

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.; providing an additional charge
14 for petition for a dissolution of marriage;
15 providing for deposit of such funds in the
16 Family Courts Trust Fund; amending s. 25.388,
17 F.S.; providing an additional source of funding
18 for the Family Courts Trust Fund; providing an
19 effective date.
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21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 741.0305, Florida Statutes, is
24 created to read:

25 741.0305 Short title.--Sections 741.0305-741.0307 may
26 be cited as the "Marriage Preparation and Preservation Act of
27 1998."

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

30 741.0306 Legislative findings; purpose.--It is the
31 finding of the Legislature that:

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

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

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

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

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

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

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

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

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

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

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1 Section 3. Section 741.0307, Florida Statutes, is
2 created to read:

3 741.0307 Creation of handbook.--

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

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

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

25 (a) Pre-nuptial agreements; as a contract and as an
26 opportunity to structure financial arrangements and other
27 aspects of the marital relationship;

28 (b) Shared parental responsibility for children; the
29 determination of primary residence or custody and secondary
30 residence or routine visitation, holiday, summer and vacation

1 visitation arrangements, telephone access, and the process for
2 notice for changes;

3 (c) Permanent relocation restrictions on parents with
4 primary residential responsibility;

5 (d) Child support for minor children; both parents are
6 obligated for support in accordance with applicable child
7 support guidelines;

8 (e) Property rights; including equitable distribution,
9 special equity, pre-marital property, and non-marital
10 property;

11 (f) Alimony; including temporary, permanent,
12 rehabilitative, and lump sum;

13 (g) Domestic violence and child abuse and neglect;
14 including penalties and other ramifications of false
15 reporting;

16 (h) Court process for dissolution, with or without
17 legal assistance, including who may attend, the recording of
18 proceedings, how to access those records, and the cost of such
19 access;

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

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

24 Section 4. Section 741.04, Florida Statutes, is
25 amended to read:

26 741.04 Marriage license issued.--No county court judge
27 or clerk of the circuit court in this state shall issue a
28 license for the marriage of any person unless there shall be
29 first presented and filed with him or her an affidavit in
30 writing, signed by both parties to the marriage, providing the

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1 social security numbers of each party, made and subscribed
2 before some person authorized by law to administer an oath:7

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

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

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

20 Section 5. Section 741.05, Florida Statutes, is
21 amended to read:

22 741.05 Penalty for violation of ss. 741.03,
23 741.04(1).--Any county court judge, clerk of the circuit
24 court, or other person who shall violate any provision of ss.
25 741.03 and 741.04(1)shall be guilty of a misdemeanor of the
26 first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 Section 6. Section 61.21, Florida Statutes, is amended
29 to read:

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1 61.21 Parent education and family stabilization
2 ~~Parenting~~ course authorized; fees; required attendance
3 authorized; ~~contempt~~.--

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

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

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

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

23 1. The issues and legal procedures for resolving
24 custody and child support disputes.

25 2. The emotional experiences and problems of divorcing
26 adults.

27 3. The family problems and the emotional concerns and
28 needs of the children.

29 4. The availability of community services and
30 resources.

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

6 (e) The Legislature declares that it is the purpose of
7 this act to promote the best interests of children who are
8 experiencing the separation or divorce of their parents by
9 establishing a parent education and family stabilization
10 course designed to:

11 1. Increase parental awareness of the importance of
12 reducing acrimony that may exist between the parties.

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

17 3. Provide separating or divorcing parents with basic
18 information about issues relating to contested custody
19 disputes as determined by both mental health and legal
20 professionals.

21 4. Assist the parties in identifying real issues and
22 clarifying potential priorities.

23 ~~(1) All judicial circuits in the state may approve a~~
24 ~~parenting course which shall be a course of a minimum of 4~~
25 ~~hours designed to educate, train, and assist divorcing parents~~
26 ~~in regard to the consequences of divorce on parents and~~
27 ~~children.~~

28 (2) COURT REQUIRED ATTENDANCE.--

29 (a) In any action between parents in which the custody
30 or support of a minor child is an issue, the court may, upon
31 the motion of a party or upon the court's own motion, order

1 parties to attend the parent education and family
2 stabilization course, if the court finds it to be in the best
3 interests of the child or children. The court, in making its
4 determination shall consider the factors set forth in
5 subsection (3). Such an order shall specify the date by which
6 course attendance must be completed.

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

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

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

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

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

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

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

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

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

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

29 (a) Participation in an alternative program approved
30 by the court.

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

4 (c) Allegations or a history of child or spousal abuse
5 or neglect, or substance abuse.

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

8 (e) Guidelines promulgated by the court regarding
9 attendance requirements.

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

11 (4) COURSE CURRICULUM.--

12 (a) The parent education and family stabilization
13 course shall include, but not be limited to, the following
14 topics as they relate to court actions between parents
15 involving custody, care, visitation, and support of a child or
16 children:

17 1. Legal aspects of deciding child-related issues
18 between parents.

19 2. Emotional aspects of separation and divorce on
20 adults.

21 3. Emotional aspects of separation and divorce on
22 children.

23 4. Family relationships and family dynamics.

24 5. Financial responsibilities to a child or children.

25 6. Issues regarding spousal or child abuse and
26 neglect.

27 7. Skill-based relationship education that may be
28 generalized to parenting, workplace, school, neighborhood, and
29 civic relationships.

30 (b) Information regarding spousal and child abuse and
31 neglect shall be included in every parent education and family

1 stabilization course. A list of local agencies that provide
2 assistance with such issues shall also be provided.

3 (c) The parent education and family stabilization
4 course shall be educational in nature and shall not be
5 designed to provide individual mental health therapy for
6 parents or children, or individual legal advice to parents or
7 children.

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

9 (a) All course providers who provide information
10 regarding legal aspects of actions pertaining to custody,
11 care, visitation, or support of minor children shall have the
12 following qualifications:

- 13 1. A law degree and admission to The Florida Bar; and
14 2. At least 2 years' experience in family law
15 practice.

16 (b) All program providers who provide information
17 regarding the emotional aspects of divorce or other actions
18 regarding custody, visitation, or support of minor children on
19 children or adults shall have the following qualifications:

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

- 27 2. At least 2 years' postgraduate experience in child
28 or family counseling.

- 29 3. An official representative of a religious
30 institution which is recognized under s. 501(c)(3) of the
31 Internal Revenue Code of 1986, as amended, may also present

1 this section of the course, if the representative can
2 demonstrate relevant training.

3 (c) Course providers shall not solicit participants
4 from the sessions they conduct to become private clients or
5 patients.

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

8 Section 7. Paragraph (i) of subsection (1) of section
9 232.246, Florida Statutes, is amended to read:

10 232.246 General requirements for high school
11 graduation.--

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

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

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28 School boards may award a maximum of one-half credit in social
29 studies and one-half elective credit for student completion of
30 nonpaid voluntary community or school service work. Students
31 choosing this option must complete a minimum of 75 hours of

1 service in order to earn the one-half credit in either
2 category of instruction. Credit may not be earned for service
3 provided as a result of court action. School boards that
4 approve the award of credit for student volunteer service
5 shall develop guidelines regarding the award of the credit,
6 and school principals are responsible for approving specific
7 volunteer activities. A course designated in the Course Code
8 Directory as grade 9 through grade 12 which is taken below the
9 9th grade may be used to satisfy high school graduation
10 requirements or Florida Academic Scholar's Certificate Program
11 requirements as specified in a district's pupil progression
12 plan.

13 Section 8. Paragraph (d) is added to subsection (1) of
14 section 28.101, Florida Statutes, to read:

15 28.101 Petitions and records of dissolution of
16 marriage; additional charges.--

17 (1) When a party petitions for a dissolution of
18 marriage, in addition to the filing charges in s. 28.241, the
19 clerk shall collect and receive:

20 (d) A charge of \$1. On a monthly basis, the clerk
21 shall transfer the moneys collected pursuant to this paragraph
22 for deposit in the Family Courts Trust Fund created in s.
23 25.388 for the specific purpose of funding the handbook and
24 materials created pursuant to s. 741.0307. Such funds
25 generated shall be directed to the Department of Children and
26 Family Services. The department will be responsible for
27 administering these funds in accordance with the provisions of
28 this act as well as having the authority to solicit grants and
29 donations to carry out the provisions of this act.

30 Section 9. Section 25.388, Florida Statutes, is
31 amended to read:

1 25.388 Family Courts Trust Fund.--

2 (1)(a) The trust fund moneys in the Family Courts
3 Trust Fund, administered by the Supreme Court, shall be used
4 to implement family court plans in all judicial circuits of
5 this state.

6 (b) The Supreme Court, through the Office of the State
7 Courts Administrator, shall adopt a comprehensive plan for the
8 operation of the trust fund and the expenditure of any moneys
9 deposited into the trust fund. The plan shall provide for a
10 comprehensive integrated response to families in litigation,
11 including domestic violence matters, guardian ad litem
12 programs, mediation programs, legal support, training,
13 automation, and other related costs incurred to benefit the
14 citizens of the state and the courts in relation to family law
15 cases.

16 (2) As part of its comprehensive plan, the Supreme
17 Court shall evaluate the necessity for an installment plan or
18 a waiver for any or all of the fees based on financial
19 necessity and report such findings to the Legislature.

20 (3) The trust fund shall be funded with moneys
21 generated from fees assessed pursuant to ss. ~~§-28.101~~ and
22 741.01(4).

23 (4) This section shall stand repealed on July 1, 1998.
24 Section 10. This act shall take effect July 1 of the
25 year in which enacted.

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