

By Senator Rossin

35-243D-98

1 A bill to be entitled
2 An act relating to marriage; creating the
3 "Marriage Education and Family Stabilization
4 Act"; creating s. 741.0305, F.S.; authorizing a
5 premarital education course as a condition
6 precedent to obtaining a marriage license;
7 providing for modification of marriage license
8 fees; specifying course providers; providing
9 course contents; providing for a pilot program
10 in Leon County; amending s. 741.04, F.S.;
11 prohibiting issuance of a marriage license
12 until petitioners verify certain facts;
13 amending s. 741.05, F.S.; conforming
14 provisions; amending s. 61.21, F.S.; requiring
15 the completion of a parent education and family
16 stabilization course as a condition precedent
17 to filing a petition for dissolution of
18 marriage or seeking a modification of a final
19 judgment action involving shared parental
20 responsibilities, custody, or visitation;
21 specifying course providers; providing course
22 contents; authorizing the court to hold in
23 contempt any person who refuses to complete the
24 course; providing for the establishment of a
25 registry of course sites and course providers;
26 authorizing waiver of the requirements under
27 specified circumstances; providing for unsigned
28 anonymous informational questionnaires;
29 providing an appropriation; providing an
30 effective date.
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1 WHEREAS, the Florida Legislature endorses and
2 encourages marriage as a means of promoting stability and
3 continuity in society, and

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

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

9 WHEREAS, the state has a compelling interest in
10 promoting those relationships which inure to the benefit of
11 Florida's children, and

12 WHEREAS, the state has a compelling interest in
13 educating its citizens with regard to the responsibilities of
14 marriage and, if contemplated, the effects of divorce, NOW,
15 THEREFORE,

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

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19 Section 1. This act may be cited as the "Marriage
20 Education and Family Stabilization Act."

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

23 741.0305 Marriage fee reduction for completion of
24 premarital orientation course.--

25 (1) A man and a woman who intend to apply for a
26 marriage license under s. 741.04 may, together or separately,
27 complete a premarital education course of not less than 4
28 hours. All individuals shall verify completion of the course
29 by filing with the application a certificate of completion
30 from the course provider which certificate shall specify
31 whether the course was completed by personal instruction,

1 videotape instruction, instruction via other electronic
2 medium, or a combination of those methods. All individuals who
3 complete a premarital education course pursuant to this
4 section must be issued a certificate of completion at the
5 conclusion of the course by their course provider. Upon
6 furnishing such certificate when requesting a marriage
7 license, the individuals shall have their marriage license fee
8 reduced by \$10. All individuals who choose not to participate
9 or complete a premarital education course and who are
10 ineligible for an exception under current law are subject to a
11 marriage license fee increase of \$20. This section does not
12 abrogate any other marriage license fee waiver provided by
13 law. Marriage license fee waivers continue to be available to
14 all eligible individuals as provided by law.

15 (2) The marriage preparation course must be based on
16 statistical information provided by researchers and compiled
17 to create a standardized format for the marital education
18 courses. The marriage preparation course must include:

- 19 (a) Conflict management.
20 (b) Communication skills.
21 (c) Financial responsibilities.
22 (d) Children and parenting responsibilities.
23 (e) Data compiled from available information relating
24 to problems reported by married couples who seek marital or
25 individual counseling.

26 (3) All individuals electing to participate in a
27 premarital education course must choose a qualified instructor
28 or appropriate instructional institution for completion of the
29 marriage preparation course. Costs of such marriage
30 preparation course must be paid by the applicant.

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1 (4) A premarital education course must be conducted by
2 one or more of the following:

3 (a) A psychologist licensed under chapter 490.

4 (b) A clinical social worker licensed under chapter
5 491.

6 (c) A marriage and family therapist licensed under
7 chapter 491.

8 (d) A mental health counselor licensed under chapter
9 491.

10 (e) An official representative of a religious
11 institution which is recognized under Section 501(c)(3) of the
12 Internal Revenue Code of 1986, as amended, if the
13 representative can demonstrate relevant training.

14 (f) Any other provider designated by the circuit court
15 as qualified to offer the courses locally. The circuit court
16 is responsible for creating and updating a roster of area
17 course providers, including those who offer the course on a
18 sliding fee scale or for free.

19 (5) Course providers must furnish all course
20 participants with certificates of completion which specify
21 whether the course was completed by personal instruction,
22 videotape instruction, or instruction via other electronic
23 medium, or by a combination of these methods.

24 (6) The marriage license fee differential created by
25 this section may be waived as provided in s. 741.0305(1).

26 Section 3. A voluntary marital education course pilot
27 program will be implemented in Leon County. As provided in
28 section 741.0305(3) and (4), Florida Statutes, such course
29 will be administered by course providers or by qualified
30 instructors or appropriate instructional institution. This
31 course will be reviewed by employees of the Marriage and

1 Family Therapy Department of Florida State University, in
2 order to determine the efficacy of the course. Each year the
3 researchers will compile their findings and determine whether
4 the course is fulfilling its intended goals of reducing the
5 number of reported cases of domestic violence and divorces in
6 this state. At the end of three years, in 2001, the
7 researchers assigned to the review and followup of the
8 legislation will report their findings. If, at that time,
9 there appears to be no significant movement toward the bill's
10 goals, then the education course offerings will sunset. For
11 the purpose of the Leon County pilot, the marriage license fee
12 must be decreased by \$10 upon completion of the 4-hour course.
13 For those individuals not completing the course who are
14 ineligible for an exception, the marriage license fee will be
15 increased by \$20 above the statutorily determined amount.
16 Exceptions must be granted to non-Florida residents seeking a
17 marriage license from the state and for individuals asserting
18 hardship. Marriage license fee waivers continue to be
19 available to all eligible individuals.

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

22 741.04 Marriage license issued.--

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

1 741.0405; and unless one party is a male and the other party
2 is a female. Pursuant to the federal Personal Responsibility
3 and Work Opportunity Reconciliation Act of 1996, each party is
4 required to provide his or her social security number in
5 accordance with this section. Disclosure of social security
6 numbers obtained through this requirement shall be limited to
7 the purpose of administration of the Title IV-D program for
8 child support enforcement.

9 (2) No county court judge or clerk of the circuit
10 court in this state shall issue a license for the marriage of
11 any person unless there shall be first presented and filed
12 with him or her an affidavit in writing, signed by both
13 parties to the marriage which specifies whether the parties,
14 separately or together, have completed a premarital education
15 course and other information determined by the researchers
16 from the Marriage and Family Therapy Center at Florida State
17 University to be necessary in order to effectively document
18 information for followup purposes.

19 (3) In accordance with the Personal Responsibility and
20 Work Opportunity Reconciliation Act of 1996, each party is
21 required to provide his or her social security number under
22 this section. The purpose of the required disclosure of social
23 security numbers under this section is limited to the
24 administration of the Title IV-D programs under Child Support
25 Enforcement.

26 Section 5. Section 741.05, Florida Statutes, is
27 amended to read:

28 741.05 Penalty for violation of ss. 741.03,
29 741.04(1).--Any county court judge, clerk of the circuit
30 court, or other person who shall violate any provision of ss.
31 741.03 and 741.04(1) shall be guilty of a misdemeanor of the

1 first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 Section 6. Section 61.21, Florida Statutes, is amended
4 to read:

5 61.21 Parent education and family stabilization
6 ~~Parenting~~ course authorized; fees; required attendance
7 authorized; contempt.--Education programs are an effective way
8 to remind parents that their children's best interests are the
9 primary concern during the parents' separation or divorce. A
10 parent education and family stabilization program assumes that
11 marriages may end but that parent and child relationships
12 continue. Such a program also assumes that parents who
13 separate or divorce want the best for their children and may
14 need information and encouragement to reach that goal. The
15 purpose of education is to direct parents away from anger
16 against each other and towards responsible behavior relating
17 to their children.

18 (1) Within 30 days after service of a petition for a
19 dissolution of marriage between parties with minor children,
20 or when seeking a modification of a final judgment action
21 involving shared parental responsibilities, custody, or
22 visitation, all parties to the action shall begin a
23 court-approved parent education and family stabilization
24 course, which shall be a course of a minimum of 4 hours. The
25 chief judge in each circuit is responsible for providing
26 reasonably accessible courses at various locations and at
27 varying times so that all parties may attend.

28 (2) The parent education and family stabilization
29 course must be conducted by at least two of the following:

30 (a) A psychologist licensed pursuant to chapter 490.

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1 (b) A clinical social worker licensed pursuant to
2 chapter 491.

3 (c) A marriage and family therapist licensed pursuant
4 to chapter 491.

5 (d) A mental health counselor licensed pursuant to
6 chapter 491.

7 (e) An official representative of a religious
8 institution which is recognized under Section 501(c)(3) of the
9 Internal Revenue Code of 1986, as amended, if the
10 representative can demonstrate relevant training.

11 (3) The parent education and family stabilization
12 course must include:

13 (a) Ways to assist in stabilizing a family, including
14 discussion of the importance of both parents being involved in
15 parenting a minor child.

16 (b) Using mediation or counseling to solve marital
17 problems other than in cases where the parties to the marriage
18 have no minor children.

19 (c) The effects of divorce on children.

20 (d) The effects of divorce on men.

21 (e) The effects of divorce on women.

22 (f) The effects of divorce on society.

23 (g) Ways to enhance family relationships and resolve
24 disputes.

25 (h) The economic effects of divorce on the parties and
26 children, if any.

27 (i) Training in the skills needed to enhance a
28 relationship.

29 ~~(1) All judicial circuits in the state may approve a~~
30 ~~parenting course which shall be a course of a minimum of 4~~
31 ~~hours designed to educate, train, and assist divorcing parents~~

1 ~~in regard to the consequences of divorce on parents and~~
2 ~~children.~~

3 ~~(2) All parties to a dissolution of marriage~~
4 ~~proceeding with minor children or a modification of a final~~
5 ~~judgment action involving shared parental responsibilities,~~
6 ~~custody, or visitation may be required to complete a~~
7 ~~court-approved parenting course prior to the entry by the~~
8 ~~court of a final judgment or order modifying the final~~
9 ~~judgment.~~

10 (4)~~(3)~~ All parties required to complete a parent
11 education and family stabilization ~~parenting~~ course shall file
12 proof of compliance with the court prior to the entry of the
13 final judgment or order modifying the final judgment, except
14 as provided by law.

15 (5)~~(4)~~ A reasonable fee may be charged to each parent
16 attending the course.

17 (6)~~(5)~~ Information obtained or statements made by the
18 parties at any educational session required under this statute
19 shall not be considered in the adjudication of a pending or
20 subsequent action, nor shall any report resulting from such
21 educational session become part of the record of the case
22 unless the parties have stipulated in writing to the contrary.

23 (7)~~(6)~~ The court may hold any parent who fails to
24 attend a required parenting education and family stabilization
25 course in contempt, and the court may consider that fact when
26 pronouncing a final judgment of dissolution or modification of
27 a final judgment action ~~or that parent may be denied shared~~
28 ~~parental responsibility or visitation or otherwise sanctioned~~
29 ~~as the court deems appropriate.~~

30 (8) Each judicial circuit may establish a registry of
31 course providers and sites at which the parent education and

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

6 (9) A person required to complete the parent education
7 and family stabilization course provided in subsection (1) may
8 choose a qualified instructor or appropriate instructional
9 institution, in lieu of a course provider listed in the
10 registry, to conduct the parent education and family
11 stabilization course required by this section, provided that
12 the instructor or institution meets or exceeds the standards
13 for the course on parent education and family stabilization
14 provided for in this section. Costs of such course must be
15 paid by the applicant.

16 (10)~~(7)~~ Nothing in this section shall be construed to
17 require the parties to a dissolution of marriage to attend a
18 court-approved parent education and family stabilization
19 parenting course together.

20 (11) The requirements of this section may be waived by
21 an officer of the court for good cause shown.

22 Section 7. Upon filing for dissolution of marriage,
23 the petitioner must complete and file with the clerk of the
24 circuit court an unsigned anonymous informational
25 questionnaire. Such questionnaire must, for purposes of
26 anonymity, be segregated in a separate file amassed for later
27 distribution by the clerk to researchers from Florida State
28 University. These questionnaires must be made available to
29 researchers from Florida State University at their request.
30 The actual questionnaire shall be formulated by researchers
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1 from Florida State University who shall distribute them to the
2 clerk of the circuit court in each county.

3 Section 8. The increase in marriage license fees for
4 those who choose not to participate in premarital education
5 courses shall be appropriated to Florida State University for
6 continuing research as to the effectiveness of premarital
7 education.

8 Section 9. This act shall take effect January 1, 1999.

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11 SENATE SUMMARY

12 Creates the Marriage Education and Family Stabilization
13 Act. Authorizes persons applying for a marriage license
14 to take and complete a premarital education course.
15 Prescribes contents of the course, and who may teach the
16 course. Provides for a reduction in the marriage license
17 fee for persons who complete the course, and an increase
18 in the fee for those who take the course and fail to
19 complete it and who do not qualify for an exemption.
20 Prohibits the issuance of a marriage license without
21 verification by the petitioners whether they have
22 completed a premarital education course. Requires the
23 completion of a parent education and family stabilization
24 course as a precedent to filing a petition for
25 dissolution of marriage or seeking a modification of a
26 final judgment action involving shared parental
27 responsibilities, custody, or visitation. Specifies
28 course contents and providers. Provides for a court to
29 hold in contempt any person who fails without
30 justification to take the course. Provides for a registry
31 of course sites and providers. The course requirements
 may be waived by an officer of the court for good cause
 shown. Requires the petitioner for dissolution of
 marriage to complete and file with the clerk of the
 circuit court an unsigned anonymous informational
 questionnaire. Provides an appropriation to FSU for
 research into the effectiveness of premarital education.
 Provides for a voluntary pilot program in Leon County.