

Amendment No. 1a (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Family Law & Children offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 741.0305, Florida Statutes, is
created to read:

741.0305 Short title.--Sections 741.0305-741.0307 may
be cited as the "Marriage Preparation and Preservation Act of
1998."

Section 2. Section 741.0306, Florida Statutes, is
created to read:

741.0306 Legislative findings; purpose.--It is the
finding of the Legislature that:

(1) Just as the family is the foundation of society,
the marital relationship is the foundation of family.
Consequently, strengthening marriages can only lead to
stronger families, children, and communities, as well as a
stronger economy.

(2) Marriage must be endorsed and encouraged as a

Amendment No. 1a (for drafter's use only)

1 means of promoting stability and continuity in society.

2 (3) The major aspect of the preventive approach to
3 preserving marriage is to acquire necessary skills.

4 (4) Skills are certain abilities or proficiencies that
5 come from education, training, and practice.

6 (5) If we equip individuals with certain skills, their
7 relationships will be more adaptable to change and to stress
8 from both internal and external sources.

9 (6) Relationship skills can be learned in such places
10 as classroom settings in schools, religious centers, health
11 maintenance organizations, on military bases, and in county
12 courthouses.

13 (7) Couples who learn such skills will model the
14 behaviors for their children, thus reducing the divorce rate
15 in future generations.

16 (8) Once the skills are learned, they are generalized
17 to parenting, the workplace, schools, neighborhoods, and civic
18 relationships.

19 (9) The state has a compelling interest in educating
20 its citizens with regard to the responsibilities of marriage
21 and, if contemplated, the effects of divorce.

22 (10) It is also a purpose of this act to provide
23 marriage and relationship skill-based education to high school
24 students in the state pursuant to s. 232.246(1)(i).

25 Section 3. Section 741.0307, Florida Statutes, is
26 created to read:

27 741.0307 Creation of handbook.--

28 (1) There shall be created a handbook explaining those
29 sections of Florida law pertaining to the rights and
30 responsibilities under Florida law of the marital partners to
31 each other and to any children during a marriage and in the

Amendment No. 1a (for drafter's use only)

1 event of a dissolution of marriage. The material contained in
2 such a handbook may also be provided through video tape or
3 other suitable electronic media. The material in the handbook
4 or other suitable electronic media shall be reviewed for
5 accuracy by the Family Court Steering Committee of the Florida
6 Supreme Court prior to publication and distribution.

7 (2) Such handbooks shall be available from the clerk
8 of the circuit court upon application for a marriage license.
9 The clerks may also make the information in the handbook
10 available on videotape or other electronic media and are
11 encouraged to provide a list of course providers and sites at
12 which marriage and relationship skill building classes are
13 available.

14 (3) The information contained in the handbook or other
15 electronic media presentation shall be reviewed and updated
16 annually in accordance with the law of the state , and shall
17 include, but not be limited to:

18 (a) Pre-nuptial agreements; as a contract and as an
19 opportunity to structure financial arrangements and other
20 aspects of the marital relationship;

21 (b) Shared parental responsibility for children; the
22 determination of primary residence or custody and secondary
23 residence or routine visitation, holiday, summer and vacation
24 visitation arrangements, telephone access, and the process for
25 notice for changes;

26 (c) Permanent relocation restrictions on parents with
27 primary residential responsibility;

28 (d) Child support for minor children; both parents are
29 obligated for support in accordance with applicable child
30 support guidelines;

31 (e) Property rights; including equitable distribution,

Amendment No. 1a (for drafter's use only)

- 1 special equity, pre-marital property, and non-marital
2 property;
3 (f) Alimony; including temporary, permanent,
4 rehabilitative, and lump sum;
5 (g) Domestic violence and child abuse and neglect;
6 including penalties and other ramifications of false
7 reporting;
8 (h) Court process for dissolution, with or without
9 legal assistance, including who may attend, the recording of
10 proceedings, how to access those records, and the cost of such
11 access;
12 (i) Parent education and family stabilization course
13 requirement for divorcing parents with children; and
14 (j) Community resources that are available for
15 separating or divorcing persons and their children.

16 Section 4. Section 741.04, Florida Statutes, is
17 amended to read:

18 741.04 Marriage license issued.--No county court judge
19 or clerk of the circuit court in this state shall issue a
20 license for the marriage of any person unless there shall be
21 first presented and filed with him or her an affidavit in
22 writing, signed by both parties to the marriage, providing the
23 social security numbers of each party, made and subscribed
24 before some person authorized by law to administer an oath:7

25 (1) Reciting the true and correct ages of such
26 parties; unless both such parties shall be over the age of 18
27 years, except as provided in s. 741.0405; and unless one party
28 is a male and the other party is a female.

29 (2) Verifying that both parties have obtained and read
30 or otherwise accessed the information contained in the
31 handbook or other electronic media presentation of the rights

Amendment No. 1a (for drafter's use only)

1 and responsibilities of parties to a marriage provided for in
2 s. 741.0305.

3
4 Pursuant to the federal Personal Responsibility and Work
5 Opportunity Reconciliation Act of 1996, each party is required
6 to provide his or her social security number in accordance
7 with this section. Disclosure of social security numbers
8 obtained through this requirement shall be limited to the
9 purpose of administration of the Title IV-D program for child
10 support enforcement.

11 Section 5. Section 741.05, Florida Statutes, is
12 amended to read:

13 741.05 Penalty for violation of ss. 741.03,
14 741.04(1).--Any county court judge, clerk of the circuit
15 court, or other person who shall violate any provision of ss.
16 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
17 first degree, punishable as provided in s. 775.082 or s.
18 775.083.

19 Section 6. Section 61.21, Florida Statutes, is amended
20 to read:

21 61.21 Parent education and family stabilization
22 ~~Parenting~~ course authorized; fees; required attendance
23 authorized; ~~contempt~~.--

24 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding
25 of the Legislature that:

26 (a) A large number of children experience the
27 separation or divorce of their parents each year. Parental
28 conflict related to divorce is a societal concern because
29 children suffer potential short-term and long-term detrimental
30 economic, emotional, and educational effects during this
31 difficult period of family transition. This is particularly

Amendment No. 1a (for drafter's use only)

1 true when parents engage in lengthy legal conflict.

2 (b) Parents are more likely to consider the best
3 interests of their children when determining parental
4 arrangements if courts provide families with information
5 regarding the process by which courts make decisions on issues
6 affecting their children and suggestions as to how parents may
7 ease the coming adjustments in family structure for their
8 children.

9 (c) It has been found to be beneficial to parents who
10 are separating or divorcing to have available an educational
11 program that will provide general information regarding:

12 1. The issues and legal procedures for resolving
13 custody and child support disputes.

14 2. The emotional experiences and problems of divorcing
15 adults.

16 3. The family problems and the emotional concerns and
17 needs of the children.

18 4. The availability of community services and
19 resources.

20 (d) Parents who are separating or divorcing are more
21 likely to receive maximum benefit from a program if they
22 attend such program at the earliest stages of their dispute,
23 before extensive litigation occurs and adversarial positions
24 are assumed or intensified.

25 (e) The Legislature declares that it is the purpose of
26 this act to promote the best interests of children who are
27 experiencing the separation or divorce of their parents by
28 establishing a parent education and family stabilization
29 course designed to:

30 1. Increase parental awareness of the importance of
31 reducing acrimony that may exist between the parties.

Amendment No. 1a (for drafter's use only)

1 2. Develop an understanding or an atmosphere that will
2 encourage parents to assure a child of close and continuing
3 contact with both parents, when that is in the best interests
4 of the child.

5 3. Provide separating or divorcing parents with basic
6 information about issues relating to contested custody
7 disputes as determined by both mental health and legal
8 professionals.

9 4. Assist the parties in identifying real issues and
10 clarifying potential priorities.

11 ~~(1) All judicial circuits in the state may approve a~~
12 ~~parenting course which shall be a course of a minimum of 4~~
13 ~~hours designed to educate, train, and assist divorcing parents~~
14 ~~in regard to the consequences of divorce on parents and~~
15 ~~children.~~

16 (2) COURT REQUIRED ATTENDANCE.--

17 (a) In any action between parents in which the custody
18 or support of a minor child is an issue, the court may, upon
19 the motion of a party or upon the court's own motion, order
20 parties to attend the parent education and family
21 stabilization course, if the court finds it to be in the best
22 interests of the child or children. The court, in making its
23 determination shall consider the factors set forth in
24 subsection (3). Such an order shall specify the date by which
25 course attendance must be completed.

26 ~~(b)(2) Within 30 days of filing for All parties to a~~
27 ~~dissolution of marriage or when seeking proceeding with minor~~
28 ~~children or a modification of a final judgment action~~
29 ~~involving shared parental responsibilities, custody, or~~
30 ~~visitation, parties shall begin to attend the parent education~~
31 ~~and family stabilization course may be required to complete a~~

Amendment No. 1a (for drafter's use only)

1 ~~court-approved parenting course prior to the entry by the~~
2 ~~court of a final judgment or order modifying the final~~
3 ~~judgment.~~

4 (c) Where abuse or neglect is alleged by one party
5 against the other, or under other circumstances of concern to
6 the court, the court may, upon its own motion or upon the
7 motion of a party, order each spouse to attend a separate
8 session of the course.

9 ~~(7)~~ Nothing in this section shall be construed to
10 require the parties to a dissolution of marriage to attend a
11 court-approved parenting course together.

12 ~~(d)(6)~~ The court may hold any parent who fails to
13 attend a required parent education and family stabilization
14 class parenting course in contempt or that parent may be
15 denied shared parental responsibility or visitation or
16 otherwise sanctioned as the court deems appropriate.

17 ~~(e)(3)~~ All parties required to complete a parent
18 education and family stabilization parenting course shall file
19 proof of compliance with the court prior to the entry of the
20 final judgment or order modifying the final judgment.

21 ~~(f)(5)~~ Information obtained or statements made by the
22 parties at any educational session required under this statute
23 shall not be considered in the adjudication of a pending or
24 subsequent action, nor shall any report resulting from such
25 educational session become part of the record of the case
26 unless the parties have stipulated in writing to the contrary.

27 ~~(g)(4)~~ A reasonable fee may be charged to each parent
28 attending the course.

29 (h) No person shall be excluded from attendance of the
30 course based upon the inability to pay.

31 (i) Each judicial circuit may establish a registry of

Amendment No. 1a (for drafter's use only)

1 course providers and sites at which the parent education and
2 family stabilization course required by this section may be
3 completed. The court shall also include within the registry of
4 course providers and sites at least one site in each county at
5 which the parent education and family stabilization course may
6 be completed on a sliding fee scale.

7 (3) WAIVER OF ATTENDANCE REQUIREMENT.--In considering
8 whether to order parents to attend the parent education and
9 family stabilization course, the court shall presume that such
10 attendance is in the best interests of the child or children
11 in the family. The court may, in its discretion, determine
12 that either or both parents should not attend the parent
13 education and family stabilization program. In making the
14 decision to exempt a parent from the attendance requirement,
15 the court shall consider the following:

16 (a) Participation in an alternative program approved
17 by the court.

18 (b) Economic or other hardships which would arise as a
19 result of attending the course, including travel time and
20 costs.

21 (c) Allegations or a history of child or spousal abuse
22 or neglect, or substance abuse.

23 (d) The history of motions related to custody and
24 visitation or child support.

25 (e) Guidelines promulgated by the court regarding
26 attendance requirements.

27 (f) Any other factors the court deems relevant.

28 (4) COURSE CURRICULUM.--

29 (a) The parent education and family stabilization
30 course shall include, but not be limited to, the following
31 topics as they relate to court actions between parents

Amendment No. 1a (for drafter's use only)

1 involving custody, care, visitation, and support of a child or
2 children:

3 1. Legal aspects of deciding child-related issues
4 between parents.

5 2. Emotional aspects of separation and divorce on
6 adults.

7 3. Emotional aspects of separation and divorce on
8 children.

9 4. Family relationships and family dynamics.

10 5. Financial responsibilities to a child or children.

11 6. Issues regarding spousal or child abuse and
12 neglect.

13 7. Skill-based relationship education that may be
14 generalized to parenting, workplace, school, neighborhood, and
15 civic relationships.

16 (b) Information regarding spousal and child abuse and
17 neglect shall be included in every parent education and family
18 stabilization course. A list of local agencies that provide
19 assistance with such issues shall also be provided.

20 (c) The parent education and family stabilization
21 course shall be educational in nature and shall not be
22 designed to provide individual mental health therapy for
23 parents or children, or individual legal advice to parents or
24 children.

25 (5) QUALIFICATIONS AND DUTIES OF COURSE PROVIDERS.--

26 (a) All course providers who provide information
27 regarding legal aspects of actions pertaining to custody,
28 care, visitation, or support of minor children shall have the
29 following qualifications:

30 1. A law degree and admission to The Florida Bar; and

31 2. At least 2 years' experience in family law

Amendment No. 1a (for drafter's use only)

1 practice.

2 (b) All program providers who provide information
3 regarding the emotional aspects of divorce or other actions
4 regarding custody, visitation, or support of minor children on
5 children or adults shall have the following qualifications:

6 1. A master's degree or doctorate in psychology and a
7 license to practice pursuant to chapter 490; or a master's
8 degree or doctorate in social work, marriage and family
9 therapy, or mental health counseling licensed pursuant to
10 chapter 491; or a master's degree in guidance and counseling
11 and certified pursuant to s. 231.15; or the equivalent from
12 another state within the United States; and

13 2. At least 2 years' postgraduate experience in child
14 or family counseling.

15 3. An official representative of a religious
16 institution which is recognized under s. 501(c)(3) of the
17 Internal Revenue Code of 1986, as amended, may also present
18 this section of the course, if the representative can
19 demonstrate relevant training.

20 (c) Course providers shall not solicit participants
21 from the sessions they conduct to become private clients or
22 patients.

23 (d) Course providers shall not give individual legal
24 advice or mental health therapy.

25 Section 7. Paragraph (i) of subsection (1) of section
26 232.246, Florida Statutes, is amended to read:

27 232.246 General requirements for high school
28 graduation.--

29 (1) Graduation requires successful completion of
30 either a minimum of 24 academic credits in grades 9 through 12
31 or an International Baccalaureate curriculum. The 24 credits

Amendment No. 1a (for drafter's use only)

1 shall be distributed as follows:

2 (i) One-half credit in life management skills to
3 include consumer education, positive emotional development,
4 marriage and relationship skill-based education, nutrition,
5 prevention of human immunodeficiency virus infection and
6 acquired immune deficiency syndrome and other sexually
7 transmissible diseases, benefits of sexual abstinence and
8 consequences of teenage pregnancy, information and instruction
9 on breast cancer detection and breast self-examination,
10 cardiopulmonary resuscitation, drug education, and the hazards
11 of smoking. Such credit shall be given for a course to be
12 taken by all students in either the 9th or 10th grade.

13
14 School boards may award a maximum of one-half credit in social
15 studies and one-half elective credit for student completion of
16 nonpaid voluntary community or school service work. Students
17 choosing this option must complete a minimum of 75 hours of
18 service in order to earn the one-half credit in either
19 category of instruction. Credit may not be earned for service
20 provided as a result of court action. School boards that
21 approve the award of credit for student volunteer service
22 shall develop guidelines regarding the award of the credit,
23 and school principals are responsible for approving specific
24 volunteer activities. A course designated in the Course Code
25 Directory as grade 9 through grade 12 which is taken below the
26 9th grade may be used to satisfy high school graduation
27 requirements or Florida Academic Scholar's Certificate Program
28 requirements as specified in a district's pupil progression
29 plan. Section 8. Section 28.101, Florida Statutes, is
30 hereby amended to read:

31 28.101 Petitions and records of dissolution of

Amendment No. 1a (for drafter's use only)

1 marriage; additional charges.--
2 (d) A charge of \$1. On a monthly basis, the clerk
3 shall transfer the moneys collected pursuant to this paragraph
4 for deposit in the Family Courts Trust Fund created in s.
5 25.388 for the specific purpose of funding the handbook and
6 materials created pursuant to s. 741.0307. Such funds
7 generated shall be directed to the Department of Children and
8 Family Services. The department will be responsible for
9 administering these funds in accordance with the provisions of
10 the bill as well as having the authority to solicit grants and
11 donations to carry out the provisions of the bill.Section
12 9. Section 25.388, Florida Statutes, is hereby amended to
13 read:

14 25.388 Family Courts Trust Fund.--

15 (3) The trust fund shall be funded with moneys
16 generated from fees assessed pursuant to s. 28.101 and s.
17 741.01(4).

18 Section 10. This act shall take effect July 1 of the
19 year in which enacted.

20
21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 26,
25 remove from the title of the bill: the entire title
26
27 and insert in lieu thereof:

28 A bill to be entitled
29 An act relating to marriage; creating ss.
30 741.0305, 741.0306, and 741.0307, F.S., the
31 "Marriage Preparation and Preservation Act of

Amendment No. 1a (for drafter's use only)

1 1998"; providing legislative findings and
2 purpose; requiring the creation of a handbook
3 pertaining to the rights and responsibilities
4 under Florida law of marital partners; amending
5 s. 741.0306, F.S., to provide criteria to be
6 contained in the handbook; amending s. 741.04,
7 F.S.; providing that verification that both
8 parties contemplating marriage have obtained
9 and read the information contained in the
10 handbook created pursuant to s. 741.0307, F.S.,
11 is a condition precedent to issuance of a
12 marriage license; amending s. 741.05, F.S., to
13 conform; amending s. 61.21, F.S.; revising
14 provisions relating to the authorized parenting
15 course offered to educate, train, and assist
16 divorcing parents in regard to the consequences
17 of divorce on parents and children; designating
18 such course as the parent education and family
19 stabilization course; providing legislative
20 findings and purpose; authorizing the court in
21 any action between parents in which the custody
22 or support of a minor child is an issue to
23 order parties to attend the family education
24 and stabilization course if the court finds
25 attendance to be in the best interests of the
26 child or children; providing procedures and
27 guidelines for required attendance; requiring
28 parties to file proof of compliance with the
29 court; authorizing a course fee; authorizing
30 each judicial circuit to establish a registry
31 of course providers and sites; authorizing the

Amendment No. 1a (for drafter's use only)

1 court to grant exemption from required course
2 attendance; providing parent education and
3 family stabilization course curriculum;
4 providing qualifications and duties of course
5 providers; amending s. 232.246, F.S.; including
6 marriage and relationship education within the
7 life management skills credit required for
8 graduation from high school; amending s.
9 28.101, F.S.; to provide for an additional fee
10 for filing for distribution of marriage and
11 designates the trust fund for deposit; amending
12 s. 25.388, F.S.; provides a cross reference;
13 providing an effective date.

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