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59 employer liability for compliance with orders that reduce
 60 or terminate withholding; amending ss. 55.202, 61.046,
 61 61.181, 61.1824, 88.1011, 88.5011, 88.6051, 121.091,
 62 121.1001, 121.591, 409.2557, 409.2558, 409.2563, 409.2564,
 63 409.2574, 409.2576, 414.065, and 414.41, F.S.; conforming
 64 cross-references and terminology and deleting obsolete
 65 provisions; providing an effective date.

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 61.08, Florida Statutes, is amended to
 70 read:

71 61.08 Alimony.--

72 (1)(a) ELIGIBILITY.--In a proceeding for dissolution of
 73 marriage, the court may grant alimony to either spouse only if:

74 1. The spouse from whom alimony is requested was convicted
 75 of or received deferred adjudication for a criminal offense that
 76 also constitutes an act of domestic violence as defined in s.
 77 741.28 and the offense occurred:

78 a. Within 2 years before the date on which an action for
 79 dissolution of marriage is filed; or

80 b. While the action is pending; or

81 2. The duration of the marriage was 10 years or longer, the
 82 spouse seeking alimony lacks sufficient property, including
 83 property distributed to the spouse under this chapter, to provide
 84 for the spouse's minimum reasonable needs, as limited by
 85 subsection (4), and the spouse seeking alimony:

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86 a. Is unable to support himself or herself through
 87 appropriate employment because of an incapacitating physical or
 88 mental disability;

89 b. Is the custodian of a child who requires substantial
 90 care and personal supervision because a physical or mental
 91 disability makes it necessary, taking into consideration the
 92 needs of the child, that the spouse not be employed outside the
 93 home; or

94 c. Clearly lacks earning ability in the labor market
 95 adequate to provide support for the spouse's minimum reasonable
 96 needs, as limited by subsection (4).

97 (b) In an action to declare a marriage void, a putative
 98 spouse who did not have knowledge of an existing impediment to a
 99 valid marriage may be awarded alimony if otherwise qualified to
 100 receive alimony under this section.

101 (c) An order for alimony is not authorized between
 102 unmarried cohabitants under any circumstances.

103 (2) FACTORS IN DETERMINING AWARD.--party, which alimony may
 104 be rehabilitative or permanent in nature. In any award of
 105 alimony, the court may order periodic payments or payments in
 106 lump sum or both. The court may consider the adultery of either
 107 spouse and the circumstances thereof in determining the amount of
 108 alimony, if any, to be awarded. In all dissolution actions, the
 109 court shall include findings of fact relative to the factors
 110 enumerated in this subsection ~~(2)~~ supporting an award or denial
 111 of alimony.

112 ~~(2)~~ In determining a proper award of alimony or
 113 maintenance, the court shall consider all relevant economic
 114 factors, including, but not limited to:

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

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

117 (b)(e) The age and the physical and emotional condition of
118 each party.

119 (c)(d) The financial resources of each party, including
120 medical, retirement, insurance, or any other benefits, and the
121 nonmarital and the marital assets and liabilities distributed to
122 each.

123 (d) Acts by either spouse resulting in excessive or
124 abnormal expenditures or destruction, concealment, or fraudulent
125 disposition of joint tenancy or other property held in common.

126 (e) The ability of the spouse from whom alimony is
127 requested to meet that spouse's personal needs and to provide
128 periodic child support payments, if applicable, while meeting the
129 personal needs of the spouse seeking alimony.

130 (f)(e) The education and employment skills of the spouses,
131 and, when applicable, the time necessary for either party to
132 acquire sufficient education or training to enable such party to
133 find appropriate employment, the availability of that education
134 or training, and the feasibility of that education or training.

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

138 (h)(g) All sources of income available to either party.

139 (i) The efforts of the spouse seeking alimony to pursue
140 available employment counseling under s. 445.009 or through
141 private sources.

142 (j) Marital misconduct of the spouse seeking alimony.

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144 The court may consider any other factor necessary to do equity
145 and justice between the parties.

146 (3) PRESUMPTION.--

147 (a) Except as provided in paragraph (b), it is presumed
148 that alimony is not warranted unless the spouse seeking alimony
149 has exercised diligence in:

150 1. Seeking suitable employment; or

151 2. Developing the necessary skills to become self-
152 supporting during a period of separation and during the time the
153 action for dissolution of marriage is pending.

154 (b) This subsection shall not apply to a spouse who is not
155 able to satisfy the presumption in paragraph (a) because of an
156 incapacitating physical or mental disability.

157 (4) DURATION OF ALIMONY.--

158 (a) Except as provided in paragraph (b), a court:

159 1. Shall not order alimony that remains in effect for more
160 than 3 years after the date of the order.

161 2. Shall limit the duration of an alimony order to the
162 shortest reasonable period that allows the spouse seeking alimony
163 to meet his or her minimum reasonable needs by obtaining
164 appropriate employment or developing an appropriate skill, unless
165 the ability of the spouse to provide for his or her minimum
166 reasonable needs through employment is substantially or totally
167 diminished because of:

168 a. Physical or mental disability;

169 b. Duties as the custodian of an infant or young child; or

170 c. Another compelling impediment to gainful employment.

171 (b) If a spouse seeking alimony is unable to support
172 himself or herself through appropriate employment because of an

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173 incapacitating physical or mental disability, the court may order
 174 alimony for an indefinite period for as long as the disability
 175 continues. The court may order periodic review of its order on
 176 the request of either party or on its own motion to determine
 177 whether the disability is continuing. The continuation of alimony
 178 under these circumstances is subject to a motion to modify as
 179 provided in s. 61.14.

180 (5) AMOUNT.--

181 (a) A court may not order alimony that requires an obligor
 182 to pay monthly more than the lesser of:

183 1. Two thousand five hundred dollars; or

184 2. Twenty percent of the obligor's average monthly gross
 185 income.

186 (b) The court shall set the amount that an obligor is
 187 required to pay in an alimony order to provide for the minimum
 188 reasonable needs of the obligee, considering employment or
 189 property received in the dissolution of marriage or otherwise
 190 owned by the obligee that contributes to the minimum reasonable
 191 needs of the obligee.

192 (c) Unites States Department of Veterans Affairs service-
 193 connected disability compensation, social security and disability
 194 benefits, and workers' compensation benefits are excluded from
 195 alimony.

196 (d) For purposes of this section, the term "gross income"
 197 means resources as defined in s. 61.30(2), disregarding any
 198 deductions listed in s. 61.30(3) and disregarding those benefits
 199 excluded under paragraph (c).

200 (6) TERMINATION.--The obligation to pay future alimony
 201 terminates on the death of either party, the remarriage of the

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202 obligee, or a finding that a supportive relationship has existed
 203 between the obligee and a person with whom the obligee resides
 204 under s. 61.14(1)(b).

205 ~~(3) To the extent necessary to protect an award of alimony,~~
 206 ~~the court may order any party who is ordered to pay alimony to~~
 207 ~~purchase or maintain a life insurance policy or a bond, or to~~
 208 ~~otherwise secure such alimony award with any other assets which~~
 209 ~~may be suitable for that purpose.~~

210 (7) PAYMENT THROUGH DEPOSITORY.--

211 ~~(4)~~(a) With respect to any order requiring the payment of
 212 alimony entered on or after January 1, 1985, unless the
 213 provisions of paragraph (c) or paragraph (d) apply, the court
 214 shall direct in the order that the payments of alimony be made
 215 through the appropriate depository as provided in s. 61.181.

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

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

228 (d)1. If there is a minor child of the parties and both
 229 parties so request, the court may order that alimony payments
 230 need not be directed through the depository. In this case, the

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231 order of support shall provide, or be deemed to provide, that
 232 either party may subsequently apply to the depository to require
 233 that payments be made through the depository. The court shall
 234 provide a copy of the order to the depository.

235 2. If the provisions of subparagraph 1. apply, either party
 236 may subsequently file with the depository an affidavit alleging
 237 default or arrearages in payment and stating that the party
 238 wishes to initiate participation in the depository program. The
 239 party shall provide copies of the affidavit to the court and the
 240 other party or parties. Fifteen days after receipt of the
 241 affidavit, the depository shall notify all parties that future
 242 payments shall be directed to the depository.

243 3. In IV-D cases, the IV-D agency shall have the same
 244 rights as the obligee in requesting that payments be made through
 245 the depository.

246 Section 2. Section 61.14, Florida Statutes, is amended to
 247 read:

248 61.14 ~~Enforcement and~~ Modification of support, maintenance,
 249 or alimony agreements or orders.--

250 (1)(a) When the parties enter into an agreement for
 251 payments for, or instead of, support, maintenance, or alimony,
 252 whether in connection with a proceeding for dissolution or
 253 separate maintenance or with any voluntary property settlement,
 254 or when a party is required by court order to make any payments,
 255 and the circumstances or the financial ability of either party
 256 changes or the child who is a beneficiary of an agreement or
 257 court order as described herein reaches majority after the
 258 execution of the agreement or the rendition of the order, either
 259 party may apply to the circuit court of the circuit in which the

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260 parties, or either of them, resided at the date of the execution
 261 of the agreement or reside at the date of the application, or in
 262 which the agreement was executed or in which the order was
 263 rendered, for an order decreasing or increasing the amount of
 264 support, maintenance, or alimony, and the court has jurisdiction
 265 to make orders as equity requires, with due regard to the changed
 266 circumstances or the financial ability of the parties or the
 267 child, decreasing, increasing, or confirming the amount of
 268 separate support, maintenance, or alimony provided for in the
 269 agreement or order. A finding that medical insurance is
 270 reasonably available or the child support guidelines in s. 61.30
 271 may constitute changed circumstances. Except as otherwise
 272 provided in s. 61.30(11)(c), the court may modify an order of
 273 support, maintenance, or alimony by increasing or decreasing the
 274 support, maintenance, or alimony retroactively to the date of the
 275 filing of the action or supplemental action for modification as
 276 equity requires, giving due regard to the changed circumstances
 277 or the financial ability of the parties or the child.

278 (b)1. The court may reduce or terminate an award of alimony
 279 upon specific written findings by the court that since the
 280 granting of a divorce and the award of alimony a supportive
 281 relationship has existed between the obligee and a person with
 282 whom the obligee resides. On the issue of whether alimony should
 283 be reduced or terminated under this paragraph, the burden is on
 284 the obligor to prove by a preponderance of the evidence that a
 285 supportive relationship exists.

286 2. In determining whether an existing award of alimony
 287 should be reduced or terminated because of an alleged supportive
 288 relationship between an obligee and a person who is not related

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289 | by consanguinity or affinity and with whom the obligee resides,
 290 | the court shall elicit the nature and extent of the relationship
 291 | in question. The court shall give consideration, without
 292 | limitation, to circumstances, including, but not limited to, the
 293 | following, in determining the relationship of an obligee to
 294 | another person:

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

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

303 | c. The extent to which the obligee and the other person
 304 | have pooled their assets or income or otherwise exhibited
 305 | financial interdependence.

306 | d. The extent to which the obligee or the other person has
 307 | supported the other, in whole or in part.

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

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

312 | g. Whether the obligee and the other person have worked
 313 | together to create or enhance anything of value.

314 | h. Whether the obligee and the other person have jointly
 315 | contributed to the purchase of any real or personal property.

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316 i. Evidence in support of a claim that the obligee and the
 317 other person have an express agreement regarding property sharing
 318 or support.

319 j. Evidence in support of a claim that the obligee and the
 320 other person have an implied agreement regarding property sharing
 321 or support.

322 k. Whether the obligee and the other person have provided
 323 support to the children of one another, regardless of any legal
 324 duty to do so.

325 3. This paragraph does not abrogate the requirement that
 326 every marriage in this state be solemnized under a license, does
 327 not recognize a common law marriage as valid, and does not
 328 recognize a de facto marriage. This paragraph recognizes only
 329 that relationships do exist that provide economic support
 330 equivalent to a marriage and that alimony terminable on
 331 remarriage may be reduced or terminated upon the establishment of
 332 equivalent equitable circumstances as described in this
 333 paragraph. The existence of a conjugal relationship, though it
 334 may be relevant to the nature and extent of the relationship, is
 335 not necessary for the application of the provisions of this
 336 paragraph.

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