

# Fla. Stat. § 61.08

## Section 61.08 - Alimony

### (1)

**(a)** In a proceeding for dissolution of marriage, the court may grant alimony to either party in the form or forms of temporary, bridge-the-gap, rehabilitative, or durational alimony, as is equitable. In an award of alimony, the court may order periodic or lump sum payments. The court may consider the adultery of either spouse and any resulting economic impact in determining the amount of alimony, if any, to be awarded.

**(b)** The court shall make written findings of fact regarding the basis for awarding a form or any combination of forms of alimony, including the type of alimony and the length of time for which the alimony is awarded. The court may award a combination of forms of alimony or forms of payment, including lump sum payments, to provide greater economic assistance in order to allow the obligee to achieve self-support.

### (2)

**(a)** In determining whether to award support, maintenance, or alimony, the court shall first make a specific, factual determination as to whether the party seeking support, maintenance, or alimony has an actual need for it and whether the other party has the ability to pay support, maintenance, or alimony. The party seeking support, maintenance, or alimony has the burden of proving his or her need for support, maintenance, or alimony and the other party's ability to pay support, maintenance, or alimony.

**(b)** When determining a support, maintenance, or alimony claim, the court shall include written findings of fact relative to the factors provided in subsection (3) supporting an award or denial of support, maintenance, or alimony, unless the denial is based upon a failure to establish a need for or ability to pay support, maintenance, or alimony. However, the court shall make written findings of fact as to the lack of need or lack of ability to pay in denying a request for support, maintenance, or alimony.

**(3)** If the court finds that the party seeking support, maintenance, or alimony has a need for it and that the other party has the ability to pay support, maintenance, or alimony, then in determining the proper form or forms of support, maintenance, or alimony under subsections (5)-(8), or a deviation therefrom, the court shall consider all of the following relevant factors, including, but not limited to:

**(a)** The duration of the marriage.

**(b)** The standard of living established during the marriage and the anticipated needs and necessities of life for each party after the entry of the final judgment.

**(c)** The age, physical, mental, and emotional condition of each party, including whether either party is physically or mentally disabled and the resulting impact on either the obligee's ability to provide for his or her own needs or the obligor's ability to pay alimony and whether such conditions are expected to be temporary or permanent.

- (d)** The resources and income of each party, including the income generated from both nonmarital and marital assets.
- (e)** The earning capacities, educational levels, vocational skills, and employability of the parties, including the ability of either party to obtain the necessary skills or education to become self-supporting or to contribute to his or her self-support prior to the termination of the support, maintenance, or alimony award.
- (f)** The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.
- (g)** The responsibilities each party will have with regard to any minor children whom the parties have in common, with special consideration given to the need to care for a child with a mental or physical disability.
- (h)** [The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.] Any other factor necessary for equity and justice between the parties, which shall be specifically identified in the written findings of fact.

This may include a finding of a supportive relationship as provided for in s. 61.14(1)(b) or a reasonable retirement as provided for in s. 61.14(1)(c)1 .

- (4)** To the extent necessary to protect an award of alimony, the court may order the obligor to purchase or maintain a life insurance policy or a bond, or to otherwise secure such alimony award with any other assets that may be suitable for that purpose. The court must make specific findings that there are special circumstances that warrant the purchase or maintenance of a life insurance policy or a bond to secure the alimony award. If the court orders a party to purchase or maintain a life insurance policy or a bond, the court may apportion the costs of such insurance or bond to either or both parties based upon a determination of the ability of the obligee and obligor to pay such costs.
- (5)** For purposes of determining alimony, there is a rebuttable presumption that a short-term marriage is a marriage having a duration of less than 10 years, a moderate-term marriage is a marriage having a duration between 10 and 20 years, and a long-term marriage is a marriage having a duration of 20 years or longer . The length of a marriage is the period of time from the date of marriage until the date of filing of an action for dissolution of marriage.
- (6)** Bridge-the-gap alimony may be awarded to provide support to a party in making the transition from being married to being single. Bridge-the-gap alimony assists a party with legitimate identifiable short-term needs. The length of an award of bridge-the-gap alimony may not exceed 2 years. An award of bridge-the-gap alimony terminates upon the death of either party or upon the remarriage of the obligee . An award of bridge-the-gap alimony is not modifiable in amount or duration.
- (7)**

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

    - 1.** The redevelopment of previous skills or credentials; or

2. The acquisition of education, training, or work experience necessary to develop appropriate employment skills or credentials.

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

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

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

**(8)**

**(a)** Durational alimony may be awarded to provide a party with economic assistance for a set period of time . An award of durational alimony terminates upon the death of either party or upon the remarriage of the obligee . The amount of an award of durational alimony may be modified or terminated based upon a substantial change in circumstances in accordance with s. 61.14. Durational alimony may not be awarded following a marriage lasting less than 3 years. The length of an award of durational alimony may not be modified except under exceptional circumstances and may not exceed the length of the marriage except as set forth in this subsection.

**(b)** An award of durational alimony may not exceed 50 percent of the length of a short-term marriage, 60 percent of the length of a moderate-term marriage, or 75 percent of the length of a long-term marriage. Under exceptional circumstances, the court may extend the term of durational alimony by a showing of clear and convincing evidence that it is necessary after application of the factors in subsection (3) and upon consideration of all of the following additional factors:

1. The extent to which the obligee's age and employability limit the obligee's ability for self-support, either in whole or in part.

2. The extent to which the obligee's available financial resources limit the obligee's ability for self-support, either in whole or in part.

3. The extent to which the obligee is mentally or physically disabled or has been diagnosed with a mental or physical condition that has rendered, or will render, him or her incapable of self-support, either in whole or in part.

4. The extent to which the obligee is the caregiver to a mentally or physically disabled child, whether or not the child has attained the age of majority, who is common to the parties. Any extension terminates upon the child no longer requiring caregiving by the obligee, or upon death of the child, unless one of the other factors in this paragraph apply.

**(c)** The amount of durational alimony is the amount determined to be the obligee's reasonable need, or an amount not to exceed 35 percent of the difference between the parties' net incomes, whichever amount is less. Net income shall be calculated in

conformity with s. 61.30(2) and (3), excluding spousal support paid pursuant to a court order in the action between the parties.

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

**(10)**

**(a)** With respect to any order requiring the payment of alimony entered on or after January 1, 1985, unless paragraph (c) or paragraph (d) applies, the court shall direct in the order that the payments of alimony be made through the appropriate depository as provided in s. 61.181.

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

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

**(d)**

**1.** If there is a minor child of the parties and both parties so request, the court may order that alimony payments need not be directed through the depository. In this case, the order of support must provide, or be deemed to provide, that either party may subsequently apply to the depository to require that payments be made through the depository. The court shall provide a copy of the order to the depository.

**2.** If subparagraph 1. applies, either party may subsequently file with the depository an affidavit alleging default or arrearages in payment and stating that the party wishes to initiate participation in the depository program. The party shall provide copies of the affidavit to the court and the other party or parties. Fifteen days after receipt of the affidavit, the depository shall notify all parties that future payments must be directed to the depository.

**3.** In IV-D cases, the IV-D agency has the same rights as the obligee in requesting that payments be made through the depository.

**(11)** The court shall apply this section to all initial petitions for dissolution of marriage or support unconnected with dissolution of marriage pending or filed on or after July 1, 2023.

*Fla. Stat. § 61.08*

Amended by 2023 Fla. Laws, ch. 315, s 1, eff. 7/1/2023.

ss. 7, 12, 10/31/1828; RS 1484; GS 1932; RGS 3195; CGL 4987; s. 1, ch. 23894, 1947; s. 1, ch. 63-145; s. 16, ch. 67-254; s. 10, ch. 71-241; s. 1, ch. 78-339; s. 1, ch. 84-110; s. 115, ch. 86-220; s. 2, ch. 88-98; s. 3, ch. 91-246; s. 1, ch. 2010 - 199; s. 79, ch. 2011 - 92.

*Former s. 65.08.*

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1  
2 An act relating to dissolution of marriage; amending  
3 s. 61.08, F.S.; making technical changes; authorizing  
4 the court to consider the adultery of either spouse  
5 and any resulting economic impact in determining the  
6 amount of alimony awarded; requiring the court to make  
7 certain written findings in its awards of alimony;  
8 authorizing the court to award a combination of forms  
9 of alimony or forms of payment for certain purposes;  
10 providing a burden of proof for the party seeking  
11 support, maintenance, or alimony; requiring the court  
12 to make written findings under certain circumstances;  
13 revising factors that the court must consider in  
14 determining the form or forms of support, maintenance,  
15 or alimony; requiring the court to make specific  
16 findings regarding the purchase or maintenance of a  
17 life insurance policy or a bond to secure alimony;  
18 authorizing the court to apportion costs of such  
19 policies or bonds; modifying certain rebuttable  
20 presumptions related to the duration of a marriage for  
21 purposes of determining alimony; prohibiting the  
22 length of an award of rehabilitative alimony from  
23 exceeding a specified timeframe; revising a provision  
24 authorizing the modification of rehabilitative alimony  
25 upon completion of the rehabilitative plan; revising  
26 provisions related to durational alimony; prohibiting  
27 the length of an award of durational alimony from  
28 exceeding specified timeframes; authorizing the court  
29 to extend durational alimony under certain

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30 circumstances; specifying the calculation of  
31 durational alimony; removing a provision authorizing  
32 the court to award permanent alimony; providing  
33 applicability; amending s. 61.13, F.S.; removing the  
34 unanticipated change of circumstances requirement  
35 regarding modifying a parenting plan and time-sharing  
36 schedule; authorizing the court to consider a certain  
37 relocation of a parent as a substantial and material  
38 change for the purpose of a modification to the time-  
39 sharing schedule, subject to a certain determination;  
40 amending s. 61.14, F.S.; requiring the court to reduce  
41 or terminate support, maintenance, or alimony under  
42 certain circumstances; clarifying provisions relating  
43 to supportive relationships; specifying burdens of  
44 proof for the obligor and obligee when the court must  
45 determine that a supportive relationship exists or has  
46 existed and the extent to which an award of support,  
47 maintenance, or alimony should be reduced or  
48 terminated; requiring the court to make certain  
49 written findings; revising the additional factors the  
50 court must consider regarding supportive  
51 relationships; revising construction and  
52 applicability; authorizing the court to reduce or  
53 terminate an award of support, maintenance, or alimony  
54 upon specific written findings of fact regarding the  
55 obligor's retirement; providing burdens of proof for  
56 the obligor and obligee; requiring the court to make  
57 written findings regarding specified factors when  
58 deciding whether to reduce or terminate support,

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59 maintenance, or alimony; authorizing the obligor to  
60 file a petition within a certain timeframe to modify  
61 or terminate his or her support, maintenance, or  
62 alimony obligation in anticipation of retirement;  
63 requiring the court to consider certain factors and  
64 make certain written findings; amending s. 741.0306,  
65 F.S.; revising the information contained in a certain  
66 family law handbook; conforming a provision to changes  
67 made by the act; providing an effective date.

68  
69 Be It Enacted by the Legislature of the State of Florida:

70  
71 Section 1. Section 61.08, Florida Statutes, is amended to  
72 read:

73 61.08 Alimony.—

74 (1) (a) In a proceeding for dissolution of marriage, the  
75 court may grant alimony to either party in the form or forms of  
76 temporary, which alimony may be bridge-the-gap, rehabilitative,  
77 or durational alimony, as is equitable or permanent in nature or  
78 any combination of these forms of alimony. In an any award of  
79 alimony, the court may order periodic or lump sum payments ~~or~~  
80 ~~payments in lump sum or both.~~ The court may consider the  
81 adultery of either spouse and any resulting economic impact in  
82 determining the amount of alimony, if any, to be awarded.

83 (b) The court shall make written findings of fact regarding  
84 the basis for awarding a form or any combination of forms of  
85 alimony, including the type of alimony and the length of time  
86 for which the alimony is awarded. The court may award a  
87 combination of forms of alimony or forms of payment, including



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88 lump sum payments, to provide greater economic assistance in  
89 order to allow the obligee to achieve self-support ~~The court may~~  
90 ~~consider the adultery of either spouse and the circumstances~~  
91 ~~thereof in determining the amount of alimony, if any, to be~~  
92 ~~awarded. In all dissolution actions, the court shall include~~  
93 ~~findings of fact relative to the factors enumerated in~~  
94 ~~subsection (2) supporting an award or denial of alimony.~~

95 (2) (a) In determining whether to award support,  
96 maintenance, or alimony ~~or maintenance,~~ the court shall first  
97 make a specific, factual determination as to whether the either  
98 party seeking support, maintenance, or alimony has an actual  
99 need for it ~~alimony or maintenance~~ and whether the other either  
100 party has the ability to pay support, maintenance, or alimony ~~or~~  
101 maintenance. The party seeking support, maintenance, or alimony  
102 has the burden of proving his or her need for support,  
103 maintenance, or alimony and the other party's ability to pay  
104 support, maintenance, or alimony.

105 (b) When determining a support, maintenance, or alimony  
106 claim, the court shall include written findings of fact relative  
107 to the factors provided in subsection (3) supporting an award or  
108 denial of support, maintenance, or alimony, unless the denial is  
109 based upon a failure to establish a need for or ability to pay  
110 support, maintenance, or alimony. However, the court shall make  
111 written findings of fact as to the lack of need or lack of  
112 ability to pay in denying a request for support, maintenance, or  
113 alimony.

114 (3) If the court finds that the a party seeking support,  
115 maintenance, or alimony has a need for it ~~alimony or maintenance~~  
116 and that the other party has the ability to pay support,

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117 maintenance, or alimony or maintenance, then in determining the  
118 proper form or forms type and amount of support, maintenance, or  
119 alimony or maintenance under subsections (5)-(8), or a deviation  
120 therefrom, the court shall consider all of the following  
121 relevant factors, including, but not limited to:

122 (b) (a) The standard of living established during the  
123 marriage and the anticipated needs and necessities of life for  
124 each party after the entry of the final judgment.

125 (a) (b) The duration of the marriage.

126 (c) The age, and the physical, mental, and emotional  
127 condition of each party, including whether either party is  
128 physically or mentally disabled and the resulting impact on  
129 either the obligee's ability to provide for his or her own needs  
130 or the obligor's ability to pay alimony and whether such  
131 conditions are expected to be temporary or permanent.

132 (d) The financial resources and income of each party,  
133 including the income generated from both nonmarital and the  
134 marital assets and liabilities distributed to each.

135 (e) The earning capacities, educational levels, vocational  
136 skills, and employability of the parties, including the ability  
137 of either party to obtain the necessary skills or education to  
138 become self-supporting or to contribute to his or her self-  
139 support prior to the termination of the support, maintenance, or  
140 alimony award and, when applicable, the time necessary for  
141 either party to acquire sufficient education or training to  
142 enable such party to find appropriate employment.

143 (f) The contribution of each party to the marriage,  
144 including, but not limited to, services rendered in homemaking,  
145 child care, education, and career building of the other party.

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146 (g) The responsibilities each party will have with regard  
147 to any minor children whom the parties they have in common, with  
148 special consideration given to the need to care for a child with  
149 a mental or physical disability.

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

153 ~~(i) All sources of income available to either party,~~  
154 ~~including income available to either party through investments~~  
155 ~~of any asset held by that party.~~

156 ~~(j)~~ Any other factor necessary for to de equity and justice  
157 between the parties, which shall be specifically identified in  
158 the written findings of fact. This may include a finding of a  
159 supportive relationship as provided for in s. 61.14(1)(b) or a  
160 reasonable retirement as provided for in s. 61.14(1)(c)1.

161 ~~(4)(3)~~ To the extent necessary to protect an award of  
162 alimony, the court may order the obligor any party who is  
163 ~~ordered to pay alimony~~ to purchase or maintain a life insurance  
164 policy or a bond, or to otherwise secure such alimony award with  
165 any other assets that which may be suitable for that purpose.  
166 The court must make specific findings that there are special  
167 circumstances that warrant the purchase or maintenance of a life  
168 insurance policy or a bond to secure the alimony award. If the  
169 court orders a party to purchase or maintain a life insurance  
170 policy or a bond, the court may apportion the costs of such  
171 insurance or bond to either or both parties based upon a  
172 determination of the ability of the obligee and obligor to pay  
173 such costs.

174 ~~(5)(4)~~ For purposes of determining alimony, there is a

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175 rebuttable presumption that a short-term marriage is a marriage  
176 having a duration of less than 10 7 years, a moderate-term  
177 marriage is a marriage having a duration between 10 and 20 ~~of~~  
178 ~~greater than 7 years but less than 17~~ years, and a long-term  
179 marriage is a marriage having a duration of 20 ~~17~~ years or  
180 longer ~~greater~~. The length of a marriage is the period of time  
181 from the date of marriage until the date of filing of an action  
182 for dissolution of marriage.

183 (6) ~~(5)~~ Bridge-the-gap alimony may be awarded to provide  
184 support to assist a party in making the ~~by providing support to~~  
185 ~~allow the party to make a~~ transition from being married to being  
186 single. Bridge-the-gap alimony assists ~~is designed to assist~~ a  
187 party with legitimate identifiable short-term needs. ~~and~~ The  
188 length of an award of bridge-the-gap alimony may not exceed 2  
189 years. An award of bridge-the-gap alimony terminates upon the  
190 death of either party or upon the remarriage of the obligee  
191 ~~party receiving alimony~~. An award of bridge-the-gap alimony is  
192 ~~shall~~ not be modifiable in amount or duration.

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

- 196 1. The redevelopment of previous skills or credentials; or  
197 2. The acquisition of education, training, or work  
198 experience necessary to develop appropriate employment skills or  
199 credentials.

200 (b) In order to award rehabilitative alimony, there must be  
201 a specific and defined rehabilitative plan ~~which shall be~~  
202 included as a part of any order awarding rehabilitative alimony.

203 (c) The length of an award of rehabilitative alimony may

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204 not exceed 5 years.

205 (d) An award of rehabilitative alimony may be modified or  
206 terminated in accordance with s. 61.14 based upon a substantial  
207 change in circumstances, upon noncompliance with the  
208 rehabilitative plan, or upon completion of the rehabilitative  
209 plan if the plan is completed before the length of the award of  
210 rehabilitative alimony expires.

211 (8) (a) ~~(7)~~ Durational alimony may be awarded when permanent  
212 periodic alimony is inappropriate. The purpose of durational  
213 alimony is to provide a party with economic assistance for a set  
214 period of time following a marriage of short or moderate  
215 duration or following a marriage of long duration if there is no  
216 ongoing need for support on a permanent basis. An award of  
217 durational alimony terminates upon the death of either party or  
218 upon the remarriage of the obligee party receiving alimony. The  
219 amount of an award of durational alimony may be modified or  
220 terminated based upon a substantial change in circumstances in  
221 accordance with s. 61.14. Durational alimony may not be awarded  
222 following a marriage lasting less than 3 years. However, The  
223 length of an award of durational alimony may not be modified  
224 except under exceptional circumstances and may not exceed the  
225 length of the marriage except as set forth in this subsection.

226 (b) An award of durational alimony may not exceed 50  
227 percent of the length of a short-term marriage, 60 percent of  
228 the length of a moderate-term marriage, or 75 percent of the  
229 length of a long-term marriage. Under exceptional circumstances,  
230 the court may extend the term of durational alimony by a showing  
231 of clear and convincing evidence that it is necessary after  
232 application of the factors in subsection (3) and upon

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233 consideration of all of the following additional factors:

234 1. The extent to which the obligee's age and employability  
235 limit the obligee's ability for self-support, either in whole or  
236 in part.

237 2. The extent to which the obligee's available financial  
238 resources limit the obligee's ability for self-support, either  
239 in whole or in part.

240 3. The extent to which the obligee is mentally or  
241 physically disabled or has been diagnosed with a mental or  
242 physical condition that has rendered, or will render, him or her  
243 incapable of self-support, either in whole or in part.

244 4. The extent to which the obligee is the caregiver to a  
245 mentally or physically disabled child, whether or not the child  
246 has attained the age of majority, who is common to the parties.  
247 Any extension terminates upon the child no longer requiring  
248 caregiving by the obligee, or upon death of the child, unless  
249 one of the other factors in this paragraph apply.

250 (c) The amount of durational alimony is the amount  
251 determined to be the obligee's reasonable need, or an amount not  
252 to exceed 35 percent of the difference between the parties' net  
253 incomes, whichever amount is less. Net income shall be  
254 calculated in conformity with s. 61.30(2) and (3), excluding  
255 spousal support paid pursuant to a court order in the action  
256 between the parties.

257 ~~(8) Permanent alimony may be awarded to provide for the~~  
258 ~~needs and necessities of life as they were established during~~  
259 ~~the marriage of the parties for a party who lacks the financial~~  
260 ~~ability to meet his or her needs and necessities of life~~  
261 ~~following a dissolution of marriage. Permanent alimony may be~~

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262 ~~awarded following a marriage of long duration if such an award~~  
263 ~~is appropriate upon consideration of the factors set forth in~~  
264 ~~subsection (2), following a marriage of moderate duration if~~  
265 ~~such an award is appropriate based upon clear and convincing~~  
266 ~~evidence after consideration of the factors set forth in~~  
267 ~~subsection (2), or following a marriage of short duration if~~  
268 ~~there are written findings of exceptional circumstances. In~~  
269 ~~awarding permanent alimony, the court shall include a finding~~  
270 ~~that no other form of alimony is fair and reasonable under the~~  
271 ~~circumstances of the parties. An award of permanent alimony~~  
272 ~~terminates upon the death of either party or upon the remarriage~~  
273 ~~of the party receiving alimony. An award may be modified or~~  
274 ~~terminated based upon a substantial change in circumstances or~~  
275 ~~upon the existence of a supportive relationship in accordance~~  
276 ~~with s. 61.14.~~

277 (9) The award of alimony may not leave the payor with  
278 significantly less net income than the net income of the  
279 recipient unless there are written findings of exceptional  
280 circumstances.

281 (10) (a) With respect to any order requiring the payment of  
282 alimony entered on or after January 1, 1985, unless ~~the~~  
283 ~~provisions of paragraph (c) or paragraph (d)~~ applies ~~apply~~, the  
284 court shall direct in the order that the payments of alimony be  
285 made through the appropriate depository as provided in s.  
286 61.181.

287 (b) With respect to any order requiring the payment of  
288 alimony entered before January 1, 1985, upon the subsequent  
289 appearance~~7~~, on or after that date~~7~~, of one or both parties before  
290 the court having jurisdiction for the purpose of modifying or

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291 enforcing the order or in any other proceeding related to the  
292 order, or upon the application of either party, unless ~~the~~  
293 ~~provisions of~~ paragraph (c) or paragraph (d) applies ~~apply~~, the  
294 court shall modify the terms of the order as necessary to direct  
295 that payments of alimony be made through the appropriate  
296 depository as provided in s. 61.181.

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

299 (d)1. If there is a minor child of the parties and both  
300 parties so request, the court may order that alimony payments  
301 need not be directed through the depository. In this case, the  
302 order of support must ~~shall~~ provide, or be deemed to provide,  
303 that either party may subsequently apply to the depository to  
304 require that payments be made through the depository. The court  
305 shall provide a copy of the order to the depository.

306 2. If ~~the provisions of~~ subparagraph 1. applies ~~apply~~,  
307 either party may subsequently file with the depository an  
308 affidavit alleging default or arrearages in payment and stating  
309 that the party wishes to initiate participation in the  
310 depository program. The party shall provide copies of the  
311 affidavit to the court and the other party or parties. Fifteen  
312 days after receipt of the affidavit, the depository shall notify  
313 all parties that future payments must ~~shall~~ be directed to the  
314 depository.

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

318 (11) The court shall apply this section to all initial  
319 petitions for dissolution of marriage or support unconnected



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320 with dissolution of marriage pending or filed on or after July  
321 1, 2023.

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

324 61.13 Support of children; parenting and time-sharing;  
325 powers of court.—

326 (2)

327 (c) The court shall determine all matters relating to  
328 parenting and time-sharing of each minor child of the parties in  
329 accordance with the best interests of the child and in  
330 accordance with the Uniform Child Custody Jurisdiction and  
331 Enforcement Act, except that modification of a parenting plan  
332 and time-sharing schedule requires a showing of a substantial  
333 and, material, ~~and unanticipated~~ change of circumstances.

334 1. It is the public policy of this state that each minor  
335 child has frequent and continuing contact with both parents  
336 after the parents separate or the marriage of the parties is  
337 dissolved and to encourage parents to share the rights and  
338 responsibilities, and joys, of childrearing. Except as otherwise  
339 provided in this paragraph, there is no presumption for or  
340 against the father or mother of the child or for or against any  
341 specific time-sharing schedule when creating or modifying the  
342 parenting plan of the child.

343 2. The court shall order that the parental responsibility  
344 for a minor child be shared by both parents unless the court  
345 finds that shared parental responsibility would be detrimental  
346 to the child. The following evidence creates a rebuttable  
347 presumption of detriment to the child:

348 a. A parent has been convicted of a misdemeanor of the

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349 first degree or higher involving domestic violence, as defined  
350 in s. 741.28 and chapter 775;

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

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

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

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

358

359 If the presumption is not rebutted after the convicted parent is  
360 advised by the court that the presumption exists, shared  
361 parental responsibility, including time-sharing with the child,  
362 and decisions made regarding the child, may not be granted to  
363 the convicted parent. However, the convicted parent is not  
364 relieved of any obligation to provide financial support. If the  
365 court determines that shared parental responsibility would be  
366 detrimental to the child, it may order sole parental  
367 responsibility and make such arrangements for time-sharing as  
368 specified in the parenting plan as will best protect the child  
369 or abused spouse from further harm. Whether or not there is a  
370 conviction of any offense of domestic violence or child abuse or  
371 the existence of an injunction for protection against domestic  
372 violence, the court shall consider evidence of domestic violence  
373 or child abuse as evidence of detriment to the child.

374 3. In ordering shared parental responsibility, the court  
375 may consider the expressed desires of the parents and may grant  
376 to one party the ultimate responsibility over specific aspects  
377 of the child's welfare or may divide those responsibilities

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378 between the parties based on the best interests of the child.  
379 Areas of responsibility may include education, health care, and  
380 any other responsibilities that the court finds unique to a  
381 particular family.

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

385 5. There is a rebuttable presumption against granting time-  
386 sharing with a minor child if a parent has been convicted of or  
387 had adjudication withheld for an offense enumerated in s.  
388 943.0435(1)(h)1.a., and at the time of the offense:

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

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

392  
393 A parent may rebut the presumption upon a specific finding in  
394 writing by the court that the parent poses no significant risk  
395 of harm to the child and that time-sharing is in the best  
396 interests of the minor child. If the presumption is rebutted,  
397 the court shall consider all time-sharing factors in subsection  
398 (3) when developing a time-sharing schedule.

399 6. Access to records and information pertaining to a minor  
400 child, including, but not limited to, medical, dental, and  
401 school records, may not be denied to either parent. Full rights  
402 under this subparagraph apply to either parent unless a court  
403 order specifically revokes these rights, including any  
404 restrictions on these rights as provided in a domestic violence  
405 injunction. A parent having rights under this subparagraph has  
406 the same rights upon request as to form, substance, and manner

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407 of access as are available to the other parent of a child,  
408 including, without limitation, the right to in-person  
409 communication with medical, dental, and education providers.

410 (3) For purposes of establishing or modifying parental  
411 responsibility and creating, developing, approving, or modifying  
412 a parenting plan, including a time-sharing schedule, which  
413 governs each parent's relationship with his or her minor child  
414 and the relationship between each parent with regard to his or  
415 her minor child, the best interests ~~interest~~ of the child must  
416 ~~shall~~ be the primary consideration. A determination of parental  
417 responsibility, a parenting plan, or a time-sharing schedule may  
418 not be modified without a showing of a substantial and~~,~~  
419 ~~material, and unanticipated~~ change in circumstances and a  
420 determination that the modification is in the best interests of  
421 the child. If the parents of a child are residing greater than  
422 50 miles apart at the time of the entry of the last order  
423 establishing time sharing and a parent moves within 50 miles of  
424 the other parent, then that move may be considered a substantial  
425 and material change in circumstances for the purpose of a  
426 modification to the time-sharing schedule, so long as there is a  
427 determination that the modification is in the best interests of  
428 the child. Determination of the best interests of the child must  
429 ~~shall~~ be made by evaluating all of the factors affecting the  
430 welfare and interests of the particular minor child and the  
431 circumstances of that family, including, but not limited to:

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

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436 (b) The anticipated division of parental responsibilities  
437 after the litigation, including the extent to which parental  
438 responsibilities will be delegated to third parties.

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

442 (d) The length of time the child has lived in a stable,  
443 satisfactory environment and the desirability of maintaining  
444 continuity.

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

450 (f) The moral fitness of the parents.

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

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

453 (i) The reasonable preference of the child, if the court  
454 deems the child to be of sufficient intelligence, understanding,  
455 and experience to express a preference.

456 (j) The demonstrated knowledge, capacity, and disposition  
457 of each parent to be informed of the circumstances of the minor  
458 child, including, but not limited to, the child's friends,  
459 teachers, medical care providers, daily activities, and favorite  
460 things.

461 (k) The demonstrated capacity and disposition of each  
462 parent to provide a consistent routine for the child, such as  
463 discipline, and daily schedules for homework, meals, and  
464 bedtime.

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465 (l) The demonstrated capacity of each parent to communicate  
466 with and keep the other parent informed of issues and activities  
467 regarding the minor child, and the willingness of each parent to  
468 adopt a unified front on all major issues when dealing with the  
469 child.

470 (m) Evidence of domestic violence, sexual violence, child  
471 abuse, child abandonment, or child neglect, regardless of  
472 whether a prior or pending action relating to those issues has  
473 been brought. If the court accepts evidence of prior or pending  
474 actions regarding domestic violence, sexual violence, child  
475 abuse, child abandonment, or child neglect, the court must  
476 specifically acknowledge in writing that such evidence was  
477 considered when evaluating the best interests of the child.

478 (n) Evidence that either parent has knowingly provided  
479 false information to the court regarding any prior or pending  
480 action regarding domestic violence, sexual violence, child  
481 abuse, child abandonment, or child neglect.

482 (o) The particular parenting tasks customarily performed by  
483 each parent and the division of parental responsibilities before  
484 the institution of litigation and during the pending litigation,  
485 including the extent to which parenting responsibilities were  
486 undertaken by third parties.

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

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

493 (r) The capacity and disposition of each parent to protect

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494 the child from the ongoing litigation as demonstrated by not  
495 discussing the litigation with the child, not sharing documents  
496 or electronic media related to the litigation with the child,  
497 and refraining from disparaging comments about the other parent  
498 to the child.

499 (s) The developmental stages and needs of the child and the  
500 demonstrated capacity and disposition of each parent to meet the  
501 child's developmental needs.

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

505 Section 3. Present paragraphs (c) and (d) of subsection (1)  
506 of section 61.14, Florida Statutes, are redesignated as  
507 paragraphs (d) and (e), respectively, a new paragraph (c) is  
508 added to that subsection, and paragraph (b) of that subsection  
509 is amended, to read:

510 61.14 Enforcement and modification of support, maintenance,  
511 or alimony agreements or orders.—

512 (1)

513 (b)1. The court must ~~may~~ reduce or terminate an award of  
514 support, maintenance, or alimony upon specific written findings  
515 by the court that ~~since the granting of a divorce and the award~~  
516 ~~of alimony~~ a supportive relationship has existed between the  
517 obligee and a person who is not related to the obligee by  
518 consanguinity or affinity ~~with whom the obligee resides. On the~~  
519 ~~issue of whether alimony should be reduced or terminated under~~  
520 ~~this paragraph, the burden is on the obligor to prove by a~~  
521 ~~preponderance of the evidence that a supportive relationship~~  
522 ~~exists.~~

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523           2. In determining the nature of the relationship between an  
524 obligee and another person and the extent to which an ~~whether an~~  
525 ~~existing~~ award of support, maintenance, or alimony should be  
526 reduced or terminated because of the existence of a ~~an alleged~~  
527 supportive relationship between an obligee and a person who is  
528 not related by consanguinity or affinity, the court shall make  
529 written findings of fact ~~and with whom the obligee resides, the~~  
530 ~~court shall elicit the nature and extent of the relationship in~~  
531 ~~question.~~ The burden is on the obligor to prove, by a  
532 preponderance of the evidence, that a supportive relationship  
533 exists or has existed in the 365 days before the filing of the  
534 petition for dissolution of marriage, separate maintenance, or  
535 supplemental petition for modification. If a supportive  
536 relationship is proven to exist or to have existed, the burden  
537 shifts to the obligee to prove, by a preponderance of the  
538 evidence, that the court should not deny or reduce an initial  
539 award of support, maintenance, or alimony or reduce or terminate  
540 an existing award of support, maintenance, or alimony. The court  
541 shall consider and make written findings of fact regarding all  
542 relevant facts in s. 61.08(3) and ~~give consideration, without~~  
543 ~~limitation, to circumstances, including, but not limited to, the~~  
544 following additional factors, ~~in determining the relationship of~~  
545 ~~an obligee to another person:~~

546           a. The extent to which the obligee and the other person  
547 have held themselves out as a married couple by engaging in  
548 conduct such as using the same last name, using a common mailing  
549 address, referring to each other in terms such as "my husband"  
550 or "my wife," or otherwise conducting themselves in a manner  
551 that evidences a permanent supportive relationship.



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552           b. The period of time that the obligee has resided with the  
553 other person ~~in a permanent place of abode.~~

554           c. The extent to which the obligee and the other person  
555 have pooled their assets or income, acquired or maintained a  
556 joint bank account or other financial accounts, or otherwise  
557 exhibited financial interdependence.

558           d. The extent to which the obligee or the other person has  
559 financially supported the other, in whole or in part, including  
560 payment of the other's debts, expenses, or liabilities.

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

563           f. The extent to which the obligee or the other person has  
564 performed valuable services for the other's business entity  
565 ~~company~~ or employer.

566           g. The extent to which ~~Whether~~ the obligee and the other  
567 person have worked together to acquire any assets ~~create~~ or to  
568 enhance the anything ~~of~~ value of any assets.

569           h. The extent to which ~~Whether~~ the obligee and the other  
570 person have jointly contributed to the purchase of any real or  
571 personal property.

572           i. The extent to which ~~Evidence in support of a claim that~~  
573 the obligee and the other person have an express or implied  
574 agreement regarding property sharing or financial support.

575           j. The extent to which the obligor has paid the existing  
576 alimony award or failed to do so and the existence and amount of  
577 any arrearage ~~Evidence in support of a claim that the obligee~~  
578 ~~and the other person have an implied agreement regarding~~  
579 ~~property sharing or support.~~

580           k. The extent to which ~~Whether~~ the obligee and the other

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581 person have provided support to the children or other family  
582 members of one another, regardless of any legal duty to do so.

583 3. This paragraph does not abrogate the requirement that  
584 every marriage in this state be solemnized under a license, does  
585 not recognize a common law marriage as valid, and does not  
586 recognize a de facto marriage. This paragraph recognizes ~~only~~  
587 that relationships ~~do~~ exist that provide financial or economic  
588 support equivalent to a marriage and that support, maintenance,  
589 or alimony must be modified or terminated if such a relationship  
590 is proven to exist terminable on remarriage may be reduced or  
591 terminated upon the establishment of equivalent equitable  
592 circumstances as described in this paragraph. The existence of a  
593 conjugal relationship, ~~though it may be relevant to the nature~~  
594 ~~and extent of the relationship,~~ is not necessary for the  
595 application of ~~the provisions of~~ this paragraph.

596 (c)1. The court may reduce or terminate an award of  
597 support, maintenance, or alimony upon specific, written findings  
598 of fact that the obligor has reached normal retirement age as  
599 defined by the Social Security Administration or the customary  
600 retirement age for his or her profession and that the obligor  
601 has taken demonstrative and measurable efforts or actions to  
602 retire or has actually retired. The burden is on the obligor to  
603 prove, by a preponderance of the evidence, that his or her  
604 retirement reduces his or her ability to pay support,  
605 maintenance, or alimony. If the court determines that the  
606 obligor's retirement has reduced or will reduce the obligor's  
607 ability to pay, the burden shifts to the obligee to prove, by a  
608 preponderance of the evidence, that the obligor's support,  
609 maintenance, or alimony obligation should not be terminated or

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610 reduced.

611 2. In determining whether an award of support, maintenance,  
612 or alimony should be reduced or terminated because of the  
613 obligor's voluntary retirement, the court shall give  
614 consideration to, and make written findings of fact regarding  
615 the following factors:

616 a. The age and health of the obligor.

617 b. The nature and type of work performed by the obligor.

618 c. The customary age of retirement in the obligor's  
619 profession.

620 d. The obligor's motivation for retirement and likelihood  
621 of returning to work.

622 e. The needs of the obligee and the ability of the obligee  
623 to contribute toward his or her own basic needs.

624 f. The economic impact that a termination or reduction of  
625 alimony would have on the obligee.

626 g. All assets of the obligee and the obligor accumulated or  
627 acquired prior to the marriage, during the marriage, or  
628 following the entry of the final judgment as well as the obligor  
629 and obligee's respective roles in the wasteful depletion of any  
630 marital assets received by him or her at the time of the entry  
631 of the final judgment.

632 h. The income of the obligee and the obligor earned during  
633 the marriage or following the entry of the final judgment.

634 i. The social security benefits, retirement plan benefits,  
635 or pension benefits payable to the obligor and the obligee  
636 following the final judgment of dissolution.

637 j. The obligor's compliance, in whole or in part, with the  
638 existing alimony obligation.

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639           3. In reasonable anticipation of retirement, but not more  
640 than 6 months before retirement, the obligor may file a petition  
641 for modification of his or her support, maintenance, or alimony  
642 obligation, which shall be effective upon his or her reasonable  
643 and voluntary retirement as determined by the court pursuant to  
644 the factors in subparagraph 2. The court shall give  
645 consideration to, and make written findings of fact regarding,  
646 the factors in subparagraph 2. and s. 61.08(3) when granting or  
647 denying the obligor's petition for modification; when  
648 confirming, reducing, or terminating the obligor's alimony  
649 obligation; and when granting or denying any request for  
650 modification, the date of filing of the obligor's modification  
651 petition, or other date post-filing as equity requires, giving  
652 due regard and consideration to the changed circumstances or the  
653 financial ability of the parties.

654           Section 4. Paragraph (f) of subsection (3) of section  
655 741.0306, Florida Statutes, is amended to read:

656           741.0306 Creation of a family law handbook.—

657           (3) The information contained in the handbook or other  
658 electronic media presentation may be reviewed and updated  
659 annually, and may include, but need not be limited to:

660           (f) Alimony, including temporary, durational, ~~permanent~~  
661 rehabilitative, and lump sum.

662           Section 5. This act shall take effect July 1, 2023.