

By the Committees on Ways and Means; Judiciary; and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz, Grant and Cowin

301-2218-98

1 A bill to be entitled
2 An act relating to marriage; creating the
3 "Marriage Preparation and Preservation Act";
4 providing legislative findings; amending s.
5 232.246, F.S.; prescribing a high school
6 graduation requirement; amending s. 741.01,
7 F.S.; providing for a reduction of the marriage
8 license fee under certain circumstances;
9 creating a waiting period before a marriage
10 license is issued; creating s. 741.0305, F.S.;
11 providing for a premarital preparation course;
12 providing for modification of marriage license
13 fees; specifying course providers; providing
14 course contents; providing for a review of such
15 courses; providing for compilation of
16 information and report of findings; providing
17 for pilot programs; creating s. 741.0306, F.S.;
18 providing for creation of a marriage law
19 handbook created by the Family Law Section of
20 The Florida Bar; amending s. 741.04, F.S.;
21 prohibiting issuance of a marriage license
22 until petitioners verify certain facts and
23 complete a questionnaire; providing for a
24 waiting period; amending s. 741.05, F.S.;
25 conforming provisions; amending s. 61.043,
26 F.S.; providing for completion of an
27 informational questionnaire upon filing for
28 dissolution of marriage; amending s. 61.21,
29 F.S.; revising provisions relating to the
30 authorized parenting course offered to educate,
31 train, and assist divorcing parents in regard

1 to the consequences of divorce on parents and
2 children; providing legislative findings and
3 purpose; requiring judicial circuits to approve
4 a parenting course; requiring parties to a
5 dissolution proceeding with a minor child to
6 attend a court-approved parenting family
7 course; providing procedures and guidelines and
8 course objectives; requiring parties to file
9 proof of compliance with the court; authorizing
10 the court to require parties to a modification
11 of a final judgment of dissolution to take the
12 course under certain circumstances; amending s.
13 28.101, F.S.; providing a fee for filing for
14 dissolution of marriage; 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 based
6 on reliable research that:

7 (1) The divorce rate has been accelerating.

8 (2) An inability to cope with stress from both
9 internal and external sources leads to significantly higher
10 incidents of domestic violence, child abuse, absenteeism,
11 medical costs, learning and social deficiencies, and divorce.

12 (3) Relationship skills can be learned.

13 (4) Once learned, relationship skills can facilitate
14 communication between parties to a marriage and assist couples
15 in avoiding conflict.

16 (5) By reducing conflict and increasing communication,
17 stressors can be diminished and coping can be furthered.

18 (6) When effective coping exists, domestic violence,
19 child abuse, divorce and its effect on children such as
20 absenteeism, medical costs, and learning and social
21 deficiencies, are diminished.

22 (7) The state has a compelling interest in educating
23 its citizens with regard to marriage.

24 Section 3. Paragraph (i) of subsection (1) of section
25 232.246, Florida Statutes, is amended to read:

26 232.246 General requirements for high school
27 graduation.--

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

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

12
13 School boards may award a maximum of one-half credit in social
14 studies and one-half elective credit for student completion of
15 nonpaid voluntary community or school service work. Students
16 choosing this option must complete a minimum of 75 hours of
17 service in order to earn the one-half credit in either
18 category of instruction. Credit may not be earned for service
19 provided as a result of court action. School boards that
20 approve the award of credit for student volunteer service
21 shall develop guidelines regarding the award of the credit,
22 and school principals are responsible for approving specific
23 volunteer activities. A course designated in the Course Code
24 Directory as grade 9 through grade 12 which is taken below the
25 9th grade may be used to satisfy high school graduation
26 requirements or Florida Academic Scholar's Certificate Program
27 requirements as specified in a district's pupil progression
28 plan.

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

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1 741.01 County court judge or clerk of the circuit
2 court to issue marriage license; fee.--

3 (5) The fee charged for each marriage license issued
4 in the state shall be reduced by a sum of \$32.50 for all
5 couples who present a valid certificate of completion of a
6 premarital preparation course from a qualified instructor for
7 a course taken no more than 1 year prior to the date of
8 application for a marriage license. For each license issued
9 that is subject to the fee reduction of this subsection, the
10 clerk is not required to transfer the sum of \$7.50 to the
11 State Treasury for deposit in the Displaced Homemaker Trust
12 Fund pursuant to subsection (3) or to transfer the sum of \$25
13 to the Supreme Court for deposit in the Family Courts Trust
14 Fund.

15 Section 5. Section 741.0305, Florida Statutes, is
16 created to read:

17 741.0305 Marriage fee reduction for completion of
18 premarital preparation course.--

19 (1) A man and a woman who intend to apply for a
20 marriage license under s. 741.04 may, together or separately,
21 complete a premarital preparation course of not less than 4
22 hours. All individuals shall verify completion of the course
23 by filing with the application a certificate of completion
24 from the course provider which certificate shall specify
25 whether the course was completed by personal instruction,
26 videotape instruction, instruction via other electronic
27 medium, or a combination of those methods. All individuals who
28 complete a premarital preparation course pursuant to this
29 section must be issued a certificate of completion at the
30 conclusion of the course by their course provider. Upon
31 furnishing such certificate when applying for a marriage

1 license, the individuals shall have their marriage license fee
2 reduced by \$32.50. This section does not abrogate any other
3 marriage license fee waiver provided by law.

4 (2) The premarital preparation course must include
5 instruction regarding:

6 (a) Conflict management.

7 (b) Communication skills.

8 (c) Financial responsibilities.

9 (d) Children and parenting responsibilities.

10 (e) Data compiled from available information relating
11 to problems reported by married couples who seek marital or
12 individual counseling.

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

16 1. A psychologist licensed under chapter 490.

17 2. A clinical social worker licensed under chapter
18 491.

19 3. A marriage and family therapist licensed under
20 chapter 491.

21 4. A mental health counselor licensed under chapter
22 491.

23 5. An official representative of a religious
24 institution which is recognized under s. 496.404(20) if the
25 representative has relevant training.

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

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

3 (5) Each premarital preparation course provider shall
4 furnish each participant who completes the course with a
5 certificate of completion specifying whether the course was
6 conducted by personal instruction, videotape instruction, or
7 instruction via other electronic medium, or by a combination
8 of these methods.

9 Section 6. (1) Premarital preparation courses offered
10 and completed by individuals across the state shall be
11 reviewed by researchers from the Florida State University
12 Center for Marriage and Family in order to determine the
13 efficacy of such premarital preparation courses.

14 (2) Premarital preparation pilot programs shall be
15 created by the Florida State University Center for Marriage
16 and Family which will be administered by course providers or
17 by qualified instructors as provided in section 741.0305(3),
18 Florida Statutes. These pilot programs shall offer a
19 premarital preparation course based on statistical information
20 and data obtained by researchers from the Florida State
21 University Center for Marriage and Family.

22 (3) The Florida State University Center for Marriage
23 and Family shall develop a questionnaire and create a
24 curriculum based on data collected by its researchers. Any
25 curriculum developed by The Florida State University Center
26 for Marriage and Family researchers, shall be the sole
27 property of the Center.

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

30 741.0306 Creation of a family law handbook.--

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1 (1) Based upon their willingness to undertake this
2 project, there shall be created by the Family Law Section of
3 The Florida Bar a handbook explaining those sections of
4 Florida law pertaining to the rights and responsibilities
5 under Florida law of marital partners to each other and to
6 their children both during a marriage and upon dissolution,
7 including women's rights specified in the Battered Womens Bill
8 of Rights. The material contained in such a handbook may also
9 be provided through video tape or other suitable electronic
10 media.

11 (2) 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

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, and any other
10 information requested by the clerk when specified by the
11 researchers from The Florida State University Center for
12 Marriage and Family to be necessary.

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

18 (3) If a couple has not submitted to the clerk a valid
19 certificate of completion of a premarital preparation course,
20 the couple will be required to wait 3 days before they may
21 obtain a marriage license. If a couple has submitted a valid
22 certificate of completion of a premarital preparation course,
23 they will not be required to wait 3 days before issuance of a
24 marriage license.

25 Section 9. When applying for a marriage license, an
26 applicant shall complete and file with the clerk of the
27 circuit court an unsigned anonymous informational
28 questionnaire which shall be provided by the clerk. The clerk
29 shall, for purposes of anonymity, keep all such questionnaires
30 in a separate file for later distribution by the clerk to
31 researchers from The Florida State University Center for

1 Marriage and Family. These questionnaires must be made
2 available to researchers from the center at their request.
3 Researchers from the center shall develop the questionnaire
4 and distribute them to the clerk of the circuit court in each
5 county.

6 Section 10. Section 741.05, Florida Statutes, is
7 amended to read:

8 741.05 Penalty for violation of ss. 741.03,
9 741.04(1).--Any county court judge, clerk of the circuit
10 court, or other person who shall violate any provision of ss.
11 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
12 first degree, punishable as provided in s. 775.082 or s.
13 775.083.

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

16 61.043 Commencement of a proceeding for dissolution of
17 marriage or for alimony and child support.--

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

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

1 questionnaires must be made available to researchers from The
2 Florida State University Center for Marriage and Family at
3 their request. The actual questionnaire shall be formulated by
4 researchers from Florida State University who shall distribute
5 them to the clerk of the circuit court in each county.

6 Section 12. Section 61.21, Florida Statutes, is
7 amended to read:

8 61.21 Parenting course authorized; fees; required
9 attendance authorized; contempt.--

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

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

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

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

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

31

1 2. The emotional experiences and problems of divorcing
2 adults.

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

5 4. The availability of community services and
6 resources.

7 ~~(2)(1)~~ All judicial circuits in the state shall ~~may~~
8 approve a parenting course which shall be a course of a
9 minimum of 4 hours designed to educate, train, and assist
10 divorcing parents in regard to the consequences of divorce on
11 parents and children.

12 ~~(3)(2)~~ All parties to a dissolution of marriage
13 proceeding with minor children shall ~~or a modification of a~~
14 ~~final judgment action involving shared parental~~
15 ~~responsibilities, custody, or visitation~~ may be required to
16 complete a court-approved parenting course prior to the entry
17 by the court of a final judgment of dissolution ~~or order~~
18 ~~modifying the final judgment.~~ Such course must be a minimum of
19 4 hours and be designed to educate, train, and assist
20 divorcing parents with regard to the consequences of divorce
21 on parents and children.

22 ~~(4)(3)~~ All parties required to complete a parenting
23 course under this section shall begin the course as
24 expeditiously as possible after filing for dissolution of
25 marriage and shall file proof of compliance with the court
26 prior to the entry of the final judgment ~~or order modifying~~
27 ~~the final judgment.~~

28 (5) All parties to a modification of a final judgment
29 involving shared parental responsibilities, custody, or
30 visitation may be required to complete a court-approved
31

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

18 Section 15. This act shall take effect January 1,
19 1999.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 CS/SB 1576

24 This committee substitute for committee substitute for senate
25 bill 1576 deletes the provisions relating to a sunset of the
26 program if it is found to be ineffective. It also deletes a
27 redundant requirement for marriage license applicants to
28 provide their social security numbers, and makes various
29 technical corrections. It also provides an appropriation of
30 \$75,000 from the General Revenue Fund to the Florida State
31 University Center for Marriage and Family for FY 1998-88.