

Insights

Florida's Proposed Alimony Reform Alters Parenting Plan Modification Requirements

Article

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The Florida Legislature's latest alimony reform attempts have generated considerable buzz in recent weeks; however, the same bill attempting to overhaul Florida's alimony laws interestingly contains another proposed amendment that is of importance as well. It has been a well-established principle of law in Florida that there must be a showing of a "substantial, material and **unanticipated**" change in circumstances before a court may modify a parenting plan, including timesharing schedules.

Senate Bill 1416 proposes to amend this long-standing criteria by removing "unanticipated." A party would now only be required to show a "substantial and material" change of circumstances. The showing that a change was "unanticipated" generally meant that a party was required to show the alleged change in circumstances was not something reasonably contemplated or foreseen to occur at the time the original parenting plan went into effect.

The "change in circumstance" requirements – often described as an "extraordinary burden" by Florida courts – were created to provide stability to the original parenting plan and intended to minimize disruption to the lives of children due to frequent disputes over the plan. (*George v. Lull*, 181 So.3d 538 (Fla. 4th DCA 2015)).

If the proposed amendment becomes law, the important consideration is how will removal of the "unanticipated" requirement impact this "extraordinary" burden and alter (or undo) prior findings that certain circumstances did *not* meet the threshold requirements to warrant a consideration of a modification to a parenting plan in the best interests of children?

If passed, the amendment will go into effect July 1, 2023.

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