

By Senator Harrell

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1 A bill to be entitled
2 An act relating to family law; amending s. 61.071,
3 F.S.; requiring that alimony pendente lite be
4 calculated in accordance with s. 61.08, F.S.; amending
5 s. 61.08, F.S.; defining terms; providing for the
6 priority of bridge-the-gap alimony, followed by
7 rehabilitative alimony, over any other form; requiring
8 a court to make written findings regarding the basis
9 for awarding a combination of forms of alimony,
10 including the type of alimony and length of time for
11 which it is awarded; providing that the party seeking
12 alimony has the burden of proof of demonstrating a
13 need for alimony and that the other party has the
14 ability to pay alimony; requiring the court to
15 consider specified relevant factors when determining
16 the proper type and amount of alimony; revising
17 provisions relating to the protection of awards of
18 alimony; revising provisions for an award of
19 durational alimony; specifying criteria related to the
20 rebuttable presumption to award or not to award
21 alimony; specifying criteria for awarding
22 rehabilitative alimony; deleting a provision
23 authorizing permanent alimony; providing for
24 retirement of a party against whom alimony is sought;
25 providing for imputation of income to the obligor or
26 obligee in certain circumstances; amending s. 61.09,
27 F.S.; providing for the calculation of alimony;
28 amending s. 61.13, F.S.; establishing a presumption
29 that it is in the best interest of the child for the

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30 court to order equal time-sharing for each minor
31 child; providing exceptions; providing prospective
32 applicability of the presumption; amending s. 61.14,
33 F.S.; authorizing a party to apply for an order to
34 terminate the amount of support, maintenance, or
35 alimony; requiring that an alimony order be modified
36 upward upon a showing by clear and convincing evidence
37 of an increased ability to pay alimony by the other
38 party; prohibiting an increase in an obligor's income
39 from being considered permanent in nature until it has
40 been maintained for a specified period without
41 interruption; providing an exemption from the
42 reduction or termination of an alimony award in
43 certain circumstances; providing that there is a
44 rebuttable presumption that any modification or
45 termination of an alimony award is retroactive to the
46 date of the filing of the petition; providing for an
47 award of attorney fees and costs if it is determined
48 that an obligee or obligor unnecessarily or
49 unreasonably litigates a petition for modification or
50 termination of an alimony award; providing that if the
51 court orders alimony concurrent with a child support
52 order, the alimony award may not be modified because
53 of the later modification or termination of child
54 support payments; providing that an obligor's
55 subsequent remarriage or cohabitation is not a basis
56 for modification of alimony; providing that income and
57 assets of an obligor's subsequent spouse or person
58 with whom the obligor is residing are generally not

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59 relevant in a modification action; providing that
60 attaining retirement age is a substantial change in an
61 obligor's circumstances; requiring the court to
62 consider certain factors in determining whether the
63 obligor's retirement is reasonable; requiring a court
64 to terminate or reduce an alimony award based on
65 certain factors; amending s. 61.19, F.S.; authorizing
66 separate adjudication of issues in a dissolution of
67 marriage case in certain circumstances; providing for
68 temporary orders necessary to protect the parties and
69 their children; providing for retroactive application
70 of the act to alimony awards entered before July 1,
71 2019; providing an exception; providing allowable
72 dates for the modification of such awards; providing
73 an effective date.

74

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

76

77 Section 1. Section 61.071, Florida Statutes, is amended to
78 read:

79 61.071 Alimony pendente lite; suit money.—In every
80 proceeding for dissolution of the marriage, a party may claim
81 alimony and suit money in the petition or by motion, and if the
82 petition is well founded, the court shall allow alimony
83 calculated in accordance with s. 61.08 and a reasonable sum of
84 suit money ~~therefor~~. If a party in any proceeding for
85 dissolution of marriage claims alimony or suit money in his or
86 her answer or by motion, and the answer or motion is well
87 founded, the court shall allow alimony calculated in accordance

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88 with s. 61.08 and a reasonable sum of suit money therefor.

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

91 61.08 Alimony.—

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

93 (a) "Alimony" means a court-ordered payment of support by
94 an obligor spouse to an obligee spouse.

95 (b) "Long-term marriage" means a marriage having a duration
96 of equal to or more than 20 years, as measured from the date of
97 the marriage to the date of filing the petition for dissolution.

98 (c) "Mid-term marriage" means a marriage having a duration
99 of more than 11 years but less than 20 years, as measured from
100 the date of marriage to the date of filing the petition for
101 dissolution.

102 (d) "Net income" means net income as determined in
103 accordance with s. 61.30.

104 (e) "Short-term marriage" means a marriage having a
105 duration equal to or less than 11 years, as measured from the
106 date of the marriage to the date of filing the petition for
107 dissolution.

108 (2) (a) ~~(1)~~ In a proceeding for dissolution of marriage, the
109 court may grant alimony to either party in the form of, ~~which~~
110 ~~alimony may be~~ bridge-the-gap, rehabilitative, or durational
111 ~~alimony, or a permanent in nature or any~~ combination of these
112 forms of alimony, but shall prioritize an award of bridge-the-
113 gap alimony, followed by rehabilitative alimony, over any other
114 form of alimony. In an ~~any~~ award of alimony, the court may order
115 periodic payments, ~~or~~ payments in lump sum, or both.

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

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117 basis for awarding a combination of forms of alimony, including
118 the type of alimony and the length of time for which it is
119 awarded. The court may award only a combination of forms of
120 alimony to provide greater economic assistance in order to allow
121 the recipient to achieve rehabilitation.

122 (c) The court may consider the adultery of either party
123 ~~spouse~~ and the circumstances thereof in determining the amount
124 of alimony, if any, to be awarded.

125 (d) In all dissolution actions, the court shall include
126 written findings of fact relative to the factors enumerated in
127 subsection (3) ~~(2)~~ supporting an award or denial of alimony.

128 (3) ~~(2)~~ The party seeking alimony has the burden of proof of
129 demonstrating a need for alimony in accordance with subsection
130 (8) and that the other party has the ability to pay alimony. In
131 determining whether to award alimony ~~or maintenance~~, the court
132 shall ~~first~~ make, in writing, a specific factual determination
133 as to whether the other ~~either~~ party ~~has an actual need for~~
134 ~~alimony or maintenance~~ and whether ~~either~~ party has the ability
135 to pay alimony ~~or maintenance~~. If the court finds that the a
136 party seeking alimony has met its burden of proof in
137 demonstrating a need for alimony ~~or maintenance~~ and that the
138 other party has the ability to pay alimony ~~or maintenance~~, then
139 in determining the proper type and amount of alimony ~~or~~
140 ~~maintenance~~ under subsections (5)-(9) ~~(5)-(8)~~, the court shall
141 consider all relevant factors, including, ~~but not limited to:~~

142 ~~(a) The standard of living established during the marriage.~~

143 ~~(a) ~~(b)~~~~ The duration of the marriage.

144 ~~(b) ~~(c)~~~~ The age and the physical and emotional condition of
145 each party.

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146 ~~(c)(d)~~ The financial resources of each party, including the
147 portion of nonmarital assets that were relied upon by the
148 parties during the marriage and the marital assets and
149 liabilities distributed to each.

150 ~~(d)(e)~~ The earning capacities, educational levels,
151 vocational skills, and employability of the parties and, when
152 applicable, the time necessary for either party to acquire
153 sufficient education or training to enable such party to find
154 appropriate employment.

155 ~~(e)(f)~~ The contribution of each party to the marriage,
156 including, but not limited to, services rendered in homemaking,
157 child care, education, and career building of the other party.

158 ~~(f)(g)~~ The responsibilities each party will have with
159 regard to any minor children that the parties ~~they~~ have in
160 common.

161 ~~(g)(h)~~ The tax treatment and consequences to both parties
162 of an any alimony award, which must be consistent with
163 applicable state and federal tax laws and may include ~~including~~
164 the designation of all or a portion of the payment as a
165 nontaxable, nondeductible payment.

166 ~~(h)(i)~~ All sources of income available to either party,
167 including income available to either party through investments
168 of any asset held by that party which was acquired during the
169 marriage or acquired outside of the marriage and relied upon
170 during the marriage.

171 (i) The needs and necessities of life after dissolution of
172 marriage, taking into account the lifestyle of the parties
173 during the marriage but subject to the presumption in paragraph
174 (j).

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175 (j) The net income and standard of living available to each
176 party after the application of the alimony award. There is a
177 rebuttable presumption that both parties will have a lower
178 standard of living after the dissolution of marriage than the
179 standard of living they enjoyed during the marriage. This
180 presumption may be overcome by a preponderance of the evidence.

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

185 (4) ~~(3)~~ To the extent necessary to protect an award of
186 alimony, the court may order any party who is ordered to pay
187 alimony to purchase or maintain a life insurance policy that may
188 be decreasing or another form of term life insurance at the
189 option of the obligor or a bond, or to otherwise secure such
190 alimony award with any other assets that ~~which~~ may be suitable
191 for that purpose, in an amount adequate to secure the alimony
192 award. Any such security may be awarded only upon a showing of
193 special circumstances. If the court finds special circumstances
194 and awards such security, the court must make specific
195 evidentiary findings regarding the availability, cost, and
196 financial impact on the obligated party. Any security may be
197 modifiable in the event that the underlying alimony award is
198 modified and must be reduced in an amount commensurate with any
199 reduction in the alimony award.

200 ~~(4) For purposes of determining alimony, there is a~~
201 ~~rebuttable presumption that a short-term marriage is a marriage~~
202 ~~having a duration of less than 7 years, a moderate-term marriage~~
203 ~~is a marriage having a duration of greater than 7 years but less~~

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204 ~~than 17 years, and long term marriage is a marriage having a~~
205 ~~duration of 17 years or greater. The length of a marriage is the~~
206 ~~period of time from the date of marriage until the date of~~
207 ~~filing of an action for dissolution of marriage.~~

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

217 (6) (a) Rehabilitative alimony may be awarded to assist a
218 party in establishing the capacity for self-support through
219 either:

- 220 1. The redevelopment of previous skills or credentials; or
- 221 2. The acquisition of education, training, or work
222 experience necessary to develop appropriate employment skills or
223 credentials.

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

227 (c) An award of rehabilitative alimony may be modified or
228 terminated only during the rehabilitative period in accordance
229 with s. 61.14 based upon a substantial change in circumstances,
230 upon noncompliance with the rehabilitative plan, or upon
231 completion of the rehabilitative plan.

232 (7) Durational alimony may be awarded ~~when permanent~~

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233 ~~periodic alimony is inappropriate. The purpose of durational~~
234 ~~alimony is to provide a party with economic assistance for a set~~
235 ~~period of time following a short-term, mid-term, or long-term~~
236 ~~marriage of short or moderate duration or following a marriage~~
237 ~~of long duration if there is no ongoing need for support on a~~
238 ~~permanent basis. When awarding durational alimony, the court~~
239 ~~must make written findings that an award of another form of~~
240 ~~alimony or a combination of the other forms of alimony is not~~
241 ~~appropriate. An award of durational alimony terminates upon the~~
242 ~~death of either party or upon the remarriage of the party~~
243 ~~receiving alimony. The amount of an award of durational alimony~~
244 ~~shall may be modified or terminated based upon a substantial~~
245 ~~change in circumstances or upon the existence of a supportive~~
246 ~~relationship in accordance with s. 61.14. ~~However,~~ The length of~~
247 ~~an award of durational alimony may not ~~be modified except under~~~~
248 ~~~~exceptional circumstances and may not exceed 50 percent of the~~~~
249 ~~length of the marriage, unless the party seeking alimony proves~~
250 ~~by a preponderance of the evidence the circumstances justifying~~
251 ~~the need for a longer award of alimony, which circumstances must~~
252 ~~be set out in writing by the court ~~the length of the marriage.~~~~

253 (8) (a) There is a rebuttable presumption against awarding
254 alimony for a short-term marriage. A party seeking bridge-the-
255 gap or rehabilitative alimony may overcome this presumption by
256 demonstrating by a preponderance of the evidence a need for
257 alimony. A party seeking durational alimony may overcome this
258 presumption by demonstrating by clear and convincing evidence a
259 need for alimony. If the court finds that the party has met its
260 burden in demonstrating a need for alimony and that the other
261 party has the ability to pay alimony, the court shall determine

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262 a monthly award of alimony that may not exceed 25 percent of the
263 obligor's gross monthly income, as calculated under s.
264 61.30(2)(a), with the exception that gross income does not
265 include, consistent with paragraph (3)(h), sources of income
266 acquired outside of the marriage which were not relied upon
267 during the marriage.

268 (b) There is no presumption in favor of either party to an
269 award of alimony for a mid-term marriage. A party seeking such
270 alimony must prove by a preponderance of the evidence a need for
271 alimony. If the court finds that the party has met its burden in
272 demonstrating a need for alimony and that the other party has
273 the ability to pay alimony, the court shall determine a monthly
274 award of alimony that may not exceed 35 percent of the obligor's
275 gross monthly income, as calculated under s. 61.30(2)(a), with
276 the exception that gross income does not include, consistent
277 with paragraph (3)(h), sources of income acquired outside of the
278 marriage which were not relied upon during the marriage.

279 (c) There is a rebuttable presumption in favor of awarding
280 alimony for a long-term marriage. A party against whom alimony
281 is sought may overcome this presumption by demonstrating by
282 clear and convincing evidence that there is no need for alimony.
283 If the court finds that the party against whom alimony is sought
284 fails to meet its burden to demonstrate that there is no need
285 for alimony, and that the party has the ability to pay alimony,
286 the court shall determine a monthly award of alimony which may
287 not exceed 38 percent of the obligor's gross monthly income, as
288 calculated under s. 61.30(2)(a), with the exception that gross
289 income does not include, consistent with paragraph (3)(h),
290 sources of income acquired outside of the marriage which were

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291 not relied upon during the marriage.

292 (d) Notwithstanding subsections (8) and (9), the
293 combination of an award of rehabilitative alimony and another
294 form of alimony may be awarded up to a maximum of 40 percent of
295 the obligor's gross monthly income during the temporary period
296 in which rehabilitative alimony has been awarded, as calculated
297 under s. 61.30(2)(a), with the exception that gross income does
298 not include, consistent with paragraph (3)(h), sources of income
299 acquired outside of the marriage which were not relied upon
300 during the marriage.

301 (9) The court may order alimony exceeding the monthly
302 income limits established in subsection (8) if the court
303 determines, in accordance with the factors in subsection (3),
304 that there is a need for additional alimony, which determination
305 must be set out in writing ~~Permanent alimony may be awarded to~~
306 ~~provide for the needs and necessities of life as they were~~
307 ~~established during the marriage of the parties for a party who~~
308 ~~lacks the financial ability to meet his or her needs and~~
309 ~~necessities of life following a dissolution of marriage.~~
310 ~~Permanent alimony may be awarded following a marriage of long~~
311 ~~duration if such an award is appropriate upon consideration of~~
312 ~~the factors set forth in subsection (2), following a marriage of~~
313 ~~moderate duration if such an award is appropriate based upon~~
314 ~~clear and convincing evidence after consideration of the factors~~
315 ~~set forth in subsection (2), or following a marriage of short~~
316 ~~duration if there are written findings of exceptional~~
317 ~~circumstances. In awarding permanent alimony, the court shall~~
318 ~~include a finding that no other form of alimony is fair and~~
319 ~~reasonable under the circumstances of the parties. An award of~~

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

325 (10) A party against whom alimony is sought who has met the
326 requirements for retirement in accordance with s. 61.14(12)
327 before the filing of the petition for dissolution is not
328 required to pay alimony unless the party seeking alimony proves
329 by clear and convincing evidence that the other party has the
330 ability to pay alimony, in addition to all other requirements of
331 this section.

332 (11)~~(9)~~ Notwithstanding any other provision of law, alimony
333 may not be awarded to a party who has a monthly net income that
334 is equal to or more than the other party. Except in the case of
335 a long-term marriage, in awarding alimony, the court shall
336 impute income to the obligor and obligee as follows:

337 (a) In the case of the obligor, social security retirement
338 benefits may not be imputed to the obligor, as demonstrated by a
339 social security retirement benefits entitlement letter.

340 (b) In the case of the obligee, if the obligee:

341 1. Is unemployed at the time the petition is filed and has
342 been unemployed for less than 1 year before the time of the
343 filing of the petition, the obligee's monthly net income shall
344 be imputed at 90 percent of the obligee's prior monthly net
345 income.

346 2. Is unemployed at the time the petition is filed and has
347 been unemployed for at least 1 year but less than 2 years before
348 the time of the filing of the petition, the obligee's monthly

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349 net income shall be imputed at 80 percent of the obligee's prior
350 monthly net income.

351 3. Is unemployed at the time the petition is filed and has
352 been unemployed for at least 2 years but less than 3 years
353 before the time of the filing of the petition, the obligee's
354 monthly net income shall be imputed at 70 percent of the
355 obligee's prior monthly net income.

356 4. Is unemployed at the time the petition is filed and has
357 been unemployed for at least 3 years but less than 4 years
358 before the time of the filing of the petition, the obligee's
359 monthly net income shall be imputed at 60 percent of the
360 obligee's prior monthly net income.

361 5. Is unemployed at the time the petition is filed and has
362 been unemployed for at least 4 years but less than 5 years
363 before the time of the filing of the petition, the obligee's
364 monthly net income shall be imputed at 50 percent of the
365 obligee's prior monthly net income.

366 6. Is unemployed at the time the petition is filed and has
367 been unemployed for at least 5 years before the time of the
368 filing of the petition, the obligee's monthly net income shall
369 be imputed at 40 percent of the obligee's prior monthly net
370 income, or the monthly net income of a minimum wage earner at
371 the time of the filing of the petition, whichever is greater.

372 7. Proves by a preponderance of the evidence that he or she
373 does not have the ability to earn the imputed income through
374 reasonable means, the court shall reduce the imputation of
375 income specified in this paragraph. If the obligee alleges that
376 a physical disability has impaired his or her ability to earn
377 the imputed income, such disability must meet the definition of

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378 disability as determined by the Social Security Administration
379 ~~The award of alimony may not leave the payor with significantly~~
380 ~~less net income than the net income of the recipient unless~~
381 ~~there are written findings of exceptional circumstances.~~

382 (12) (a) (10) (a) With respect to any order requiring the
383 payment of alimony entered on or after January 1, 1985, unless
384 ~~the provisions of~~ paragraph (c) or paragraph (d) applies apply,
385 the court shall direct in the order that the payments of alimony
386 be made through the appropriate depository as provided in s.
387 61.181.

388 (b) With respect to any order requiring the payment of
389 alimony entered before January 1, 1985, upon the subsequent
390 appearance, on or after that date, of one or both parties before
391 the court having jurisdiction for the purpose of modifying or
392 enforcing the order or in any other proceeding related to the
393 order, or upon the application of either party, unless ~~the~~
394 ~~provisions of~~ paragraph (c) or paragraph (d) applies apply, the
395 court shall modify the terms of the order as necessary to direct
396 that payments of alimony be made through the appropriate
397 depository as provided in s. 61.181.

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

400 (d)1. If there is a minor child of the parties and both
401 parties so request, the court may order that alimony payments
402 need not be directed through the depository. In this case, the
403 order of support must ~~shall~~ provide, or be deemed to provide,
404 that either party may subsequently apply to the depository to
405 require that payments be made through the depository. The court
406 shall provide a copy of the order to the depository.

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407 2. If ~~the provisions of~~ subparagraph 1. applies apply,
408 either party may subsequently file with the depository an
409 affidavit alleging default or arrearages in payment and stating
410 that the party wishes to initiate participation in the
411 depository program. The party shall provide copies of the
412 affidavit to the court and the other party or parties. Fifteen
413 days after receipt of the affidavit, the depository shall notify
414 all parties that future payments shall be directed to the
415 depository.

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

419 Section 3. Section 61.09, Florida Statutes, is amended to
420 read:

421 61.09 Alimony and child support unconnected with
422 dissolution.—If a person having the ability to contribute to the
423 maintenance of his or her spouse and support of his or her minor
424 child fails to do so, the spouse who is not receiving support
425 may apply to the court for alimony and for support for the child
426 without seeking dissolution of marriage, and the court shall
427 enter an order as it deems just and proper. Alimony awarded
428 under this section must be calculated in accordance with s.
429 61.08.

430 Section 4. Paragraph (c) of subsection (2) of section
431 61.13, Florida Statutes, is amended to read:

432 61.13 Support of children; parenting and time-sharing;
433 powers of court.—

434 (2)

435 (c) The court shall determine all matters relating to

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436 parenting and time-sharing of each minor child of the parties in
437 accordance with the best interests of the child and in
438 accordance with the Uniform Child Custody Jurisdiction and
439 Enforcement Act, except that modification of a parenting plan
440 and time-sharing schedule requires a showing of a substantial,
441 material, and unanticipated change of circumstances.

442 1. It is the public policy of this state that each minor
443 child has frequent and continuing contact with both parents
444 after the parents separate or the marriage of the parties is
445 dissolved and to encourage parents to share the rights and
446 responsibilities, and joys, of childrearing. There is no
447 presumption for or against the father or mother of the child or
448 for or against any specific time-sharing schedule when creating
449 or modifying the parenting plan of the child. Equal time-sharing
450 with a minor child by both parents is in the best interest of
451 the child unless the court finds that:

452 a. The safety, well-being, or physical, mental, or
453 emotional health of the child would be endangered by equal time-
454 sharing, that visitation would be presumed detrimental
455 consistent with s. 39.0139(3), or that supervised visitation is
456 appropriate, if any is appropriate;

457 b. Clear and convincing evidence of extenuating
458 circumstances justify a departure from equal time-sharing and
459 the court makes written findings justifying the departure from
460 equal time-sharing;

461 c. A parent is incarcerated;

462 d. The distance between parental residences makes equal
463 time-sharing impracticable;

464 e. A parent does not request at least 50-percent time-

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465 sharing;

466 f. A permanent injunction has been entered or is warranted
467 against a parent or household member relating to contact between
468 the subject of the injunction and the parent or household
469 member; or

470 g. Domestic violence, as defined in s. 741.28, has
471 occurred.

472 2. The court shall order that the parental responsibility
473 for a minor child be shared by both parents unless the court
474 finds that shared parental responsibility would be detrimental
475 to the child. Evidence that a parent has been convicted of a
476 misdemeanor of the first degree or higher involving domestic
477 violence, as defined in s. 741.28 and chapter 775, or meets the
478 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
479 detriment to the child. If the presumption is not rebutted after
480 the convicted parent is advised by the court that the
481 presumption exists, shared parental responsibility, including
482 time-sharing with the child, and decisions made regarding the
483 child, may not be granted to the convicted parent. However, the
484 convicted parent is not relieved of any obligation to provide
485 financial support. If the court determines that shared parental
486 responsibility would be detrimental to the child, it may order
487 sole parental responsibility and make such arrangements for
488 time-sharing as specified in the parenting plan as will best
489 protect the child or abused spouse from further harm. Whether or
490 not there is a conviction of any offense of domestic violence or
491 child abuse or the existence of an injunction for protection
492 against domestic violence, the court shall consider evidence of
493 domestic violence or child abuse as evidence of detriment to the

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494 child.

495 a. In ordering shared parental responsibility, the court
496 may consider the expressed desires of the parents and may grant
497 to one party the ultimate responsibility over specific aspects
498 of the child's welfare or may divide those responsibilities
499 between the parties based on the best interests of the child.
500 Areas of responsibility may include education, health care, and
501 any other responsibilities that the court finds unique to a
502 particular family.

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

506 3. Access to records and information pertaining to a minor
507 child, including, but not limited to, medical, dental, and
508 school records, may not be denied to either parent. Full rights
509 under this subparagraph apply to either parent unless a court
510 order specifically revokes these rights, including any
511 restrictions on these rights as provided in a domestic violence
512 injunction. A parent having rights under this subparagraph has
513 the same rights upon request as to form, substance, and manner
514 of access as are available to the other parent of a child,
515 including, without limitation, the right to in-person
516 communication with medical, dental, and education providers.

517 Section 5. The amendments made by this act to s. 61.13,
518 Florida Statutes, providing for equal time-sharing, apply
519 prospectively to initial final custody orders made on or after
520 July 1, 2019. The amendments do not constitute a substantial
521 change in circumstances which warrants the modification of a
522 final custody order entered before July 1, 2019.

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523 Section 6. Subsection (1) of section 61.14, Florida
524 Statutes, is amended, paragraphs (c) and (d) are added to
525 subsection (11) of that section, and subsection (12) is added to
526 that section, to read:

527 61.14 Enforcement and modification of support, maintenance,
528 or alimony agreements or orders.—

529 (1) (a) When the parties enter into an agreement for
530 payments for, or instead of, support, maintenance, or alimony,
531 whether in connection with a proceeding for dissolution or
532 separate maintenance or with any voluntary property settlement,
533 or when a party is required by court order to make any payments,
534 and the circumstances or the financial ability of either party
535 changes or the child who is a beneficiary of an agreement or
536 court order as described herein reaches majority after the
537 execution of the agreement or the rendition of the order, either
538 party may apply to the circuit court of the circuit in which the
539 parties, or either of them, resided at the date of the execution
540 of the agreement or reside at the date of the application, or in
541 which the agreement was executed or in which the order was
542 rendered, for an order terminating, decreasing, or increasing
543 the amount of support, maintenance, or alimony, and the court
544 has jurisdiction to make orders as equity requires, with due
545 regard to the changed circumstances or the financial ability of
546 the parties or the child, decreasing, increasing, or confirming
547 the amount of separate support, maintenance, or alimony provided
548 for in the agreement or order. A finding that medical insurance
549 is reasonably available or the child support guidelines schedule
550 in s. 61.30 may constitute changed circumstances. Except as
551 otherwise provided in s. 61.30(11)(c), the court may modify an

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552 order of support, maintenance, or alimony by terminating,
553 increasing, or decreasing the support, maintenance, or alimony
554 retroactively to the date of the filing of the action or
555 supplemental action for modification as equity requires, giving
556 due regard to the changed circumstances or the financial ability
557 of the parties or the child.

558 (b)1. If the court has determined that an existing alimony
559 award as determined by the court at the time of dissolution is
560 insufficient to meet the needs of the obligee, and that such
561 need continues to exist, an alimony order must be modified
562 upward upon a showing by a preponderance of the evidence of
563 increased ability to pay alimony. Absent a finding of fraud, an
564 increase in an obligor's income may not be considered permanent
565 in nature unless the increase has been maintained without
566 interruption for at least 1 year, taking into account the
567 obligor's ability to sustain his or her income.

568 2.1- Notwithstanding subparagraph 1., the court shall ~~may~~
569 reduce or terminate an award of alimony upon specific written
570 findings by the court that since the granting of a divorce and
571 the award of alimony, a supportive relationship has existed
572 between the obligee and another ~~a person,~~ except upon a showing
573 by clear and convincing evidence by the obligee that his or her
574 long-term need for alimony, taking into account the totality of
575 the circumstances, has not been reduced by the supportive
576 relationship with whom the obligee resides. On the issue of
577 whether alimony should be reduced or terminated under this
578 paragraph, the burden is on the obligor to prove by a
579 preponderance of the evidence that a supportive relationship
580 exists.

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581 3.2~~3.2~~ In determining whether an existing award of alimony
582 should be reduced or terminated because of an alleged supportive
583 relationship between an obligee and a person who is not related
584 by consanguinity or affinity and with whom the obligee resides,
585 the court shall elicit the nature and extent of the relationship
586 in question. The court shall give consideration, without
587 limitation, to circumstances, including, but not limited to, the
588 following, in determining the relationship of an obligee to
589 another person:

590 a. The extent to which the obligee and the other person
591 have held themselves out as a married couple by engaging in
592 conduct such as using the same last name, using a common mailing
593 address, referring to each other in terms such as "my husband"
594 or "my wife," or otherwise conducting themselves in a manner
595 that evidences a permanent supportive relationship.

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

598 c. The extent to which the obligee and the other person
599 have pooled their assets or income or otherwise exhibited
600 financial interdependence.

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

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

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

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

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

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

611 i. Evidence in support of a claim that the obligee and the
612 other person have an express agreement regarding property
613 sharing or support.

614 j. Evidence in support of a claim that the obligee and the
615 other person have an implied agreement regarding property
616 sharing or support.

617 k. Whether the obligee and the other person have provided
618 support to the children of one another, regardless of any legal
619 duty to do so.

620 ~~4.3.~~ This paragraph does not abrogate the requirement that
621 every marriage in this state be solemnized under a license, does
622 not recognize a common law marriage as valid, and does not
623 recognize a de facto marriage. This paragraph recognizes only
624 that relationships do exist that provide economic support
625 equivalent to a marriage and that alimony terminable on
626 remarriage may be reduced or terminated upon the establishment
627 of equivalent equitable circumstances as described in this
628 paragraph. The existence of a conjugal relationship, though it
629 may be relevant to the nature and extent of the relationship, is
630 not necessary for the application of ~~the provisions of~~ this
631 paragraph.

632 5. There is a rebuttable presumption that any modification
633 or termination of an alimony award is retroactive to the date of
634 the filing of the petition. In an action under this section, if
635 it is determined that the obligee or obligor unnecessarily or
636 unreasonably litigated the underlying petition for modification
637 or termination, the court may award the other party his or her
638 reasonable attorney fees and costs pursuant to s. 61.16 and

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639 applicable case law.

640 (c) For each support order reviewed by the department as
641 required by s. 409.2564(11), if the amount of the child support
642 award under the order differs by at least 10 percent but not
643 less than \$25 from the amount that would be awarded under s.
644 61.30, the department shall seek to have the order modified and
645 any modification shall be made without a requirement for proof
646 or showing of a change in circumstances.

647 (d) The department may ~~shall have authority to~~ adopt rules
648 to administer ~~implement~~ this section.

649 (11)

650 (c) If the court orders alimony payable concurrent with a
651 child support order, the alimony award may not be modified
652 solely because of a later reduction or termination of child
653 support payments, unless the court finds the obligor has the
654 ability to pay the modified alimony award, the existing alimony
655 award as determined by the court at the time of dissolution is
656 insufficient to meet the needs of the obligee, and such need
657 continues to exist.

658 (d) An obligor's subsequent remarriage or cohabitation does
659 not constitute a basis for a modification of alimony. The income
660 and assets of the obligor's subsequent spouse or person with
661 whom the obligor resides is not relevant in a modification
662 action except under exceptional circumstances.

663 (12) The fact that an obligor has reached a reasonable
664 retirement age for his or her profession, has retired, and has
665 no intent to return to work shall be considered a substantial
666 change in circumstances as a matter of law. In determining
667 whether the obligor's retirement age is reasonable, the court

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668 shall consider the obligor's:

669 (a) Age;

670 (b) Health;

671 (c) Motivation for retirement;

672 (d) Type of work; and

673 (e) Normal retirement age for that type of work.

674

675 In anticipation of retirement, the obligor may file a petition
676 for termination or modification of the alimony award effective
677 upon the retirement date. The court shall terminate or modify
678 the alimony award based on the circumstances of the parties
679 after retirement of the obligor and based on the factors in s.
680 61.08(3), unless the court makes findings of fact that a
681 termination or modification of an alimony award is not
682 warranted.

683 Section 7. Section 61.19, Florida Statutes, is amended to
684 read:

685 61.19 Entry of judgment of dissolution of marriage;7 delay
686 period; separate adjudication of issues.-

687 (1) A ~~Ne~~ final judgment of dissolution of marriage may not
688 be entered until at least 20 days have elapsed from the date of
689 filing the original petition for dissolution of marriage,7 but
690 the court, on a showing that injustice would result from this
691 delay, may enter a final judgment of dissolution of marriage at
692 an earlier date.

693 (2) (a) During the first 180 days after the date of service
694 of the original petition for dissolution of marriage, the court
695 may not grant a final dissolution of marriage with a reservation
696 of jurisdiction to subsequently determine all other substantive

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697 issues unless the court makes written findings that there are
698 exceptional circumstances that make the use of this process
699 clearly necessary to protect the parties or their children and
700 that granting a final dissolution will not cause irreparable
701 harm to either party or the children. Before granting a final
702 dissolution of marriage with a reservation of jurisdiction to
703 subsequently determine all other substantive issues, the court
704 shall enter temporary orders necessary to protect the parties
705 and their children, which orders remain effective until all
706 other issues can be adjudicated by the court. The desire of one
707 party to remarry does not justify the use of this process.

708 (b) If more than 180 days have elapsed after the date of
709 service of the original petition for dissolution of marriage,
710 the court may grant a final dissolution of marriage with a
711 reservation of jurisdiction to subsequently determine all other
712 substantive issues only if the court enters temporary orders
713 necessary to protect the parties and their children, which
714 orders remain effective until such time as all other issues can
715 be adjudicated by the court, and makes a written finding that no
716 irreparable harm will result from granting a final dissolution.

717 (c) If more than 365 days have elapsed after the date of
718 service of the original petition for dissolution of marriage,
719 absent a showing by either party that irreparable harm will
720 result from granting a final dissolution, the court shall, upon
721 request of either party, immediately grant a final dissolution
722 of marriage with a reservation of jurisdiction to subsequently
723 determine all other substantive issues. Before granting a final
724 dissolution of marriage with a reservation of jurisdiction to
725 subsequently determine all other substantive issues, the court

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726 shall enter temporary orders necessary to protect the parties
727 and their children, which orders remain effective until all
728 other issues can be adjudicated by the court.

729 (d) The temporary orders necessary to protect the parties
730 and their children entered before granting a dissolution of
731 marriage without an adjudication of all substantive issues may
732 include, but are not limited to, temporary orders that:

733 1. Restrict the sale or disposition of property.

734 2. Protect and preserve the marital assets.

735 3. Establish temporary support.

736 4. Provide for maintenance of health insurance.

737 5. Provide for maintenance of life insurance.

738 (e) The court is not required to enter temporary orders to
739 protect the parties and their children if the court enters a
740 final judgment of dissolution of marriage that adjudicates
741 substantially all of the substantive issues between the parties
742 but reserves jurisdiction to address ancillary issues such as
743 the entry of a qualified domestic relations order or the
744 adjudication of attorney fees and costs.

745 Section 8. (1) (a) The amendments to chapter 61, Florida
746 Statutes, made by this act apply to:

747 1. Final judgments of alimony awards entered before July 1,
748 2019.

749 2. Final orders entered before July 1, 2019, which
750 incorporate an agreement between the parties for alimony, if the
751 duration of the marriage was equal to or less than 15 years and
752 the duration of the alimony agreement exceeds the duration of
753 the marriage.

754 (b) For such judgments or orders, the amendments to chapter

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755 61, Florida Statutes, shall constitute a substantial change in
756 circumstances for which an obligor may seek, in accordance with
757 s. 61.14, Florida Statutes, a modification of the amount or
758 duration of alimony, except for an order incorporating an
759 agreement that is expressly nonmodifiable.

760 (2) (a) For final orders entered before July 1, 2019, that
761 incorporate an agreement between the parties for alimony, but
762 otherwise do not meet the criteria set forth in subparagraph
763 (1) (a)2., the amendments to chapter 61, Florida Statutes, made
764 by this act shall apply if the obligor proves, by clear and
765 convincing evidence, that:

766 1. The obligor did not execute the agreement voluntarily;

767 2. The agreement was the product of fraud, duress,
768 coercion, or overreaching; or

769 3. The agreement was unconscionable when it was executed,
770 and, before execution of the agreement, the obligor:

771 a. Was not provided a fair and reasonable disclosure of the
772 property or financial obligations of the other party.

773 b. Did not voluntarily and expressly waive, in writing, any
774 right to disclosure of the property or financial obligations of
775 the other party beyond disclosure provided.

776 c. Did not have or reasonably could not have had an
777 adequate knowledge of the property or financial obligations of
778 the other party.

779 (b) For such orders, the amendments to chapter 61, Florida
780 Statutes, shall constitute a substantial change in circumstances
781 for which an obligor may seek, in accordance with s. 61.14,
782 Florida Statutes, a modification of the amount or duration of
783 alimony, except for an order incorporating an agreement that is

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784 expressly nonmodifiable.

785 (3) Final judgments and orders for which the amendments to
786 chapter 61, Florida Statutes, shall constitute a substantial
787 change in circumstances under subsections (1) and (2) may be the
788 subject of a modification action according to the following
789 schedule:

790 (a) An obligor who is subject to alimony of 15 years or
791 more may file a modification action on or after July 1, 2019.

792 (b) An obligor who is subject to alimony of 8 years or
793 more, but less than 15 years, may file a modification action on
794 or after July 1, 2020.

795 (c) An obligor who is subject to alimony of less than 8
796 years may file a modification action on or after July 1, 2021.

797 Section 9. This act shall take effect July 1, 2019.