

Amendments to Family Law Statutes

By K. Dean Kantaras and Briana Texter

Interesting legal updates arrived this summer as the Florida Legislature adopted changes to several family law statutes, which involve timesharing and alimony, respectively.

The statute that governs the parenting and timesharing of minor children now sets out a list of factors the court uses to make timesharing and parenting decisions for families across Florida. Up until July 2023, there was no presumption relating to timesharing. This means that courts did not have a standard to use when ruling on timesharing, other than the enumerated list of factors in the statute.

Pursuant to the updated bill, “there is a rebuttable presumption that equal timesharing of a minor child is in the best interests of the minor child.” This means, in addition to the enumerated factors, the court now will presume equal timesharing with both parents is in the best interests of the child.

This amendment illustrates the legislation’s intent to create a new standard for families wherein equal, 50/50 timesharing is presumed to be in the child’s best interest. If a parent is seeking more (or less) than equal timesharing, the court must be presented with evidence to rebut this presumption. Specifically, “a party must prove by a preponderance of the evidence that equal timesharing is not in the best interests of the minor child.”

Florida’s Legislature also made amendments to statutes that involve many issues related to dissolution of marriage. Among the many aspects of a dissolution of marriage, alimony and spousal support are detailed within these statutes.

The amendments removed the court’s authority to grant permanent alimony, added restrictions to the time frame of other forms of alimony, allowed the



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court to consider adultery of the spouses, and added requirements to order a life insurance policy, among other updates.

Other amendments involve the enforcement and modification of spousal support and alimony. One focuses on supportive relationships and the effect on a court’s order of spousal support. The amendment states that the spouse paying alimony must “prove, by a preponderance of the evidence, that a supportive relationship exists or has existed in the 365 days before the filing of a petition for dissolution of marriage, separate maintenance, or supplemental petition for modification.”

In other words, a court now has a 365-day timeframe to consider other supportive relationships that parties are involved with. This considers a party’s possible receipt of support from another person or relationship when establishing, enforcing, or modifying a spousal support obligation with their soon-to-be ex-spouse.

The amendment also changed some of the requirements involving the factors a court must consider when establishing spousal support. Pursuant to paragraph (f), the court must now consider a spouse’s contribution to the other’s business or employment; specifically, the court must consider “the extent to which the obliged or the other person has performed valuable services for the other’s business entity or employer.” This means that a party’s aid, employment, or work completed on the other party’s business is considered by the courts in support of a factor relating to modification of alimony.

To summarize, summer in Florida did not only bring the heat, it brought about many legal changes that affect families across Florida. These amendments affect the future of cases currently pending and those yet to come. It is important to understand your rights while going through a family law matter, even if your case is already pending before the courts. If you are a person affected by these amendments, or if you are unsure, please reach out to set up a consultation with an attorney. ❖

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