

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 written findings; revising factors that  
13          the court must consider in determining the proper type  
14          and amount of alimony; removing the court's ability to  
15          order an obligor to purchase or maintain a life  
16          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 length 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  
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 full retirement age before

51 adjudication of a petition for dissolution of marriage  
52 may not be ordered to pay alimony; providing  
53 exceptions; prohibiting alimony from being awarded to  
54 a party who has a certain monthly net income;  
55 prohibiting social security retirement benefits from  
56 being imputed to the obligor; providing an exception;  
57 requiring an obligee to meet certain requirements if  
58 he or she alleges that a physical disability has  
59 impaired his or her ability to earn income; removing  
60 the court's ability to grant permanent alimony;  
61 providing applicability; amending s. 61.13, F.S.;  
62 creating a presumption that equal time-sharing is in  
63 the best interests of a minor child; providing an  
64 exception; creating a presumption for purposes of  
65 modifying a parenting plan or time-sharing schedule;  
66 amending s. 61.14, F.S.; authorizing the court to  
67 order an obligee to reimburse alimony payments to the  
68 obligor under certain circumstances; specifying a  
69 timeframe for the court to consider a supportive  
70 relationship between the obligee and another person  
71 for purposes of reducing or terminating an award of  
72 alimony or ordering reimbursement of alimony payments;  
73 providing for the burden of proof in such  
74 determinations; revising factors the court may  
75 consider when determining whether a supportive

76 | relationship exists or existed between the obligee and  
77 | another person; requiring the court to make written  
78 | findings related to such factors; providing that an  
79 | obligor's subsequent remarriage or cohabitation is not  
80 | a basis for modification of alimony; authorizing an  
81 | obligor to file a notice of retirement and intent to  
82 | terminate alimony within a specified timeframe before  
83 | such retirement; providing notice and response  
84 | requirements; requiring the court to make written  
85 | findings regarding specified factors when deciding  
86 | whether to reduce the amount or duration of alimony;  
87 | providing for the reduction and termination of alimony  
88 | within specified timeframes under certain  
89 | circumstances; authorizing the court to extend  
90 | durational alimony beyond an obligor's full retirement  
91 | age or reasonable retirement age for his or her  
92 | profession or line of work under certain  
93 | circumstances, notwithstanding its other findings;  
94 | authorizing the court to terminate an alimony  
95 | obligation if the obligor retires at a reasonable age  
96 | for his or her profession or line of work or is older  
97 | than his or her full retirement age; requiring the  
98 | court to consider certain factors in determining  
99 | whether the obligor's retirement is reasonable;  
100 | authorizing an obligor to prospectively file a

101 petition for modification or termination of alimony  
 102 effective upon his or her retirement; requiring a  
 103 court to modify or terminate an alimony award upon  
 104 retirement of the obligor; providing an exception;  
 105 providing that certain benefits of the obligee  
 106 constitute a change in circumstances for which an  
 107 obligor may seek modification of an alimony award;  
 108 providing that certain agreements on alimony payments  
 109 are considered expressly modifiable or eligible for  
 110 termination under certain circumstances; amending s.  
 111 61.19, F.S.; requiring the court to grant, upon  
 112 request of either party, a final judgment of  
 113 dissolution of marriage and reserve jurisdiction to  
 114 adjudicate other substantive issues under certain  
 115 circumstances; requiring the court to enter temporary  
 116 orders necessary to protect the parties and their  
 117 children, if any; providing that such temporary orders  
 118 are effective until all other issues are adjudicated  
 119 by the court; providing applicability; providing an  
 120 effective date.

121

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

123

124 Section 1. Subsections (1) through (23) of section 61.046,  
 125 Florida Statutes, are renumbered as subsections (2) through

126 (24), respectively, a new subsection (1) is added to that  
 127 section, and present subsection (8) of that section is amended,  
 128 to read:

129 61.046 Definitions.—As used in this chapter, the term:

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

141 (9)~~(8)~~ "Income" means any form of payment to an  
 142 individual, regardless of source, including, but not limited  
 143 to ÷ wages, salary, commissions and bonuses, compensation as an  
 144 independent contractor, worker's compensation, disability  
 145 benefits, annuity and retirement benefits, pensions, dividends,  
 146 interest, royalties, trust distributions ~~trusts~~, and any other  
 147 payments, made by any person, private entity, federal or state  
 148 government, or any unit of local government. United States  
 149 Department of Veterans Affairs disability benefits and  
 150 reemployment assistance or unemployment compensation, as defined

151 in chapter 443, are excluded from this definition of income  
 152 except for purposes of establishing an amount of support.

153 Section 2. Section 61.08, Florida Statutes, is amended to  
 154 read:

155 61.08 Alimony.—

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

157 (a) "Alimony" means a court-ordered or voluntary payment  
 158 of support by one spouse to the other spouse. The term includes  
 159 any voluntary payment made after the date of filing an order for  
 160 maintenance, spousal support, temporary support, or separate  
 161 support when the payment is not intended for the benefit of a  
 162 child in common.

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

165 (c) "Net income" means income that is determined by  
 166 subtracting allowable deductions from gross income. For purposes  
 167 of this section, allowable deductions include any of the  
 168 following:

- 169 1. Federal, state, or local income tax deductions,
- 170 adjusted for actual filing status and allowable dependents, and
- 171 income tax liabilities.
- 172 2. Federal insurance contributions or self-employment tax.
- 173 3. Mandatory union dues.
- 174 4. Mandatory retirement payments.
- 175 5. Health insurance payments, excluding payments for

176 coverage of a minor child.

177 6. Court-ordered support for other children which is  
 178 actually paid.

179 7. Spousal support paid pursuant to a court order from a  
 180 previous marriage.

181 (2) (a) In a proceeding for dissolution of marriage, the  
 182 court may grant alimony to either party in the form of, ~~which~~  
 183 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational  
 184 alimony, or a permanent in nature or any combination of these  
 185 forms of alimony. In an any award of alimony, the court may  
 186 order periodic payments, ~~or~~ payments in lump sum, or both.

187 (b) The court shall make written findings regarding the  
 188 basis for awarding a combination of forms of alimony, including  
 189 the type of alimony and the length of time for which the alimony  
 190 is awarded. The court may award a combination of forms of  
 191 alimony only to provide greater economic assistance in order to  
 192 allow the recipient to achieve rehabilitation.

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

199 (3) (2) In determining whether to award alimony or  
 200 maintenance, the court shall first make a specific, written



201 factual determination as to whether the ~~either~~ party seeking  
 202 alimony or maintenance has an actual need for it ~~alimony or~~  
 203 ~~maintenance~~ and whether the other ~~either~~ party has the ability  
 204 to pay alimony or maintenance. If the court finds that the a  
 205 party seeking alimony or maintenance has a need for it ~~alimony~~  
 206 ~~or maintenance~~ and that the other party has the ability to pay  
 207 alimony or maintenance, then in determining the proper type and  
 208 amount of alimony or maintenance under subsections (5)-(9) ~~(5)-~~  
 209 ~~(8)~~, the court must ~~shall~~ consider all relevant factors,  
 210 including, but not limited to:

211 (a) The standard of living established during the  
 212 marriage, including the needs and necessities of life for each  
 213 party after the dissolution of marriage, taking into  
 214 consideration the presumption that both parties will have a  
 215 lower standard of living after the dissolution of marriage than  
 216 their standard of living during the marriage. This presumption  
 217 may be overcome by a preponderance of the evidence.

218 (b) The duration of the marriage.

219 (c) The age and the physical and emotional condition of  
 220 each party.

221 (d) The financial resources of each party, including the  
 222 nonmarital and the marital assets and liabilities distributed to  
 223 each.

224 (e) The earning capacities, educational levels, vocational  
 225 skills, and employability of the parties and, when applicable,

226 | the time necessary for either party to acquire sufficient  
 227 | education or training to enable such party to find appropriate  
 228 | employment.

229 |       (f) The contribution of each party to the marriage,  
 230 | including, but not limited to, services rendered in homemaking,  
 231 | child care, education, and career building of either ~~the other~~  
 232 | party.

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

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

238 |       (i) All sources of income available to either party,  
 239 | including income available to either party through investments  
 240 | of any asset held by that party.

241 |       (j) Any other factor necessary for ~~to do~~ equity and  
 242 | justice between the parties, if such factor is specifically  
 243 | identified in the award with findings of fact justifying the  
 244 | application of such factor.

245 |       (4)-(3) To the extent necessary to protect an award of  
 246 | alimony, the obligee may ~~court may order any party who is~~  
 247 | ~~ordered to pay alimony to~~ purchase or maintain a life insurance  
 248 | policy on the obligor's life in an amount adequate to ~~or a bond,~~  
 249 | ~~or to otherwise~~ secure such alimony award. If the obligee  
 250 | purchases a life insurance policy, the obligor must cooperate in

251 the process of procuring the issuance and underwriting of the  
252 life insurance policy ~~with any other assets which may be~~  
253 ~~suitable for that purpose.~~

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

263 (6)~~(5)~~ Bridge-the-gap alimony may be awarded to assist a  
264 party by providing support to allow the party to make a  
265 transition from being married to being single. Bridge-the-gap  
266 alimony is designed to assist a party with legitimate  
267 identifiable short-term needs, and the length of an award of  
268 bridge-the-gap alimony may not exceed 2 years. An award of  
269 bridge-the-gap alimony terminates upon the death of either party  
270 or upon the remarriage of the party receiving alimony. An award  
271 of bridge-the-gap alimony is ~~shall~~ not ~~be~~ modifiable in amount  
272 or duration.

273 (7) (a)~~(6) (a)~~ Rehabilitative alimony may be awarded to  
274 assist a party in establishing the capacity for self-support  
275 through either:

276 1. The redevelopment of previous skills or credentials; or  
 277 2. The acquisition of education, training, or work  
 278 experience necessary to develop appropriate employment skills or  
 279 credentials.

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

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

285 (d) An award of rehabilitative alimony may be modified or  
 286 terminated in accordance with s. 61.14 based upon a substantial  
 287 change in circumstances, upon noncompliance with the  
 288 rehabilitative plan, or upon completion of the rehabilitative  
 289 plan if the plan is completed before the length of the award of  
 290 rehabilitative alimony expires.

291 (8) (a) (7) Durational alimony may be awarded ~~when permanent~~  
 292 ~~periodic alimony is inappropriate. The purpose of durational~~  
 293 ~~alimony is to provide a party with economic assistance for a set~~  
 294 ~~period of time following a marriage of short or moderate~~  
 295 ~~duration or following a marriage of long duration if there is no~~  
 296 ~~ongoing need for support on a permanent basis.~~ An award of  
 297 durational alimony terminates upon the death of either party or  
 298 upon the remarriage of the party receiving alimony. The amount  
 299 of an award of durational alimony may be modified or terminated  
 300 based upon a substantial change in circumstances in accordance

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

324 (b) The amount of durational alimony is the amount  
325 determined to be the obligee's reasonable need or an amount not

326 to exceed 35 percent of the difference between the parties' net  
 327 incomes, whichever amount is less.

328 (c) In determining the length of an award of durational  
 329 alimony, the court shall reduce the length of an award of  
 330 durational alimony for the length of time during which the  
 331 obligor made temporary support payments to the obligee, either  
 332 voluntarily or pursuant to a court order, after the date of  
 333 filing a petition for dissolution of marriage.

334 (d) In determining the extent to which alimony should be  
 335 granted because a supportive relationship exists or has existed  
 336 between the party seeking alimony and another person who is not  
 337 related by consanguinity or affinity at any time since 180 days  
 338 before filing the petition for dissolution of marriage, the  
 339 court shall consider all relevant factors presented concerning  
 340 the nature and extent of the supportive relationship in  
 341 question. The burden is on the obligor to prove by a  
 342 preponderance of the evidence that a supportive relationship  
 343 exists. If a supportive relationship is proven to exist, the  
 344 burden shifts to the obligee to disprove by a preponderance of  
 345 the evidence that the court should deny or reduce the initial  
 346 award of alimony. The court must make written findings of fact  
 347 concerning the circumstances of the supportive relationship,  
 348 including, but not limited to, the factors set forth in s.  
 349 61.14(1)(b)2.

350 (e) If an obligor reaches full retirement age as

351 determined by the Social Security Administration or the  
352 customary retirement age for his or her profession before the  
353 end of the durational period indicated by paragraph (a), the  
354 durational alimony shall end on the date the obligor retires if  
355 all of the following conditions are met:

356 1. The obligor files a notice of retirement and intent to  
357 terminate alimony with the court and personally serves the  
358 alimony recipient or his or her last known attorney of record at  
359 least 1 year before the date on which the obligor's retirement  
360 is intended to become effective.

361 2. The obligee has not contested the notice of retirement  
362 and intent to terminate alimony according to the factors  
363 specified in s. 61.14(12) (b) or the court has determined that  
364 such factors do not apply. If the court makes any of the  
365 findings specified in s. 61.14(12) (b), the court must consider  
366 and make written findings regarding the factors listed in s.  
367 61.14(12) (c) to determine whether to extend the length of the  
368 alimony award as set forth in s. 61.08(8) (a).

369  
370 However, if the obligor continues to work beyond his or her  
371 retirement age as provided under this paragraph and earns active  
372 gross income of more than 50 percent of the obligor's average  
373 preretirement annual active gross income for the 3 years  
374 preceding his or her retirement age, the court may extend  
375 alimony until the durational limitations established in this

376 subsection have been satisfied or the obligor retires and  
 377 reduces his or her active gross income below the 50 percent  
 378 threshold established in this paragraph.

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

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

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

395 2. The party seeking alimony is the full-time in-home  
 396 caregiver to a fully and permanently mentally or physically  
 397 disabled child who is common to the parties, or the party is  
 398 permanently mentally or physically disabled and unable to  
 399 provide for his or her own support, either partially or fully.

400 (10) Notwithstanding any other law, alimony may not be



401 awarded to a party who has a monthly net income that is equal to  
402 or more than the other party's monthly net income.

403 (11) Social security retirement benefits may not be  
404 imputed to the obligor as demonstrated by a social security  
405 retirement benefits entitlement letter unless those benefits are  
406 actually being paid.

407 (12) If the obligee alleges that a physical disability has  
408 impaired his or her capability to earn income, the obligee must  
409 have qualified for benefits under the Social Security  
410 Administration Disability Insurance program or, in the event the  
411 obligee is not eligible for the program, must demonstrate that  
412 his or her disability meets the disability qualification  
413 standards of the Social Security Administration Disability  
414 Insurance program.

415 ~~(8) Permanent alimony may be awarded to provide for the~~  
416 ~~needs and necessities of life as they were established during~~  
417 ~~the marriage of the parties for a party who lacks the financial~~  
418 ~~ability to meet his or her needs and necessities of life~~  
419 ~~following a dissolution of marriage. Permanent alimony may be~~  
420 ~~awarded following a marriage of long duration if such an award~~  
421 ~~is appropriate upon consideration of the factors set forth in~~  
422 ~~subsection (2), following a marriage of moderate duration if~~  
423 ~~such an award is appropriate based upon clear and convincing~~  
424 ~~evidence after consideration of the factors set forth in~~  
425 ~~subsection (2), or following a marriage of short duration if~~

426 ~~there are written findings of exceptional circumstances. In~~  
427 ~~awarding permanent alimony, the court shall include a finding~~  
428 ~~that no other form of alimony is fair and reasonable under the~~  
429 ~~circumstances of the parties. An award of permanent alimony~~  
430 ~~terminates upon the death of either party or upon the remarriage~~  
431 ~~of the party receiving alimony. An award may be modified or~~  
432 ~~terminated based upon a substantial change in circumstances or~~  
433 ~~upon the existence of a supportive relationship in accordance~~  
434 ~~with s. 61.14.~~

435 ~~(9) The award of alimony may not leave the payor with~~  
436 ~~significantly less net income than the net income of the~~  
437 ~~recipient unless there are written findings of exceptional~~  
438 ~~circumstances.~~

439 ~~(13) (a) (10) (a)~~ With respect to any order requiring the  
440 payment of alimony entered on or after January 1, 1985, unless  
441 ~~the provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~,  
442 the court shall direct in the order that the payments of alimony  
443 be made through the appropriate depository as provided in s.  
444 61.181.

445 (b) With respect to any order requiring the payment of  
446 alimony entered before January 1, 1985, upon the subsequent  
447 appearance<sub>7</sub> on or after that date<sub>7</sub> of one or both parties before  
448 the court having jurisdiction for the purpose of modifying or  
449 enforcing the order or in any other proceeding related to the  
450 order<sub>7</sub> or upon the application of either party, unless ~~the~~

451 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the  
452 court shall modify the terms of the order as necessary to direct  
453 that payments of alimony be made through the appropriate  
454 depository as provided in s. 61.181.

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

457 (d)1. If there is a minor child of the parties and both  
458 parties so request, the court may order that alimony payments  
459 need not be directed through the depository. In this case, the  
460 order of support must ~~shall~~ provide, or be deemed to provide,  
461 that either party may subsequently apply to the depository to  
462 require that payments be made through the depository. The court  
463 shall provide a copy of the order to the depository.

464 2. If ~~the provisions of~~ subparagraph 1. applies apply,  
465 either party may subsequently file with the depository an  
466 affidavit alleging default or arrearages in payment and stating  
467 that the party wishes to initiate participation in the  
468 depository program. The party shall provide copies of the  
469 affidavit to the court and the other party or parties. Fifteen  
470 days after receipt of the affidavit, the depository shall notify  
471 all parties that future payments shall be directed to the  
472 depository.

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

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

480       Section 3. Paragraph (c) of subsection (2) and subsection  
 481 (3) of section 61.13, Florida Statutes, are amended to read:

482       61.13 Support of children; parenting and time-sharing;  
 483 powers of court.-

484       (2)

485       (c) The court shall determine all matters relating to  
 486 parenting and time-sharing of each minor child of the parties in  
 487 accordance with the best interests of the child and in  
 488 accordance with the Uniform Child Custody Jurisdiction and  
 489 Enforcement Act, except that modification of a parenting plan  
 490 and time-sharing schedule requires a showing of a substantial,  
 491 material, and unanticipated change of circumstances.

492       1. It is the public policy of this state that each minor  
 493 child has frequent and continuing contact with both parents  
 494 after the parents separate or the marriage of the parties is  
 495 dissolved and to encourage parents to share the rights and  
 496 responsibilities, and joys, of childrearing. Unless otherwise  
 497 provided in this section or agreed to by the parties, there is a  
 498 presumption that equal time-sharing of a minor child is in the  
 499 best interests of the minor child who is common to the parties  
 500 ~~Except as otherwise provided in this paragraph, there is no~~

501 ~~presumption for or against the father or mother of the child or~~  
502 ~~for or against any specific time-sharing schedule~~ when creating  
503 or modifying the parenting plan of the child.

504 2. The court shall order that the parental responsibility  
505 for a minor child be shared by both parents unless the court  
506 finds that shared parental responsibility would be detrimental  
507 to the child. The following evidence creates a rebuttable  
508 presumption of detriment to the child:

509 a. A parent has been convicted of a misdemeanor of the  
510 first degree or higher involving domestic violence, as defined  
511 in s. 741.28 and chapter 775;

512 b. A parent meets the criteria of s. 39.806(1)(d); or

513 c. A parent has been convicted of or had adjudication  
514 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and  
515 at the time of the offense:

516 (I) The parent was 18 years of age or older.

517 (II) The victim was under 18 years of age or the parent  
518 believed the victim to be under 18 years of age.

519

520 If the presumption is not rebutted after the convicted parent is  
521 advised by the court that the presumption exists, shared  
522 parental responsibility, including time-sharing with the child,  
523 and decisions made regarding the child, may not be granted to  
524 the convicted parent. However, the convicted parent is not  
525 relieved of any obligation to provide financial support. If the

526 court determines that shared parental responsibility would be  
527 detrimental to the child, it may order sole parental  
528 responsibility and make such arrangements for time-sharing as  
529 specified in the parenting plan as will best protect the child  
530 or abused spouse from further harm. Whether or not there is a  
531 conviction of any offense of domestic violence or child abuse or  
532 the existence of an injunction for protection against domestic  
533 violence, the court shall consider evidence of domestic violence  
534 or child abuse as evidence of detriment to the child.

535 3. In ordering shared parental responsibility, the court  
536 may consider the expressed desires of the parents and may grant  
537 to one party the ultimate responsibility over specific aspects  
538 of the child's welfare or may divide those responsibilities  
539 between the parties based on the best interests of the child.  
540 Areas of responsibility may include education, health care, and  
541 any other responsibilities that the court finds unique to a  
542 particular family.

543 4. The court shall order sole parental responsibility for  
544 a minor child to one parent, with or without time-sharing with  
545 the other parent if it is in the best interests of the minor  
546 child.

547 5. There is a rebuttable presumption against granting  
548 time-sharing with a minor child if a parent has been convicted  
549 of or had adjudication withheld for an offense enumerated in s.  
550 943.0435(1)(h)1.a., and at the time of the offense:

551 a. The parent was 18 years of age or older.

552 b. The victim was under 18 years of age or the parent  
553 believed the victim to be under 18 years of age.

554  
555 A parent may rebut the presumption upon a specific finding in  
556 writing by the court that the parent poses no significant risk  
557 of harm to the child and that time-sharing is in the best  
558 interests of the minor child. If the presumption is rebutted,  
559 the court shall consider all time-sharing factors in subsection  
560 (3) when developing a time-sharing schedule.

561 6. Access to records and information pertaining to a minor  
562 child, including, but not limited to, medical, dental, and  
563 school records, may not be denied to either parent. Full rights  
564 under this subparagraph apply to either parent unless a court  
565 order specifically revokes these rights, including any  
566 restrictions on these rights as provided in a domestic violence  
567 injunction. A parent having rights under this subparagraph has  
568 the same rights upon request as to form, substance, and manner  
569 of access as are available to the other parent of a child,  
570 including, without limitation, the right to in-person  
571 communication with medical, dental, and education providers.

572 (3) For purposes of establishing or modifying parental  
573 responsibility and creating, developing, approving, or modifying  
574 a parenting plan, including a time-sharing schedule, which  
575 governs each parent's relationship with his or her minor child

576 and the relationship between each parent with regard to his or  
577 her minor child, the best interest of the child shall be the  
578 primary consideration. A determination of parental  
579 responsibility, a parenting plan, or a time-sharing schedule may  
580 not be modified without a showing of a substantial, material,  
581 and unanticipated change in circumstances and a determination  
582 that the modification is in the best interests of the child. For  
583 purposes of the modification of a parenting plan and time-  
584 sharing schedule, a parent's permanent relocation to a residence  
585 within 50 miles of the primary residence of the child is  
586 presumed to be a substantial, material, and unanticipated change  
587 in circumstances. Determination of the best interests of the  
588 child shall be made by evaluating all of the factors affecting  
589 the welfare and interests of the particular minor child and the  
590 circumstances of that family, including, but not limited to:  
591 (a) The demonstrated capacity and disposition of each  
592 parent to facilitate and encourage a close and continuing  
593 parent-child relationship, to honor the time-sharing schedule,  
594 and to be reasonable when changes are required.  
595 (b) The anticipated division of parental responsibilities  
596 after the litigation, including the extent to which parental  
597 responsibilities will be delegated to third parties.  
598 (c) The demonstrated capacity and disposition of each  
599 parent to determine, consider, and act upon the needs of the  
600 child as opposed to the needs or desires of the parent.



601 (d) The length of time the child has lived in a stable,  
 602 satisfactory environment and the desirability of maintaining  
 603 continuity.

604 (e) The geographic viability of the parenting plan, with  
 605 special attention paid to the needs of school-age children and  
 606 the amount of time to be spent traveling to effectuate the  
 607 parenting plan. This factor does not create a presumption for or  
 608 against relocation of either parent with a child.

609 (f) The moral fitness of the parents.

610 (g) The mental and physical health of the parents.

611 (h) The home, school, and community record of the child.

612 (i) The reasonable preference of the child, if the court  
 613 deems the child to be of sufficient intelligence, understanding,  
 614 and experience to express a preference.

615 (j) The demonstrated knowledge, capacity, and disposition  
 616 of each parent to be informed of the circumstances of the minor  
 617 child, including, but not limited to, the child's friends,  
 618 teachers, medical care providers, daily activities, and favorite  
 619 things.

620 (k) The demonstrated capacity and disposition of each  
 621 parent to provide a consistent routine for the child, such as  
 622 discipline, and daily schedules for homework, meals, and  
 623 bedtime.

624 (l) The demonstrated capacity of each parent to  
 625 communicate with and keep the other parent informed of issues

626 and activities regarding the minor child, and the willingness of  
627 each parent to adopt a unified front on all major issues when  
628 dealing with the child.

629 (m) Evidence of domestic violence, sexual violence, child  
630 abuse, child abandonment, or child neglect, regardless of  
631 whether a prior or pending action relating to those issues has  
632 been brought. If the court accepts evidence of prior or pending  
633 actions regarding domestic violence, sexual violence, child  
634 abuse, child abandonment, or child neglect, the court must  
635 specifically acknowledge in writing that such evidence was  
636 considered when evaluating the best interests of the child.

637 (n) Evidence that either parent has knowingly provided  
638 false information to the court regarding any prior or pending  
639 action regarding domestic violence, sexual violence, child  
640 abuse, child abandonment, or child neglect.

641 (o) The particular parenting tasks customarily performed  
642 by each parent and the division of parental responsibilities  
643 before the institution of litigation and during the pending  
644 litigation, including the extent to which parenting  
645 responsibilities were undertaken by third parties.

646 (p) The demonstrated capacity and disposition of each  
647 parent to participate and be involved in the child's school and  
648 extracurricular activities.

649 (q) The demonstrated capacity and disposition of each  
650 parent to maintain an environment for the child which is free

651 from substance abuse.

652 (r) The capacity and disposition of each parent to protect  
653 the child from the ongoing litigation as demonstrated by not  
654 discussing the litigation with the child, not sharing documents  
655 or electronic media related to the litigation with the child,  
656 and refraining from disparaging comments about the other parent  
657 to the child.

658 (s) The developmental stages and needs of the child and  
659 the demonstrated capacity and disposition of each parent to meet  
660 the child's developmental needs.

661 (t) Any other factor that is relevant to the determination  
662 of a specific parenting plan, including the time-sharing  
663 schedule.

664 Section 4. Paragraph (b) of subsection (1) of section  
665 61.14, Florida Statutes, is amended, and paragraph (c) is added  
666 to subsection (11) and subsections (12), (13), and (14) are  
667 added to that section, to read:

668 61.14 Enforcement and modification of support,  
669 maintenance, or alimony agreements or orders.—

670 (1)

671 (b)1. The court may reduce or terminate an award of  
672 alimony or order reimbursement to the obligor for any amount the  
673 court determines is equitable upon specific written findings by  
674 the court that since the granting of a divorce and the award of  
675 alimony, a supportive relationship exists or ~~has~~ existed between

676 | the obligee and another a person at any time during the 180 days  
 677 | before the filing of a petition for modification of alimony with  
 678 | ~~whom the obligee resides~~. On the issue of whether alimony should  
 679 | be reduced or terminated under this paragraph, the burden is on  
 680 | the obligor to prove by a preponderance of the evidence that a  
 681 | supportive relationship exists or existed. If the obligor proves  
 682 | that a supportive relationship exists or existed, the burden  
 683 | shifts to the obligee to disprove, by a preponderance of the  
 684 | evidence, that the court should terminate an existing award of  
 685 | alimony.

686 |         2. In determining the extent to which ~~whether~~ an existing  
 687 | award of alimony should be reduced or terminated because of an  
 688 | alleged supportive relationship between an obligee and a person  
 689 | who is not related by consanguinity or affinity ~~and with whom~~  
 690 | ~~the obligee resides~~, the court must make written findings of  
 691 | fact concerning the nature and the extent of the supportive  
 692 | relationship in question and the circumstances of the supportive  
 693 | relationship, including, but not limited to, the following  
 694 | factors ~~shall elicit the nature and extent of the relationship~~  
 695 | ~~in question. The court shall give consideration, without~~  
 696 | ~~limitation, to circumstances, including, but not limited to, the~~  
 697 | ~~following, in determining the relationship of an obligee to~~  
 698 | ~~another person:~~

699 |             a. The extent to which the obligee and the other person  
 700 | have held themselves out as a married couple by engaging in

701 | conduct such as using the same last name, using a common mailing  
 702 | address, referring to each other in terms such as "my husband"  
 703 | or "my wife," or otherwise conducting themselves in a manner  
 704 | that evidences a permanent supportive relationship.

705 |       b. The period of time that the obligee has resided with  
 706 | the other person in a permanent place of abode.

707 |       c. The extent to which the obligee and the other person  
 708 | have pooled their assets or income or otherwise exhibited  
 709 | financial interdependence.

710 |       d. The extent to which the obligee or the other person has  
 711 | supported the other, in whole or in part.

712 |       e. The extent to which the obligee or the other person has  
 713 | performed valuable services for the other.

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

716 |       g. Whether the obligee and the other person have worked  
 717 | together to create or enhance anything of value.

718 |       h. Whether the obligee and the other person have jointly  
 719 | contributed to the purchase of any real or personal property.

720 |       i. Evidence in support of a claim that the obligee and the  
 721 | other person have an express agreement regarding property  
 722 | sharing or support.

723 |       j. Evidence in support of a claim that the obligee and the  
 724 | other person have an implied agreement regarding property  
 725 | sharing or support.

726 k. Whether the obligee and the other person have provided  
727 support to the children of one another, regardless of any legal  
728 duty to do so.

729 3. This paragraph does not abrogate the requirement that  
730 every marriage in this state be solemnized under a license, does  
731 not recognize a common law marriage as valid, and does not  
732 recognize a de facto marriage. This paragraph recognizes only  
733 that relationships do exist that provide economic support  
734 equivalent to a marriage and that alimony terminable on  
735 remarriage may be reduced or terminated upon the establishment  
736 of equivalent equitable circumstances as described in this  
737 paragraph. The existence of a conjugal relationship, though it  
738 may be relevant to the nature and extent of the relationship, is  
739 not necessary for the application of the provisions of this  
740 paragraph.

741 (11)

742 (c) An obligor's subsequent remarriage or cohabitation  
743 does not constitute a basis for either party to seek a  
744 modification of an alimony award.

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

750 (b) The obligee has 20 days after the date of service of

751 the notice to request the court to enter findings that as of the  
752 date on which the notice was filed:

753 1. The reduction or termination of alimony would result in  
754 any of the following:

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

761 b. A violation of the terms of the marital settlement  
762 agreement between the parties because the marital settlement  
763 agreement either does not allow for modification or termination  
764 of the alimony award or the proposed reduction in alimony does  
765 not comply with applicable terms for modification of alimony  
766 specified in the agreement;

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

770 3. The obligee is permanently mentally or physically  
771 disabled and unable to provide for his or her own support,  
772 either partially or fully.

773 (c) If the court makes any of the findings specified in  
774 paragraph (b), the court must consider and make written findings  
775 regarding the following factors when deciding whether to reduce

776 either the amount or duration of alimony:

777 1. The duration of the marriage.

778 2. The financial resources of the obligee, including the  
779 nonmarital and marital assets and liabilities distributed to the  
780 obligee, as well as the obligee's role in conserving or  
781 depleting the marital assets distributed at the dissolution of  
782 marriage.

783 3. The sources of income available to the obligee,  
784 including income available to the obligee through investments of  
785 any asset, including retirement assets from which the obligee  
786 can access income without incurring early withdrawal penalties.

787 4. The effort and sacrifices of time and leisure necessary  
788 for the obligor to continue to provide such alimony and  
789 consideration of the presumption that the obligor has a right to  
790 retire when attaining full retirement age as determined by the  
791 Social Security Administration.

792 5. The age and health of the obligor.

793 6. The terms of the marital settlement agreement between  
794 the parties which govern modification of alimony.

795 (d) If the court does not make any of the findings  
796 specified in paragraph (b), the alimony award amount shall  
797 decrease by 25 percent on the date on which the obligor reaches  
798 65 years of age or 1 year after the date on which the notice of  
799 retirement and intent to terminate alimony is filed, whichever  
800 occurs later, and shall continue to decrease by 25 percent each



801 year thereafter until the date the obligor reaches 68 years of  
802 age or 4 years after the date on which the notice of retirement  
803 is filed, whichever occurs later, at which time alimony shall  
804 terminate.

805 (e) Notwithstanding paragraphs (a)-(d), if the obligor  
806 continues to work beyond full retirement age as determined by  
807 the United States Social Security Administration or beyond the  
808 reasonable retirement age for his or her profession or line of  
809 work as determined in paragraph (f), whichever occurs earlier,  
810 and earns active gross income of more than 50 percent of the  
811 obligor's average preretirement annual active gross income for  
812 the 3 years preceding his or her full retirement age, actual  
813 retirement date, or reasonable retirement age, as applicable,  
814 the court may extend alimony until the obligor retires and  
815 reduces his or her active gross income below the 50 percent  
816 active gross income threshold established under this paragraph.

817 (f) If an obligor seeks to retire at an age that is  
818 reasonable for his or her profession or line of work, but before  
819 he or she reaches 65 years of age, or if the obligor is older  
820 than his or her full retirement age as determined by the Social  
821 Security Administration, the court may terminate an alimony  
822 award if it determines that the obligor's retirement is  
823 reasonable. In determining whether the obligor's retirement is  
824 reasonable, the court shall consider all of the following:

825 1. The obligor's age and health.

826        2. The obligor's motivation for retirement.

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

829        4. The impact that a termination or reduction of alimony  
830 would have on the obligee. In determining the impact, the court  
831 must consider any assets accumulated or received by the obligee  
832 since the final judgment of dissolution of marriage, including  
833 any income generated by such assets and retirement assets from  
834 which the obligee can access income without incurring early  
835 withdrawal penalties, and the obligee's role in the depletion or  
836 conservation of any assets.

837        (g) Up to 12 months before the obligor's anticipated  
838 retirement under paragraph (f), the obligor may file a petition  
839 to modify or terminate the alimony award, effective upon his or  
840 her actual retirement date. The court shall modify or terminate  
841 the alimony award after the obligor's retirement date unless the  
842 court makes written findings of fact under paragraph (f) that  
843 the obligor's retirement is not reasonable.

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

848        (14) Agreements on alimony payments, voluntary or pursuant  
849 to a court order, which allow for modification or termination of  
850 alimony by virtue of either party reaching a certain age,

851 income, or other threshold, or agreements that establish a  
 852 limited period of time after which alimony is modifiable, are  
 853 considered agreements that are expressly modifiable or eligible  
 854 for termination for purposes of this section once the specified  
 855 condition is met.

856 Section 5. Section 61.19, Florida Statutes, is amended to  
 857 read:

858 61.19 Entry of judgment of dissolution of marriage~~;~~ delay  
 859 period; separate adjudication of issues.-

860 (1) A ~~No~~ final judgment of dissolution of marriage may not  
 861 be entered until at least 20 days have elapsed from the date of  
 862 filing the original petition for dissolution of marriage,~~;~~ but  
 863 the court, on a showing that injustice would result from this  
 864 delay, may enter a final judgment of dissolution of marriage at  
 865 an earlier date.

866 (2) If more than 2 years have elapsed after the date of  
 867 service of the original petition for dissolution of marriage,  
 868 absent a showing by either party that irreparable harm will  
 869 result from granting a final judgment of dissolution of  
 870 marriage, the court shall, upon request of either party, grant a  
 871 final judgment of dissolution of marriage with a reservation of  
 872 jurisdiction to subsequently determine all other substantive  
 873 issues. Before granting the judgment, the court shall enter  
 874 temporary orders necessary to protect the parties and their  
 875 children, if any, which orders remain effective until all other

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876 | issues are adjudicated by the court. This subsection applies to  
877 | all petitions for dissolution of marriage filed on or after July  
878 | 1, 2022.

879 |       Section 6. The court shall apply this act to any action  
880 | pending on or after July 1, 2022.

881 |       Section 7. This act shall take effect July 1, 2022.