or to  
189 ~~otherwise secure such alimony award with any other assets which~~  
190 ~~may be suitable for that purpose.~~ If the obligee purchases a  
191 life insurance policy, the obligor shall cooperate in the  
192 process of procuring the issuance and underwriting of the life  
193 insurance policy.

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



201 ~~filing of an action for dissolution of marriage.~~

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

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

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

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

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

225 (d) ~~(e)~~ An award of rehabilitative alimony may be modified

226 or terminated in accordance with s. 61.14 based upon a  
227 substantial change in circumstances, upon noncompliance with the  
228 rehabilitative plan, or upon completion of the rehabilitative  
229 plan if the plan is completed before the length of the award of  
230 rehabilitative alimony expires.

231 (7) (a) Durational alimony may be awarded ~~when permanent~~  
232 ~~periodic alimony is inappropriate. The purpose of durational~~  
233 ~~alimony is to provide a party with economic assistance for a set~~  
234 ~~period of time following a marriage of short or moderate~~  
235 ~~duration or following a marriage of long duration if there is no~~  
236 ~~ongoing need for support on a permanent basis.~~ An award of  
237 durational alimony terminates upon the death of either party or  
238 upon the remarriage of the party receiving alimony. The amount  
239 of an award of durational alimony may be modified or terminated  
240 based upon a substantial change in circumstances or upon a  
241 finding that a supportive relationship exists or existed between  
242 the obligee and another person in accordance with s. 61.14.  
243 ~~However,~~ The length of an award of durational alimony may not ~~be~~  
244 ~~modified except under exceptional circumstances and may not~~  
245 ~~exceed 50 percent of the length of a the marriage lasting fewer~~  
246 ~~than 20 years or 75 percent of the length of a marriage lasting~~  
247 ~~20 years or longer.~~ For purposes of this section, the length of  
248 a marriage is the period of time beginning on the date of  
249 marriage and ending on the date an action for dissolution of  
250 marriage is filed. However, if the party seeking alimony meets

251 the primary qualifications for the Florida Medicaid medically  
252 needy program under part III of chapter 409 and the related  
253 rules in effect on March 1, 2020, or is the full-time in-home  
254 caregiver to a totally and permanently disabled child, by reason  
255 of a physical or mental impairment, who is common to the  
256 parties, the court may extend durational alimony beyond 50  
257 percent of the length of the marriage, until the death of the  
258 child or until the court determines that there is no longer a  
259 need for durational alimony.

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

263 (c) The amount of durational alimony is the amount  
264 determined to be the obligee's reasonable need or 30 percent of  
265 the difference between the parties' net incomes, whichever  
266 amount is less.

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

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

275 (b) That as a result of the dissolution of marriage, the

276 party seeking alimony would, based on the income and assets  
277 available after the dissolution of marriage is final, meet the  
278 primary qualifications for the Florida Medicaid medically needy  
279 program under part III of chapter 409 and the related rules in  
280 effect on March 1, 2020.

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

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

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

295 ~~(8) Permanent alimony may be awarded to provide for the~~  
296 ~~needs and necessities of life as they were established during~~  
297 ~~the marriage of the parties for a party who lacks the financial~~  
298 ~~ability to meet his or her needs and necessities of life~~  
299 ~~following a dissolution of marriage. Permanent alimony may be~~  
300 ~~awarded following a marriage of long duration if such an award~~

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

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

319 (10) (a) With respect to any order requiring the payment of  
320 alimony entered on or after January 1, 1985, unless ~~the~~  
321 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the  
322 court shall direct in the order that the payments of alimony be  
323 made through the appropriate depository as provided in s.  
324 61.181.

325 (b) With respect to any order requiring the payment of

326 alimony entered before January 1, 1985, upon the subsequent  
327 appearance~~7~~ on or after that date~~7~~ of one or both parties before  
328 the court having jurisdiction for the purpose of modifying or  
329 enforcing the order or in any other proceeding related to the  
330 order~~7~~ or upon the application of either party, unless ~~the~~  
331 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the  
332 court shall modify the terms of the order as necessary to direct  
333 that payments of alimony be made through the appropriate  
334 depository as provided in s. 61.181.

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

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

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

351 all parties that future payments shall be directed to the  
352 depository.

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

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

361 Section 3. Paragraph (c) of subsection (2) of section  
362 61.13, Florida Statutes, is amended to read:

363 61.13 Support of children; parenting and time-sharing;  
364 powers of court.—

365 (2)

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

373 1. It is the public policy of this state that each minor  
374 child has frequent and continuing contact with both parents  
375 after the parents separate or the marriage of the parties is

376 dissolved and to encourage parents to share the rights and  
377 responsibilities, and joys, of childrearing. Unless otherwise  
378 provided in this section or agreed to by the parties, there is a  
379 presumption that equal time-sharing of a minor child is in the  
380 best interests of the minor child common to both parties ~~There~~  
381 ~~is no presumption for or against the father or mother of the~~  
382 ~~child or for or against any specific time-sharing schedule when~~  
383 ~~creating or modifying the parenting plan of the child.~~

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



401 protect the child or abused spouse from further harm. Regardless  
402 of whether ~~or not~~ there is a conviction of any offense of  
403 domestic violence or child abuse or the existence of an  
404 injunction for protection against domestic violence, the court  
405 shall consider evidence of domestic violence or child abuse as  
406 evidence of detriment to the child.

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

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

419 3. Access to records and information pertaining to a minor  
420 child, including, but not limited to, medical, dental, and  
421 school records, may not be denied to either parent. Full rights  
422 under this subparagraph apply to either parent unless a court  
423 order specifically revokes these rights, including any  
424 restrictions on these rights as provided in a domestic violence  
425 injunction. A parent having rights under this subparagraph has

426 | the same rights upon request as to form, substance, and manner  
427 | of access as are available to the other parent of a child,  
428 | including, without limitation, the right to in-person  
429 | communication with medical, dental, and education providers.

430 | Section 4. Paragraph (b) of subsection (1) of section  
431 | 61.14, Florida Statutes, is amended, paragraph (c) is added to  
432 | subsection (11), and subsections (12), (13), and (14) are added  
433 | to that section, to read:

434 | 61.14 Enforcement and modification of support,  
435 | maintenance, or alimony agreements or orders.—

436 | (1)

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

448 | 2. In determining whether an existing award of alimony  
449 | should be reduced or terminated because of an alleged supportive  
450 | relationship between an obligee and a person who is not related

451 by consanguinity or affinity and with whom the obligee resides,  
452 the court shall elicit the nature and extent of the relationship  
453 in question. The court shall give consideration, without  
454 limitation, to circumstances, including, but not limited to, the  
455 following, in determining the relationship of an obligee to  
456 another person:

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

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

466 c. The extent to which the obligee and the other person  
467 have pooled their assets or income or otherwise exhibited  
468 financial interdependence.

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

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

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

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

476 together to create or enhance anything of value.

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

479 i. Evidence in support of a claim that the obligee and the  
480 other person have an express agreement regarding property  
481 sharing or support.

482 j. Evidence in support of a claim that the obligee and the  
483 other person have an implied agreement regarding property  
484 sharing or support.

485 k. Whether the obligee and the other person have provided  
486 support to the children of one another, regardless of any legal  
487 duty to do so.

488 1. Whether the obligee and the other person are engaged to  
489 be married.

490 3. This paragraph does not abrogate the requirement that  
491 every marriage in this state be solemnized under a license, does  
492 not recognize a common law marriage as valid, and does not  
493 recognize a de facto marriage. This paragraph recognizes only  
494 that relationships do exist that provide economic support  
495 equivalent to a marriage and that alimony terminable on  
496 remarriage may be reduced or terminated upon the establishment  
497 of equivalent equitable circumstances as described in this  
498 paragraph. The existence of a conjugal relationship, though it  
499 may be relevant to the nature and extent of the relationship, is  
500 not necessary for the application of ~~the provisions of this~~

501 paragraph.

502 (11)

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

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

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

524 2. As a result of the dissolution of marriage or the  
525 termination of alimony payments under this paragraph, the

526 obligee would, based on the income and assets available after  
527 the dissolution of marriage is final, meet the primary  
528 qualifications for the Florida Medicaid medically needy program  
529 under part III of chapter 409 and the related rules in effect on  
530 March 1, 2020.

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

539 1. The obligor's age and health.

540 2. The obligor's motivation for retirement.

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

543 4. The obligee's needs and necessities of life and the  
544 obligor's needs and necessities of life.

545 5. The impact that a termination or reduction of alimony  
546 would have on the obligee. In determining such impact, the court  
547 must consider any assets accumulated or received by the obligee,  
548 including any income generated by such assets, since the final  
549 judgment of dissolution of marriage.

550 (c) Up to 12 months before the obligor's anticipated

551 retirement under paragraph (a) or paragraph (b), the obligor may  
552 file a petition to modify or terminate the alimony award,  
553 effective upon his or her actual retirement date. The court  
554 shall modify or terminate the alimony award after the obligor's  
555 retirement unless, after consideration of the factors under  
556 paragraph (b), the court makes written findings of fact that the  
557 obligor's retirement is unreasonable.

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

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

570 Section 5. Section 61.19, Florida Statutes, is amended to  
571 read:

572 61.19 Entry of judgment of dissolution of marriage;7 delay  
573 period; separate adjudication of issues.-

574 (1) A ~~Ne~~ final judgment of dissolution of marriage may not  
575 be entered until at least 20 days have elapsed from the date of

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

580 (2) If more than 365 days have elapsed after the date of  
581 service of the original petition for dissolution of marriage,  
582 absent a showing by either party that irreparable harm will  
583 result from granting a final judgment of dissolution of  
584 marriage, the court shall, upon request of either party, grant a  
585 final judgment of dissolution of marriage with a reservation of  
586 jurisdiction to subsequently determine all other substantive  
587 issues. Before granting the judgment, the court shall enter  
588 temporary orders necessary to protect the parties and their  
589 children, which orders remain effective until all other issues  
590 can be adjudicated by the court.

591 Section 6. This act applies to all actions pending on or  
592 after July 1, 2021.

593 Section 7. This act shall take effect July 1, 2021.