

By the Committee on Judiciary; and Senators Gruters, Rodriguez, Hooper, and Diaz

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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.; defining the term "active gross
4 income"; revising the definition of the term "income";
5 amending s. 61.08, F.S.; defining terms; requiring the
6 court to make certain written findings in its awards
7 of alimony; limiting the court's ability to award a
8 combination of forms of alimony to only certain
9 circumstances; removing the court's ability to
10 consider adultery of either spouse in determining the
11 amount of an alimony award; requiring the court to
12 make certain findings in writing; revising factors
13 that the court must consider in determining the proper
14 type and amount of alimony; removing the court's
15 ability to order an obligor to purchase or maintain a
16 life insurance policy or other instrument to secure an
17 alimony award; authorizing a party to whom the court
18 has awarded alimony to purchase or maintain a life
19 insurance policy on the obligor's life to protect an
20 award of alimony; requiring the obligor to cooperate
21 in the process of procuring the life insurance policy;
22 modifying certain rebuttable presumptions related to
23 the duration of a marriage for purposes of determining
24 alimony; prohibiting the length of an award of
25 rehabilitative alimony from exceeding a specified
26 timeframe; revising a provision authorizing the
27 modification of rehabilitative alimony upon completion
28 of the rehabilitative plan to include a certain
29 condition; revising provisions related to durational

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30 alimony; prohibiting the length of an award of
31 durational alimony from exceeding specified
32 timeframes; authorizing the court to extend durational
33 alimony under certain circumstances; specifying what
34 constitutes the length of a marriage for the purpose
35 of determining durational alimony; requiring the court
36 to make certain written findings when awarding
37 durational alimony; providing a formula for the
38 calculation of durational alimony; requiring the court
39 to reduce the length of an award of durational alimony
40 based on certain payments made by the obligor;
41 requiring the court to consider specified factors when
42 determining an alimony award involving the existence
43 of a supportive relationship between the obligee and
44 another person; providing for the burden of proof in
45 such determinations; requiring the court to make
46 certain written findings in such determinations ;
47 providing for the termination of a durational alimony
48 award upon retirement of the obligor under certain
49 circumstances; providing an exception; providing that
50 a party who has reached retirement age before
51 adjudication of a petition for dissolution of marriage
52 may not be ordered to pay alimony; providing
53 exceptions; establishing that alimony may not be
54 awarded to a party who has a certain monthly net
55 income; prohibiting social security retirement
56 benefits from being imputed to the obligor, with an
57 exception; requiring an obligee to meet certain
58 requirements if he or she alleges that a physical

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59 disability has impaired his or her ability to earn
60 income; removing the court's ability to grant
61 permanent alimony; providing applicability; amending
62 s. 61.14, F.S.; authorizing the court to order an
63 obligee to reimburse alimony payments to the obligor
64 under certain circumstances; specifying a timeframe
65 for the court to consider a supportive relationship
66 between the obligee and another person for purposes of
67 reducing or terminating an award of alimony or
68 ordering reimbursement of alimony payments; providing
69 for the burden of proof in such determinations;
70 revising factors the court may consider when
71 determining whether a supportive relationship exists
72 or existed between the obligee and another person;
73 requiring the court to make its findings related to
74 such factors in writing; providing that an obligor's
75 subsequent remarriage or cohabitation is not a basis
76 for modification of alimony; authorizing an obligor to
77 file a notice of retirement and intent to terminate
78 alimony within a specified timeframe before such
79 retirement; providing notice and response
80 requirements; requiring the court to make written
81 findings regarding specified factors when deciding
82 whether to reduce the amount or duration of alimony;
83 providing for the reduction and termination of alimony
84 within specified timeframes under certain
85 circumstances; authorizing the court to extend
86 durational alimony beyond an obligor's full retirement
87 age or reasonable retirement age for his or her

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88 profession or line of work under certain
89 circumstances, notwithstanding its other findings;
90 authorizing the court to terminate an alimony
91 obligation if the obligor retires at a reasonable age
92 for his or her profession or line of work or is past
93 his or her full retirement age; requiring the court to
94 consider certain factors in determining whether the
95 obligor's retirement is reasonable; authorizing an
96 obligor to prospectively file a petition for
97 modification or termination of alimony, effective upon
98 his or her retirement; requiring a court to modify or
99 terminate an alimony award upon retirement of the
100 obligor, with an exception; providing that certain
101 benefits of the obligee constitute a change in
102 circumstances for which an obligor may seek
103 modification of an alimony award; providing that
104 certain agreements on alimony payments are considered
105 expressly modifiable or eligible for termination under
106 certain circumstances; amending s. 61.19, F.S.;
107 requiring the court to grant, upon request of either
108 party, a final judgment of dissolution of marriage and
109 reserve jurisdiction to adjudicate other substantive
110 issues, under certain circumstances; requiring the
111 court to enter temporary orders necessary to protect
112 the parties and their children, if any; providing that
113 such temporary orders are effective until all other
114 issues are adjudicated by the court; providing
115 applicability; providing an effective date.
116

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

118

119 Section 1. Present subsections (1) through (23) of section
120 61.046, Florida Statutes, are redesignated as subsections (2)
121 through (24), respectively, a new subsection (1) is added to
122 that section, and present subsection (8) of that section is
123 amended, to read:

124 61.046 Definitions.—As used in this chapter, the term:

125 (1) "Active gross income" means salary, wages, bonuses,
126 commissions, allowances, overtime, tips, and other similar
127 payments and business income from self-employment, partnership,
128 close corporations, independent contracts, and other similar
129 sources. For purposes of this definition, "business income"
130 means gross receipts minus ordinary and necessary expenses
131 required to produce income and requires that such business
132 income be derived in a way that meets any of the material
133 participation tests outlined in the Internal Revenue Service's
134 Publication 925 (2020), Passive Activity and At-Risk Rules.

135 (9)~~(8)~~ "Income" means any form of payment to an individual,
136 regardless of source, including, but not limited to, + wages,
137 salary, commissions and bonuses, compensation as an independent
138 contractor, worker's compensation, disability benefits, annuity
139 and retirement benefits, pensions, dividends, interest,
140 royalties, trust distributions ~~trusts~~, and any other payments,
141 made by any person, private entity, federal or state government,
142 or any unit of local government. United States Department of
143 Veterans Affairs disability benefits and reemployment assistance
144 or unemployment compensation, as defined in chapter 443, are
145 excluded from this definition of income except for purposes of

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146 establishing an amount of support.

147 Section 2. Section 61.08, Florida Statutes, is amended to
148 read:

149 61.08 Alimony.—

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

151 (a) “Alimony” means a court-ordered or voluntary payment of
152 support by one spouse to the other spouse. The term includes any
153 voluntary payment made after the date of filing an order for
154 maintenance, spousal support, temporary support, or separate
155 support when the payment is not intended for the benefit of a
156 child in common.

157 (b) “Gross income” means gross income as determined in
158 accordance with s. 61.30(2).

159 (c) “Net income” means income that is determined by
160 subtracting allowable deductions from gross income. For purposes
161 of this section, allowable deductions include any of the
162 following:

163 1. Federal, state, or local income tax deductions, adjusted
164 for actual filing status and allowable dependents, and income
165 tax liabilities.

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

167 3. Mandatory union dues.

168 4. Mandatory retirement payments.

169 5. Health insurance payments, excluding payments for
170 coverage of a minor child.

171 6. Court-ordered support for other children which is
172 actually paid.

173 7. Spousal support paid pursuant to a court order from a
174 previous marriage.

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175 (2) (a) In a proceeding for dissolution of marriage, the
176 court may grant alimony to either party in the form of, ~~which~~
177 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
178 alimony, or a ~~permanent in nature or any~~ combination of these
179 forms of alimony. In an ~~any~~ award of alimony, the court may
180 order periodic payments, or payments in lump sum, or both.

181 (b) The court shall make written findings regarding the
182 basis for awarding a combination of forms of alimony, including
183 the type of alimony and the length of time for which the alimony
184 is awarded. The court may award a combination of forms of
185 alimony only to provide greater economic assistance in order to
186 allow the recipient to achieve rehabilitation.

187 ~~(c) The court may consider the adultery of either spouse~~
188 ~~and the circumstances thereof in determining the amount of~~
189 ~~alimony, if any, to be awarded.~~ In all dissolution actions, the
190 court shall include written findings of fact relative to the
191 factors provided ~~enumerated~~ in subsection (3) ~~(2)~~ supporting the
192 ~~an~~ award or denial of alimony.

193 (3) (2) In determining whether to award alimony or
194 maintenance, the court shall first make a specific, written
195 factual determination as to whether the either party seeking
196 alimony or maintenance has an actual need for it ~~alimony or~~
197 ~~maintenance~~ and whether the other either party has the ability
198 to pay alimony or maintenance. If the court finds that the a
199 party seeking alimony or maintenance has a need for it ~~alimony~~
200 ~~or maintenance~~ and that the other party has the ability to pay
201 alimony or maintenance, then in determining the proper type and
202 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~
203 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,

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204 including, but not limited to:

205 (a) The standard of living established during the marriage,
206 including the needs and necessities of life for each party after
207 the dissolution of marriage, taking into consideration the
208 presumption that both parties will have a lower standard of
209 living after the dissolution of marriage than their standard of
210 living during the marriage. This presumption may be overcome by
211 a preponderance of the evidence.

212 (b) The duration of the marriage.

213 (c) The age and the physical and emotional condition of
214 each party.

215 (d) The financial resources of each party, including the
216 nonmarital and the marital assets and liabilities distributed to
217 each.

218 (e) The earning capacities, educational levels, vocational
219 skills, and employability of the parties and, when applicable,
220 the time necessary for either party to acquire sufficient
221 education or training to enable such party to find appropriate
222 employment.

223 (f) The contribution of each party to the marriage,
224 including, but not limited to, services rendered in homemaking,
225 child care, education, and career building of either ~~the other~~
226 party.

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

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

232 (i) All sources of income available to either party,

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233 including income available to either party through investments
234 of any asset held by that party.

235 (j) Any other factor necessary for to do equity and justice
236 between the parties, if such factor is specifically identified
237 in the award with findings of fact justifying the application of
238 such factor.

239 (4)(3) To the extent necessary to protect an award of
240 alimony, the obligee may ~~court may order any party who is~~
241 ~~ordered to pay alimony to~~ purchase or maintain a life insurance
242 policy on the obligor's life in an amount adequate to or a bond,
243 ~~or to otherwise~~ secure such alimony award. If the obligee
244 purchases a life insurance policy, the obligor must cooperate in
245 the process of procuring the issuance and underwriting of the
246 life insurance policy with any other assets which may be
247 suitable for that purpose.

248 (5)(4) For purposes of determining alimony, there is a
249 rebuttable presumption that a short-term marriage is a marriage
250 having a duration of less than 10 7 years, a moderate-term
251 marriage is a marriage having a duration between 10 ~~of greater~~
252 ~~than 7 years and 20 but less than 17~~ years, and a long-term
253 marriage is a marriage having a duration of 20 ~~17~~ years or
254 longer ~~greater~~. The length of a marriage is the period of time
255 from the date of marriage until the date of filing of an action
256 for dissolution of marriage.

257 (6)(5) Bridge-the-gap alimony may be awarded to assist a
258 party by providing support to allow the party to make a
259 transition from being married to being single. Bridge-the-gap
260 alimony is designed to assist a party with legitimate
261 identifiable short-term needs, and the length of an award of

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262 bridge-the-gap alimony may not exceed 2 years. An award of
263 bridge-the-gap alimony terminates upon the death of either party
264 or upon the remarriage of the party receiving alimony. An award
265 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount
266 or duration.

267 (7) (a) (6) (a) Rehabilitative alimony may be awarded to
268 assist a party in establishing the capacity for self-support
269 through either:

- 270 1. The redevelopment of previous skills or credentials; or
- 271 2. The acquisition of education, training, or work
272 experience necessary to develop appropriate employment skills or
273 credentials.

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

277 (c) The length of an award of rehabilitative alimony may
278 not exceed 5 years.

279 (d) An award of rehabilitative alimony may be modified or
280 terminated in accordance with s. 61.14 based upon a substantial
281 change in circumstances, upon noncompliance with the
282 rehabilitative plan, or upon completion of the rehabilitative
283 plan if the plan is completed before the length of the award of
284 rehabilitative alimony expires.

285 (8) (a) (7) Durational alimony may be awarded ~~when permanent~~
286 ~~periodic alimony is inappropriate. The purpose of durational~~
287 ~~alimony is to provide a party with economic assistance for a set~~
288 ~~period of time following a marriage of short or moderate~~
289 ~~duration or following a marriage of long duration if there is no~~
290 ~~ongoing need for support on a permanent basis. An award of~~

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291 durational alimony terminates upon the death of either party or
292 upon the remarriage of the party receiving alimony. The amount
293 of an award of durational alimony may be modified or terminated
294 based upon a substantial change in circumstances in accordance
295 with s. 61.14. Durational alimony may not be awarded following a
296 marriage lasting fewer than 3 years. ~~However,~~ The length of an
297 award of durational alimony may not ~~be modified except under~~
298 ~~exceptional circumstances and may not~~ exceed 50 percent of the
299 length of a ~~the~~ marriage lasting between 3 and 10 years, 60
300 percent of the length of a marriage lasting between 10 and 20
301 years, or 75 percent of the length of a marriage lasting 20
302 years or longer. However, if the party seeking alimony is either
303 permanently mentally or physically disabled and unable to
304 provide for his or her own support, either partially or fully,
305 or is the full-time in-home caregiver to a fully and permanently
306 mentally or physically disabled child who is common to the
307 parties, the court may extend durational alimony beyond the
308 thresholds established in this subsection based on the duration
309 of the marriage until the death of the child or until the court
310 determines that there is no longer a need for durational
311 alimony. For purposes of this subsection, the length of a
312 marriage is the period of time beginning on the date of marriage
313 and ending on the date an action for dissolution of marriage is
314 filed. When awarding durational alimony, the court must make
315 written findings that an award of another type of alimony, or a
316 combination of the other forms of alimony, is not appropriate.

317 (b) The amount of durational alimony is the amount
318 determined to be the obligee's reasonable need or an amount not
319 to exceed 35 percent of the difference between the parties' net

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320 incomes, whichever amount is less.

321 (c) In determining the length of an award of durational
322 alimony, the court shall reduce the length of an award of
323 durational alimony for the length of time during which the
324 obligor made temporary support payments to the obligee, either
325 voluntarily or pursuant to a court order, after the date of
326 filing of a petition for dissolution of marriage.

327 (d) In determining the extent to which alimony should be
328 granted because a supportive relationship exists or has existed
329 between the party seeking alimony and another person who is not
330 related by consanguinity or affinity at any time since 180 days
331 before the filing of the petition of dissolution of marriage,
332 the court shall consider all relevant factors presented
333 concerning the nature and extent of the supportive relationship
334 in question. The burden is on the obligor to prove by a
335 preponderance of the evidence that a supportive relationship
336 exists. If a supportive relationship is proven to exist, the
337 burden shifts to the obligee to disprove by a preponderance of
338 the evidence that the court should deny or reduce the initial
339 award of alimony. The court must make written finding of fact
340 concerning the circumstances of the supportive relationship,
341 including, but not limited to, the factors set forth in s.
342 61.14(1)(b)2.

343 (e) In the event that the obligor reaches full retirement
344 age as determined by the Social Security Administration or the
345 customary retirement age for his or her profession before the
346 end of the durational period indicated by paragraph (a), the
347 durational alimony shall end on such retirement date if all of
348 the following conditions are met:

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349 1. The obligor files a notice of retirement and intent to
350 terminate alimony with the court and personally serves the
351 alimony recipient or his or her last known attorney of record at
352 least 1 year before the date that the obligor's retirement is
353 intended to become effective.

354 2. The obligee has not contested the notice of retirement
355 and intent to terminate alimony according to the factors
356 specified in s. 61.14(12) (b) or the court has determined that
357 such factors do not apply. If the court makes any of the
358 findings specified in s. 61.14(12) (b), the court must consider
359 and make written findings regarding the factors listed in s.
360 61.14(12) (c) to determine whether to extend the length of the
361 alimony award as set forth in s. 61.08(8) (a).

362
363 However, if the obligor continues to work beyond his or her
364 retirement age as provided under this paragraph and earns active
365 gross income of more than 50 percent of the obligor's average
366 preretirement annual active gross income for the 3 years
367 preceding his or her retirement age, the court may extend
368 alimony until the durational limitations established in this
369 subsection have been satisfied or the obligor retires and
370 reduces his or her active gross income below the 50 percent
371 threshold established in this paragraph.

372 (9) A party against whom alimony is sought who has attained
373 his or her full retirement age as determined by the Social
374 Security Administration before the adjudication of the petition
375 for dissolution of marriage may not be ordered to pay bridge-
376 the-gap, rehabilitative, or durational alimony, unless the court
377 determines that:

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

380 (b)1. As a result of the dissolution of marriage, the party
381 seeking alimony would have an income less than 130 percent of
382 the federal poverty guidelines for a one-person household, as
383 published by the United States Department of Health and Human
384 Services, based on the income and investable assets available
385 after the dissolution is final, including any retirement assets
386 from which the obligee can access income without incurring early
387 withdrawal penalties; or

388 2. The party seeking alimony is the full-time in-home
389 caregiver to a fully and permanently mentally or physically
390 disabled child who is common to the parties, or the party is
391 permanently and mentally or physically disabled and unable to
392 provide for his or her own support, either partially or fully.

393 (10) Notwithstanding any other law, alimony may not be
394 awarded to a party who has a monthly net income that is equal to
395 or more than the other party's monthly net income.

396 (11) Social security retirement benefits may not be imputed
397 to the obligor as demonstrated by a social security retirement
398 benefits entitlement letter unless those benefits are actually
399 being paid.

400 (12) If the obligee alleges that a physical disability has
401 impaired his or her capability to earn income, the obligee must
402 have qualified for benefits under the Social Security
403 Administration Disability Insurance Program or, in the event the
404 obligee is not eligible for the program, must demonstrate that
405 his or her disability meets the disability qualification
406 standards of the Social Security Administration Disability

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407 Insurance Program.

408 ~~(8) Permanent alimony may be awarded to provide for the~~
409 ~~needs and necessities of life as they were established during~~
410 ~~the marriage of the parties for a party who lacks the financial~~
411 ~~ability to meet his or her needs and necessities of life~~
412 ~~following a dissolution of marriage. Permanent alimony may be~~
413 ~~awarded following a marriage of long duration if such an award~~
414 ~~is appropriate upon consideration of the factors set forth in~~
415 ~~subsection (2), following a marriage of moderate duration if~~
416 ~~such an award is appropriate based upon clear and convincing~~
417 ~~evidence after consideration of the factors set forth in~~
418 ~~subsection (2), or following a marriage of short duration if~~
419 ~~there are written findings of exceptional circumstances. In~~
420 ~~awarding permanent alimony, the court shall include a finding~~
421 ~~that no other form of alimony is fair and reasonable under the~~
422 ~~circumstances of the parties. An award of permanent alimony~~
423 ~~terminates upon the death of either party or upon the remarriage~~
424 ~~of the party receiving alimony. An award may be modified or~~
425 ~~terminated based upon a substantial change in circumstances or~~
426 ~~upon the existence of a supportive relationship in accordance~~
427 ~~with s. 61.14.~~

428 ~~(9) The award of alimony may not leave the payor with~~
429 ~~significantly less net income than the net income of the~~
430 ~~recipient unless there are written findings of exceptional~~
431 ~~circumstances.~~

432 (13) (a) (10) (a) With respect to any order requiring the
433 payment of alimony entered on or after January 1, 1985, unless
434 ~~the provisions of paragraph (c) or paragraph (d) applies apply,~~
435 the court shall direct in the order that the payments of alimony

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436 be made through the appropriate depository as provided in s.
437 61.181.

438 (b) With respect to any order requiring the payment of
439 alimony entered before January 1, 1985, upon the subsequent
440 appearance~~7~~ on or after that date~~7~~ of one or both parties before
441 the court having jurisdiction for the purpose of modifying or
442 enforcing the order or in any other proceeding related to the
443 order~~7~~ or upon the application of either party, unless ~~the~~
444 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the
445 court shall modify the terms of the order as necessary to direct
446 that payments of alimony be made through the appropriate
447 depository as provided in s. 61.181.

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

450 (d)1. If there is a minor child of the parties and both
451 parties so request, the court may order that alimony payments
452 need not be directed through the depository. In this case, the
453 order of support must ~~shall~~ provide, or be deemed to provide,
454 that either party may subsequently apply to the depository to
455 require that payments be made through the depository. The court
456 shall provide a copy of the order to the depository.

457 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,
458 either party may subsequently file with the depository an
459 affidavit alleging default or arrearages in payment and stating
460 that the party wishes to initiate participation in the
461 depository program. The party shall provide copies of the
462 affidavit to the court and the other party or parties. Fifteen
463 days after receipt of the affidavit, the depository shall notify
464 all parties that future payments shall be directed to the

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465 depository.

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

469 (14) The court shall apply this section to all petitions
470 for dissolution of marriage which have not been adjudicated
471 before July 1, 2022, and to any petitions for dissolution of
472 marriage filed on or after July 1, 2022.

473 Section 3. Paragraph (b) of subsection (1) of section
474 61.14, Florida Statutes, is amended, and paragraph (c) is added
475 to subsection (11) and subsections (12), (13), and (14) are
476 added to that section, to read:

477 61.14 Enforcement and modification of support, maintenance,
478 or alimony agreements or orders.-

479 (1)

480 (b)1. The court may reduce or terminate an award of alimony
481 or order reimbursement to the obligor for any amount the court
482 determines is equitable upon specific written findings by the
483 court that since the granting of a divorce and the award of
484 alimony, a supportive relationship exists or has existed between
485 the obligee and another a person at any time during the 180 days
486 before the filing of a petition for modification of alimony with
487 ~~whom the obligee resides~~. On the issue of whether alimony should
488 be reduced or terminated under this paragraph, the burden is on
489 the obligor to prove by a preponderance of the evidence that a
490 supportive relationship exists or existed. If a supportive
491 relationship is proven to exist or have existed, the burden
492 shifts to the obligee to disprove, by a preponderance of the
493 evidence, that the court should terminate an existing award of

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494 alimony.

495 2. In determining the extent to which ~~whether~~ an existing
496 award of alimony should be reduced or terminated because of an
497 alleged supportive relationship between an obligee and a person
498 who is not related by consanguinity or affinity ~~and with whom~~
499 ~~the obligee resides~~, the court must make written findings of
500 fact concerning the nature and the extent of the supportive
501 relationship in question and the circumstances of the supportive
502 relationship, including, but not limited to, the following
503 factors ~~shall elicit the nature and extent of the relationship~~
504 ~~in question. The court shall give consideration, without~~
505 ~~limitation, to circumstances, including, but not limited to, the~~
506 ~~following, in determining the relationship of an obligee to~~
507 ~~another person:~~

508 a. The extent to which the obligee and the other person
509 have held themselves out as a married couple by engaging in
510 conduct such as using the same last name, using a common mailing
511 address, referring to each other in terms such as "my husband"
512 or "my wife," or otherwise conducting themselves in a manner
513 that evidences a permanent supportive relationship.

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

516 c. The extent to which the obligee and the other person
517 have pooled their assets or income or otherwise exhibited
518 financial interdependence.

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

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

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

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

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

529 i. Evidence in support of a claim that the obligee and the
530 other person have an express agreement regarding property
531 sharing or support.

532 j. Evidence in support of a claim that the obligee and the
533 other person have an implied agreement regarding property
534 sharing or support.

535 k. Whether the obligee and the other person have provided
536 support to the children of one another, regardless of any legal
537 duty to do so.

538 3. This paragraph does not abrogate the requirement that
539 every marriage in this state be solemnized under a license, does
540 not recognize a common law marriage as valid, and does not
541 recognize a de facto marriage. This paragraph recognizes only
542 that relationships do exist that provide economic support
543 equivalent to a marriage and that alimony terminable on
544 remarriage may be reduced or terminated upon the establishment
545 of equivalent equitable circumstances as described in this
546 paragraph. The existence of a conjugal relationship, though it
547 may be relevant to the nature and extent of the relationship, is
548 not necessary for the application of the provisions of this
549 paragraph.

550 (11)

551 (c) An obligor's subsequent remarriage or cohabitation does

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552 not constitute a basis for either party to seek a modification
553 of an alimony award.

554 (12) (a) Up to 12 months before seeking to terminate alimony
555 as provided under this section, an obligor may file a notice of
556 retirement and intent to terminate alimony with the court and
557 shall personally serve the obligee or his or her last known
558 attorney of record with such notice.

559 (b) The obligee shall have 20 days after the date of
560 service of the notice to request the court to enter findings
561 that as of the date of filing of the notice:

562 1. The reduction or termination of alimony would result in
563 any of the following:

564 a. The obligee's income would be less than 130 percent of
565 the federal poverty guidelines for a one-person household, as
566 published by the United States Department of Health and Human
567 Services, based on the obligee's income and investable assets,
568 including any retirement assets from which the obligee can
569 access income without incurring early withdrawal penalties.

570 b. A violation of the terms of the marital settlement
571 agreement between the parties because the marital settlement
572 agreement either does not allow for modification or termination
573 of the alimony award or the proposed reduction in alimony does
574 not comply with applicable terms for modification of alimony
575 specified in the agreement;

576 2. The obligee is the full-time in-home caregiver to a
577 fully and permanently mentally or physically disabled child who
578 is common to the parties; or

579 3. The obligee is permanently mentally or physically
580 disabled and unable to provide for his or her own support,

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581 either partially or fully.

582 (c) If the court makes any of the findings specified in
583 paragraph (b), the court must consider and make written findings
584 regarding the following factors when deciding whether to reduce
585 either the amount or duration of alimony:

586 1. The duration of the marriage.

587 2. The financial resources of the obligee, including the
588 nonmarital and marital assets and liabilities distributed to the
589 obligee, as well as the obligee's role in conserving or
590 depleting the marital assets distributed at the dissolution of
591 marriage.

592 3. The sources of income available to the obligee,
593 including income available to the obligee through investments of
594 any asset, including retirement assets from which the obligee
595 can access income without incurring early withdrawal penalties.

596 4. The effort and sacrifices of time and leisure necessary
597 for the obligor to continue to provide such alimony and
598 consideration of the presumption that the obligor has a right to
599 retire when attaining full retirement age as per the Social
600 Security Administration.

601 5. The age and health of the obligor.

602 6. The terms of the marital settlement agreement between
603 the parties which govern modification of alimony.

604 (d) If the court does not make any of the findings
605 specified in paragraph (b), the alimony award amount shall
606 decrease by 25 percent on the date the obligor reaches 65 years
607 of age or 1 year after the date on which the notice of
608 retirement and intent to terminate alimony is filed, whichever
609 occurs later, and shall continue to decrease by 25 percent each

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610 year thereafter until the date the obligor reaches 68 years of
611 age or 4 years after the date on which the notice is filed,
612 whichever occurs later, at which time alimony shall terminate.

613 (e) Notwithstanding paragraphs (a)-(d), if the obligor
614 continues to work beyond full retirement age as determined by
615 the United States Social Security Administration or beyond the
616 reasonable retirement age for his or her profession or line of
617 work as determined in paragraph (f), whichever occurs earlier,
618 and earns active gross income of more than 50 percent of the
619 obligor's average preretirement annual active gross income for
620 the 3 years preceding his or her retirement age, actual
621 retirement date, or reasonable retirement age, as applicable,
622 the court may extend alimony until the obligor retires and
623 reduces his or her active gross income below the 50 percent
624 active gross income threshold established under this paragraph.

625 (f) If an obligor seeks to retire at an age that is
626 reasonable for his or her profession or line of work, but before
627 he or she reaches 65 years of age, or if the obligor is past his
628 or her full retirement age as determined by the Social Security
629 Administration, the court may terminate an alimony award if it
630 determines that the obligor's retirement is reasonable. In
631 determining whether the obligor's retirement is reasonable, the
632 court shall consider all of the following:

- 633 1. The obligor's age and health.
634 2. The obligor's motivation for retirement.
635 3. The obligor's profession or line of work and the typical
636 retirement age for that profession or line of work.
637 4. The impact that a termination or reduction of alimony
638 would have on the obligee. In determining the impact, the court

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639 must consider any assets accumulated or received by the obligee
640 since the final judgment of dissolution of marriage, including
641 any income generated by such assets and retirement assets from
642 which the obligee can access income without incurring early
643 withdrawal penalties, and the obligee's role in the depletion or
644 conservation of any assets.

645 (g) Up to 12 months before the obligor's anticipated
646 retirement under paragraph (f), the obligor may file a petition
647 to modify or terminate the alimony award, effective upon his or
648 her actual retirement date. The court shall modify or terminate
649 the alimony award after the obligor's retirement unless the
650 court makes written findings of fact under paragraph (f) that
651 the obligor's retirement is not reasonable.

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

656 (14) Agreements on alimony payments, voluntary or pursuant
657 to a court order, which allow for modification or termination of
658 alimony by virtue of either party reaching a certain age,
659 income, or other threshold, or agreements that establish a
660 limited period of time after which alimony is modifiable, are
661 considered agreements that are expressly modifiable or eligible
662 for termination for purposes of this section once the specified
663 condition is met.

664 Section 4. Section 61.19, Florida Statutes, is amended to
665 read:

666 61.19 Entry of judgment of dissolution of marriage; ~~7~~ delay
667 period; separate adjudication of issues.-

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668 (1) A ~~No~~ final judgment of dissolution of marriage may not
669 be entered until at least 20 days have elapsed from the date of
670 filing the original petition for dissolution of marriage,~~†~~ but
671 the court, on a showing that injustice would result from this
672 delay, may enter a final judgment of dissolution of marriage at
673 an earlier date.

674 (2) If more than 2 years have elapsed after the date of
675 service of the original petition for dissolution of marriage,
676 absent a showing by either party that irreparable harm will
677 result from granting a final judgment of dissolution of
678 marriage, the court shall, upon request of either party, grant a
679 final judgment of dissolution of marriage with a reservation of
680 jurisdiction to subsequently determine all other substantive
681 issues. Before granting the judgment, the court shall enter
682 temporary orders necessary to protect the parties and their
683 children, if any, which orders remain effective until all other
684 issues are adjudicated by the court. This subsection applies to
685 all petitions for dissolution of marriage filed on or after July
686 1, 2022.

687 Section 5. The court shall apply this act to any action
688 pending on or after July 1, 2022.

689 Section 6. This act shall take effect July 1, 2022.