

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1323 Florida Guide to a Healthy Marriage
SPONSOR(S): Yarborough and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1580

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Claims Subcommittee	10 Y, 4 N	Bruno	Bond
2) Children, Families & Seniors Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

A marriage license is required in order to be married in Florida. Among other requirements for issuance, a couple seeking a marriage license must certify that they have read the family law handbook, which outlines the legal rights and responsibilities of marital partners to each other and to their children. Florida law also incentivizes, but not does require, completion of a premarital preparation course by reducing the marriage license fee and waiving a three-day waiting period for couples who complete the course.

Similarly, HB 1323 adds the requirement that the applicants for a marriage license must certify that they have obtained and read or otherwise accessed the Florida Guide to a Healthy Marriage. Alternatively, the parties may certify that they have accessed an alternative electronic presentation of information covering conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, and parenting responsibilities.

The bill establishes the Marriage Education Committee within the Department of Children and Families. The committee consists of six members: two appointed by the Governor, two by the Speaker of the House, and two by the President of the Senate. The committee must create the Florida Guide to a Healthy Marriage. The Guide must include:

- Resources regarding conflict management, communication skills, family expectations, financial responsibilities, and parenting responsibilities.
- Current information from marriage education and family advocates to assist in forming and maintaining a long-term marital relationship.
- Information regarding premarital education, marriage enrichment education, and resources that are available to help restore a marriage that is potentially moving towards dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist a marital relationship.

Each clerk of courts is required to make the Guide available on its website and to make printed copies available to marriage license applicants if the Committee has furnished them to the clerk.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

A marriage license issued by a county court judge or the clerk of the circuit court is required in order to be married in Florida.¹ To be married, the parties must:

- Be at least 18 years old, subject to some exceptions;²
- Provide their social security number or other identification;³
- Obtain and read or otherwise access Florida's family law handbook;⁴
- Provide a written statement stating whether they have completed a premarital preparation course;⁵
- Pay the required fees;⁶
- Complete an application, required affidavits, and statements;⁷ and
- Appear before the clerk or judge in person.⁸

Reading Florida's family law handbook is a prerequisite to receiving a marriage license.⁹ The Family Law Section of The Florida Bar created the family law handbook, which covers the legal rights and responsibilities of marital partners to each other and to their children, both during a marriage and upon dissolution.¹⁰ The Family Court Steering Committee and Florida Supreme Court reviews the handbook for accuracy prior to publication and distribution.¹¹ The clerk of court must make the handbook available upon application for a marriage license and may also make it available through electronic means or on videotape.¹² The book is 16 half-pages long and covers:

- Economic issues during marriage and upon the dissolution of marriage, including:
 - Assets;
 - Liabilities;
 - How the court divides assets and liabilities upon divorce;
 - Alimony;
 - Rights to assets upon the death of a spouse.
- Child-related issues, including:
 - Paying for children's expenses after divorce;
 - Making decisions for the children after divorce;
 - Where the children will live after divorce;
 - Contact with children;
 - Step-parenting.
- Domestic violence and child abuse;
- The process for ending a marriage; and
- Community resources.¹³

¹ SS. 741.01 & 741.08, F.S.

² SS, 741.04 & 741.0405, F.S.

³ S. 741.04(1), F.S.

⁴ SS. 741.04(2)(b) & 741.0306, F.S.

⁵ S. 741.04(2)(a), F.S.

⁶ SS. 741.01 & 741.02, F.S.

⁷ SS. 741.01(1) & 741.04, F.S.

⁸ S. 741.04(2), F.S.

⁹ SS. 741.04(2)(b) & 741.0306, F.S.

¹⁰ S. 741.0306(1); The Florida Bar, *Family Law Handbook*, available at: <https://www.pinellasclerk.org/asplnclude2/pdf/familylawhandbook.pdf> (last viewed January 16, 2018).

¹¹ S. 741.0306(1), F.S.

¹² S. 741.0306, F.S.

¹³ The Florida Bar, *Family Law Handbook*, available at: <https://www.pinellasclerk.org/asplnclude2/pdf/familylawhandbook.pdf> (last viewed January 16, 2018).

Although a couple is not required to complete a premarital preparation course, doing so reduces the marriage license fees and allows a couple to bypass a three-day waiting period.¹⁴

There were 167,416 marriages in Florida in calendar year 2016.¹⁵

Effect of Proposed Changes

HB 1323 creates the Marriage Education Committee within the Department of Children and Families. The committee is composed of six marriage education and family advocates. The Speaker of the House, Senate President, and Governor each appoints two members. The bill requires the committee to create the Florida Guide to a Healthy Marriage. The Guide must include:

- Resources regarding conflict management, communication skills, family expectations, financial responsibilities, and parenting responsibilities.
- Current information from marriage education and family advocates to assist in forming and maintaining a long-term marital relationship.
- Information regarding premarital education, marriage enrichment education, and resources that are available to help restore a marriage that is potentially moving towards dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist a marital relationship.

The committee must raise private funds to cover the costs of design and layout for the Guide and may raise additional private funds for printing and distribution. The committee is not required to print and distribute the Guide if it is unable to obtain funding.

The members of the first committee must be appointed by September 1, 2018. The committee is reconstituted every 10 years and must provide the House of Representatives, Senate, and Governor a report detailing recommended updates to the Guide.

As a prerequisite to obtaining a marriage license, applicants must verify that they have read or otherwise accessed either the Guide or an alternative electronic presentation of information covering conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, and parenting responsibilities.

Each of the state's clerks of court is required to make the Guide available on its website and provide printed copies, if any, to marriage license applicants. The clerk of the circuit court is also encouraged to provide a list of course providers and sites where marriage and relationship skill-building classes are available.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

Section 1: Creating s. 741.0307, F.S., relating to Marriage Education Committee; Florida Guide to a Healthy Marriage.

Section 2: Amending s. 741.04, F.S., relating to marriage license issued.

Section 3: Providing an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹⁴ SS. 741.0305 & 741.04(3), F.S.

¹⁵ Data furnished by the Florida Bureau of Vital Statistics, and is available at: <http://www.flpublichealth.com/VSBOOK/pdf/2016/Marriage.pdf> (last accessed January 19, 2018).

2.

None.

3. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The committee is required to secure private funding to cover design and layout of the Guide and any printing and distribution, and may solicit funds for printing. No mention of pay or per diem is in the bill, thus, members of the committee must serve without compensation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect municipal or county governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES