

By the Committee on Judiciary; and Senators Gruters and Hooper

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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.; defining terms;  
5           requiring the court to prioritize certain forms of  
6           alimony; authorizing the court to grant permanent  
7           alimony under certain circumstances; requiring the  
8           court to make certain written findings in its awards  
9           of alimony; prohibiting the court from denying or  
10          granting an award of alimony solely on the basis of  
11          adultery, with an exception; revising factors that the  
12          court must consider in determining the proper type and  
13          amount of alimony; authorizing a party to whom the  
14          court has awarded alimony to purchase or maintain a  
15          life insurance policy on the obligor's life to protect  
16          an award of alimony; requiring the obligor to  
17          cooperate in the process of securing the life  
18          insurance; deleting certain rebuttable presumptions  
19          related to the duration of a marriage for purposes of  
20          determining alimony; prohibiting an award of  
21          rehabilitative alimony from exceeding specified  
22          timeframes; revising a provision authorizing the  
23          modification of rehabilitative alimony upon completion  
24          of the rehabilitative plan to include a certain  
25          timeframe; revising provisions related to durational  
26          alimony; prohibiting the length of an award of  
27          durational alimony from exceeding a specified  
28          timeframe; specifying what constitutes the length of a  
29          marriage for the purpose of determining durational

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30 alimony; requiring the court to make certain written  
31 findings when awarding durational alimony; providing a  
32 formula for the calculation of durational alimony;  
33 providing that a party who has reached retirement age  
34 in accordance with specified provisions may not be  
35 ordered to pay alimony; providing an exception;  
36 establishing that alimony may not be awarded to a  
37 party who has a certain monthly net income;  
38 prohibiting social security retirement benefits from  
39 being imputed to the obligor, with an exception;  
40 requiring an obligee to meet certain requirements if  
41 he or she alleges that a physical disability has  
42 impaired his or her ability to earn the imputed  
43 income; requiring the court to consider certain  
44 payments made to the obligee when determining the  
45 amount and length of rehabilitative or durational  
46 alimony; providing applicability; amending s. 61.13,  
47 F.S.; creating a presumption that equal time-sharing  
48 is in the best interests of a child, with an  
49 exception; providing applicability; deleting a  
50 provision related to the development of a parenting  
51 plan; amending s. 61.14, F.S.; authorizing the court  
52 to order an obligee to reimburse alimony payments to  
53 the obligor under certain circumstances; specifying a  
54 timeframe for the court to consider a supportive  
55 relationship between the obligee and another person  
56 for purposes of reducing or terminating an award of  
57 alimony or ordering reimbursement of alimony payments;  
58 revising factors the court may consider when

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59 determining whether a supportive relationship exists  
60 or existed between the obligee and another person;  
61 providing that an obligor's subsequent remarriage or  
62 cohabitation is not a basis for modification of  
63 alimony; providing that the income and assets of the  
64 obligor's subsequent spouse are irrelevant to an  
65 action for modification of alimony; requiring an  
66 alimony obligation to terminate upon the obligor  
67 reaching full retirement age; providing an exception;  
68 authorizing the court to terminate an alimony  
69 obligation if the obligor retires at a reasonable age  
70 for his or her profession or line of work; requiring  
71 the court to consider certain factors in determining  
72 whether the obligor's retirement age is reasonable;  
73 authorizing an obligor to prospectively file a  
74 petition for modification or termination of alimony,  
75 effective upon his or her retirement; requiring a  
76 court to modify or terminate an alimony award upon  
77 retirement of the obligor, with an exception;  
78 providing that certain benefits of the obligee  
79 constitute a change in circumstance for which an  
80 obligor may seek modification of an alimony award;  
81 providing that certain agreements on alimony payments  
82 are considered expressly modifiable or eligible for  
83 termination under certain circumstances; providing  
84 applicability; amending s. 61.19, F.S.; requiring the  
85 court to grant a final judgment of dissolution of  
86 marriage and reserve jurisdiction to adjudicate other  
87 substantive issues, under certain circumstances;

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88 providing for temporary orders necessary to protect  
89 the parties and their children, if any; providing that  
90 such temporary orders are effective until all other  
91 issues are adjudicated by the court; providing  
92 applicability; providing an effective date.

93

94 Be It Enacted by the Legislature of the State of Florida:

95

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

98 61.046 Definitions.—As used in this chapter, the term:

99 (8) "Income" means any form of payment to an individual,  
100 regardless of source, including, but not limited to: wages,  
101 salary, commissions and bonuses, compensation as an independent  
102 contractor, worker's compensation, disability benefits, annuity  
103 and retirement benefits, pensions, dividends, interest,  
104 royalties, trusts, and any other payments, made by any person,  
105 private entity, federal or state government, or any unit of  
106 local government. United States Department of Veterans Affairs  
107 disability benefits and reemployment assistance or unemployment  
108 compensation, as defined in chapter 443, are excluded from this  
109 definition of income except for purposes of establishing an  
110 amount of child support.

111 Section 2. Section 61.08, Florida Statutes, is amended to  
112 read:

113 61.08 Alimony.—

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

115 (a) "Alimony" means a court-ordered or voluntary payment of  
116 support by one spouse to the other spouse. The term includes any

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117 voluntary payment made after the date of filing of an order for  
118 maintenance, spousal support, temporary support, or separate  
119 support when the payment is not intended for the benefit of a  
120 child in common.

121 (b) "Gross income" means gross income as determined in  
122 accordance with s. 61.30.

123 (c) "Net income" means income that is determined by  
124 subtracting allowable deductions from gross income. For purposes  
125 of this section, allowable deductions include any of the  
126 following:

127 1. Federal, state, or local income tax deductions, adjusted  
128 for actual filing status and allowable dependents and income tax  
129 liabilities.

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

131 3. Mandatory union dues.

132 4. Mandatory retirement payments.

133 5. Health insurance payments, excluding payments for  
134 coverage of a minor child.

135 6. Court-ordered support for other children which is  
136 actually paid.

137 7. Spousal support paid pursuant to a court order from a  
138 previous marriage.

139 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the  
140 court may grant alimony to either party in the form of, ~~which~~  
141 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational  
142 alimony, or a permanent in nature or any combination of these  
143 forms of alimony, but shall prioritize an award of bridge-the-  
144 gap alimony, followed by rehabilitative alimony, over any other  
145 form of alimony. The court may grant permanent alimony only if

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146 the parties enter into an agreement for permanent alimony. In an  
147 any award of alimony, the court may order periodic payments, ~~or~~  
148 payments in lump sum, or both.

149 (b) The court shall make written findings regarding the  
150 basis for awarding a combination of forms of alimony, including  
151 the type of alimony and the length of time for which the alimony  
152 is awarded. The court may award a combination of forms of  
153 alimony only to provide greater economic assistance in order to  
154 allow the recipient to achieve rehabilitation.

155 (c) The court may consider the adultery of either spouse  
156 and the circumstances thereof in determining the amount of  
157 alimony, if any, to be awarded. However, the adultery of a  
158 spouse may not be the court's sole basis for denying a request  
159 for alimony or awarding alimony, unless the adultery contributed  
160 to a depletion of marital assets. In all dissolution actions,  
161 the court shall include written findings of fact relative to the  
162 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the  
163 ~~an~~ award or denial of alimony.

164 (3) ~~(2)~~ In determining whether to award alimony or  
165 maintenance, the court shall first make a specific, written  
166 factual determination as to whether the other ~~either~~ party has  
167 an actual need for alimony or maintenance and whether the other  
168 ~~either~~ party has the ability to pay alimony or maintenance. If  
169 the court finds that the a party seeking alimony has a need for  
170 alimony or maintenance and that the other party has the ability  
171 to pay alimony or maintenance, then in determining the proper  
172 type and amount of alimony or maintenance under subsections (5),  
173 (6), and (7) ~~(5)-(8)~~, the court shall consider all relevant  
174 factors, including, but not limited to:

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175 (a) The standard of living established during the marriage,  
176 including the needs and necessities of life for each party after  
177 the dissolution of marriage, taking into consideration the  
178 presumption that both parties will have a lower standard of  
179 living after the dissolution of marriage than the standard of  
180 living they enjoyed during the marriage. This presumption may be  
181 overcome by a preponderance of the evidence.

182 (b) The duration of the marriage.

183 (c) The age and the physical and emotional condition of  
184 each party.

185 (d) The financial resources of each party, including the  
186 nonmarital and the marital assets and liabilities distributed to  
187 each.

188 (e) The earning capacities, educational levels, vocational  
189 skills, and employability of the parties and, when applicable,  
190 the time necessary for either party to acquire sufficient  
191 education or training to enable such party to find appropriate  
192 employment.

193 (f) The contribution of each party to the marriage,  
194 including, but not limited to, services rendered in homemaking,  
195 child care, education, and career building of either ~~the other~~  
196 party.

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

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

202 (i) All sources of income available to either party,  
203 including income available to either party through investments

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204 of any asset held by that party.

205 (j) Any other factor necessary for ~~to do~~ equity and justice  
206 between the parties if such factor is specifically identified in  
207 the award with findings of fact justifying the application of  
208 such factor.

209 ~~(4)(3)~~ To the extent necessary to protect an award of  
210 alimony, the obligee may ~~court may order any party who is~~  
211 ~~ordered to pay alimony to purchase or maintain a life insurance~~  
212 policy on the obligor's life in an amount adequate to ~~or a bond,~~  
213 ~~or to otherwise secure such alimony award with any other assets~~  
214 which may be suitable for that purpose. If the obligee purchases  
215 a life insurance policy, the obligor shall cooperate in the  
216 process of procuring the issuance and underwriting of the life  
217 insurance policy.

218 ~~(4) For purposes of determining alimony, there is a~~  
219 ~~rebuttable presumption that a short-term marriage is a marriage~~  
220 ~~having a duration of less than 7 years, a moderate-term marriage~~  
221 ~~is a marriage having a duration of greater than 7 years but less~~  
222 ~~than 17 years, and long-term marriage is a marriage having a~~  
223 ~~duration of 17 years or greater. The length of a marriage is the~~  
224 ~~period of time from the date of marriage until the date of~~  
225 ~~filing of an action for dissolution of marriage.~~

226 (5) Bridge-the-gap alimony may be awarded to assist a party  
227 by providing support to allow the party to make a transition  
228 from being married to being single. Bridge-the-gap alimony is  
229 designed to assist a party with legitimate identifiable short-  
230 term needs, and the length of an award of bridge-the-gap alimony  
231 may not exceed 2 years. An award of bridge-the-gap alimony  
232 terminates upon the death of either party or upon the remarriage

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233 of the party receiving alimony. An award of bridge-the-gap  
234 alimony is ~~shall~~ not ~~be~~ modifiable in amount or duration.

235 (6) (a) Rehabilitative alimony may be awarded to assist a  
236 party in establishing the capacity for self-support through  
237 either:

- 238 1. The redevelopment of previous skills or credentials; or  
239 2. The acquisition of education, training, or work  
240 experience necessary to develop appropriate employment skills or  
241 credentials.

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

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

248 (d) An award of rehabilitative alimony may be modified or  
249 terminated in accordance with s. 61.14 based upon a substantial  
250 change in circumstances, upon noncompliance with the  
251 rehabilitative plan, or upon completion of the rehabilitative  
252 plan if the plan is completed before the length of the award of  
253 rehabilitative alimony expires.

254 (7) (a) ~~Durational alimony may be awarded when permanent~~  
255 ~~periodic alimony is inappropriate. The purpose of durational~~  
256 ~~alimony is to provide a party with economic assistance for a set~~  
257 ~~period of time following a marriage of short or moderate~~  
258 ~~duration or following a marriage of long duration if there is no~~  
259 ~~ongoing need for support on a permanent basis. An award of~~  
260 ~~durational alimony terminates upon the death of either party or~~  
261 ~~upon the remarriage of the party receiving alimony. The amount~~

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262 of an award of durational alimony may be modified or terminated  
263 based upon a substantial change in circumstances or upon a  
264 finding that a supportive relationship exists or existed between  
265 the obligee and another person in accordance with s. 61.14.  
266 ~~However,~~ The length of an award of durational alimony may not ~~be~~  
267 ~~modified except under exceptional circumstances and may not~~  
268 exceed 50 percent of the length of the marriage. For purposes of  
269 this subsection, the length of a marriage is the period of time  
270 beginning on the date of marriage and ending on the date an  
271 action for dissolution of marriage is filed.

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

275 (c) The amount of durational alimony is the amount  
276 determined to be the obligee's reasonable need or 25 percent of  
277 the difference between the parties' net incomes, whichever  
278 amount is less.

279 (8) A party against whom alimony is sought who has met the  
280 requirements for retirement in accordance with s. 61.14(12)  
281 before the filing of the petition for dissolution of marriage  
282 may not be ordered to pay bridge-the-gap, rehabilitative, or  
283 durational alimony, unless the court determines that:

284 (a) The party seeking alimony has not reached the age to  
285 qualify for any social security retirement benefits; and

286 (b) As a result of the dissolution of marriage, the party  
287 seeking alimony would, based on the income and assets available  
288 after the dissolution is final, meet the primary qualifications  
289 for the Florida Medicaid medically needy program under part III  
290 of chapter 409 and the related rules in effect on March 1, 2020.

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

294 (b) Social security retirement benefits may not be imputed  
295 to the obligor as demonstrated by a social security retirement  
296 benefits entitlement letter unless those benefits are actually  
297 being paid.

298 (c) If the obligee alleges that a physical disability has  
299 impaired his or her capability to earn the income imputed by the  
300 court, the obligee must have qualified for benefits under the  
301 Social Security Administration Disability Insurance Program or,  
302 in the event the obligee is not eligible for the program, must  
303 demonstrate that his or her disability meets the disability  
304 qualification standards of the Social Security Administration  
305 Disability Insurance Program.

306 ~~(8) Permanent alimony may be awarded to provide for the~~  
307 ~~needs and necessities of life as they were established during~~  
308 ~~the marriage of the parties for a party who lacks the financial~~  
309 ~~ability to meet his or her needs and necessities of life~~  
310 ~~following a dissolution of marriage. Permanent alimony may be~~  
311 ~~awarded following a marriage of long duration if such an award~~  
312 ~~is appropriate upon consideration of the factors set forth in~~  
313 ~~subsection (2), following a marriage of moderate duration if~~  
314 ~~such an award is appropriate based upon clear and convincing~~  
315 ~~evidence after consideration of the factors set forth in~~  
316 ~~subsection (2), or following a marriage of short duration if~~  
317 ~~there are written findings of exceptional circumstances. In~~  
318 ~~awarding permanent alimony, the court shall include a finding~~  
319 ~~that no other form of alimony is fair and reasonable under the~~

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320 ~~circumstances of the parties. An award of permanent alimony~~  
321 ~~terminates upon the death of either party or upon the remarriage~~  
322 ~~of the party receiving alimony. An award may be modified or~~  
323 ~~terminated based upon a substantial change in circumstances or~~  
324 ~~upon the existence of a supportive relationship in accordance~~  
325 ~~with s. 61.14.~~

326 ~~(9) The award of alimony may not leave the payor with~~  
327 ~~significantly less net income than the net income of the~~  
328 ~~recipient unless there are written findings of exceptional~~  
329 ~~circumstances.~~

330 (10) (a) With respect to any order requiring the payment of  
331 alimony entered on or after January 1, 1985, unless ~~the~~  
332 ~~provisions of paragraph (c) or paragraph (d) applies apply,~~ the  
333 court shall direct in the order that the payments of alimony be  
334 made through the appropriate depository as provided in s.  
335 61.181.

336 (b) With respect to any order requiring the payment of  
337 alimony entered before January 1, 1985, upon the subsequent  
338 appearance~~7~~ on or after that date~~7~~ of one or both parties before  
339 the court having jurisdiction for the purpose of modifying or  
340 enforcing the order or in any other proceeding related to the  
341 order~~7~~ or upon the application of either party, unless ~~the~~  
342 ~~provisions of paragraph (c) or paragraph (d) applies apply,~~ the  
343 court shall modify the terms of the order as necessary to direct  
344 that payments of alimony be made through the appropriate  
345 depository as provided in s. 61.181.

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

348 (d)1. If there is a minor child of the parties and both

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349 parties so request, the court may order that alimony payments  
350 need not be directed through the depository. In this case, the  
351 order of support must ~~shall~~ provide, or be deemed to provide,  
352 that either party may subsequently apply to the depository to  
353 require that payments be made through the depository. The court  
354 shall provide a copy of the order to the depository.

355 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,  
356 either party may subsequently file with the depository an  
357 affidavit alleging default or arrearages in payment and stating  
358 that the party wishes to initiate participation in the  
359 depository program. The party shall provide copies of the  
360 affidavit to the court and the other party or parties. Fifteen  
361 days after receipt of the affidavit, the depository shall notify  
362 all parties that future payments shall be directed to the  
363 depository.

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

367 (11) The court shall consider any alimony payments made to  
368 the obligee after the date of filing of a petition for  
369 dissolution of marriage, either voluntarily or pursuant to a  
370 court order, in determining the amount and length of an award of  
371 rehabilitative or durational alimony.

372 (12) The court shall apply this section to all petitions  
373 for dissolution of marriage which have not been adjudicated  
374 before July 1, 2021, cases pending on appeal, and to any  
375 petitions for dissolution of marriage filed on or after July 1,  
376 2021.

377 Section 3. Paragraph (c) of subsection (2) of section

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378 61.13, Florida Statutes, is amended to read:

379 61.13 Support of children; parenting and time-sharing;  
380 powers of court.—

381 (2)

382 (c) The court shall determine all matters relating to  
383 parenting and time-sharing of each minor child of the parties in  
384 accordance with the best interests of the child and in  
385 accordance with the Uniform Child Custody Jurisdiction and  
386 Enforcement Act, except that modification of a parenting plan  
387 and time-sharing schedule requires a showing of a substantial,  
388 material, and unanticipated change of circumstances.

389 1. It is the public policy of this state that each minor  
390 child has frequent and continuing contact with both parents  
391 after the parents separate or the marriage of the parties is  
392 dissolved and to encourage parents to share the rights and  
393 responsibilities, and joys, of childrearing. Unless otherwise  
394 agreed to by the parties, there is a presumption that equal  
395 time-sharing is in the best interests of a minor child common to  
396 both parties. This subparagraph applies to all actions filed on  
397 or after July 1, 2021 ~~There is no presumption for or against the~~  
398 ~~father or mother of the child or for or against any specific~~  
399 ~~time-sharing schedule when creating or modifying the parenting~~  
400 ~~plan of the child.~~

401 2. The court shall order that the parental responsibility  
402 for a minor child be shared by both parents unless the court  
403 finds that shared parental responsibility would be detrimental  
404 to the child. Evidence that a parent has been convicted of a  
405 misdemeanor of the first degree or higher involving domestic  
406 violence, as defined in s. 741.28 and chapter 775, or meets the

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407 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
408 detriment to the child. If the presumption is not rebutted after  
409 the convicted parent is advised by the court that the  
410 presumption exists, shared parental responsibility, including  
411 time-sharing with the child, and decisions made regarding the  
412 child, may not be granted to the convicted parent. However, the  
413 convicted parent is not relieved of any obligation to provide  
414 financial support. If the court determines that shared parental  
415 responsibility would be detrimental to the child, it may order  
416 sole parental responsibility and make such arrangements for  
417 time-sharing as specified in the parenting plan as will best  
418 protect the child or abused spouse from further harm. Regardless  
419 of whether ~~or not~~ there is a conviction of any offense of  
420 domestic violence or child abuse or the existence of an  
421 injunction for protection against domestic violence, the court  
422 shall consider evidence of domestic violence or child abuse as  
423 evidence of detriment to the child.

424 a. In ordering shared parental responsibility, the court  
425 may consider the expressed desires of the parents and may grant  
426 to one party the ultimate responsibility over specific aspects  
427 of the child's welfare or may divide those responsibilities  
428 between the parties based on the best interests of the child.  
429 Areas of responsibility may include education, health care, and  
430 any other responsibilities that the court finds unique to a  
431 particular family.

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

435 3. Access to records and information pertaining to a minor

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436 child, including, but not limited to, medical, dental, and  
437 school records, may not be denied to either parent. Full rights  
438 under this subparagraph apply to either parent unless a court  
439 order specifically revokes these rights, including any  
440 restrictions on these rights as provided in a domestic violence  
441 injunction. A parent having rights under this subparagraph has  
442 the same rights upon request as to form, substance, and manner  
443 of access as are available to the other parent of a child,  
444 including, without limitation, the right to in-person  
445 communication with medical, dental, and education providers.

446 Section 4. Paragraph (b) of subsection (1) of section  
447 61.14, Florida Statutes, is amended, and paragraph (c) is added  
448 to subsection (11) and subsections (12), (13), and (14) are  
449 added to that section, to read:

450 61.14 Enforcement and modification of support, maintenance,  
451 or alimony agreements or orders.—

452 (1)

453 (b)1. The court may reduce or terminate an award of alimony  
454 or order reimbursement to the obligor for any amount the court  
455 determines is equitable upon specific written findings by the  
456 court that since the granting of a divorce and the award of  
457 alimony, a supportive relationship exists or ~~has~~ existed between  
458 the obligee and another a person at any time during the 180 days  
459 before the filing of a petition for modification of alimony with  
460 ~~whom the obligee resides~~. On the issue of whether alimony should  
461 be reduced or terminated under this paragraph, the burden is on  
462 the obligor to prove by a preponderance of the evidence that a  
463 supportive relationship exists or existed.

464 2. In determining whether an existing award of alimony

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

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

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

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

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

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

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

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

493 h. Whether the obligee and the other person have jointly

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494 contributed to the purchase of any real or personal property.

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

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

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

504 1. Whether the obligee and the other person are engaged to  
505 be married.

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

518 (11)

519 (c) An obligor's subsequent remarriage or cohabitation does  
520 not constitute a basis for either party to seek a modification  
521 of an alimony award. An obligee may not seek modification to  
522 increase an award of alimony based on the income and assets of

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523 the obligor's subsequent spouse or person with whom the obligor  
524 resides, and the obligor may not seek modification to reduce an  
525 award of alimony based on the obligor's reliance upon the income  
526 and assets of the obligor's subsequent spouse or person with  
527 whom the obligor resides.

528 (12) (a) An alimony award terminates when the obligor  
529 reaches full retirement age as determined by the United States  
530 Social Security Administration. However, if an obligor reaches  
531 full retirement age as determined by the United States Social  
532 Security Administration but has not paid durational alimony for  
533 a period equal to 50 percent of the length of the marriage, the  
534 court may require the obligor to continue to pay durational  
535 alimony, not to exceed 50 percent of the length of the marriage,  
536 only if the court determines that:

537 1. The party seeking alimony has not reached the minimum  
538 age to qualify for social security retirement benefits; and

539 2. As a result of the dissolution of marriage or the  
540 termination of alimony payments under this paragraph, the party  
541 seeking alimony would, based on the income and assets available  
542 after the dissolution of marriage is final, meet the primary  
543 qualifications for the Florida Medicaid medically needy program  
544 under part III of chapter 409 and the related rules in effect on  
545 March 1, 2020.

546 (b) If an obligor seeks to retire at an age that is  
547 reasonable for his or her profession or line of work, but before  
548 he or she reaches full retirement age as determined by the  
549 United States Social Security Administration, the court may  
550 terminate an alimony award if it determines that the obligor's  
551 retirement is reasonable. In determining whether the obligor's

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552 retirement is reasonable, the court shall consider all of the  
553 following:

554 1. The obligor's age and health.

555 2. The obligor's motivation for retirement.

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

558 4. The obligee's needs and necessities of life and the  
559 obligor's needs and necessities of life.

560 5. The impact that a termination or reduction of alimony  
561 would have on the obligee. In determining the impact, the court  
562 must consider any assets accumulated or received by the obligee,  
563 including any income generated by such assets, since the final  
564 judgment of dissolution of marriage.

565 (c) Up to 12 months before the obligor's anticipated  
566 retirement under paragraph (a) or paragraph (b), the obligor may  
567 file a petition to modify or terminate the alimony award,  
568 effective upon his or her actual retirement date. The court  
569 shall modify or terminate the alimony award after the obligor's  
570 retirement unless the court makes written findings of fact under  
571 paragraph (b) that the obligor's retirement is not reasonable.

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

576 (14) (a) Agreements on alimony payments, voluntary or  
577 pursuant to a court order, which allow for modification or  
578 termination of alimony by virtue of either party reaching a  
579 certain age, income, or other threshold, or agreements that  
580 establish a limited period of time after which alimony is

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581 modifiable, are considered agreements that are expressly  
582 modifiable or eligible for termination for purposes of this  
583 section once the specified condition is met.

584 (b) The court shall apply this section to any action to  
585 modify or terminate an alimony award filed on or after July 1,  
586 2021, or any action for which a final order has not been issued  
587 or an appeal to a district court of appeal has not been decided  
588 before July 1, 2021.

589 Section 5. Section 61.19, Florida Statutes, is amended to  
590 read:

591 61.19 Entry of judgment of dissolution of marriage; 7 delay  
592 period; separate adjudication of issues.-

593 (1) A ~~No~~ final judgment of dissolution of marriage may not  
594 be entered until at least 20 days have elapsed from the date of  
595 filing the original petition for dissolution of marriage, ~~7~~ but  
596 the court, on a showing that injustice would result from this  
597 delay, may enter a final judgment of dissolution of marriage at  
598 an earlier date.

599 (2) If more than 365 days have elapsed after the date of  
600 service of the original petition for dissolution of marriage,  
601 absent a showing by either party that irreparable harm will  
602 result from granting a final judgment of dissolution of  
603 marriage, the court shall, upon request of either party, grant a  
604 final judgment of dissolution of marriage with a reservation of  
605 jurisdiction to subsequently determine all other substantive  
606 issues. Before granting the judgment, the court shall enter  
607 temporary orders necessary to protect the parties and their  
608 children, which orders remain effective until all other issues  
609 can be adjudicated by the court. This subsection applies to all

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610 petitions for dissolution of marriage filed on or after July 1,  
611 2021.

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