

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1580

INTRODUCER: Senator Stargel

SUBJECT: Florida Guide to a Healthy Marriage

DATE: January 19, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Farach</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1580 creates the Marriage Education Committee within the Department of Children and Families. The bill directs the committee to convene every 10 years and create and update the Florida Guide to a Healthy Marriage. The guide will provide information regarding conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities. The bill further requires that applicants for a marriage license verify as a condition of receiving the license that they have read or accessed the information in the guide.

**II. Present Situation:**

As of 2016, Florida ranked in the top ten states in the nation for highest divorce rates.<sup>1</sup> Divorce or marital dissolution has numerous detrimental emotional, economic, and social effects. Studies suggest that children whose parents divorce or have marital discord are more likely to experience lower levels of psychological well-being in adulthood.<sup>2</sup>

Economic ramifications of divorce include how taxpayer costs of divorce and unmarried childbearing affects poverty results in \$112 billion each year incurred at the federal, state, and local levels.<sup>3</sup> These costs arise from increased taxpayer expenditures for antipoverty, criminal justice, and education programs, and through lower levels of taxes paid by individuals who, as

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<sup>1</sup> CDC/NCHS, NATIONAL VITAL STATISTICS SYSTEM, MARRIAGE RATES BY STATE: 1990, 1995, AND 1996-2016, [www.cdc.gov/nchs/data/dvs/state\\_marriage\\_rates\\_90\\_95\\_99-16.pdf](http://www.cdc.gov/nchs/data/dvs/state_marriage_rates_90_95_99-16.pdf).

<sup>2</sup> Paul R. Amato and Juliana M. Sobolewski, *The Effects of Divorce and Marital Discord on Adult Children's Psychological Well-Being*, AMERICAN SOCIOLOGICAL REVIEW, Vol. 66, No. 6 (Dec., 2001), pp. 900-921 [http://www.jstor.org/stable/3088878?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/3088878?seq=1#page_scan_tab_contents).

<sup>3</sup> BENJAMIN SCAFIDI, THE TAXPAYER COSTS OF DIVORCE AND UNWED CHILDBEARING: FIRST-EVER ESTIMATES FOR THE NATION AND ALL FIFTY STATES, INSTITUTE FOR AMERICAN VALUES, 2008.

adults, earn less because of reduced opportunities as a result of having been more likely to grow up in poverty.<sup>4</sup>

### **Issuance of Marriage License**

Prior to applying for a marriage license in this state, the parties must first, either separately or together, complete a premarital preparation course of at least 4 hours of coursework.<sup>5</sup> A Florida county court judge or clerk of the circuit court must have a statement in writing, signed by both parties, which specifies whether the parties have completed a premarital preparation course.<sup>6</sup> Furthermore, the applicants must also supply a statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the *Family Law Handbook*<sup>7</sup> or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.<sup>8</sup> Participants who can provide proof of their completion of the course will have their marriage license fee reduced by \$32.50.<sup>9</sup> The Florida Statutes provides a list of qualified instructors who are eligible to provide a premarital preparation course.<sup>10</sup>

### **The Family Law Handbook**

The Family Law Section of The Florida Bar creates *The Family Law Handbook*, which explains the sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. These handbooks are available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.<sup>11</sup> The material contained in the handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation must be reviewed and updated annually.<sup>12</sup>

## **III. Effect of Proposed Changes:**

### **Publication of the Florida Guide to a Healthy Marriage**

SB 1580 calls for the formation of the Marriage Education Committee within the Department of Children and Families. This committee will come into existence every 10 years and it will be tasked with creating Florida Guide to a Healthy Marriage, as well as editing and updating the text. At a minimum, the guide must include all of the following:

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<sup>4</sup> *Id.*

<sup>5</sup> Section 741.0305(1), F.S.

<sup>6</sup> Section 741.04(2), F.S.

<sup>7</sup> *See* s. 741.04(2)(b), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 741.0305(1), F.S.

<sup>10</sup> Section 741.0305(3)(a) identifies the qualified instructors of the premarital preparation course as a psychologists, clinical social workers, marriage and family therapists, mental health counselors, certain official representatives of religious institutions who have relevant training, and other providers designated by a judicial circuit.

<sup>11</sup> Section 741.0306, F.S.

<sup>12</sup> *Id.*

- (a) Resources on the following topics: conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities.
- (b) Advice from marriage education and family advocates to assist couples in forming and maintaining long-term marital relationships.
- (c) Information on premarital education resources, marriage enrichment education, and resources available to couples to help them restore a marriage potentially facing dissolution.
- (d) Contact information and website links to additional resources and local professional and community services to further assist couples with marital relationships.

Several other states also require premarital counseling and publish prenuptial guidebooks in order to assist with marriage. For example, the Utah Premarital Agreement Act requires that an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.<sup>13</sup> Premarital counseling has also been linked to overall more where both parties reported higher levels of satisfaction with their relationship than partners who did have premarital counseling.<sup>14</sup> This success rate, however, is also linked to the quality of available prenuptial counseling and resources that the partners have access to.<sup>15</sup>

### **Committee Formation**

The committee is to consist of six marriage education and family advocates, two of whom appointed by the Governor, two appointed by the President of the Senate, and two appointed by the Speaker of the House of Representatives. The appointees serve 1-year terms or until the committee has completed its work, whichever is earlier. Each decennial committee must submit the completed guide to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Funding is to come from private sources to pay for the design and layout of the guide, and the committee may raise funds from private sources to cover the costs of printing and the distribution of guides in printed format. If adequate funds are not raised to cover the costs of printing and the distribution of guides in printed format, the guides are not required to be printed or distributed.

The bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>13</sup> Utah Code Annotated § 30-8-1 (LexisNexis 2017).

<sup>14</sup> “Using a large random survey of 4 middle American states, the authors found that participation in premarital education was associated with higher levels of satisfaction and commitment in marriage and lower levels of conflict-and also reduced odds of divorce,” Scott M. Stanley, Paul R. Amato, Christine A. Johnson, & Howard J. Markman, *Premarital education, marital quality, and marital stability: Findings from a large, random household survey*, JOURNAL OF FAMILY PSYCHOLOGY, Vol. 20(1), 117-126 (2006), <http://dx.doi.org/10.1037/0893-3200.20.1.117>.

<sup>15</sup> Walter R. Schumm & Wallace Denton, *Trends in Premarital Counseling*, JOURNAL OF MARITAL AND FAMILY THERAPY (Oct. 1979), <https://www.deepdyve.com/lp/wiley/trends-in-premarital-counseling-a0VGE2PsyU>.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The Florida Guide to a Healthy Marriage may result in financial benefits to those who have a strong marriage as a result of the guide.

**C. Government Sector Impact:**

Premarital counseling as provided by the Florida Guide to a Healthy Marriage could potentially reduce the state divorce rate, which may then reduce the taxpayer expenditures for antipoverty programs, criminal justice programs, and education programs that are associated with or the result of divorce.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 741.04, Florida Statutes.  
This bill creates section 741.0304, Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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