

By Representatives Bloom and Wise

1 A bill to be entitled
2 An act relating to marriage; creating the
3 "Marriage Preparation and Preservation Act of
4 1997"; creating s. 741.0305, F.S.; requiring
5 the completion of a marriage preparation course
6 as a condition precedent to obtaining a
7 marriage license; specifying course providers;
8 providing course contents; providing for the
9 establishment of a registry of course sites and
10 course providers; providing for the publishing
11 and dissemination of a handbook on marital
12 rights, responsibilities, and requirements;
13 amending ss. 741.04 and 741.05, F.S., to
14 conform; creating s. 61.22, F.S.; requiring the
15 filing and service of notice of intent to seek
16 a divorce prior to filing for a dissolution of
17 marriage; providing for expiration of notice;
18 requiring the completion of a marriage
19 preservation course as a condition precedent to
20 filing a petition for dissolution of marriage;
21 specifying course providers; providing course
22 contents; providing for the establishment of a
23 registry of course sites and course providers;
24 authorizing the court to consider refusal to
25 complete the course; providing construction;
26 providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. This act shall be known and may be cited as
31 the "Marriage Preparation and Preservation Act of 1997."

1 Section 2. Section 741.0305, Florida Statutes, is
2 created to read:

3 741.0305 Premarital orientation course.--

4 (1) A man and a woman who intend to apply for a
5 marriage license as provided in s. 741.04 shall, together or
6 separately, complete a marriage preparation course of not less
7 than 4 hours. Such course shall include a review of the
8 rights, responsibilities, and requirements under Florida law
9 of each prospective party to the marriage with regard to each
10 other and to any children of the prospective parties to the
11 marriage. The individuals applying for the marriage license
12 shall verify completion of the course by filing with the
13 application a certificate of completion from the course
14 provider.

15 (2) The marriage preparation course shall be conducted
16 by one or more of the following:

17 (a) A licensed professional counselor.

18 (b) A licensed marriage and family therapist.

19 (c) A licensed or limited licensed psychologist.

20 (d) A certified social worker, certified family law
21 mediator, or such other person approved by the chief judge of
22 the circuit.

23 (e) An official representative of a religious
24 institution or his or her designee.

25 (3) The marriage preparation course shall include, but
26 not be limited to:

27 (a) The rights and responsibilities under Florida law
28 of the marital partners to each other and to any children.

29 (b) Conflict management.

30 (c) Communication skills.

31 (d) Financial responsibilities.

1 (e) Children and parenting responsibilities.

2 (f) Typical problems during marriage with suggested
3 solutions.

4 (4) Each judicial circuit shall establish a registry
5 of course providers and sites at which the marriage
6 preparation course required by subsection (1) may be
7 completed. The court shall also include within the registry of
8 course providers and sites at least one site in each county at
9 which the marriage preparation course may be completed or on a
10 sliding fee scale.

11 (5) A person applying for a marriage license may
12 choose a qualified instructor or appropriate instructional
13 institution, in lieu of a course provider listed in the
14 registry, to conduct the marriage preparation course required
15 by this section, provided that the instructor or institution
16 meets or exceeds the standards for the course on marriage
17 preparation provided for in this section. Costs of such
18 marriage preparation course shall be paid by the applicant.

19 (6) There shall be established a consortium of
20 community organizations for the purpose of preparing and
21 printing a handbook containing those sections of Florida law
22 which pertain to the rights, responsibilities, and
23 requirements of the parties to a marriage with respect to each
24 other and to the children of the parties to the marriage. Such
25 handbooks shall be available from the county court judge or
26 clerk of the circuit court upon application for a marriage
27 license, or at any course site or from any course provider
28 listed in the registry. The community consortium shall be
29 responsible for the costs involved in printing the handbook.

30 Section 3. Section 741.04, Florida Statutes, is
31 amended to read:

1 741.04 Marriage license issued.--No county court judge
2 or clerk of the circuit court in this state shall issue a
3 license for the marriage of any person unless there shall be
4 first presented and filed with him an affidavit in writing,
5 signed by both parties to the marriage, made and subscribed
6 before some person authorized by law to administer an oath;

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

11 (2) Verifying that both parties have obtained the
12 handbook of rights, responsibilities, and requirements of
13 parties to a marriage provided for in s. 741.0305 and have
14 satisfactorily completed the marriage preparation course
15 required by s. 741.0305.

16 Section 4. Section 741.05, Florida Statutes, is
17 amended to read:

18 741.05 Penalty for violation of ss. 741.03,
19 741.04(1).--Any county court judge, clerk of the circuit
20 court, or other person who shall violate any provision of ss.
21 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
22 first degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 Section 5. Section 61.22, Florida Statutes, is created
25 to read:

26 61.22 Marriage preservation course authorized; fees;
27 required attendance authorized.--

28 (1) Prior to a filing for a dissolution of marriage
29 with the court, one or both of the parties to the marriage
30 shall file and serve a notice of intent to seek a divorce with
31 the clerk of the circuit court on a form provided by the

1 clerk. Service of the notice shall be made pursuant to chapter
2 48; however, nothing herein shall be construed as prohibiting
3 personal service by one spouse on the other if the spouse
4 being served signs and dates an acceptance of service.

5 (2) Each party, after notice of intent to seek a
6 divorce has been filed with the clerk of the circuit court and
7 served, and prior to a filing for a dissolution of marriage,
8 shall have 90 days to complete a court-approved marriage
9 preservation course, which shall be a course of a minimum of
10 12 hours in 6 different weekly segments.

11 (3) The marriage preservation course shall be
12 conducted by one or more of the following:

13 (a) A licensed professional counselor.

14 (b) A licensed marriage and family therapist.

15 (c) A licensed or limited licensed psychologist.

16 (d) A certified social worker, certified family law
17 mediator, or such other person approved by the chief judge of
18 the circuit.

19 (e) An official representative of a religious
20 institution or his or her designee.

21 (4) The marriage preservation course shall include,
22 but not be limited to:

23 (a) Ways to build a successful relationship.

24 (b) Using mediation and/or counseling to solve marital
25 problems.

26 (c) The negative effects of divorce on children.

27 (d) The negative effects of divorce on men.

28 (e) The negative effects of divorce on women.

29 (f) The negative effects of divorce on society.

30 (g) The most common causes of divorce and ways these
31 causes may be overcome.

- 1 (h) Keeping antagonism out of the divorce process.
2 (i) Minimizing the effects of divorce on children.
3 (j) The attorney relationship.
4 (5) Each judicial circuit shall establish a registry
5 of course providers and sites at which the marriage
6 preservation course required by subsection (2) may be
7 completed. The court shall also include within the registry of
8 course providers and sites at least one site in each county at
9 which the marital preservation course may be completed on a
10 sliding fee scale.
11 (6) A person required to complete the marriage
12 preservation course provided in subsection (2) may choose a
13 qualified instructor or appropriate instructional institution,
14 in lieu of a course provider listed in the registry, to
15 conduct the marriage preservation course required by this
16 section, provided that the instructor or institution meets or
17 exceeds the standards for the course on marriage preservation
18 provided for in this section. Costs of such marriage
19 preservation course shall be paid by the applicant.
20 (7) After completion of the course or 90 days,
21 whichever is sooner, the party or parties may file a petition
22 for dissolution of marriage.
23 (8) If a party filing a notice of intent to seek a
24 divorce does not file a petition for dissolution of marriage
25 within 90 days of filing this notice, then the notice shall
26 expire automatically and a petition for dissolution of
27 marriage may not be filed until the requirements of
28 subsections (1) and (2) are met.
29 (9) If any party has refused to complete the marriage
30 preservation course, the court may consider that fact when
31 pronouncing a final judgment of dissolution of marriage.

1 (10) Nothing in this section shall be construed to
2 require the parties to a dissolution of marriage to attend a
3 court-approved marriage preservation course together.

4 Section 6. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

9
10 Creates the "Marriage Preparation and Preservation Act of
11 1997." Provides that applicants for a marriage license
12 must complete a marriage preparation course which shall
13 include a review of the rights, responsibilities, and
14 requirements under Florida law of each prospective party
15 to the marriage. Specifies persons authorized to conduct
16 the course. Provides for the establishment of a registry
17 of course sites and course providers. Provides for the
18 establishment of a consortium of community organizations
19 for the purpose of publishing a handbook containing those
20 sections of Florida law pertinent to the marriage
21 preparation course. Prohibits the issuance of a marriage
22 license unless both parties to the marriage sign an
23 affidavit verifying that they have obtained the handbook
24 on marital rights, responsibilities, and requirements and
25 have satisfactorily completed the premarital orientation
26 course.

27
28 Requires that, prior to filing for a dissolution of
29 marriage with the court, one or both parties to the
30 marriage shall file and serve notice of intent to seek a
31 divorce with the clerk of the circuit court. Provides
32 that, within 90 days after the filing of such notice,
33 both parties are required to complete a marriage
34 preservation course. Provides for expiration of notice.
35 Specifies persons authorized to conduct the course.
36 Provides course contents. Provides for the establishment
37 of a registry of course sites and course providers.

38
39 Provides that the court may consider either party's
40 refusal to complete the marriage preservation course and
41 that parties seeking dissolution of marriage shall not be
42 required to attend a marriage preservation course
43 together.