

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1185 Premarital Preparation  
**SPONSOR(S):** Plakon and others  
**TIED BILLS:** HB 1187 **IDEN./SIM. BILLS:** SB 2310

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|    | <b>REFERENCE</b>  | <b>ACTION</b> | <b>ANALYST</b> | <b>STAFF DIRECTOR</b> |
|----|---|---------------|----------------|-----------------------|
| 1) | Health Care Services Policy Committee                           | 7 Y, 0 N      | Preston        | Schoolfield           |
| 2) | Health & Family Services Policy Council                         |               | Lowell         | Gormley               |
| 3) | Finance & Tax Council   |               |                |                       |
| 4) | Full Appropriations Council on General Government & Health Care |               |                |                       |
| 5) |   |               |                |                       |

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**SUMMARY ANALYSIS**

The bill provides for an increase in the amount of \$100 in fees associated with the application for issuance of a marriage license. If a couple applying for a marriage license completes a premarital preparation course and provides verification of such completion, the fee for their marriage license will be reduced by an additional \$100. If they do not complete a course, the additional \$100 will be deposited into the Marriage Education Trust Fund created by HB 1187.

The bill increases the number of hours of the required premarital preparation course from 4 to 8 hours and also provides that the course may include the use of a premarital inventory.

The fiscal impact of the bill on state government is unknown and there is no anticipated fiscal impact on local governments.

The bill is effective July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Research indicates that premarital preparation can be an effective strategy in supporting healthy marriage and reducing divorce.<sup>1</sup> To encourage couples to participate in premarital preparation some states have created incentives in state law. One such incentive is a reduction in the marriage license fee for couples who participate in a premarital preparation course.

Summary of State Marriage License Fee Reduction Laws<sup>2</sup>

| State     | Marriage License Fee | Fee with Premarital Preparation | Number of Hours Required | Details  |
|-----------|----------------------|---------------------------------|--------------------------|--|
| Florida   | \$93.50              | \$56                            | 4 hours                  | Specifies qualified providers. Allows instruction delivered over "electronic medium."  |
| Georgia   | Varies               | Varies                          | 6 hours                  | License fee varies by county and although the marriage license fee is waived, other fees may apply.                                    |
| Maryland  | Varies               | Varies                          | 4 hours                  | License fee varies by county.  |
| Minnesota | \$100                | \$30                            | 12 hours                 | Requires use of premarital inventory.  |
| Oklahoma  | \$50                 | \$5                             | 4 hours                  | Must be conducted by a "health professional" as defined. Encourages use of Prevention and Relationship Enhancement Program (PREP).     |
| Tennessee | Varies               | (Reduced by \$40)               | N/A                      | Fee reduction only applies to state residents.   |
| Texas     | \$60                 | Free                            | 8 hours                  | Must be a skills-based and research-based curriculum; a public Web site with information on premarital preparation must be maintained. |

<sup>1</sup> See Scott Stanley, *Making a Case for Premarital Education*, Minneapolis: National Council on Family Relations (2001) and Jason S. Carroll & William J. Doherty, *Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research*, *Family Relations* 52 (2), 105–118 (2003).

<sup>2</sup> National Healthy Marriage Resource Center. Fact Sheet. See <http://www.healthymarriageinfo.org/docs/stmarriagelicfs.pdf> (last visited March 29, 2009).

As of July 2007, seven states have marriage license fee reduction laws. The reduction varies by state (and by county in some states). The premarital preparation requirement is typically 4 to 12 hours of marriage counseling or education offered by a qualified professional. Typically county clerks maintain a list of premarital education service providers to validate the certificate which proves that a couple participated. Couples are usually required to pay for the marriage preparation course which can cost up to \$500, depending on the duration and provider.

Additional states have considered the strategy of a reduction in marriage license fees to encourage premarital preparation. However, there is concern that this policy may result in a decrease in marriage among low-income couples. At this time it appears that no known research has been done to document the effectiveness of this strategy, although research does support the value of premarital education.<sup>3</sup>

The Coalition for Marriage, Family, and Couples Education, long recognized as the national clearinghouse for issues related to marriage related education, including state legislation, has suggestions for states interested in strengthening and preserving marriage which include the following:<sup>4</sup>

- Establish state and community Marriage and Family Coalitions/Initiatives or Commissions to coordinate marriage and family strengthening efforts.
- Encourage and support private, non-profit, secular, and faith-based efforts such as Community Marriage Policies and programs in high schools, youth groups, county courts, extension offices, county mental health agencies, hospitals, military installations, prisons, adult education, child-birth centers, etc.)
- Make marriage education skills programs widely accessible in county and community agencies for couples of all races and classes and at all stages of relationship on an affordable subsidized, voucher and/or sliding-scale fee system. A variety of research-based, highly cost-effective curricula exist for applications in high schools, for couples making the transition to parenthood, and for couples at any stage of relationship from formation to those facing divorce. Make these available in the community. One of the best ways to make the information available is through an affordable Community Marriage Resource Center Web site.
- Develop media and public information campaigns that make clear the research-based information about the benefits of marriage to men, women, children and communities and information about the skills and behaviors which help couples build and maintain satisfying, enduring marriages and families.

### *Florida Initiatives*

In 1998, Florida Governor Lawton Chiles signed “The Florida Marriage Preparation and Preservation Act of 1998,” making Florida the first state to implement a reduction in the marriage license fee for completion of a marriage preparation course.<sup>5</sup> The bill also included provisions related to high school marriage skills education and divorce education.

In January 1999, Florida Governor Jeb Bush became the first governor to sign a Community Marriage Policy and in 2003 Florida created the Commission on Marriage and Family Support. Governor Jeb Bush, in signing the bill, said his goal was to strengthen families, including marriage. The Commission is no longer in existence due to lack of funding.

The Florida marriage rate per 1,000 population has decreased each year since 2001 and the rate has decreased 21.7 percent since 1997.<sup>6</sup>

### **Effect of Proposed Changes**

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<sup>3</sup> See Stanley, Carroll, and Doherty, *supra* note 1.

<sup>4</sup> The Coalition for Marriage, Family, and Couples Education. See <http://www.smartmarriages.com/legislation.template.html> (last visited March 29, 2009).

<sup>5</sup> Ch. 98-403, Law of Fla.

<sup>6</sup> Florida Department of Health, Bureau of Vital Statistics. See <http://www.flpublichealth.com/VSBOOK/pdf/2007/Marriage.pdf> (last visited March 29, 2009).

The bill increases by \$100 the fees associated with the application for issuance of a marriage license. If a couple applying for a marriage license completes a premarital preparation course and provides verification of such completion the fee for their marriage license will be reduced by an additional \$100. If they do not complete a course, the additional \$100 will be deposited into the Marriage Education Trust Fund created by HB 1187.

The bill increases the length of the premarital preparation course for the marriage license fee reduction from 4 to 8 hours.

The bill also provides that the premarital preparation course may include the use of a premarital inventory and defines the term "premarital inventory" to include a "survey or questionnaire that a couple can take that can be scored or evaluated or both[, which] addresses issues such as communication, conflict resolution, personality types, marriage expectations, family of origin, children and parenting, and financial habits."

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 741.01, Florida Statutes, relating to county court judge or clerk of the circuit court to issue marriage license and fees.

**Section 2.** Amends s. 741.011, Florida Statutes, relating to installment payments.

**Section 3.** Amends s. 741.0305, Florida Statutes, relating to marriage fee reduction for completion of premarital preparation course.

**Section 4.** Provides an effective date of July 1, 2009.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The impact is indeterminate since it is not known how many couples will qualify for the reduced fee or how many couples will not marry due to the increased fee. The amount of reduction in the marriage license fee may or may not be seen as a savings considering the cost of premarital education courses.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

It will cost couples who choose not to take a premarital preparation course more to apply for a marriage license.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**