

June 10, 2005

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of the State of Florida, I do hereby transmit with my approval Committee Substitute for Senate Bill 152, enacted during the 37th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to alimony . . .

Committee Substitute for Senate Bill 152 gives a court the discretion to reduce or terminate alimony upon a finding that a supportive relationship exists between a recipient of alimony and a third party who reside together but are not related by consanguinity or affinity.

This bill gives judges new tools to modify or terminate alimony payments in cases that warrant such action. Laws governing alimony must recognize that relationships between ex-spouses are often complicated and difficult. Accordingly, judges need the flexibility to use discretion to establish fairness and justice between the parties, and the goal of this bill is to afford them exactly that. I support that policy.

I also recognize that current Florida law does not specifically encourage our courts to re-evaluate the merit of alimony payments when the obligee enters into a de facto marriage. In fact, current Florida law arguably encourages ex-spouses to cohabit with new partners and avoid marriage in an effort to preserve alimony payments. That does not yield strong families. To the extent this bill addresses that shortcoming in current law, I support its goal.

While I strongly support the bill's goal, I do have concerns. I hope that the Legislature will address these concerns during the next legislative session.

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First, this bill does not address how child support payments would be impacted by a modification or termination of alimony. The bill should impose a mandatory requirement on courts to review child support obligations upon a modification of alimony under these circumstances, perhaps during the very same court hearing.

Second, the bill does not acknowledge the transitory nature of these cohabitation relationships by providing a means to reinstate terminated alimony should the supportive relationship dissolve. The bill should include a provision preserving the court's jurisdiction and providing the court discretion to reinstate the original alimony should the supportive relationship end.

Finally, this bill potentially allows modification of alimony payments based on any supportive relationship. Thus, an obligee who eases financial pressures by moving in with a friend or co-worker could hypothetically suffer a loss of alimony. In order to make clear that the bill is aimed at obligees who avoid marriage in order to preserve financial benefits, the bill should make clear the "supportive relationship" must refer specifically to that between one man and one woman. While I acknowledge that the bill expressly states that it does not abrogate Florida's legal definition of a binding marriage, I believe that this legislative intent could be clarified.

I hereby approve Committee Substitute for Senate Bill 152.

Sincerely,

Jeb Bush