

Alimony: Beware of the Co-Habitation Statute in Florida

In Florida, alimony is awarded by a Court in a divorce proceeding. For many years, a subsequent marriage was the only way to terminate permanent alimony. The old law allowed a person to receive alimony AND to live with a boyfriend/girlfriend in a marriage like setting. As long as there was no marriage, alimony would continue. As you may know, things change. The current law allows a person paying alimony to file a Petition to Terminate or Reduce Alimony if a co-habitation relationship is in place.

The Court can consider the length and financial arrangements of the co-habitation relationship. The closer the relationship is to a traditional marriage - the more likely the Judge will be to reduce or terminate alimony. The law is covered under Section 61.14, Florida Statutes. A full version of the statute can be viewed at the State of [Florida Legislative Web Site](#).



For someone receiving alimony, the best advice would be "Don't live together." Unless there are terms in the Final Judgment of divorce regarding termination of alimony, it probably would be best to keep separate residences. Have fun, keep separate bank accounts, sleep over every so often . . . but beware of the Co-Habitation Statute. *(*Each case is different and would need the interpretation and advice of an attorney before taking any specific action.)*

For someone paying alimony, the best advice is to collect details and information regarding the relationship. The burden is on the person paying alimony to prove by the preponderance of the evidence (i.e. more likely than not) the existence and details of the relationship. A private investigator, documentation, and witness testimony may be helpful in proving the relationship. *(*Each case is different and would need the interpretation and advice of an attorney before taking any specific action.)*

My firm handles family law cases involving a variety of issues including alimony, child support, divorce, visitation, custody, and adoption. It is always best to discuss the situation with an attorney before you take any action regarding alimony and co-habitation. The law makes sense to me. Why should a marriage license make all the difference in the world on these matters? If you have a question about co-habitation, marriage, or any other matter under the sun, please contact me.

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Mac Corner
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