

1 A bill to be entitled
2 An act relating to marriage; creating ss.
3 741.0305, 741.0306, and 741.0307, F.S., the
4 "Marriage Preparation and Preservation Act of
5 1998"; providing legislative findings and
6 purpose; requiring the creation of a handbook
7 pertaining to the rights and responsibilities
8 under Florida law of marital partners; amending
9 s. 741.0306, F.S., to provide criteria to be
10 contained in the handbook; amending s. 741.04,
11 F.S.; providing that verification that both
12 parties contemplating marriage have obtained
13 and read the information contained in the
14 handbook created pursuant to s. 741.0307, F.S.,
15 is a condition precedent to issuance of a
16 marriage license; amending s. 741.05, F.S., to
17 conform; amending s. 61.21, F.S.; revising
18 provisions relating to the authorized parenting
19 course offered to educate, train, and assist
20 divorcing parents in regard to the consequences
21 of divorce on parents and children; designating
22 such course as the parent education and family
23 stabilization course; providing legislative
24 findings and purpose; authorizing the court in
25 any action between parents in which the custody
26 or support of a minor child is an issue to
27 order parties to attend the family education
28 and stabilization course if the court finds
29 attendance to be in the best interests of the
30 child or children; providing procedures and
31 guidelines for required attendance; requiring

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

18

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

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

23 741.0305 Short title.--Sections 741.0305-741.0307 may
24 be cited as the "Marriage Preparation and Preservation Act of
25 1998."

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

28 741.0306 Legislative findings; purpose.--It is the
29 finding of the Legislature that:

30 (1) Just as the family is the foundation of society,
31 the marital relationship is the foundation of family.

1 Consequently, strengthening marriages can only lead to
2 stronger families, children, and communities, as well as a
3 stronger economy.

4 (2) Marriage must be endorsed and encouraged as a
5 means of promoting stability and continuity in society.

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

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

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

13 (6) Relationship skills can be learned in such places
14 as classroom settings in schools, religious centers, health
15 maintenance organizations, on military bases, and in county
16 courthouses.

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

20 (8) Once the skills are learned, they are generalized
21 to parenting, the workplace, schools, neighborhoods, and civic
22 relationships.

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

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

29 Section 3. Section 741.0307, Florida Statutes, is
30 created to read:

31 741.0307 Creation of handbook.--

1 (1) There shall be created a handbook explaining those
2 sections of Florida law pertaining to the rights and
3 responsibilities under Florida law of the marital partners to
4 each other and to any children during a marriage and in the
5 event of a dissolution of marriage. The material contained in
6 such a handbook may also be provided through video tape or
7 other suitable electronic media. The material in the handbook
8 or other suitable electronic media shall be reviewed for
9 accuracy by the Family Court Steering Committee of the Florida
10 Supreme Court prior to publication and distribution.

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

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

22 (a) Pre-nuptial agreements; as a contract and as an
23 opportunity to structure financial arrangements and other
24 aspects of the marital relationship;

25 (b) Shared parental responsibility for children; the
26 determination of primary residence or custody and secondary
27 residence or routine visitation, holiday, summer and vacation
28 visitation arrangements, telephone access, and the process for
29 notice for changes;

30 (c) Permanent relocation restrictions on parents with
31 primary residential responsibility;

1 (d) Child support for minor children; both parents are
2 obligated for support in accordance with applicable child
3 support guidelines;

4 (e) Property rights; including equitable distribution,
5 special equity, pre-marital property, and non-marital
6 property;

7 (f) Alimony; including temporary, permanent,
8 rehabilitative, and lump sum;

9 (g) Domestic violence and child abuse and neglect;
10 including penalties and other ramifications of false
11 reporting;

12 (h) Court process for dissolution, with or without
13 legal assistance, including who may attend, the recording of
14 proceedings, how to access those records, and the cost of such
15 access;

16 (i) Parent education and family stabilization course
17 requirement for divorcing parents with children; and

18 (j) Community resources that are available for
19 separating or divorcing persons and their children.

20 Section 4. Section 741.04, Florida Statutes, is
21 amended to read:

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

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

3 (2) Verifying that both parties have obtained and read
4 or otherwise accessed the information contained in the
5 handbook or other electronic media presentation of the rights
6 and responsibilities of parties to a marriage provided for in
7 s. 741.0305.

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

16 Section 5. 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 6. Section 61.21, Florida Statutes, is amended
25 to read:

26 61.21 Parent education and family stabilization
27 ~~Parenting~~ course authorized; fees; required attendance
28 authorized; ~~contempt~~.--

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

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1 (a) A large number of children experience the
2 separation or divorce of their parents each year. Parental
3 conflict related to divorce is a societal concern because
4 children suffer potential short-term and long-term detrimental
5 economic, emotional, and educational effects during this
6 difficult period of family transition. This is particularly
7 true when parents engage in lengthy legal conflict.

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

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

18 1. The issues and legal procedures for resolving
19 custody and child support disputes.

20 2. The emotional experiences and problems of divorcing
21 adults.

22 3. The family problems and the emotional concerns and
23 needs of the children.

24 4. The availability of community services and
25 resources.

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

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1 (e) The Legislature declares that it is the purpose of
2 this act to promote the best interests of children who are
3 experiencing the separation or divorce of their parents by
4 establishing a parent education and family stabilization
5 course designed to:

6 1. Increase parental awareness of the importance of
7 reducing acrimony that may exist between the parties.

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

12 3. Provide separating or divorcing parents with basic
13 information about issues relating to contested custody
14 disputes as determined by both mental health and legal
15 professionals.

16 4. Assist the parties in identifying real issues and
17 clarifying potential priorities.

18 ~~(1) All judicial circuits in the state may approve a~~
19 ~~parenting course which shall be a course of a minimum of 4~~
20 ~~hours designed to educate, train, and assist divorcing parents~~
21 ~~in regard to the consequences of divorce on parents and~~
22 ~~children.~~

23 (2) COURT REQUIRED ATTENDANCE.--

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

3 (b)(2) Within 30 days of filing for ~~All parties to a~~
4 ~~dissolution of marriage or when seeking proceeding with minor~~
5 ~~children or a modification of a final judgment action~~
6 ~~involving shared parental responsibilities, custody, or~~
7 ~~visitation, parties shall begin to attend the parent education~~
8 ~~and family stabilization course may be required to complete a~~
9 ~~court-approved parenting course prior to the entry by the~~
10 ~~court of a final judgment or order modifying the final~~
11 ~~judgment.~~

12 (c) Where abuse or neglect is alleged by one party
13 against the other, or under other circumstances of concern to
14 the court, the court may, upon its own motion or upon the
15 motion of a party, order each spouse to attend a separate
16 session of the course.

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

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

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

29 (f)(5) Information obtained or statements made by the
30 parties at any educational session required under this statute
31 shall not be considered in the adjudication of a pending or

1 subsequent action, nor shall any report resulting from such
2 educational session become part of the record of the case
3 unless the parties have stipulated in writing to the contrary.

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

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

8 (i) Each judicial circuit may establish a registry of
9 course providers and sites at which the parent education and
10 family stabilization course required by this section may be
11 completed. The court shall also include within the registry of
12 course providers and sites at least one site in each county at
13 which the parent education and family stabilization course may
14 be completed on a sliding fee scale.

15 (3) WAIVER OF ATTENDANCE REQUIREMENT.--In considering
16 whether to order parents to attend the parent education and
17 family stabilization course, the court shall presume that such
18 attendance is in the best interests of the child or children
19 in the family. The court may, in its discretion, determine
20 that either or both parents should not attend the parent
21 education and family stabilization program. In making the
22 decision to exempt a parent from the attendance requirement,
23 the court shall consider the following:

24 (a) Participation in an alternative program approved
25 by the court.

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

29 (c) Allegations or a history of child or spousal abuse
30 or neglect, or substance abuse.

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

3 (e) Guidelines promulgated by the court regarding
4 attendance requirements.

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

6 (4) COURSE CURRICULUM.--

7 (a) The parent education and family stabilization
8 course shall include, but not be limited to, the following
9 topics as they relate to court actions between parents
10 involving custody, care, visitation, and support of a child or
11 children:

12 1. Legal aspects of deciding child-related issues
13 between parents.

14 2. Emotional aspects of separation and divorce on
15 adults.

16 3. Emotional aspects of separation and divorce on
17 children.

18 4. Family relationships and family dynamics.

19 5. Financial responsibilities to a child or children.

20 6. Issues regarding spousal or child abuse and
21 neglect.

22 7. Skill-based relationship education that may be
23 generalized to parenting, workplace, school, neighborhood, and
24 civic relationships.

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

29 (c) The parent education and family stabilization
30 course shall be educational in nature and shall not be
31 designed to provide individual mental health therapy for

1 parents or children, or individual legal advice to parents or
2 children.

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

4 (a) All course providers who provide information
5 regarding legal aspects of actions pertaining to custody,
6 care, visitation, or support of minor children shall have the
7 following qualifications:

- 8 1. A law degree and admission to The Florida Bar; and
- 9 2. At least 2 years' experience in family law

10 practice.

11 (b) All program providers who provide information
12 regarding the emotional aspects of divorce or other actions
13 regarding custody, visitation, or support of minor children on
14 children or adults shall have the following qualifications:

- 15 1. A master's degree or doctorate in psychology and a
16 license to practice pursuant to chapter 490, or a master's
17 degree or doctorate in social work, marriage and family
18 therapy, or mental health counseling licensed pursuant to
19 chapter 491; or a master's degree in guidance and counseling
20 and certified pursuant to s. 231.15; or the equivalent from
21 another state within the United States; and

22 2. At least 2 years' postgraduate experience in child
23 or family counseling.

24 3. An official representative of a religious
25 institution which is recognized under s. 501(c)(3) of the
26 Internal Revenue Code of 1986, as amended, may also present
27 this section of the course, if the representative can
28 demonstrate relevant training.

29 (c) Course providers shall not solicit participants
30 from the sessions they conduct to become private clients or
31 patients.

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

3 Section 7. Paragraph (i) of subsection (1) of section
4 232.246, Florida Statutes, is amended to read:

5 232.246 General requirements for high school
6 graduation.--

7 (1) Graduation requires successful completion of
8 either a minimum of 24 academic credits in grades 9 through 12
9 or an International Baccalaureate curriculum. The 24 credits
10 shall be distributed as follows:

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

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23 School boards may award a maximum of one-half credit in social
24 studies and one-half elective credit for student completion of
25 nonpaid voluntary community or school service work. Students
26 choosing this option must complete a minimum of 75 hours of
27 service in order to earn the one-half credit in either
28 category of instruction. Credit may not be earned for service
29 provided as a result of court action. School boards that
30 approve the award of credit for student volunteer service
31 shall develop guidelines regarding the award of the credit,

1 and school principals are responsible for approving specific
2 volunteer activities. A course designated in the Course Code
3 Directory as grade 9 through grade 12 which is taken below the
4 9th grade may be used to satisfy high school graduation
5 requirements or Florida Academic Scholar's Certificate Program
6 requirements as specified in a district's pupil progression
7 plan.

8 Section 8. Section 28.101, Florida Statutes, is hereby
9 amended to read:

10 28.101 Petitions and records of dissolution of
11 marriage; additional charges.--

12 (d) A charge of \$1. On a monthly basis, the clerk
13 shall transfer the moneys collected pursuant to this paragraph
14 for deposit in the Family Courts Trust Fund created in s.
15 25.388 for the specific purpose of funding the handbook and
16 materials created pursuant to s. 741.0307. Such funds
17 generated shall be directed to the Department of Children and
18 Family Services. The department will be responsible for
19 administering these funds in accordance with the provisions of
20 the bill as well as having the authority to solicit grants and
21 donations to carry out the provisions of the bill.

22 Section 9. Section 25.388, Florida Statutes, is hereby
23 amended to read:

24 25.388 Family Courts Trust Fund.--

25 (3) The trust fund shall be funded with moneys
26 generated from fees assessed pursuant to s. 28.101 and s.
27 741.01(4).

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

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