

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

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

144 ~~(b)(c)~~ (b) 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.