

Bill No. CS/HB 3883, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senators Rossin, Dudley and Campbell moved the following		
12	amendment to amendment (723774):		
13			
14	Senate Amendment (with title amendment)		
15	On page 346, line 6, delete that line		
16			
17	and insert:		
18	Section 180. <u>This act may be cited as the "Marriage</u>		
19	<u>Preparation and Preservation Act of 1998."</u>		
20	Section 181. <u>It is the finding of the Legislature</u>		
21	<u>based on reliable research that:</u>		
22	<u>(1) The divorce rate has been accelerating.</u>		
23	<u>(2) Just as the family is the foundation of society,</u>		
24	<u>the marital relationship is the foundation of the family.</u>		
25	<u>Consequently, strengthening marriages can only lead to</u>		
26	<u>stronger families, children, and communities, as well as a</u>		
27	<u>stronger economy.</u>		
28	<u>(3) An inability to cope with stress from both</u>		
29	<u>internal and external sources leads to significantly higher</u>		
30	<u>incidents of domestic violence, child abuse, absenteeism,</u>		
31	<u>medical costs, learning and social deficiencies, and divorce.</u>		

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 (4) Relationship skills can be learned.

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

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

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

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

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

17 Section 182. Paragraph (i) of subsection (1) of
18 section 232.246, Florida Statutes, is amended to read:

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

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

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

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

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

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

22 Section 183. Subsection (5) is added to section
23 741.01, Florida Statutes, to read:

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

26 (5) The fee charged for each marriage license issued
27 in the state shall be reduced by a sum of \$32.50 for all
28 couples who present valid certificates of completion of a
29 premarital preparation course from a qualified course provider
30 registered under s. 741.0305(5) for a course taken no more
31 than 1 year prior to the date of application for a marriage

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 license. For each license issued that is subject to the fee
2 reduction of this subsection, the clerk is not required to
3 transfer the sum of \$7.50 to the State Treasury for deposit in
4 the Displaced Homemaker Trust Fund pursuant to subsection (3)
5 or to transfer the sum of \$25 to the Supreme Court for deposit
6 in the Family Courts Trust Fund.

7 Section 184. Section 741.0305, Florida Statutes, is
8 created to read:

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

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

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

28 (a) Conflict management.

29 (b) Communication skills.

30 (c) Financial responsibilities.

31 (d) Children and parenting responsibilities.

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 (e) Data compiled from available information relating
2 to problems reported by married couples who seek marital or
3 individual counseling.

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

7 1. A psychologist licensed under chapter 490.

8 2. A clinical social worker licensed under chapter
9 491.

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

12 4. A mental health counselor licensed under chapter
13 491.

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

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

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

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

31 (5) All area course providers shall register with the

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 clerk of the circuit court by filing an affidavit in writing
2 attesting to the provider's compliance with the premarital
3 preparation course requirements as set forth in this section
4 and including the course instructor's name and qualifications,
5 including the license number, if any, or, if an official
6 representative of a religious institution, a statement as to
7 relevant training. The affidavit shall also include the
8 addresses where the provider may be contacted.

9 Section 185. (1) Premarital preparation courses
10 offered 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 may 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 186. Section 741.0306, Florida Statutes, is
29 created to read:

30 741.0306 Creation of a family law handbook.--

31 (1) Based upon their willingness to undertake this

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 project, there shall be created by the Family Law Section of
2 The Florida Bar a handbook explaining those sections of
3 Florida law pertaining to the rights and responsibilities
4 under Florida law of marital partners to each other and to
5 their children both during a marriage and upon dissolution.
6 The material in the handbook or other suitable electronic
7 media shall be reviewed for accuracy by the Family Court
8 Steering Committee of the Florida Supreme Court prior to
9 publication and distribution.

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

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

20 (a) Pre-nuptial agreements; as a contract and as an
21 opportunity to structure financial arrangements and other
22 aspects of the marital relationship;

23 (b) Shared parental responsibility for children; the
24 determination of primary residence or custody and secondary
25 residence or routine visitation, holiday, summer and vacation
26 visitation arrangements, telephone access, and the process for
27 notice for changes;

28 (c) Permanent relocation restrictions on parents with
29 primary residential responsibility;

30 (d) Child support for minor children; both parents are
31 obligated for support in accordance with applicable child

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 support guidelines;

2 (e) Property rights, including equitable distribution,
3 special equity, pre-marital property, and non-marital
4 property;

5 (f) Alimony, including temporary, permanent
6 rehabilitative, and lump sum;

7 (g) Domestic violence and child abuse and neglect,
8 including penalties and other ramifications of false
9 reporting;

10 (h) Court process for dissolution with or without
11 legal assistance, including who may attend, the recording of
12 proceedings, how to access those records, and the cost of such
13 access;

14 (i) Parent education course requirements for divorcing
15 parents with children;

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

18 (k) Women's rights specified in the Battered Women's
19 Bill of Rights.

20 (4) The material contained in such a handbook may also
21 be provided through video tape or other suitable electronic
22 media. The information contained in the handbook or other
23 electronic media presentation shall be reviewed and updated
24 annually.

25 Section 187. Section 741.04, Florida Statutes, is
26 amended to read:

27 741.04 Marriage license issued.--

28 (1) No county court judge or clerk of the circuit
29 court in this state shall issue a license for the marriage of
30 any person unless there shall be first presented and filed
31 with him or her an affidavit in writing, signed by both

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

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

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

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

21 (b) A statement that verifies that both parties have
22 obtained and read or otherwise accessed the information
23 contained in the handbook or other electronic media
24 presentation of the rights and responsibilities of parties to
25 a marriage specified in s. 741.0306.

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

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 marriage license. A county court judge issuing a marriage
2 license may waive the 3-day waiting period for good cause.

3 Section 188. When applying for a marriage license, an
4 applicant may complete and file with the clerk of the circuit
5 court an unsigned anonymous informational questionnaire which
6 shall be provided by the clerk. The clerk shall, for purposes
7 of anonymity, keep all such questionnaires in a separate file
8 for later distribution by the clerk to researchers from The
9 Florida State University Center for Marriage and Family. These
10 questionnaires must be made available to researchers from the
11 center at their request. Researchers from the center shall
12 develop the questionnaire and distribute them to the clerk of
13 the circuit court in each county.

14 Section 189. Section 741.05, Florida Statutes, is
15 amended to read:

16 741.05 Penalty for violation of ss. 741.03,
17 741.04(1).--Any county court judge, clerk of the circuit
18 court, or other person who shall violate any provision of ss.
19 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
20 first degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 Section 190. Section 61.043, Florida Statutes, is
23 amended to read:

24 61.043 Commencement of a proceeding for dissolution of
25 marriage or for alimony and child support.--

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

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 civil actions generally.

2 (2) Upon filing for dissolution of marriage, the
3 petitioner must complete and file with the clerk of the
4 circuit court an unsigned anonymous informational
5 questionnaire. For purposes of anonymity, completed
6 questionnaires must be kept in a separate file for later
7 distribution by the clerk to researchers from The Florida
8 State University Center for Marriage and Family. These
9 questionnaires must be made available to researchers from The
10 Florida State University Center for Marriage and Family at
11 their request. The actual questionnaire shall be formulated by
12 researchers from Florida State University who shall distribute
13 them to the clerk of the circuit court in each county.

14 Section 191. Subsection (2) of section 61.052, Florida
15 Statutes, is amended to read:

16 61.052 Dissolution of marriage.--

17 (2) Based on the evidence at the hearing, which
18 evidence need not be corroborated except to establish that the
19 residence requirements of s. 61.021 are met which may be
20 corroborated by a valid Florida driver's license, a Florida
21 voter's registration card, a valid Florida identification card
22 issued under ss. 322.051, or the testimony or affidavit of a
23 third party, the court shall dispose of the petition for
24 dissolution of marriage when the petition is based on the
25 allegation that the marriage is irretrievably broken as
26 follows:

27 (a) If there is no minor child of the marriage and if
28 the responding party does not, by answer to the petition for
29 dissolution, deny that the marriage is irretrievably broken,
30 the court shall enter a judgment of dissolution of the
31 marriage if the court finds that the marriage is irretrievably

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 broken.

2 (b) When there is a minor child of the marriage, or
 3 when the responding party denies by answer to the petition for
 4 dissolution that the marriage is irretrievably broken, the
 5 court may:

6 1. Order either or both parties to consult with a
 7 marriage counselor, psychologist, psychiatrist, minister,
 8 priest, rabbi, or any other person deemed qualified by the
 9 court and acceptable to the party or parties ordered to seek
 10 consultation; or

11 2. Continue the proceedings for a reasonable length of
 12 time not to exceed 3 months, to enable the parties themselves
 13 to effect a reconciliation; or

14 3. Take such other action as may be in the best
 15 interest of the parties and the minor child of the marriage.

16

17 If, at any time, the court finds that the marriage is
 18 irretrievably broken, the court shall enter a judgment of
 19 dissolution of the marriage. If the court finds that the
 20 marriage is not irretrievably broken, it shall deny the
 21 petition for dissolution of marriage.

22 Section 192. Section 61.21, Florida Statutes, is
 23 amended to read:

24 61.21 Parenting course authorized; fees; required
 25 attendance authorized; contempt.--

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

28 (a) A large number of children experience the
 29 separation or divorce of their parents each year. Parental
 30 conflict related to divorce is a societal concern because
 31 children suffer potential short-term and long-term detrimental

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 economic, emotional, and educational effects during this
2 difficult period of family transition. This is particularly
3 true when parents engage in lengthy legal conflict.

4 (b) Parents are more likely to consider the best
5 interests of their children when determining parental
6 arrangements if courts provide families with information
7 regarding the process by which courts make decisions on issues
8 affecting their children and suggestions as to how parents may
9 ease the coming adjustments in family structure for their
10 children.

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

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

16 2. The emotional experiences and problems of divorcing
17 adults.

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

20 4. The availability of community services and
21 resources.

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

27 (2)(1) All judicial circuits in the state shall ~~may~~
28 approve a parenting course which shall be a course of a
29 minimum of 4 hours designed to educate, train, and assist
30 divorcing parents in regard to the consequences of divorce on
31 parents and children.

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 (a) The parenting course referred to in this section
2 shall be named The Parent Education and Family Stabilization
3 Course and may include, but not be limited to, the following
4 topics as they relate to court actions between parents
5 involving custody, care, visitation, and support of a child or
6 children:

7 1. Legal aspects of deciding child-related issues
8 between parents.

9 2. Emotional aspects of separation and divorce on
10 adults.

11 3. Emotional aspects of separation and divorce on
12 children.

13 4. Family relationships and family dynamics.

14 5. Financial responsibilities to a child or children.

15 6. Issues regarding spousal or child abuse and
16 neglect.

17 7. Skill-based relationship education that may be
18 generalized to parenting, workplace, school, neighborhood, and
19 civic relationships.

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

24 (c) The parent education and family stabilization
25 course shall be educational in nature and shall not be
26 designed to provide individual mental health therapy for
27 parents or children, or individual legal advice to parents or
28 children.

29 (d) Course providers shall not solicit participants
30 from the sessions they conduct to become private clients or
31 patients.

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

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

3 ~~(3)(2)~~ All parties to a dissolution of marriage
4 proceeding with minor children or a paternity action which
5 involves issues of parental responsibility shall ~~or a~~
6 ~~modification of a final judgment action involving shared~~
7 ~~parental responsibilities, custody, or visitation may be~~
8 required to complete The Parent Education and Family
9 Stabilization ~~a court-approved parenting Course~~ prior to the
10 entry by the court of a final judgment ~~or order modifying the~~
11 ~~final judgment.~~ The court may excuse a party from attending
12 the parenting course for good cause.

13 ~~(4)(3)~~ All parties required to complete a parenting
14 course under this section shall begin the course as
15 expeditiously as possible after filing for dissolution of
16 marriage and shall file proof of compliance with the court
17 prior to the entry of the final judgment ~~or order modifying~~
18 ~~the final judgment.~~

19 (5) All parties to a modification of a final judgment
20 involving shared parental responsibilities, custody, or
21 visitation may be required to complete a court-approved
22 parenting course prior to the entry of an order modifying the
23 final judgment.

24 (6) Each judicial circuit may establish a registry of
25 course providers and sites at which the parent education and
26 family stabilization course required by this section may be
27 completed. The court shall also include within the registry of
28 course providers and sites at least one site in each circuit
29 at which the parent education and family stabilization course
30 may be completed on a sliding fee scale, if available.

31 ~~(7)(4)~~ A reasonable fee may be charged to each parent

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 attending the course.

2 (8)(5) Information obtained or statements made by the
3 parties at any educational session required under this statute
4 shall not be considered in the adjudication of a pending or
5 subsequent action, nor shall any report resulting from such
6 educational session become part of the record of the case
7 unless the parties have stipulated in writing to the contrary.

8 (9)(6) The court may hold any parent who fails to
9 attend a required parenting course in contempt or that parent
10 may be denied shared parental responsibility or visitation or
11 otherwise sanctioned as the court deems appropriate.

12 (10)(7) Nothing in this section shall be construed to
13 require the parties to a dissolution of marriage to attend a
14 court-approved parenting course together.

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

18 Section 193. Paragraph (d) is added to subsection (1)
19 of section 28.101, Florida Statutes, to read:

20 28.101 Petitions and records of dissolution of
21 marriage; additional charges.--

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

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

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

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

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 Section 194. Section 25.388, Florida Statutes, is
2 amended to read:

3 25.388 Family Courts Trust Fund.--

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

8 (b) The Supreme Court, through the Office of the State
9 Courts Administrator, shall adopt a comprehensive plan for the
10 operation of the trust fund and the expenditure of any moneys
11 deposited into the trust fund. The plan shall provide for a
12 comprehensive integrated response to families in litigation,
13 including domestic violence matters, guardian ad litem
14 programs, mediation programs, legal support, training,
15 automation, and other related costs incurred to benefit the
16 citizens of the state and the courts in relation to family law
17 cases. The trust fund shall be used to fund the publication of
18 the handbook created pursuant to s. 741.0306.

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

23 (3) The trust fund shall be funded with moneys
24 generated from fees assessed pursuant to ss. 28.101 and s.
25 741.01(4).

26 Section 195. There is hereby appropriated in fiscal
27 year 1998-1999 the sum of \$75,000 from the General Revenue
28 Fund to the Florida State University Center for Marriage and
29 Family for review of premarital preparation courses,
30 development of premarital preparation pilot programs, and
31 development of a questionnaire and creation of a curriculum

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 based on data collected by its researchers.

2 Section 196. Section 180 through 195 and this section
3 of this act, shall take effect January 1, 1999.

4 Section 197. Except as otherwise provided in this act,
5
6

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

8 And the title is amended as follows:

9 On page 360, line 11, after the semicolon
10

11 insert:

12 An act relating to families and children;
13 reorganizing and revising ch. 39, F.S.;
14 providing for part I of that chapter, entitled
15 "General Provisions"; amending s. 39.001, F.S.;
16 revising purposes and intent; providing for
17 personnel standards and screening and for drug
18 testing; renumbering and amending s. 415.5015,
19 F.S., relating to child abuse prevention
20 training in the district school system;
21 amending s. 39.01, F.S.; revising definitions;
22 renumbering and amending s. 39.455, F.S.,
23 relating to immunity from liability for agents
24 of the Department of Children and Family
25 Services or a social service agency; amending
26 s. 39.012, F.S., and creating s. 39.0121, F.S.;
27 providing authority and requirements for
28 department rules; renumbering and amending s.
29 39.40, F.S., relating to procedures and
30 jurisdiction; providing for right to counsel;
31 renumbering s. 39.4057, F.S., relating to

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 permanent mailing address designation;
2 renumbering and amending s. 39.411, F.S.,
3 relating to oaths, records, and confidential
4 information; renumbering s. 39.414, F.S.,
5 relating to court and witness fees; renumbering
6 and amending s. 39.415, F.S., relating to
7 providing for compensation of appointed
8 counsel; renumbering and amending s. 39.418,
9 F.S., relating to the Operations and
10 Maintenance Trust Fund; providing for part II
11 of ch. 39, F.S., entitled "Reporting Child
12 Abuse"; renumbering and amending s. 415.504,
13 F.S., relating to mandatory reports of child
14 abuse, abandonment, or neglect; renumbering and
15 amending s. 415.511, F.S., relating to immunity
16 from liability in cases of child abuse,
17 abandonment, or neglect; renumbering and
18 amending s. 415.512, F.S., relating to
19 abrogation of privileged communications in
20 cases of child abuse, abandonment, or neglect;
21 renumbering and amending s. 415.513, F.S.;
22 deleting the requirement for the Department of
23 Children and Family Services to provide
24 information to the state attorney; providing
25 for the Department of Children and Family
26 Services to report annually to the Legislature
27 the number of reports referred to law
28 enforcement agencies; providing for
29 investigation by local law enforcement agencies
30 of possible false reports; providing for law
31 enforcement agencies to refer certain reports

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 to the state attorney for prosecution;
2 providing for law enforcement entities to
3 handle certain reports of abuse or neglect
4 during the pendency of such an investigation;
5 providing procedures; specifying the penalty
6 for knowingly and willfully making, or advising
7 another to make, a false report; providing for
8 state attorneys to report annually to the
9 Legislature the number of complaints that have
10 resulted in informations or indictments;
11 renumbering and amending s. 415.5131, F.S.;
12 increasing an administrative fine for false
13 reporting; providing for part III of ch. 39,
14 F.S., entitled "Protective Investigations";
15 creating s. 39.301, F.S.; providing for child
16 protective investigations; creating s. 39.302,
17 F.S.; providing for protective investigations
18 of institutional child abuse, abandonment, or
19 neglect; renumbering and amending s. 415.5055,
20 F.S., relating to child protection teams and
21 services and eligible cases; creating s.
22 39.3035, F.S.; providing standards for child
23 advocacy centers eligible for state funding;
24 renumbering and amending s. 415.507, F.S.,
25 relating to photographs, medical examinations,
26 X rays, and medical treatment of an abused,
27 abandoned, or neglected child; renumbering and
28 amending s. 415.5095, F.S., relating to a model
29 plan for intervention and treatment in sexual
30 abuse cases; creating s. 39.306, F.S.;
31 providing for working agreements with local law

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 enforcement to perform criminal investigations;
2 renumbering and amending s. 415.50171, F.S.,
3 relating to reports of child-on-child sexual
4 abuse; providing for part IV of ch. 39, F.S.,
5 entitled "Family Builders Program"; renumbering
6 and amending s. 415.515, F.S., relating to
7 establishment of the program; renumbering and
8 amending s. 415.516, F.S., relating to goals of
9 the program; renumbering and amending s.
10 415.517, F.S., relating to contracts for
11 services; renumbering and amending s. 415.518,
12 F.S., relating to family eligibility;
13 renumbering s. 415.519, F.S., relating to
14 delivery of services; renumbering and amending
15 s. 415.520, F.S., relating to qualifications of
16 program workers; renumbering s. 415.521, F.S.,
17 relating to outcome evaluation; renumbering and
18 amending s. 415.522, F.S., relating to funding;
19 providing for part V of ch. 39, F.S., entitled
20 "Taking Children into Custody and Shelter
21 Hearings"; creating s. 39.395, F.S.; providing
22 for medical or hospital personnel taking a
23 child into protective custody; amending s.
24 39.401, F.S.; providing for law enforcement
25 officers or authorized agents of the department
26 taking a child alleged to be dependent into
27 custody; amending s. 39.402, F.S., relating to
28 placement in a shelter; amending s. 39.407,
29 F.S., relating to physical and mental
30 examination and treatment of a child and
31 physical or mental examination of a person

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 requesting custody; renumbering and amending s.
2 39.4033, F.S., relating to referral of a
3 dependency case to mediation; providing for
4 part VI of ch. 39, F.S., entitled "Petition,
5 Arraignment, Adjudication, and Disposition";
6 renumbering and amending s. 39.404, F.S.,
7 relating to petition for dependency;
8 renumbering and amending s. 39.405, F.S.,
9 relating to notice, process, and service;
10 renumbering and amending s. 39.4051, F.S.,
11 relating to procedures when the identity or
12 location of the parent, legal custodian, or
13 caregiver is unknown; renumbering and amending
14 s. 39.4055, F.S., relating to injunction
15 pending disposition of a petition for detention
16 or dependency; renumbering and amending s.
17 39.406, F.S., relating to answers to petitions
18 or other pleadings; renumbering and amending s.
19 39.408, F.S., relating to arraignment hearings;
20 renumbering and amending s. 39.409, F.S.,
21 relating to adjudicatory hearings and orders;
22 renumbering and amending s. 39.41, F.S.,
23 relating to disposition hearings and powers of
24 disposition; creating s. 39.5085, F.S.;
25 establishing the Relative-Caregiver Program;
26 directing the Department of Children and Family
27 Services to establish and operate the
28 Relative-Caregiver Program; providing financial
29 assistance within available resources to
30 relatives caring for children; providing for
31 financial assistance and support services to

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 relatives caring for children placed with them
2 by the child protection system; providing for
3 rules establishing eligibility guidelines,
4 caregiver benefits, and payment schedule;
5 renumbering and amending s. 39.4105, F.S.,
6 relating to grandparents' rights; renumbering
7 and amending s. 39.413, F.S., relating to
8 appeals; providing for part VII of ch. 39,
9 F.S., entitled "Case Plans"; renumbering and
10 amending s. 39.4031, F.S., relating to case
11 plan requirements and case planning for
12 children in out-of-home care; renumbering and
13 amending s. 39.452, F.S., relating to case
14 planning for children in out-of-home care when
15 the parents, legal custodians, or caregivers do
16 not participate; creating s. 39.603, F.S.;
17 providing for court approvals of case planning;
18 providing for part VIII of ch. 39, F.S.,
19 entitled "Judicial Reviews"; renumbering and
20 amending s. 39.453, F.S., relating to judicial
21 review of the status of a child; renumbering
22 and amending s. 39.4531, F.S., relating to
23 citizen review panels; renumbering and amending
24 s. 39.454, F.S., relating to initiation of
25 proceedings for termination of parental rights;
26 renumbering and amending s. 39.456, F.S.;
27 revising exemptions from judicial review;
28 providing for part IX of ch. 39, F.S., entitled
29 "Termination of Parental Rights"; renumbering
30 and amending s. 39.46, F.S., relating to
31 procedures, jurisdiction, and service of

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 process; renumbering and amending s. 39.461,
2 F.S., relating to petition for termination of
3 parental rights, and filing and elements
4 thereof; creating s. 39.803, F.S.; providing
5 procedures when the identity or location of the
6 parent is unknown after filing a petition for
7 termination of parental rights; renumbering s.
8 39.4627, F.S., relating to penalties for false
9 statements of paternity; renumbering and
10 amending s. 39.463, F.S., relating to petitions
11 and pleadings for which no answer is required;
12 renumbering and amending s. 39.464, F.S.,
13 relating to grounds for termination of paternal
14 rights; renumbering and amending s. 39.465,
15 F.S., relating to right to counsel and
16 appointment of a guardian ad litem; renumbering
17 and amending s. 39.466, F.S., relating to
18 advisory hearings; renumbering and amending s.
19 39.467, F.S., relating to adjudicatory
20 hearings; renumbering and amending s. 39.4612,
21 F.S., relating to the manifest best interests
22 of the child; renumbering and amending s.
23 39.469, F.S., relating to powers of disposition
24 and order of disposition; renumbering and
25 amending s. 39.47, F.S., relating to
26 post-disposition relief; creating s. 39.813,
27 F.S.; providing for continuing jurisdiction of
28 the court that terminates parental rights over
29 all matters pertaining to the child's adoption;
30 renumbering s. 39.471, F.S., relating to oaths,
31 records, and confidential information;

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 renumbering and amending s. 39.473, F.S.,
2 relating to appeal; creating s. 39.816, F.S.;
3 authorizing certain pilot and demonstration
4 projects contingent on receipt of federal
5 grants or contracts; creating s. 39.817, F.S.;
6 providing for a foster care demonstration pilot
7 project; providing for part X of ch. 39, F.S.,
8 entitled "Guardians Ad Litem and Guardian
9 Advocates"; creating s. 39.820, F.S.; providing
10 definitions; renumbering s. 415.5077, F.S.,
11 relating to qualifications of guardians ad
12 litem; renumbering and amending s. 415.508,
13 F.S., relating to appointment of a guardian ad
14 litem for an abused, abandoned, or neglected
15 child; renumbering and amending s. 415.5082,
16 F.S., relating to guardian advocates for drug
17 dependent newborns; renumbering and amending s.
18 415.5083, F.S., relating to procedures and
19 jurisdiction; renumbering s. 415.5084, F.S.,
20 relating to petition for appointment of a
21 guardian advocate; renumbering s. 415.5085,
22 F.S., relating to process and service;
23 renumbering and amending s. 415.5086, F.S.,
24 relating to hearing for appointment of a
25 guardian advocate; renumbering and amending s.
26 415.5087, F.S., relating to grounds for
27 appointment of a guardian advocate; renumbering
28 s. 415.5088, F.S., relating to powers and
29 duties of the guardian advocate; renumbering
30 and amending s. 415.5089, F.S., relating to
31 review and removal of a guardian advocate;

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 providing for part XI of ch. 39, F.S., entitled
2 "Domestic Violence"; renumbering s. 415.601,
3 F.S., relating to legislative intent regarding
4 treatment and rehabilitation of victims and
5 perpetrators; renumbering and amending s.
6 415.602, F.S., relating to definitions;
7 renumbering and amending s. 415.603, F.S.,
8 relating to duties and functions of the
9 department; renumbering and amending s.
10 415.604, F.S., relating to an annual report to
11 the Legislature; renumbering and amending s.
12 415.605, F.S., relating to domestic violence
13 centers; renumbering s. 415.606, F.S., relating
14 to referral to such centers and notice of
15 rights; renumbering s. 415.608, F.S., relating
16 to confidentiality of information received by
17 the department or a center; amending s. 20.19,
18 F.S.; providing for certification programs for
19 family safety and preservation employees of the
20 department; providing for rules; amending ss.
21 20.43, 61.13, 61.401, 61.402, 63.052, 63.092,
22 90.5036, 154.067, 216.136, 232.50, 318.21,
23 384.29, 392.65, 393.063, 395.1023, 400.4174,
24 400.556, 402.165, 402.166, 409.1672, 409.176,
25 409.2554, 409.912, 409.9126, 414.065, 447.401,
26 464.018, 490.014, 491.014, 741.30, 744.309,
27 784.075, 933.18, 944.401, 944.705, 984.03,
28 984.10, 984.15, 984.24, 985.03, 985.303, F.S.;
29 correcting cross-references; conforming related
30 provisions and references; amending ss. 213.053
31 and 409.2577, F.S.; authorizing disclosure of

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 certain confidential taxpayer and parent
2 locator information for diligent search
3 activities under ch. 39, F.S.; creating s.
4 435.045, F.S.; providing background screening
5 requirements for prospective foster or adoptive
6 parents; amending s. 943.045, F.S.; providing
7 that the Department of Children and Family
8 Services is a "criminal justice agency" for
9 purposes of the criminal justice information
10 system; repealing s. 39.002, F.S., relating to
11 intent; repealing s. 39.0195, F.S., relating to
12 sheltering unmarried minors and aiding
13 unmarried runaways; repealing s. 39.0196, F.S.,
14 relating to children locked out of the home;
15 repealing ss. 39.39, 39.449, and 39.459, F.S.,
16 relating to definition of "department";
17 repealing s. 39.403, F.S., relating to
18 protective investigation; repealing s. 39.4032,
19 F.S., relating to multidisciplinary case
20 staffing; repealing s. 39.4052, F.S., relating
21 to affirmative duty of written notice to adult
22 relatives; repealing s. 39.4053, F.S., relating
23 to diligent search after taking a child into
24 custody; repealing s. 39.408(3), (4), F.S.,
25 relating to disposition hearings and notice of
26 hearings; repealing s. 39.45, F.S., relating to
27 legislative intent regarding foster care;
28 repealing s. 39.451, F.S., relating to case
29 planning; repealing s. 39.457, F.S., relating
30 to a pilot program in Leon County to provide
31 additional benefits to children in foster care;

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 repealing s. 39.4611, F.S., relating to
2 elements of petitions; repealing s. 39.462,
3 F.S., relating to process and services;
4 repealing s. 39.4625, F.S., relating to
5 identity or location of parent unknown after
6 filing of petition for termination of parental
7 rights; repealing s. 39.472, F.S., relating to
8 court and witness fees; repealing s. 39.474,
9 F.S., relating to compensation of counsel;
10 repealing s. 39.475, F.S., relating to rights
11 of grandparents; repealing s. 415.501, F.S.,
12 relating to the state plan for prevention of
13 abuse and neglect; repealing ss. 415.5016,
14 415.50165, 415.5017, 415.50175, 415.5018,
15 415.50185, and 415.5019, F.S., relating to
16 purpose and legislative intent, definitions,
17 procedures, confidentiality of records,
18 district authority and responsibilities,
19 outcome evaluation, and rules for the family
20 services response system; repealing s. 415.502,
21 F.S., relating to legislative intent for
22 comprehensive protective services for abused or
23 neglected children; repealing s. 415.503, F.S.,
24 relating to definitions; repealing s. 415.505,
25 F.S., relating to child protective
26 investigations and investigations of
27 institutional child abuse or neglect; repealing
28 s. 415.506, F.S., relating to taking a child
29 into protective custody; repealing s. 415.5075,
30 F.S., relating to rules for medical screening
31 and treatment of children; repealing s.

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 415.509, F.S., relating to public agencies'
2 responsibilities for prevention,
3 identification, and treatment of child abuse
4 and neglect; repealing s. 415.514, F.S.,
5 relating to rules for protective services;
6 providing appropriations; creating the
7 "Marriage Preparation and Preservation Act";
8 providing legislative findings; amending s.
9 232.246, F.S.; prescribing a high school
10 graduation requirement; amending s. 741.01,
11 F.S.; providing for a reduction of the marriage
12 license fee under certain circumstances;
13 creating a waiting period before a marriage
14 license is issued; creating s. 741.0305, F.S.;
15 providing for a premarital preparation course;
16 providing for modification of marriage license
17 fees; specifying course providers; providing
18 course contents; providing for a review of such
19 courses; providing for compilation of
20 information and report of findings; providing
21 for pilot programs; creating s. 741.0306, F.S.;
22 providing for creation of a marriage law
23 handbook created by the Family Law Section of
24 The Florida Bar; providing for information that
25 may be included in the handbook; amending s.
26 741.04, F.S.; prohibiting issuance of a
27 marriage license until petitioners verify
28 certain facts and complete a questionnaire;
29 providing for a waiting period; providing for a
30 waiver of the waiting period; amending s.
31 741.05, F.S.; conforming provisions; amending

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 s. 61.043, F.S.; providing for completion of an
2 informational questionnaire upon filing for
3 dissolution of marriage; amending s. 61.052,
4 F.S.; specifying documents that may be used to
5 corroborate residency requirements; amending s.
6 61.21, F.S.; revising provisions relating to
7 the authorized parenting course offered to
8 educate, train, and assist divorcing parents in
9 regard to the consequences of divorce on
10 parents and children; providing legislative
11 findings and purpose; requiring judicial
12 circuits to approve a parenting course;
13 requiring parties to a dissolution proceeding
14 with a minor child to attend a court-approved
15 parenting family course; providing procedures
16 and guidelines and course objectives; requiring
17 parties to file proof of compliance with the
18 court; authorizing the court to require parties
19 to a modification of a final judgment of
20 dissolution to take the course under certain
21 circumstances; amending s. 28.101, F.S.;
22 providing a fee for filing for dissolution of
23 marriage; amending s. 25.388, F.S.; providing
24 funding for the marriage law handbook;
25 providing an appropriation; providing
26 effective dates.

27
28 WHEREAS, the Florida Legislature endorses and
29 encourages marriage as a means of promoting stability and
30 continuity in society, and

31 WHEREAS, children of divorced parents can suffer

Bill No. CS/HB 3883, 2nd Eng.

Amendment No. ____

1 long-lasting adverse consequences from the break-up of their
2 parents' relationship and the existing family law system, and
3 WHEREAS, recent annual statistics show that for every
4 two marriages in Florida, one ends in divorce, and
5 WHEREAS, the state has a compelling interest in
6 promoting those relationships which inure to the benefit of
7 Florida's children, and
8 WHEREAS, the state has a compelling interest in
9 educating its citizens with regard to the responsibilities of
10 marriage and, if contemplated, the effects of divorce, NOW,
11 THEREFORE,
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31