

Bill No. CS for CS for SB 1576

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Rossin moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. <u>This act may be cited as the "Marriage</u>		
18	<u>Preparation and Preservation Act of 1998."</u>		
19	Section 2. <u>It is the finding of the Legislature based</u>		
20	<u>on reliable research that:</u>		
21	<u>(1) The divorce rate has been accelerating.</u>		
22	<u>(2) Just as the family is the foundation of society,</u>		
23	<u>the marital relationship is the foundation of the family.</u>		
24	<u>Consequently, strengthening marriages can only lead to</u>		
25	<u>stronger families, children, and communities, as well as a</u>		
26	<u>stronger economy.</u>		
27	<u>(3) An inability to cope with stress from both</u>		
28	<u>internal and external sources leads to significantly higher</u>		
29	<u>incidents of domestic violence, child abuse, absenteeism,</u>		
30	<u>medical costs, learning and social deficiencies, and divorce.</u>		
31	<u>(4) Relationship skills can be learned.</u>		

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1           (5) Once learned, relationship skills can facilitate  
2 communication between parties to a marriage and assist couples  
3 in avoiding conflict.

4           (6) Once relationship skills are learned, they are  
5 generalized to parenting, the workplace, schools,  
6 neighborhoods, and civic relationships.

7           (7) By reducing conflict and increasing communication,  
8 stressors can be diminished and coping can be furthered.

9           (8) When effective coping exists, domestic violence,  
10 child abuse, divorce and its effect on children such as  
11 absenteeism, medical costs, and learning and social  
12 deficiencies, are diminished.

13           (9) The state has a compelling interest in educating  
14 its citizens with regard to marriage and, if contemplated, the  
15 effects of divorce.

16           Section 3. Paragraph (i) of subsection (1) of section  
17 232.246, Florida Statutes, is amended to read:

18           232.246 General requirements for high school  
19 graduation.--

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

24           (i) One-half credit in life management skills to  
25 include consumer education, positive emotional development,  
26 marriage and relationship skill-based education, nutrition,  
27 prevention of human immunodeficiency virus infection and  
28 acquired immune deficiency syndrome and other sexually  
29 transmissible diseases, benefits of sexual abstinence and  
30 consequences of teenage pregnancy, information and instruction  
31 on breast cancer detection and breast self-examination,

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1 cardiopulmonary resuscitation, drug education, and the hazards  
2 of smoking. Such credit shall be given for a course to be  
3 taken by all students in either the 9th or 10th grade.

4  
5 School boards may award a maximum of one-half credit in social  
6 studies and one-half elective credit for student completion of  
7 nonpaid voluntary community or school service work. Students  
8 choosing this option must complete a minimum of 75 hours of  
9 service in order to earn the one-half credit in either  
10 category of instruction. Credit may not be earned for service  
11 provided as a result of court action. School boards that  
12 approve the award of credit for student volunteer service  
13 shall develop guidelines regarding the award of the credit,  
14 and school principals are responsible for approving specific  
15 volunteer activities. A course designated in the Course Code  
16 Directory as grade 9 through grade 12 which is taken below the  
17 9th grade may be used to satisfy high school graduation  
18 requirements or Florida Academic Scholar's Certificate Program  
19 requirements as specified in a district's pupil progression  
20 plan.

21 Section 4. Subsection (5) is added to section 741.01,  
22 Florida Statutes, to read:

23 741.01 County court judge or clerk of the circuit  
24 court to issue marriage license; fee.--

25 (5) The fee charged for each marriage license issued  
26 in the state shall be reduced by a sum of \$32.50 for all  
27 couples who present valid certificates of completion of a  
28 premarital preparation course from a qualified instructor for  
29 a course taken no more than 1 year prior to the date of  
30 application for a marriage license. For each license issued  
31 that is subject to the fee reduction of this subsection, the

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1 clerk is not required to transfer the sum of \$7.50 to the  
2 State Treasury for deposit in the Displaced Homemaker Trust  
3 Fund pursuant to subsection (3) or to transfer the sum of \$25  
4 to the Supreme Court for deposit in the Family Courts Trust  
5 Fund.

6 Section 5. Section 741.0305, Florida Statutes, is  
7 created to read:

8 741.0305 Marriage fee reduction for completion of  
9 premarital preparation course.--

10 (1) A man and a woman who intend to apply for a  
11 marriage license under s. 741.04 may, together or separately,  
12 complete a premarital preparation course of not less than 4  
13 hours. All individuals shall verify completion of the course  
14 by filing with the application a certificate of completion  
15 from the course provider for each applicant which certificate  
16 shall specify whether the course was completed by personal  
17 instruction, videotape instruction, instruction via other  
18 electronic medium, or a combination of those methods. All  
19 individuals who complete a premarital preparation course  
20 pursuant to this section must be issued a certificate of  
21 completion at the conclusion of the course by their course  
22 provider. Upon furnishing such certificate when applying for a  
23 marriage license, the individuals shall have their marriage  
24 license fee reduced by \$32.50.

25 (2) The premarital preparation course must include  
26 instruction regarding:

27 (a) Conflict management.

28 (b) Communication skills.

29 (c) Financial responsibilities.

30 (d) Children and parenting responsibilities.

31 (e) Data compiled from available information relating

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1 to problems reported by married couples who seek marital or  
2 individual counseling.

3 (3)(a) All individuals electing to participate in a  
4 premarital preparation course shall choose from the following  
5 list of qualified instructors:

6 1. A psychologist licensed under chapter 490.

7 2. A clinical social worker licensed under chapter  
8 491.

9 3. A marriage and family therapist licensed under  
10 chapter 491.

11 4. A mental health counselor licensed under chapter  
12 491.

13 5. An official representative of a religious  
14 institution which is recognized under s. 496.404(20) if the  
15 representative has relevant training.

16 6. Any other provider designated by a judicial  
17 circuit, including, but not limited to, school counselors who  
18 are certified to offer such courses. Each judicial circuit may  
19 establish a roster of area course providers, including those  
20 who offer the course on a sliding fee scale or for free.

21 (b) The costs of such premarital preparation course  
22 shall be paid by the applicant.

23 (4) Each premarital preparation course provider shall  
24 furnish each participant who completes the course with a  
25 certificate of completion specifying whether the course was  
26 conducted by personal instruction, videotape instruction, or  
27 instruction via other electronic medium, or by a combination  
28 of these methods.

29 Section 6. (1) Premarital preparation courses offered  
30 and completed by individuals across the state shall be  
31 reviewed by researchers from the Florida State University

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1 Center for Marriage and Family in order to determine the  
2 efficacy of such premarital preparation courses.

3 (2) Premarital preparation pilot programs may be  
4 created by the Florida State University Center for Marriage  
5 and Family which will be administered by course providers or  
6 by qualified instructors as provided in section 741.0305(3),  
7 Florida Statutes. These pilot programs shall offer a  
8 premarital preparation course based on statistical information  
9 and data obtained by researchers from the Florida State  
10 University Center for Marriage and Family.

11 (3) The Florida State University Center for Marriage  
12 and Family shall develop a questionnaire and create a  
13 curriculum based on data collected by its researchers. Any  
14 curriculum developed by The Florida State University Center  
15 for Marriage and Family researchers, shall be the sole  
16 property of the Center.

17 Section 7. Section 741.0306, Florida Statutes, is  
18 created to read:

19 741.0306 Creation of a family law handbook.--

20 (1) Based upon their willingness to undertake this  
21 project, there shall be created by the Family Law Section of  
22 The Florida Bar a handbook explaining those sections of  
23 Florida law pertaining to the rights and responsibilities  
24 under Florida law of marital partners to each other and to  
25 their children both during a marriage and upon dissolution.  
26 The material in the handbook or other suitable electronic  
27 media shall be reviewed for accuracy by the Family Court  
28 Steering Committee of the Florida Supreme Court prior to  
29 publication and distribution.

30 (2) Such handbooks shall be available from the clerk  
31 of the circuit court upon application for a marriage license.

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1 The clerks may also make the information in the handbook  
2 available on videotape or other electronic media and are  
3 encouraged to provide a list of course providers and sites at  
4 which marriage and relationship skill building classes are  
5 available.

6 (3) The information contained in the handbook or other  
7 electronic media presentation may be reviewed and updated  
8 annually, and may include, but not be limited to:

9 (a) Pre-nuptial agreements; as a contract and as an  
10 opportunity to structure financial arrangements and other  
11 aspects of the marital relationship;

12 (b) Shared parental responsibility for children; the  
13 determination of primary residence or custody and secondary  
14 residence or routine visitation, holiday, summer and vacation  
15 visitation arrangements, telephone access, and the process for  
16 notice for changes;

17 (c) Permanent relocation restrictions on parents with  
18 primary residential responsibility;

19 (d) Child support for minor children; both parents are  
20 obligated for support in accordance with applicable child  
21 support guidelines;

22 (e) Property rights, including equitable distribution,  
23 special equity, pre-marital property, and non-marital  
24 property;

25 (f) Alimony, including temporary, permanent  
26 rehabilitative, and lump sum;

27 (g) Domestic violence and child abuse and neglect,  
28 including penalties and other ramifications of false  
29 reporting;

30 (h) Court process for dissolution with or without  
31 legal assistance, including who may attend, the recording of

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1 proceedings, how to access those records, and the cost of such  
2 access;

3 (i) Parent education course requirements for divorcing  
4 parents with children;

5 (j) Community resources that are available for  
6 separating or divorcing persons and their children; and

7 (k) Women's rights specified in the Battered Women's  
8 Bill of Rights.

9 (4) The material contained in such a handbook may also  
10 be provided through video tape or other suitable electronic  
11 media. The information contained in the handbook or other  
12 electronic media presentation shall be reviewed and updated  
13 annually.

14 Section 8. Section 741.04, Florida Statutes, is  
15 amended to read:

16 741.04 Marriage license issued.--

17 (1) No county court judge or clerk of the circuit  
18 court in this state shall issue a license for the marriage of  
19 any person unless there shall be first presented and filed  
20 with him or her an affidavit in writing, signed by both  
21 parties to the marriage, providing the social security numbers  
22 of each party, made and subscribed before some person  
23 authorized by law to administer an oath, reciting the true and  
24 correct ages of such parties; unless both such parties shall  
25 be over the age of 18 years, except as provided in s.

26 741.0405; and unless one party is a male and the other party  
27 is a female. Pursuant to the federal Personal Responsibility  
28 and Work Opportunity Reconciliation Act of 1996, each party is  
29 required to provide his or her social security number in  
30 accordance with this section. Disclosure of social security  
31 numbers obtained through this requirement shall be limited to



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1 the purpose of administration of the Title IV-D program for  
2 child support enforcement.

3 (2) No county court judge or clerk of the circuit  
4 court in this state shall issue a license for the marriage of  
5 any person unless there shall be first presented and filed  
6 with him or her:

7 (a) A statement in writing, signed by both parties  
8 which specifies whether the parties, separately or together,  
9 have completed a premarital preparation course.

10 (b) A statement that verifies that both parties have  
11 obtained and read or otherwise accessed the information  
12 contained in the handbook or other electronic media  
13 presentation of the rights and responsibilities of parties to  
14 a marriage specified in s. 741.0306.

15 (3) If a couple has not submitted to the clerk valid  
16 certificates of completion of a premarital preparation course,  
17 the couple will be required to wait 3 days before they may  
18 obtain a marriage license. If a couple has submitted valid  
19 certificates of completion of a premarital preparation course,  
20 they will not be required to wait 3 days before issuance of a  
21 marriage license. A county court judge issuing a marriage  
22 license may waive the 3-day waiting period for good cause.

23 Section 9. When applying for a marriage license, an  
24 applicant may complete and file with the clerk of the circuit  
25 court an unsigned anonymous informational questionnaire which  
26 shall be provided by the clerk. The clerk shall, for purposes  
27 of anonymity, keep all such questionnaires in a separate file  
28 for later distribution by the clerk to researchers from The  
29 Florida State University Center for Marriage and Family. These  
30 questionnaires must be made available to researchers from the  
31 center at their request. Researchers from the center shall

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1 develop the questionnaire and distribute them to the clerk of  
2 the circuit court in each county.

3 Section 10. Section 741.05, Florida Statutes, is  
4 amended to read:

5 741.05 Penalty for violation of ss. 741.03,  
6 741.04(1).--Any county court judge, clerk of the circuit  
7 court, or other person who shall violate any provision of ss.  
8 741.03 and 741.04(1)shall be guilty of a misdemeanor of the  
9 first degree, punishable as provided in s. 775.082 or s.  
10 775.083.

11 Section 11. Section 61.043, Florida Statutes, is  
12 amended to read:

13 61.043 Commencement of a proceeding for dissolution of  
14 marriage or for alimony and child support.--

15 (1) A proceeding for dissolution of marriage or a  
16 proceeding under s. 61.09 shall be commenced by filing in the  
17 circuit court a petition entitled "In re the marriage of . . . .,  
18 husband, and . . . ., wife." A copy of the petition together  
19 with a copy of a summons shall be served upon the other party  
20 to the marriage in the same manner as service of papers in  
21 civil actions generally.

22 (2) Upon filing for dissolution of marriage, the  
23 petitioner must complete and file with the clerk of the  
24 circuit court an unsigned anonymous informational  
25 questionnaire. For purposes of anonymity, completed  
26 questionnaires must be kept in a separate file for later  
27 distribution by the clerk to researchers from The Florida  
28 State University Center for Marriage and Family. These  
29 questionnaires must be made available to researchers from The  
30 Florida State University Center for Marriage and Family at  
31 their request. The actual questionnaire shall be formulated by

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1 researchers from Florida State University who shall distribute  
2 them to the clerk of the circuit court in each county.

3 Section 12. Section 61.21, Florida Statutes, is  
4 amended to read:

5 61.21 Parenting course authorized; fees; required  
6 attendance authorized; contempt.--

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

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

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

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

26 1. The issues and legal procedures for resolving  
27 custody and child support disputes.

28 2. The emotional experiences and problems of divorcing  
29 adults.

30 3. The family problems and the emotional concerns and  
31 needs of the children.

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1           4. The availability of community services and  
2 resources.

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

8           (2)(1) All judicial circuits in the state shall ~~may~~  
9 approve a parenting course which shall be a course of a  
10 minimum of 4 hours designed to educate, train, and assist  
11 divorcing parents in regard to the consequences of divorce on  
12 parents and children.

13           (a) The parenting course referred to in this section  
14 shall be named The Parent Education and Family Stabilization  
15 Course and may include, but not be limited to, the following  
16 topics as they relate to court actions between parents  
17 involving custody, care, visitation, and support of a child or  
18 children:

19           1. Legal aspects of deciding child-related issues  
20 between parents.

21           2. Emotional aspects of separation and divorce on  
22 adults.

23           3. Emotional aspects of separation and divorce on  
24 children.

25           4. Family relationships and family dynamics.

26           5. Financial responsibilities to a child or children.

27           6. Issues regarding spousal or child abuse and  
28 neglect.

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

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

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

10           (d) Course providers shall not solicit participants  
11 from the sessions they conduct to become private clients or  
12 patients.

13           (e) Course providers shall not give individual legal  
14 advice or mental health therapy.

15           (3)(2) All parties to a dissolution of marriage  
16 proceeding with minor children or a paternity action which  
17 involves issues of parental responsibility shall or a  
18 modification of a final judgment action involving shared  
19 parental responsibilities, custody, or visitation may be  
20 required to complete The Parent Education and Family  
21 Stabilization a court-approved parenting Course prior to the  
22 entry by the court of a final judgment or order modifying the  
23 final judgment. The court may excuse a party from attending  
24 the parenting course for good cause.

25           (4)(3) All parties required to complete a parenting  
26 course under this section shall begin the course as  
27 expeditiously as possible after filing for dissolution of  
28 marriage and shall file proof of compliance with the court  
29 prior to the entry of the final judgment or order modifying  
30 the final judgment.

31           (5) All parties to a modification of a final judgment

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1 involving shared parental responsibilities, custody, or  
2 visitation may be required to complete a court-approved  
3 parenting course prior to the entry of an order modifying the  
4 final judgment.

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

12 (7)(4) A reasonable fee may be charged to each parent  
13 attending the course.

14 (8)(5) Information obtained or statements made by the  
15 parties at any educational session required under this statute  
16 shall not be considered in the adjudication of a pending or  
17 subsequent action, nor shall any report resulting from such  
18 educational session become part of the record of the case  
19 unless the parties have stipulated in writing to the contrary.

20 (9)(6) The court may hold any parent who fails to  
21 attend a required parenting course in contempt or that parent  
22 may be denied shared parental responsibility or visitation or  
23 otherwise sanctioned as the court deems appropriate.

24 (10)(7) Nothing in this section shall be construed to  
25 require the parties to a dissolution of marriage to attend a  
26 court-approved parenting course together.

27 (11) The court may, without motion of either party,  
28 prohibit the parenting course from being taken together, if  
29 there is a history of domestic violence between the parties.

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

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1           28.101 Petitions and records of dissolution of  
2 marriage; additional charges.--

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

6           (d) A charge of \$32.50. On a monthly basis the clerk  
7 shall transfer the moneys collected pursuant to this paragraph  
8 as follows:

9           1. An amount of \$7.50 to the State Treasury for  
10 deposit in the Displaced Homemaker Trust Fund.

11           2. An amount of \$25 to the Supreme Court for deposit  
12 in the Family Courts Trust Fund.

13           Section 14. Section 25.388, Florida Statutes, is  
14 amended to read:

15           25.388 Family Courts Trust Fund.--

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

20           (b) The Supreme Court, through the Office of the State  
21 Courts Administrator, shall adopt a comprehensive plan for the  
22 operation of the trust fund and the expenditure of any moneys  
23 deposited into the trust fund. The plan shall provide for a  
24 comprehensive integrated response to families in litigation,  
25 including domestic violence matters, guardian ad litem  
26 programs, mediation programs, legal support, training,  
27 automation, and other related costs incurred to benefit the  
28 citizens of the state and the courts in relation to family law  
29 cases. The trust fund shall be used to fund the publication of  
30 the handbook created pursuant to s. 741.0306.

31           (2) As part of its comprehensive plan, the Supreme

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1 Court shall evaluate the necessity for an installment plan or  
2 a waiver for any or all of the fees based on financial  
3 necessity and report such findings to the Legislature.

4 (3) The trust fund shall be funded with moneys  
5 generated from fees assessed pursuant to ss. 28.101 and s-  
6 741.01(4).

7 Section 15. There is hereby appropriated in fiscal  
8 year 1998-1999 the sum of \$75,000 from the General Revenue  
9 Fund to the Florida State University Center for Marriage and  
10 Family for review of premarital preparation courses,  
11 development of premarital preparation pilot programs, and  
12 development of a questionnaire and creation of a curriculum  
13 based on data collected by its researchers.

14 Section 16. This act shall take effect January 1,  
15 1999.

16  
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21 and insert:

22 A bill to be entitled

23 An act relating to marriage; creating the  
24 "Marriage Preparation and Preservation Act";  
25 providing legislative findings; amending s.  
26 232.246, F.S.; prescribing a high school  
27 graduation requirement; amending s. 741.01,  
28 F.S.; providing for a reduction of the marriage  
29 license fee under certain circumstances;  
30 creating a waiting period before a marriage  
31 license is issued; creating s. 741.0305, F.S.;



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1 providing for a premarital preparation course;  
2 providing for modification of marriage license  
3 fees; specifying course providers; providing  
4 course contents; providing for a review of such  
5 courses; providing for compilation of  
6 information and report of findings; providing  
7 for pilot programs; creating s. 741.0306, F.S.;  
8 providing for creation of a marriage law  
9 handbook created by the Family Law Section of  
10 The Florida Bar; providing for information that  
11 may be included in the handbook; amending s.  
12 741.04, F.S.; prohibiting issuance of a  
13 marriage license until petitioners verify  
14 certain facts and complete a questionnaire;  
15 providing for a waiting period; providing for a  
16 waiver of the waiting period; amending s.  
17 741.05, F.S.; conforming provisions; amending  
18 s. 61.043, F.S.; providing for completion of an  
19 informational questionnaire upon filing for  
20 dissolution of marriage; amending s. 61.21,  
21 F.S.; revising provisions relating to the  
22 authorized parenting course offered to educate,  
23 train, and assist divorcing parents in regard  
24 to the consequences of divorce on parents and  
25 children; providing legislative findings and  
26 purpose; requiring judicial circuits to approve  
27 a parenting course; requiring parties to a  
28 dissolution proceeding with a minor child to  
29 attend a court-approved parenting family  
30 course; providing procedures and guidelines and  
31 course objectives; requiring parties to file

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1 proof of compliance with the court; authorizing  
 2 the court to require parties to a modification  
 3 of a final judgment of dissolution to take the  
 4 course under certain circumstances; amending s.  
 5 28.101, F.S.; providing a fee for filing for  
 6 dissolution of marriage; amending s. 25.388,  
 7 F.S.; providing funding for the marriage law  
 8 handbook; providing an appropriation; providing  
 9 an effective date.

10  
 11 WHEREAS, the Florida Legislature endorses and  
 12 encourages marriage as a means of promoting stability and  
 13 continuity in society, and

14 WHEREAS, children of divorced parents can suffer  
 15 long-lasting adverse consequences from the break-up of their  
 16 parents' relationship and the existing family law system, and

17 WHEREAS, recent annual statistics show that for every  
 18 two marriages in Florida, one ends in divorce, and

19 WHEREAS, the state has a compelling interest in  
 20 promoting those relationships which inure to the benefit of  
 21 Florida's children, and

22 WHEREAS, the state has a compelling interest in  
 23 educating its citizens with regard to the responsibilities of  
 24 marriage and, if contemplated, the effects of divorce, NOW,  
 25 THEREFORE,

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 31