



1 A bill to be entitled
2 An act relating to family law; amending s. 61.071,
3 F.S.; requiring the use of specified factors in
4 calculating alimony pendente lite; requiring findings
5 by the court regarding such alimony; specifying that a
6 court may not use certain presumptive alimony
7 guidelines in calculating such alimony; amending s.
8 61.08, F.S.; providing definitions; requiring a court
9 to make specified findings before ruling on a request
10 for alimony; providing for determination of
11 presumptive alimony range and duration range;
12 providing presumptions concerning alimony awards
13 depending on the duration of marriages; providing for
14 imputation of income in certain circumstances;
15 providing for awards of nominal alimony in certain
16 circumstances; providing for taxability and
17 deductibility of alimony awards; specifying that a
18 combined award of alimony and child support may not
19 constitute more than a specified percentage of a
20 payor's net income; providing for security of awards
21 through specified means; providing for modification,
22 termination, and payment of awards; providing for
23 participation in alimony depository; amending s.
24 61.13, F.S.; declaring public policy concerning a
25 child's interests regarding time sharing in custody
26 and support proceedings; requiring a court to make



27 | written findings when determining time sharing in
28 | certain circumstances; amending ss. 61.1827 and
29 | 409.2579, F.S.; conforming cross-references; amending
30 | s. 61.14, F.S.; prohibiting a court from changing the
31 | duration of an alimony award; providing that a party
32 | may pursue an immediate modification of alimony in
33 | certain circumstances; revising factors to be
34 | considered in determining whether an existing award of
35 | alimony should be reduced or terminated because of an
36 | alleged supportive relationship; providing for the
37 | effective date of a reduction or termination of an
38 | alimony award based on the existence of a supportive
39 | relationship; providing that the remarriage of an
40 | alimony obligor is not a substantial change in
41 | circumstance; providing that the financial information
42 | of a subsequent spouse of a party paying or receiving
43 | alimony is inadmissible and undiscoverable; providing
44 | an exception; providing for modification or
45 | termination of an award based on a party's retirement;
46 | providing for a temporary reduction or suspension of
47 | an obligor's payment of alimony while his or her
48 | petition for modification or termination based on
49 | retirement is pending; providing for an award of
50 | attorney fees and costs for unreasonably pursuing or
51 | defending a modification of an award; establishing a
52 | rebuttable presumption that the modification of an



53 | alimony award is retroactive; amending s. 61.30, F.S.;

54 | providing that whenever a combined alimony and child

55 | support award constitutes more than a specified

56 | percentage of a payor's net income, the child support

57 | award be adjusted to reduce the combined total;

58 | creating s. 61.192, F.S.; providing for motions to

59 | advance the trial of certain actions if a specified

60 | period has passed since the initial service on the

61 | respondent; providing applicability; providing an

62 | effective date.

63 |

64 | Be It Enacted by the Legislature of the State of Florida:

65 |

66 | Section 1. Section 61.071, Florida Statutes, is amended to

67 | read:

68 | 61.071 Alimony pendente lite; suit money.—In every

69 | proceeding for dissolution of the marriage, a party may claim

70 | alimony and suit money in the petition or by motion, and if the

71 | petition is well founded, the court shall allow a reasonable sum

72 | therefor. If a party in any proceeding for dissolution of

73 | marriage claims alimony or suit money in his or her answer or by

74 | motion, and the answer or motion is well founded, the court

75 | shall allow a reasonable sum therefor. After determining that

76 | there is a need for alimony and that there is an ability to pay

77 | alimony, the court shall consider the alimony factors in s.

78 | 61.08(4)(b)1.-14. and make specific written findings of fact



79 regarding the relevant factors that justify an award of alimony
80 under this section. The court may not use the presumptive
81 alimony guidelines in s. 61.08 to calculate alimony under this
82 section.

83 Section 2. Section 61.08, Florida Statutes, is amended to
84 read:

85 61.08 Alimony.—

86 (Substantial rewording of section. See
87 s. 61.08, F.S., for present text.)

88 (1) DEFINITIONS.—As used in this section, unless the
89 context otherwise requires, the term:

90 (a)1. "Gross income" means recurring income from any
91 source and includes, but is not limited to:

92 a. Income from salaries.

93 b. Wages, including tips declared by the individual for
94 purposes of reporting to the Internal Revenue Service or tips
95 imputed to bring the employee's gross earnings to the minimum
96 wage for the number of hours worked, whichever is greater.

97 c. Commissions.

98 d. Payments received as an independent contractor for
99 labor or services, which payments must be considered income from
100 self-employment.

101 e. Bonuses.

102 f. Dividends.

103 g. Severance pay.

104 h. Pension payments and retirement benefits actually



105 received.

106 i. Royalties.

107 j. Rental income, which is gross receipts minus ordinary

108 and necessary expenses required to produce the income.

109 k. Interest.

110 l. Trust income and distributions which are regularly

111 received, relied upon, or readily available to the beneficiary.

112 m. Annuity payments.

113 n. Capital gains.

114 o. Any money drawn by a self-employed individual for

115 personal use that is deducted as a business expense, which

116 moneys must be considered income from self-employment.

117 p. Social security benefits, including social security

118 benefits actually received by a party as a result of the

119 disability of that party.

120 q. Workers' compensation benefits.

121 r. Unemployment insurance benefits.

122 s. Disability insurance benefits.

123 t. Funds payable from any health, accident, disability, or

124 casualty insurance to the extent that such insurance replaces

125 wages or provides income in lieu of wages.

126 u. Continuing monetary gifts.

127 v. Income from general partnerships, limited partnerships,

128 closely held corporations, or limited liability companies;

129 except that if a party is a passive investor, has a minority

130 interest in the company, and does not have any managerial duties



131 or input, the income to be recognized may be limited to actual
132 cash distributions received.

133 w. Expense reimbursements or in-kind payments or benefits
134 received by a party in the course of employment, self-
135 employment, or operation of a business which reduces personal
136 living expenses.

137 x. Overtime pay.

138 y. Income from royalties, trusts, or estates.

139 z. Spousal support received from a previous marriage.

140 aa. Gains derived from dealings in property, unless the
141 gain is nonrecurring.

142 2. "Gross income" does not include:

143 a. Child support payments received.

144 b. Benefits received from public assistance programs.

145 c. Social security benefits received by a parent on behalf
146 of a minor child as a result of the death or disability of a
147 parent or stepparent.

148 d. Earnings or gains on retirement accounts, including
149 individual retirement accounts; except that such earnings or
150 gains shall be included as income if a party takes a
151 distribution from the account. If a party is able to take a
152 distribution from the account without being subject to a federal
153 tax penalty for early distribution and the party chooses not to
154 take such a distribution, the court may consider the
155 distribution that could have been taken in determining the
156 party's gross income.



157 3.a. For income from self-employment, rent, royalties,
158 proprietorship of a business, or joint ownership of a
159 partnership or closely held corporation, the term "gross income"
160 equals gross receipts minus ordinary and necessary expenses, as
161 defined in sub-subparagraph b., which are required to produce
162 such income.

163 b. "Ordinary and necessary expenses," as used in sub-
164 paragraph a., does not include amounts allowable by the
165 Internal Revenue Service for the accelerated component of
166 depreciation expenses or investment tax credits or any other
167 business expenses determined by the court to be inappropriate
168 for determining gross income for purposes of calculating
169 alimony.

170 (b) "Potential income" means income which could be earned
171 by a party using his or her best efforts and includes potential
172 income from employment and potential income from the investment
173 of assets or use of property. Potential income from employment
174 is the income which a party could reasonably expect to earn by
175 working at a locally available, full-time job commensurate with
176 his or her education, training, and experience. Potential income
177 from the investment of assets or use of property is the income
178 which a party could reasonably expect to earn from the
179 investment of his or her assets or the use of his or her
180 property in a financially prudent manner.

181 (c)1. "Underemployed" means a party is not working full-
182 time in a position which is appropriate, based upon his or her



183 educational training and experience, and available in the
184 geographical area of his or her residence.

185 2. A party is not considered "underemployed" if he or she
186 is enrolled in an educational program that can be reasonably
187 expected to result in a degree or certification within a
188 reasonable period, so long as the educational program is:

189 a. Expected to result in higher income within the
190 foreseeable future.

191 b. A good faith educational choice based upon the previous
192 education, training, skills, and experience of the party and the
193 availability of immediate employment based upon the educational
194 program being pursued.

195 (d) "Years of marriage" means the number of whole years,
196 beginning from the date of the parties' marriage until the date
197 of the filing of the action for dissolution of marriage.

198 (2) INITIAL FINDINGS.—When a party has requested alimony
199 in a dissolution of marriage proceeding, before granting or
200 denying an award of alimony, the court shall make initial
201 written findings as to:

202 (a) The amount of each party's monthly gross income,
203 including, but not limited to, the actual or potential income,
204 and also including actual or potential income from nonmarital or
205 marital property distributed to each party.

206 (b) The years of marriage as determined from the date of
207 marriage through the date of the filing of the action for
208 dissolution of marriage.



209 (3) ALIMONY GUIDELINES.—After making the initial findings
210 described in subsection (2), the court shall calculate the
211 presumptive alimony amount range and the presumptive alimony
212 duration range. The court shall make written findings as to the
213 presumptive alimony amount range and presumptive alimony
214 duration range.

215 (a) Presumptive alimony amount range.—The low end of the
216 presumptive alimony amount range shall be calculated by using
217 the following formula:

218
219 (0.015 x the years of marriage) x the difference between
220 the monthly gross incomes of the parties

221
222 The high end of the presumptive alimony amount range shall be
223 calculated by using the following formula:

224
225 (0.020 x the years of marriage) x the difference between
226 the monthly gross incomes of the parties

227
228 For purposes of calculating the presumptive alimony amount
229 range, 20 years of marriage shall be used in calculating the low
230 end and high end for marriages of 20 years or more. In
231 calculating the difference between the parties' monthly gross
232 income, the income of the party seeking alimony shall be
233 subtracted from the income of the other party. If the
234 application of the formulas to establish a guideline range



235 results in a negative number, the presumptive alimony amount
236 shall be \$0. If a court establishes the duration of the alimony
237 award at 50 percent or less of the length of the marriage, the
238 court shall use the actual years of the marriage, up to a
239 maximum of 25 years, to calculate the high end of the
240 presumptive alimony amount range.

241 (b) Presumptive alimony duration range.—The low end of the
242 presumptive alimony duration range shall be calculated by using
243 the following formula:

244
245 0.25 x the years of marriage

246
247 The high end of the presumptive alimony duration range shall be
248 calculated by using the following formula:

249
250 0.75 x the years of marriage

251
252 (4) ALIMONY AWARD.—

253 (a) Marriages of 2 years or less.—For marriages of 2 years
254 or less, there is a rebuttable presumption that no alimony shall
255 be awarded. The court may award alimony for a marriage with a
256 duration of 2 years or less only if the court makes written
257 findings that there is clear and convincing need for alimony,
258 there is an ability to pay alimony, and that the failure to
259 award alimony would be inequitable. The court shall then
260 establish the alimony award in accordance with paragraph (b).



261 (b) Marriages of more than 2 years.—Absent an agreement of
262 the parties, alimony shall presumptively be awarded in an amount
263 within the alimony amount range calculated in paragraph (3)(a).
264 Absent an agreement of the parties, alimony shall presumptively
265 be awarded for a duration within the alimony duration range
266 calculated in paragraph (3)(b). In determining the amount and
267 duration of the alimony award, the court shall consider all of
268 the following factors upon which evidence was presented:

269 1. The financial resources of the recipient spouse,
270 including the actual or potential income from nonmarital or
271 marital property or any other source and the ability of the
272 recipient spouse to meet his or her reasonable needs
273 independently.

274 2. The financial resources of the payor spouse, including
275 the actual or potential income from nonmarital or marital
276 property or any other source and the ability of the payor spouse
277 to meet his or her reasonable needs while paying alimony.

278 3. The standard of living of the parties during the
279 marriage with consideration that there will be two households to
280 maintain after the dissolution of the marriage and that neither
281 party may be able to maintain the same standard of living after
282 the dissolution of the marriage.

283 4. The equitable distribution of marital property,
284 including whether an unequal distribution of marital property
285 was made to reduce or alleviate the need for alimony.

286 5. Both parties' income, employment, and employability,



287 obtainable through reasonable diligence and additional training
288 or education, if necessary, and any necessary reduction in
289 employment due to the needs of an unemancipated child of the
290 marriage or the circumstances of the parties.

291 6. Whether a party could become better able to support
292 himself or herself and reduce the need for ongoing alimony by
293 pursuing additional educational or vocational training along
294 with all of the details of such educational or vocational plan,
295 including, but not limited to, the length of time required and
296 the anticipated costs of such educational or vocational plan.

297 7. Whether one party has historically earned higher or
298 lower income than the income reflected at the time of trial and
299 the duration and consistency of income from overtime or
300 secondary employment.

301 8. Whether either party has foregone or postponed
302 economic, educational, or employment opportunities during the
303 course of the marriage.

304 9. Whether either party has caused the unreasonable
305 depletion or dissipation of marital assets.

306 10. The amount of temporary alimony and the number of
307 months that temporary alimony was paid to the recipient spouse.

308 11. The age, health, and physical and mental condition of
309 the parties, including consideration of significant health care
310 needs or uninsured or unreimbursed health care expenses.

311 12. Significant economic or noneconomic contributions to
312 the marriage or to the economic, educational, or occupational



313 advancement of a party, including, but not limited to, services
314 rendered in homemaking, child care, education, and career
315 building of the other party, payment by one spouse of the other
316 spouse's separate debts, or enhancement of the other spouse's
317 personal or real property.

318 13. The tax consequence of the alimony award.

319 14. Any other factor necessary to do equity and justice
320 between the parties.

321 (c) Deviation from guidelines.—The court may establish an
322 award of alimony that is outside the presumptive alimony amount
323 or alimony duration ranges only if the court considers all of
324 the factors in paragraph (b) and makes specific written findings
325 concerning the relevant factors that justify that the
326 application of the presumptive alimony amount or alimony
327 duration ranges, as applicable, is inappropriate or inequitable.

328 (d) Order establishing alimony award.—After consideration
329 of the presumptive alimony amount and duration ranges in
330 accordance with paragraphs (3) (a) and (b), and the factors upon
331 which evidence was presented in accordance with paragraph (b),
332 the court may establish an alimony award. An order establishing
333 an alimony award must clearly set forth both the amount and the
334 duration of the award. The court shall also make a written
335 finding that the payor has the financial ability to pay the
336 award.

337 (5) IMPUTATION OF INCOME.—If a party is voluntarily
338 unemployed or underemployed, alimony shall be calculated based



339 on a determination of potential income unless the court makes
340 specific written findings regarding the circumstances that make
341 it inequitable to impute income.

342 (6) NOMINAL ALIMONY.—Notwithstanding subsections (1), (3),
343 and (4), the court may make an award of nominal alimony in the
344 amount of \$1 per year if, at the time of trial, a party who has
345 traditionally provided the primary source of financial support
346 to the family temporarily lacks the ability to pay support but
347 is reasonably anticipated to have the ability to pay support in
348 the future. The court may also award nominal alimony for an
349 alimony recipient that is presently able to work but for whom a
350 medical condition with a reasonable degree of medical certainty
351 may inhibit or prevent his or her ability to work during the
352 duration of the alimony period. The duration of the nominal
353 alimony shall be established within the presumptive durational
354 range based upon the length of the marriage subject to the
355 alimony factors in paragraph (4) (b). Before the expiration of
356 the durational period, nominal alimony may be modified in
357 accordance with s. 61.14 as to amount to a full alimony award
358 using the alimony guidelines and factors in this section.

359 (7) TAXABILITY AND DEDUCTIBILITY OF ALIMONY.—

360 (a) Unless otherwise stated in the judgment or order for
361 alimony or in an agreement incorporated thereby, alimony shall
362 be deductible from income by the payor under s. 215 of the
363 Internal Revenue Code and includable in the income of the payee
364 under s. 71 of the Internal Revenue Code.



365 (b) When making a judgment or order for alimony, the court
366 may, in its discretion after weighing the equities and tax
367 efficiencies, order alimony be nondeductible from income by the
368 payor and nonincludable in the income of the payee.

369 (c) The parties may, in a marital settlement agreement,
370 separation agreement, or related agreement, specifically agree
371 in writing that alimony be nondeductible from income by the
372 payor and nonincludable in the income of the payee.

373 (8) MAXIMUM COMBINED AWARD.—In no event shall a combined
374 award of alimony and child support constitute more than 55
375 percent of the payor's net income, calculated without any
376 consideration of alimony or child support obligations.

377 (9) SECURITY OF AWARD.—To the extent necessary to protect
378 an award of alimony, the court may order any party who is
379 ordered to pay alimony to purchase or maintain a decreasing term
380 life insurance policy or a bond, or to otherwise secure such
381 alimony award with any other assets that may be suitable for
382 that purpose, in an amount adequate to secure the alimony award.
383 Any such security may be awarded only upon a showing of special
384 circumstances. If the court finds special circumstances and
385 awards such security, the court must make specific evidentiary
386 findings regarding the availability, cost, and financial impact
387 on the obligated party. Any security may be modifiable in the
388 event that the underlying alimony award is modified and shall be
389 reduced in an amount commensurate with any reduction in the
390 alimony award.



391 (10) MODIFICATION OF AWARD.—A court may subsequently
392 modify or terminate the amount of an award of alimony initially
393 established under this section in accordance with s. 61.14.
394 However, a court may not modify the duration of an award of
395 alimony initially established under this section.

396 (11) TERMINATION OF AWARD.—An alimony award shall
397 terminate upon the death of either party or the remarriage of
398 the obligee.

399 (12) (a) PAYMENT OF AWARD.—With respect to an order
400 requiring the payment of alimony entered on or after January 1,
401 1985, unless paragraph (c) or paragraph (d) applies, the court
402 shall direct in the order that the payments of alimony be made
403 through the appropriate depository as provided in s. 61.181.

404 (b) With respect to an order requiring the payment of
405 alimony entered before January 1, 1985, upon the subsequent
406 appearance, on or after that date, of one or both parties before
407 the court having jurisdiction for the purpose of modifying or
408 enforcing the order or in any other proceeding related to the
409 order, or upon the application of either party, unless paragraph
410 (c) or paragraph (d) applies, the court shall modify the terms
411 of the order as necessary to direct that payments of alimony be
412 made through the appropriate depository as provided in s.
413 61.181.

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

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



417 parties so request, the court may order that alimony payments
418 need not be directed through the depository. In this case, the
419 order of support shall provide, or be deemed to provide, that
420 either party may subsequently apply to the depository to require
421 that payments be made through the depository. The court shall
422 provide a copy of the order to the depository.

423 2. If subparagraph 1. applies, either party may
424 subsequently file with the clerk of the court a verified motion
425 alleging a default or arrearages in payment stating that the
426 party wishes to initiate participation in the depository
427 program. The moving party shall provide a copy of the motion to
428 the other party. No later than 15 days after filing the motion,
429 the court shall conduct an evidentiary hearing establishing the
430 default and arrearages, if any, and issue an order directing the
431 clerk of the circuit court to establish, or amend an existing,
432 family law case history account, and further advising the
433 parties that future payments shall thereafter be directed
434 through the depository.

435 3. In IV-D cases, the Title IV-D agency shall have the
436 same rights as the obligee in requesting that payments be made
437 through the depository.

438 Section 3. Subsections (4) through (8) of section 61.13,
439 Florida Statutes, are renumbered as subsections (5) through (9),
440 respectively, present subsection (3) is amended, and a new
441 subsection (4) is added to that section, to read:

442 61.13 Support of children; parenting and time-sharing;



443 powers of court.—

444 (3) For purposes of establishing or modifying parental
445 responsibility and creating, developing, approving, or modifying
446 a parenting plan, including a time-sharing schedule, which
447 governs each parent's relationship with his or her minor child
448 and the relationship between each parent with regard to his or
449 her minor child, the best interest of the child shall be the
450 primary consideration. A determination of parental
451 responsibility, a parenting plan, or a time-sharing schedule may
452 not be modified without a showing of a substantial, material,
453 and unanticipated change in circumstances and a determination
454 that the modification is in the best interests of the child. It
455 is further the public policy of this state that a child's
456 interests are ordinarily best served by the equal and active
457 involvement of both parents in the child's life. In determining
458 an appropriate time-sharing schedule, there shall be no
459 presumption in favor of either parent or particular time-sharing
460 schedule. Absent good cause, it is in the minor child's best
461 interests to have substantial time sharing with both parents.
462 The court, in determining an appropriate time-sharing schedule,
463 shall consider any division of time put forth by the parties
464 from sole exclusive time sharing with one parent to equal time
465 sharing with both parents ~~Determination of the best interests of~~
466 ~~the child shall be made~~ by evaluating all of the factors
467 affecting the welfare and interests of the particular minor
468 child and the circumstances of that family, including, but not



469 limited to:

470 (a) The demonstrated capacity and disposition of each
471 parent to facilitate and encourage a close and continuing
472 parent-child relationship, to honor the time-sharing schedule,
473 and to be reasonable when changes are required.

474 (b) The anticipated division of parental responsibilities
475 after the litigation, including the extent to which parental
476 responsibilities will be delegated to third parties.

477 (c) The demonstrated capacity and disposition of each
478 parent to determine, consider, and act upon the needs of the
479 child as opposed to the needs or desires of the parent.

480 (d) The length of time the child has lived in a stable,
481 satisfactory environment and the desirability of maintaining
482 continuity.

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

488 (f) The moral fitness of the parents.

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

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

491 (i) The reasonable preference of the child, if the court
492 deems the child to be of sufficient intelligence, understanding,
493 and experience to express a preference.

494 (j) The demonstrated knowledge, capacity, and disposition



495 of each parent to be informed of the circumstances of the minor
496 child, including, but not limited to, the child's friends,
497 teachers, medical care providers, daily activities, and favorite
498 things.

499 (k) The demonstrated capacity and disposition of each
500 parent to provide a consistent routine for the child, such as
501 discipline, and daily schedules for homework, meals, and
502 bedtime.

503 (l) The demonstrated capacity of each parent to
504 communicate with and keep the other parent informed of issues
505 and activities regarding the minor child, and the willingness of
506 each parent to adopt a unified front on all major issues when
507 dealing with the child.

508 (m) Evidence of domestic violence, sexual violence, child
509 abuse, child abandonment, or child neglect, regardless of
510 whether a prior or pending action relating to those issues has
511 been brought. If the court accepts evidence of prior or pending
512 actions regarding domestic violence, sexual violence, child
513 abuse, child abandonment, or child neglect, the court must
514 specifically acknowledge in writing that such evidence was
515 considered when evaluating the best interests of the child.

516 (n) Evidence that either parent has knowingly provided
517 false information to the court regarding any prior or pending
518 action regarding domestic violence, sexual violence, child
519 abuse, child abandonment, or child neglect.

520 (o) The particular parenting tasks customarily performed



521 by each parent and the division of parental responsibilities
522 before the institution of litigation and during the pending
523 litigation, including the extent to which parenting
524 responsibilities were undertaken by third parties.

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

528 (q) The demonstrated capacity and disposition of each
529 parent to maintain an environment for the child which is free
530 from substance abuse.

531 (r) The capacity and disposition of each parent to protect
532 the child from the ongoing litigation as demonstrated by not
533 discussing the litigation with the child, not sharing documents
534 or electronic media related to the litigation with the child,
535 and refraining from disparaging comments about the other parent
536 to the child.

537 (s) The developmental stages and needs of the child and
538 the demonstrated capacity and disposition of each parent to meet
539 the child's developmental needs.

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

543 (4) Unless the court determines it is detrimental to the
544 minor child to make findings, a court order must be supported by
545 written findings of fact reflecting consideration as to each
546 relevant factor provided in paragraphs (3) (a)-(t) and the public



547 policy of the state under subsection (3) and subparagraph
548 (2)(c)1. No findings shall be required when the parties have
549 entered into an agreement regarding timesharing.

550 Section 4. Paragraph (b) of subsection (1) of section
551 61.1827, Florida Statutes, is amended to read:

552 61.1827 Identifying information concerning applicants for
553 and recipients of child support services.—

554 (1) Any information that reveals the identity of
555 applicants for or recipients of child support services,
556 including the name, address, and telephone number of such
557 persons, held by a non-Title IV-D county child support
558 enforcement agency is confidential and exempt from s. 119.07(1)
559 and s. 24(a) of Art. I of the State Constitution. The use or
560 disclosure of such information by the non-Title IV-D county
561 child support enforcement agency is limited to the purposes
562 directly connected with:

563 (b) Mandatory disclosure of identifying and location
564 information as provided in s. 61.13(8) ~~61.13(7)~~ by the non-Title
565 IV-D county child support enforcement agency when providing non-
566 Title IV-D services;

567 Section 5. Paragraph (e) of subsection (1) of section
568 409.2579, Florida Statutes, is amended to read:

569 409.2579 Safeguarding Title IV-D case file information.—

570 (1) Information concerning applicants for or recipients of
571 Title IV-D child support services is confidential and exempt
572 from the provisions of s. 119.07(1). The use or disclosure of



573 such information by the IV-D program is limited to purposes
574 directly connected with:

575 (e) Mandatory disclosure of identifying and location
576 information as provided in s. 61.13(8) ~~61.13(7)~~ by the IV-D
577 program when providing Title IV-D services.

578 Section 6. Subsection (1) of section 61.14, Florida
579 Statutes, is amended to read:

580 61.14 Enforcement and modification of support,
581 maintenance, or alimony agreements or orders.—

582 (1) (a) When the parties enter into an agreement for
583 payments for, or instead of, support, maintenance, or alimony,
584 whether in connection with a proceeding for dissolution or
585 separate maintenance or with any voluntary property settlement,
586 or when a party is required by court order to make any payments,
587 and the circumstances or the financial ability of either party
588 changes or the child who is a beneficiary of an agreement or
589 court order as described herein reaches majority after the
590 execution of the agreement or the rendition of the order, either
591 party may apply to the circuit court of the circuit in which the
592 parties, or either of them, resided at the date of the execution
593 of the agreement or reside at the date of the application, or in
594 which the agreement was executed or in which the order was
595 rendered, for an order decreasing or increasing the amount of
596 support, maintenance, or alimony, and the court has jurisdiction
597 to make orders as equity requires, with due regard to the
598 changed circumstances or the financial ability of the parties or



599 the child, decreasing, increasing, or confirming the amount of
600 separate support, maintenance, or alimony provided for in the
601 agreement or order. However, a court may not decrease or
602 increase the duration of alimony provided for in the agreement
603 or order. A party is entitled to pursue an immediate
604 modification of alimony if the actual income earned by the other
605 party exceeds, by at least 10 percent, the amount imputed to
606 that party at the time the existing alimony award was determined
607 and such circumstance shall constitute a substantial change in
608 circumstances sufficient to support a modification of alimony.
609 However, an increase in an alimony obligor's income alone does
610 not constitute a basis for a modification to increase alimony
611 unless at the time the alimony award was established it was
612 determined that the obligor was underemployed or unemployed and
613 the court did not impute income to that party at his or her
614 maximum potential income. If an alimony obligor becomes
615 involuntarily underemployed or unemployed for a period of 6
616 months following the entry of the last order requiring the
617 payment of alimony, the obligor is entitled to pursue an
618 immediate modification of his or her existing alimony
619 obligations and such circumstance shall constitute a substantial
620 change in circumstance sufficient to support a modification of
621 alimony. A finding that medical insurance is reasonably
622 available or the child support guidelines schedule in s. 61.30
623 may constitute changed circumstances. Except as otherwise
624 provided in s. 61.30(11)(c), the court may modify an order of



625 support, maintenance, or alimony by increasing or decreasing the
626 support, maintenance, or alimony retroactively to the date of
627 the filing of the action or supplemental action for modification
628 as equity requires, giving due regard to the changed
629 circumstances or the financial ability of the parties or the
630 child.

631 (b)1. The court may reduce or terminate an award of
632 alimony upon specific written findings by the court that since
633 the granting of a divorce and the award of alimony a supportive
634 relationship exists or has existed within the previous year
635 before the date of the filing of the petition for modification
636 or termination between the obligee and another a person with
637 ~~whom the obligee resides. On the issue of whether alimony should~~
638 ~~be reduced or terminated under this paragraph, the burden is on~~
639 ~~the obligor to prove by a preponderance of the evidence that a~~
640 ~~supportive relationship exists.~~

641 2. In determining whether an existing award of alimony
642 should be reduced or terminated because of an alleged supportive
643 relationship between an obligee and a person who is not related
644 by consanguinity or affinity ~~and with whom the obligee resides,~~
645 the court shall elicit the nature and extent of the relationship
646 in question. The court shall give consideration, without
647 limitation, to circumstances, including, but not limited to, the
648 following, in determining the relationship of an obligee to
649 another person:

650 a. The extent to which the obligee and the other person



651 have held themselves out as a married couple by engaging in
652 conduct such as using the same last name, using a common mailing
653 address, referring to each other in terms such as "my spouse"
654 ~~"my husband" or "my wife,"~~ or otherwise conducting themselves in
655 a manner that evidences a permanent supportive relationship.

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

658 c. The extent to which the obligee and the other person
659 have pooled their assets or income or otherwise exhibited
660 financial interdependence.

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

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

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

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

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

671 i. Evidence in support of a claim that the obligee and the
672 other person have an express agreement regarding property
673 sharing or support.

674 j. Evidence in support of a claim that the obligee and the
675 other person have an implied agreement regarding property
676 sharing or support.



677 k. Whether the obligee and the other person have provided
678 support to the children of one another, regardless of any legal
679 duty to do so.

680 1. Whether the obligor's failure, in whole or in part, to
681 comply with all court-ordered financial obligations to the
682 obligee constituted a significant factor in the establishment of
683 the supportive relationship.

684 3. In any proceeding to modify an alimony award based upon
685 a supportive relationship, the obligor has the burden of proof
686 to establish, by a preponderance of the evidence, that a
687 supportive relationship exists or has existed within the
688 previous year before the date of the filing of the petition for
689 modification or termination. The obligor is not required to
690 prove cohabitation of the obligee and the third party.

691 4. Notwithstanding paragraph (f), if a reduction or
692 termination is granted under this paragraph, the reduction or
693 termination is retroactive to the date of filing of the petition
694 for reduction or termination.

695 ~~5.3.~~ This paragraph does not abrogate the requirement that
696 every marriage in this state be solemnized under a license, does
697 not recognize a common law marriage as valid, and does not
698 recognize a de facto marriage. This paragraph recognizes only
699 that relationships do exist that provide economic support
700 equivalent to a marriage and that alimony terminable on
701 remarriage may be reduced or terminated upon the establishment
702 of equivalent equitable circumstances as described in this



703 paragraph. The existence of a conjugal relationship, though it
704 may be relevant to the nature and extent of the relationship, is
705 not necessary for the application of the provisions of this
706 paragraph.

707 (c)1. For purposes of this section, the remarriage of an
708 alimony obligor does not constitute a substantial change in
709 circumstance or a basis for a modification of alimony.

710 2. The financial information, including, but not limited
711 to, information related to assets and income, of a subsequent
712 spouse of a party paying or receiving alimony is inadmissible
713 and may not be considered as a part of any modification action
714 unless a party is claiming that his or her income has decreased
715 since the marriage. If a party makes such a claim, the financial
716 information of the subsequent spouse is discoverable and
717 admissible only to the extent necessary to establish whether the
718 party claiming that his or her income has decreased is diverting
719 income or assets to the subsequent spouse that might otherwise
720 be available for the payment of alimony. However, this
721 subparagraph may not be used to prevent the discovery of or
722 admissibility in evidence of the income or assets of a party
723 when those assets are held jointly with a subsequent spouse.
724 This subparagraph is not intended to prohibit the discovery or
725 admissibility of a joint tax return filed by a party and his or
726 her subsequent spouse in connection with a modification of
727 alimony.

728 (d)1. An obligor may file a petition for modification or



729 termination of an alimony award based upon his or her actual
730 retirement.

731 a. A substantial change in circumstance is deemed to exist
732 if:

733 (I) The obligor has reached the age for eligibility to
734 receive full retirement benefits under s. 216 of the Social
735 Security Act, 42 U.S.C. s. 416 and has retired; or

736 (II) The obligor has reached the customary retirement age
737 for his or her occupation and has retired from that occupation.
738 An obligor may file an action within 1 year of his or her
739 anticipated retirement date and the court shall determine the
740 customary retirement date for the obligor's profession. However,
741 a determination of the customary retirement age is not an
742 adjudication of a petition for a modification of an alimony
743 award.

744 b. If an obligor voluntarily retires before reaching any
745 of the ages described in sub-subparagraph a., the court shall
746 determine whether the obligor's retirement is reasonable upon
747 consideration of the obligor's age, health, and motivation for
748 retirement and the financial impact on the obligee. A finding of
749 reasonableness by the court shall constitute a substantial
750 change in circumstance.

751 2. Upon a finding of a substantial change in circumstance,
752 there is a rebuttable presumption that an obligor's existing
753 alimony obligation shall be modified or terminated. The court
754 shall modify or terminate the alimony obligation, or make a



755 determination regarding whether the rebuttable presumption has
756 been overcome, based upon the following factors applied to the
757 current circumstances of the obligor and obligee:

758 a. The age of the parties.

759 b. The health of the parties.

760 c. The assets and liabilities of the parties.

761 d. The earned or imputed income of the parties as provided
762 in s. 61.08(1)(a) and (5).

763 e. The ability of the parties to maintain part-time or
764 full-time employment.

765 f. Any other factor deemed relevant by the court.

766 3. The court may temporarily reduce or suspend the
767 obligor's payment of alimony while his or her petition for
768 modification or termination under this paragraph is pending.

769 (e) A party who unreasonably pursues or defends an action
770 for modification of alimony shall be required to pay the
771 reasonable attorney fees and costs of the prevailing party.

772 Further, a party obligated to pay prevailing party attorney fees
773 and costs in connection with unreasonably pursuing or defending
774 an action for modification is not entitled to an award of
775 attorney fees and cost in accordance with s. 61.16.

776 (f) There is a rebuttable presumption that a modification
777 or termination of an alimony award is retroactive to the date of
778 the filing of the petition, unless the obligee demonstrates that
779 the result is inequitable.

780 (g)-(e) For each support order reviewed by the department



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781 as required by s. 409.2564(11), if the amount of the child
782 support award under the order differs by at least 10 percent but
783 not less than \$25 from the amount that would be awarded under s.
784 61.30, the department shall seek to have the order modified and
785 any modification shall be made without a requirement for proof
786 or showing of a change in circumstances.

787 (h)~~(d)~~ The department may ~~shall have authority to~~ adopt
788 rules to implement this section.

789 Section 7. Paragraph (d) is added to subsection (11) of
790 section 61.30, Florida Statutes, to read:

791 61.30 Child support guidelines; retroactive child
792 support.—

793 (11)

794 (d) Whenever a combined alimony and child support award
795 constitutes more than 55 percent of the payor's net income,
796 calculated without any consideration of alimony or child support
797 obligations, the court shall adjust the award of child support
798 to ensure that the 55 percent cap is not exceeded.

799 Section 8. Section 61.192, Florida Statutes, is created to
800 read:

801 61.192 Advancing trial.—In an action brought pursuant to
802 this chapter, if more than 2 years have passed since the initial
803 petition was served on the respondent, either party may move the
804 court to advance the trial of their action on the docket. This
805 motion may be made at any time after 2 years have passed since
806 the petition was served, and once made the court must give the



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807 case priority on the court's calendar.

808 Section 9. The amendments made by this act to chapter 61,
809 Florida Statutes, apply to all initial determinations of alimony
810 and all alimony modification actions that are pending on October
811 1, 2015, or that are brought on or after October 1, 2015. The
812 changes to the law made by this act do not constitute a
813 substantial change in circumstances and may not serve as the
814 sole basis to seek a modification of an alimony award made
815 before the effective date of this act.

816 Section 10. This act shall take effect October 1, 2015.