

By the Committee on Judiciary and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz and Grant

308-2140A-98

1 A bill to be entitled
2 An act relating to marriage; creating the
3 "Marriage Preparation and Preservation Act";
4 providing legislative findings; creating s.
5 741.0305, F.S.; authorizing a premarital
6 preparation course as a condition precedent to
7 obtaining a marriage license; providing for
8 modification of marriage license fees;
9 specifying course providers; providing course
10 contents; providing for a pilot program in Leon
11 County; creating s. 741.0306, F.S.; providing
12 for creation of a marriage law handbook created
13 by the Family Law Section of The Florida Bar;
14 amending s. 741.04, F.S.; prohibiting issuance
15 of a marriage license until petitioners verify
16 certain facts; amending s. 741.05, F.S.;
17 conforming provisions; amending s. 61.21, F.S.;
18 revising provisions relating to the authorized
19 parenting course offered to educate, train, and
20 assist divorcing parents in regard to the
21 consequences of divorce on parents and
22 children; designating such course as the parent
23 education and family stabilization course;
24 providing legislative findings and purpose;
25 authorizing the court in any action between
26 parents in which the custody or support of a
27 minor child is an issue to order parties to
28 attend the family education and stabilization
29 course if the court finds attendance to be in
30 the best interests of the child or children;
31 providing procedures and guidelines for

1 required attendance; requiring parties to file
2 proof of compliance with the court; authorizing
3 a course fee; authorizing each judicial circuit
4 to establish a registry of course providers and
5 sites; authorizing the court to grant exemption
6 from required course attendance; providing
7 parent education and family stabilization
8 course curriculum; providing qualifications and
9 duties of course providers; amending s. 28.101,
10 F.S.; providing a fee for filing for
11 dissolution of marriage; amending s. 741.01,
12 F.S.; providing for reduction of marriage
13 license fees; providing for unsigned anonymous
14 informational questionnaires; providing an
15 appropriation; providing an effective date.

16
17 WHEREAS, the Florida Legislature endorses and
18 encourages marriage as a means of promoting stability and
19 continuity in society, and

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

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

25 WHEREAS, the state has a compelling interest in
26 promoting those relationships which inure to the benefit of
27 Florida's children, and

28 WHEREAS, the state has a compelling interest in
29 educating its citizens with regard to the responsibilities of
30 marriage and, if contemplated, the effects of divorce, NOW,
31 THEREFORE,

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

2
3 Section 1. This act may be cited as the "Marriage
4 Preparation and Preservation Act."

5 Section 2. It is the finding of the Legislature that:

6 (1) Just as the family is the foundation of society,
7 the marital relationship is the foundation of family.
8 Consequently, strengthening marriages can only lead to
9 stronger families, children, and communities, as well as a
10 stronger economy.

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

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

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

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

20 (6) Relationship skills can be learned in such places
21 as classroom settings in schools, religious centers, health
22 maintenance organizations, clinics, on military bases, and in
23 county courthouses.

24 (7) Couples who learn such skills may model the
25 behaviors for their children, thus reducing the divorce rate
26 in future generations.

27 (8) Once the skills are learned, they may be
28 generalized to parenting, the workplace, schools,
29 neighborhoods, and civic relationships.

30
31

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

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

7 Section 3. Paragraph (i) of subsection (1) of section
8 232.246, Florida Statutes, is amended to read:

9 232.246 General requirements for high school
10 graduation.--

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

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

26
27 School boards may award a maximum of one-half credit in social
28 studies and one-half elective credit for student completion of
29 nonpaid voluntary community or school service work. Students
30 choosing this option must complete a minimum of 75 hours of
31 service in order to earn the one-half credit in either

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

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

14 741.01 County court judge or clerk of the circuit
15 court to issue marriage license; fee.--

16 (5) The fee charged for each marriage license issued
17 in the state shall be reduced by a sum of \$32.50 for all
18 couples who present a valid certificate of completion of a
19 premarital preparation course from a qualified instructor for
20 a course taken no more than 1 year prior to the date of
21 application for a marriage license. For each license issued
22 that is subject to the fee reduction of this subsection, the
23 clerk is not required to transfer the sum of \$7.50 to the
24 State Treasury for deposit in the Displaced Homemaker Trust
25 Fund pursuant to subsection (3) or to transfer the sum of \$25
26 to the Supreme Court for deposit in the Family Courts Trust
27 Fund.

28 Section 5. Section 741.0305, Florida Statutes, is
29 created to read:

30 741.0305 Marriage fee reduction for completion of
31 premarital preparation course.--

1 (1) A man and a woman who intend to apply for a
2 marriage license under s. 741.04 may, together or separately,
3 complete a premarital preparation course of not less than 4
4 hours. All individuals shall verify completion of the course
5 by filing with the application a certificate of completion
6 from the course provider which certificate shall specify
7 whether the course was completed by personal instruction,
8 videotape instruction, instruction via other electronic
9 medium, or a combination of those methods. All individuals who
10 complete a premarital preparation course pursuant to this
11 section must be issued a certificate of completion at the
12 conclusion of the course by their course provider. Upon
13 furnishing such certificate when requesting a marriage
14 license, the individuals shall have their marriage license fee
15 reduced by \$32.50. This section does not abrogate any other
16 marriage license fee waiver provided by law. Marriage license
17 fee waivers continue to be available to all eligible
18 individuals as provided by law. Exceptions must be granted to
19 non-Florida residents seeking a marriage license from this
20 state. Marriage license fee waivers continue to be available
21 to all eligible individuals.

22 (2) The premarital preparation course must include:
23 (a) Conflict management.
24 (b) Communication skills.
25 (c) Financial responsibilities.
26 (d) Children and parenting responsibilities.
27 (e) Data compiled from available information relating
28 to problems reported by married couples who seek marital or
29 individual counseling.

30 (3) All individuals electing to participate in a
31 premarital preparation course must choose a qualified

1 instructor or appropriate instructional institution for
2 completion of the marriage preparation course. Costs of such
3 premarriage preparation course must be paid by the applicant.

4 (4) A premarital preparation course must be conducted
5 by one or more of the following:

6 (a) A psychologist licensed under chapter 490.

7 (b) A clinical social worker licensed under chapter
8 491.

9 (c) A marriage and family therapist licensed under
10 chapter 491.

11 (d) A mental health counselor licensed under chapter
12 491.

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

17 (f) Any other provider designated by the circuit
18 court, including, but not limited to, school counselors, as
19 qualified to offer the courses locally. The circuit court is
20 responsible for creating and updating a roster of area course
21 providers, including those who offer the course on a sliding
22 fee scale or for free.

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

28 Section 6. (1) Premarital preparation courses offered
29 and completed by individuals across the state will be reviewed
30 by researchers from the Florida State University Center for
31 Marriage and Family in order to determine the efficacy of

1 different courses and this legislation. Each year the
2 researchers will compile their findings and the data collected
3 under section 741.04 and section 61.043, Florida Statutes, and
4 determine whether the legislation is fulfilling its intended
5 goals of reducing the number of reported cases of domestic
6 violence and divorces in this state. At the end of 5 years, in
7 2003, the researchers reviewing and following the
8 effectiveness of the legislation will report their findings.
9 If at that time there appears to be no significant movement
10 toward the legislative goals, then the section of this
11 legislation dealing with premarital preparation courses will
12 sunset. If, however, in 2003, research is presented that tends
13 to prove that premarital preparation courses assist in
14 enhancing the skills of couples entering marriages and result
15 in a reduction of divorces and incidences of domestic violence
16 in this state then the researchers shall present such findings
17 and compile recommendations to be presented to the Legislature
18 before the 2003 Regular Session.

19 (2) A premarital preparation pilot program shall be
20 created in Leon County which will be administered by course
21 providers or by qualified instructors as provided in section
22 741.0305(3) and (4), Florida Statutes. This pilot will offer a
23 premarital preparation course based on statistical information
24 obtained by researchers from the Florida State University
25 Center for Marriage and Family.

26 (3) The Florida State University Center for Marriage
27 and Family shall follow and collect statewide data and local
28 pilot program information and create a curriculum
29 incorporating elements which are determined through the
30 collection of such data to be effective and useful when
31 included in a marital preparation course. Any curriculum

1 developed by the Florida State University Center for Marriage
2 and Family researchers, shall be the sole property of the
3 department. Local pilot programs will be based on the
4 curriculum and be available to all interested persons on a
5 voluntary basis.

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

8 741.0306 Creation of handbook.--

9 (1) Based upon their willingness to undertake this
10 project, there shall be created by the Family Law Section of
11 The Florida Bar a handbook explaining those sections of
12 Florida law pertaining to the rights and responsibilities
13 under Florida law of the marital partners to each other
14 including, but not limited to, the Battered Women's Bill of
15 Rights, and to any children during a marriage and in the event
16 of a dissolution of marriage. The material contained in such a
17 handbook may also be provided through video tape or other
18 suitable electronic media.

19 (2) The information contained in the handbook or other
20 electronic media presentation shall be reviewed and updated
21 annually.

22 Section 8. Section 741.04, Florida Statutes, is
23 amended to read:

24 741.04 Marriage license issued.--

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

1 correct ages of such parties; unless both such parties shall
2 be over the age of 18 years, except as provided in s.
3 741.0405; and unless one party is a male and the other party
4 is a female. Pursuant to the federal Personal Responsibility
5 and Work Opportunity Reconciliation Act of 1996, each party is
6 required to provide his or her social security number in
7 accordance with this section. Disclosure of social security
8 numbers obtained through this requirement shall be limited to
9 the purpose of administration of the Title IV-D program for
10 child support enforcement.

11 (2) No county court judge or clerk of the circuit
12 court in this state shall issue a license for the marriage of
13 any person unless there shall be first presented and filed
14 with him or her an affidavit in writing, signed by both
15 parties to the marriage which:

16 (a) Specifies whether the parties, separately or
17 together, have completed a premarital preparation course along
18 with other information determined by the researchers from the
19 Florida State University Center for Marriage and Family to be
20 necessary in order to effectively document information for
21 followup purposes.

22 (b) Verifies that both parties have obtained and read
23 or otherwise accessed the information contained in the
24 handbook or other electronic media presentation of the rights
25 and responsibilities of parties to a marriage provided for in
26 s. 741.0306.

27 (3) If a couple has not submitted to the clerk a valid
28 certificate of completion of a premarital preparation course,
29 the couple will be required to wait 3 days before they may
30 obtain a marriage license. If a couple has submitted a valid
31 certificate of completion of a premarital preparation course,

1 they will not be required to wait 3 days before issuance of a
2 marriage license.

3 (4) In accordance with the Personal Responsibility and
4 Work Opportunity Reconciliation Act of 1996, each party is
5 required to provide his or her social security number under
6 this section. The purpose of the required disclosure of social
7 security numbers under this section is limited to the
8 administration of the Title IV-D programs under Child Support
9 Enforcement.

10 Section 9. Section 741.05, Florida Statutes, is
11 amended to read:

12 741.05 Penalty for violation of ss. 741.03,
13 741.04(1).--Any county court judge, clerk of the circuit
14 court, or other person who shall violate any provision of ss.
15 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
16 first degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 Section 10. Section 61.043, Florida Statutes, is
19 amended to read:

20 61.043 Commencement of a proceeding for dissolution of
21 marriage or for alimony and child support.--

22 (1) A proceeding for dissolution of marriage or a
23 proceeding under s. 61.09 shall be commenced by filing in the
24 circuit court a petition entitled "In re the marriage of,
25 husband, and, wife." A copy of the petition together
26 with a copy of a summons shall be served upon the other party
27 to the marriage in the same manner as service of papers in
28 civil actions generally.

29 Section 11. Upon filing for dissolution of marriage,
30 the petitioner must complete and file with the clerk of the
31 circuit court an unsigned anonymous informational

1 questionnaire. Such questionnaire must, for purposes of
2 anonymity, be segregated in a separate file amassed for later
3 distribution by the clerk to researchers from Florida State
4 University. These questionnaires must be made available to
5 researchers from Florida State University at their request.
6 The actual questionnaire shall be formulated by researchers
7 from Florida State University who shall distribute them to the
8 clerk of the circuit court in each county.

9 Section 12. Section 61.21, Florida Statutes, is
10 amended to read:

11 61.21 Parenting course authorized; fees; required
12 attendance authorized; contempt.--

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

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

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

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

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

3 2. The emotional experiences and problems of divorcing
4 adults.

5 3. The family problems and the emotional concerns and
6 needs of the children.

7 4. The availability of community services and
8 resources.

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

14 (3)(2) All parties to a dissolution of marriage
15 proceeding with minor children shall ~~or a modification of a~~
16 ~~final judgment action involving shared parental~~
17 ~~responsibilities, custody, or visitation may be required to~~
18 complete a court-approved parenting course prior to the entry
19 by the court of a final judgment of dissolution ~~or order~~
20 ~~modifying the final judgment.~~ Such course must be a minimum of
21 4 hours and be designed to educate, train, and assist
22 divorcing parents with regard to the consequences of divorce
23 on parents and children.

24 (4)(3) All parties required to complete a parenting
25 course under this section shall begin the course within 30
26 days of filing for dissolution of marriage and 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 (5) All parties to a modification of a final judgment
30 involving shared parental responsibilities, custody, or
31 visitation may be required to complete a court-approved

1 parenting course prior to the entry of an order modifying the
2 final judgment.

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

10 (7)(4) A reasonable fee may be charged to each parent
11 attending the course.

12 (8)(5) Information obtained or statements made by the
13 parties at any educational session required under this statute
14 shall not be considered in the adjudication of a pending or
15 subsequent action, nor shall any report resulting from such
16 educational session become part of the record of the case
17 unless the parties have stipulated in writing to the contrary.

18 (9)(6) The court may hold any parent who fails to
19 attend a required parenting course in contempt or that parent
20 may be denied shared parental responsibility or visitation or
21 otherwise sanctioned as the court deems appropriate.

22 (10)(7) Nothing in this section shall be construed to
23 require the parties to a dissolution of marriage to attend a
24 court-approved parenting course together.

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

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

30 28.101 Petitions and records of dissolution of
31 marriage; additional charges.--

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

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

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

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

11 Section 14. This act shall take effect January 1,
12 1999.

13
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 1576

17 The Committee Substitute for Senate Bill 1576:

- 18 - Reduces the marriage license fee by \$32.50 when both
19 parties to a marriage complete a marital preparation
20 course;
21 - Provides for a handbook on the rights and
22 responsibilities to a marriage;
23 - Causes the bill to sunset in 2003;
24 - Allows the FSU Center to implement more than one pilot
25 program for study;
26 - Deletes language referring to modifications of final
27 judgments so that judges will have the discretion to
28 order people desiring to divorce to take a parenting
29 course; and
30 - Creates a \$32.50 fee for a divorce filing.
31