

## CHAPTER 2023-315

### Committee Substitute for Senate Bill No. 1416

An act relating to dissolution of marriage; amending s. 61.08, F.S.; making technical changes; authorizing the court to consider the adultery of either spouse and any resulting economic impact in determining the amount of alimony awarded; requiring the court to make certain written findings in its awards of alimony; authorizing the court to award a combination of forms of alimony or forms of payment for certain purposes; providing a burden of proof for the party seeking support, maintenance, or alimony; requiring the court to make written findings under certain circumstances; revising factors that the court must consider in determining the form or forms of support, maintenance, or alimony; requiring the court to make specific findings regarding the purchase or maintenance of a life insurance policy or a bond to secure alimony; authorizing the court to apportion costs of such policies or bonds; modifying certain rebuttable presumptions related to the duration of a marriage for purposes of determining alimony; prohibiting the length of an award of rehabilitative alimony from exceeding a specified timeframe; revising a provision authorizing the modification of rehabilitative alimony upon completion of the rehabilitative plan; revising provisions related to durational alimony; prohibiting the length of an award of durational alimony from exceeding specified timeframes; authorizing the court to extend durational alimony under certain circumstances; specifying the calculation of durational alimony; removing a provision authorizing the court to award permanent alimony; providing applicability; amending s. 61.13, F.S.; removing the unanticipated change of circumstances requirement regarding modifying a parenting plan and time-sharing schedule; authorizing the court to consider a certain relocation of a parent as a substantial and material change for the purpose of a modification to the time-sharing schedule, subject to a certain determination; amending s. 61.14, F.S.; requiring the court to reduce or terminate support, maintenance, or alimony under certain circumstances; clarifying provisions relating to supportive relationships; specifying burdens of proof for the obligor and obligee when the court must determine that a supportive relationship exists or has existed and the extent to which an award of support, maintenance, or alimony should be reduced or terminated; requiring the court to make certain written findings; revising the additional factors the court must consider regarding supportive relationships; revising construction and applicability; authorizing the court to reduce or terminate an award of support, maintenance, or alimony upon specific written findings of fact regarding the obligor's retirement; providing burdens of proof for the obligor and obligee; requiring the court to make written findings regarding specified factors when deciding whether to reduce or terminate support, maintenance, or alimony; authorizing the obligor to file a petition within a certain timeframe to modify or terminate his or her support, maintenance, or alimony obligation in anticipation of retirement; requiring the court to

consider certain factors and make certain written findings; amending s. 741.0306, F.S.; revising the information contained in a certain family law handbook; conforming a provision to changes made by the act; providing an effective date.

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

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

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, which alimony may be bridge-the-gap, rehabilitative, or durational alimony, as is equitable or permanent in nature or any combination of these forms of alimony. In an any award of alimony, the court may order periodic or lump sum payments or payments in lump sum or both. 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. ~~The court may consider the adultery of either spouse and the circumstances thereof in determining the amount of alimony, if any, to be awarded. In all dissolution actions, the court shall include findings of fact relative to the factors enumerated in subsection (2) supporting an award or denial of alimony.~~

(2)(a) In determining whether to award support, maintenance, or alimony ~~or maintenance~~, the court shall first make a specific, factual determination as to whether the either party seeking support, maintenance, or alimony has an actual need for it alimony or maintenance and whether the other either party has the ability to pay support, maintenance, or alimony or maintenance. 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 a party seeking support, maintenance, or alimony has a need for it alimony or maintenance and that the other party has the ability to pay support, maintenance, or alimony or maintenance, then in determining the proper form or forms type and amount of support, maintenance, or alimony or maintenance under subsections (5)-(8), or a deviation therefrom, the court shall consider all of the following relevant factors, including, but not limited to:

~~(b)(a)~~ 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.

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

(c) The age, and the 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 ~~financial~~ resources and income of each party, including the income generated from both nonmarital and the marital assets and liabilities distributed to each.

(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 and, when applicable, the time necessary for either party to acquire ~~sufficient education or training to enable such party to find appropriate employment.~~

(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 they 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.~~

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

(j) Any other factor necessary for to do 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)(3)~~ To the extent necessary to protect an award of alimony, the court may order ~~the obligor any party who is ordered to pay alimony~~ to purchase or maintain a life insurance policy or a bond, or to otherwise secure such alimony award with any other assets that which 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)(4)~~ 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 ~~7~~ years, a moderate-term marriage is a marriage having a duration between 10 and 20 ~~of greater than 7 years but less than 17~~ years, and a long-term marriage is a marriage having a duration of 20 ~~17~~ years or longer ~~greater~~. 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)(5)~~ Bridge-the-gap alimony may be awarded to provide support to assist a party in making the ~~by providing support to allow the party to make~~ a transition from being married to being single. Bridge-the-gap alimony ~~assists is designed to assist a party with legitimate identifiable short-term needs,~~ and 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 ~~party receiving alimony~~. An award of bridge-the-gap alimony is ~~shall not be~~ modifiable in amount or duration.

~~(7)(a)(6)(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 ~~which shall be 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)(7)~~ Durational alimony may be awarded when permanent periodic alimony is inappropriate. The purpose of durational alimony is to provide a party with economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support on a permanent basis. An award of durational alimony terminates upon the death of either party or upon the remarriage of the obligee party receiving alimony. 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. However, 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.

~~(8) Permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties~~

~~for a party who lacks the financial ability to meet his or her needs and necessities of life following a dissolution of marriage. Permanent alimony may be awarded following a marriage of long duration if such an award is appropriate upon consideration of the factors set forth in subsection (2), following a marriage of moderate duration if such an award is appropriate based upon clear and convincing evidence after consideration of the factors set forth in subsection (2), or following a marriage of short duration if there are written findings of exceptional circumstances. In awarding permanent alimony, the court shall include a finding that no other form of alimony is fair and reasonable under the circumstances of the parties. An award of permanent alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award may be modified or terminated based upon a substantial change in circumstances or upon the existence of a supportive relationship in accordance with s. 61.14.~~

(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 the provisions of paragraph (c) or paragraph (d) applies apply,~~ 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 the provisions of paragraph (c) or paragraph (d) applies apply,~~ 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 ~~shall~~ 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 the provisions of subparagraph 1. applies apply,~~ 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 shall~~ be directed to the depository.

3. In IV-D cases, the IV-D agency ~~has shall~~ have 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.

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

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

(2)

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

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

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

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

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

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

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

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

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility,

including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

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

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

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

- a. The parent was 18 years of age or older.
- b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

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

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



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

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

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

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

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

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

(f) The moral fitness of the parents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)

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

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

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

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

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

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

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

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

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

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

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

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

k. The extent to which ~~Whether~~ the obligee and the other person have provided support to the children or other family members of one another, regardless of any legal duty to do so.

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

(c)1. The court may reduce or terminate an award of support, maintenance, or alimony upon specific, written findings of fact that the obligor has reached normal retirement age as defined by the Social Security Administration or the customary retirement age for his or her profession and that the obligor has taken demonstrative and measurable efforts or

actions to retire or has actually retired. The burden is on the obligor to prove, by a preponderance of the evidence, that his or her retirement reduces his or her ability to pay support, maintenance, or alimony. If the court determines that the obligor's retirement has reduced or will reduce the obligor's ability to pay, the burden shifts to the obligee to prove, by a preponderance of the evidence, that the obligor's support, maintenance, or alimony obligation should not be terminated or reduced.

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

- a. The age and health of the obligor.
- b. The nature and type of work performed by the obligor.
- c. The customary age of retirement in the obligor's profession.
- d. The obligor's motivation for retirement and likelihood of returning to work.
- e. The needs of the obligee and the ability of the obligee to contribute toward his or her own basic needs.
- f. The economic impact that a termination or reduction of alimony would have on the obligee.
- g. All assets of the obligee and the obligor accumulated or acquired prior to the marriage, during the marriage, or following the entry of the final judgment as well as the obligor and obligee's respective roles in the wasteful depletion of any marital assets received by him or her at the time of the entry of the final judgment.
- h. The income of the obligee and the obligor earned during the marriage or following the entry of the final judgment.
- i. The social security benefits, retirement plan benefits, or pension benefits payable to the obligor and the obligee following the final judgment of dissolution.
- j. The obligor's compliance, in whole or in part, with the existing alimony obligation.

3. In reasonable anticipation of retirement, but not more than 6 months before retirement, the obligor may file a petition for modification of his or her support, maintenance, or alimony obligation, which shall be effective upon his or her reasonable and voluntary retirement as determined by the court pursuant to the factors in subparagraph 2. The court shall give consideration to, and make written findings of fact regarding, the factors in subparagraph 2. and s. 61.08(3) when granting or denying the obligor's petition for

modification; when confirming, reducing, or terminating the obligor's alimony obligation; and when granting or denying any request for modification, the date of filing of the obligor's modification petition, or other date post-filing as equity requires, giving due regard and consideration to the changed circumstances or the financial ability of the parties.

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

741.0306 Creation of a family law handbook.—

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

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

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

Approved by the Governor June 30, 2023.

Filed in Office Secretary of State June 30, 2023.