

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 21, 1998 Revised: _____

Subject: Marriage Education and Stabilization

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Harkins</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	<u>Fournier</u>	<u>Smith</u>	<u>WM</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill adds a requirement to the high school life management curriculum that “marriage and relationship skill-based education” be added to the course.

It provides that couples who complete at least a 4-hour marriage preparation course will receive \$32.50 reduction in the initial marriage license fee. No marriage license may be issued by a county court judge or a clerk unless a couple attests that they have or have not taken the course. This requirement is intended to assist researchers in gathering statistical information regarding the efficacy of the program. The Florida State University Center for Marriage and Family shall review premarital preparation courses and prepare pilot programs based upon their findings about the efficacy of these programs. The Center is appropriated \$75,000 for FY 1998-99.

Handbooks explaining the rights and responsibilities of the parties to a marriage to each other and to their children will be distributed based upon express agreement by The Florida Bar to do so. The handbooks will receive annual updates.

The marriage preparation course must be conducted by certain licensed professionals, a person approved by a judge, an “official representative of a religious institution with ‘relevant training’,” or any other provider designated by the circuit court, including school counselors who are qualified to teach the courses locally. Topics in the marriage preparation course are to include: conflict management; communication skills; financial responsibilities; and children and parenting responsibilities. Each circuit must compile a registry of course providers and sites for the marriage preparation. Any couple choosing not to take a course must wait three days to obtain their marriage license.

Upon filing for dissolution of marriage, couples with minor children must complete a 4-hour parenting course. Parties attending a parenting course are not required to take the course together and may be prohibited from doing so. Courts may establish registries for the parenting courses. Both registries must contain at least one course provided in each county which will offer the course on a sliding fee scale or for free. The fee for filing for dissolution of marriage is increased by \$32.50.

This bill substantially amends the following sections of the Florida Statutes: 28.101, 232.246, 741.01, 741.04, 741.05, and 61.043, 61.21. This bill also creates sections 741.0305 and 741.0306 of the Florida Statutes.

II. Present Situation:

Section 232.246, F.S., provides general requirements for high school graduation, which include one-half credit in life management skills. This course must include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking..

Marriage licenses must be issued by a county court judge or clerk of the circuit court, as provided by s. 741.01, F.S. The license cannot be granted unless both parties state their ages by affidavit, both parties are over the age of 18, with certain exceptions, and one party is a male and the other party a female. A license also cannot be issued if it appears there is an impediment because the parties are related by lineal consanguinity, as siblings, aunt and nephew, or uncle and niece.

The statutory fee to obtain a marriage license is \$88.50, as provided in ss. 741.01 and 741.02, F.S.

To commence a dissolution of marriage proceeding under ch. 61, F.S., the only requirement is that one party must file a petition in circuit court. Section 61.052(2)(b), F.S., provides that a judge has several alternatives in a dissolution of marriage proceeding if there is a minor child or if one party denies that the marriage is irretrievably broken. The judge may:

- Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation;
- Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or
- Take such other action as may be in the best interest of the parties and the minor child of the marriage.

A judge may require a court-approved parenting course before granting the petition for dissolution of marriage. s. 61.21(2), F.S. For example, Leon County offers several 4-hour courses ranging in cost from \$17-\$30.. At present, 19 of Florida's 20 judicial circuits offer some type of approved parent counseling.

The Family Law Section of The Florida Bar has developed pamphlets for the public which give information on divorce. The Family Law Section of The Florida Bar is a possible resource to help in developing more extensive material

In order to provide counseling and psychological services, a person must possess the qualifications of a licensed psychologist under ch. 490, F.S. or possess the qualifications necessary to be a clinical social worker, a marriage and family therapist, or a mental health counselor as set forth in ch. 491, F.S. A person may also be designated a certified master social worker under s. 491.0145, F.S., but their function is basically administrative and they are not to be viewed as authorized to provide clinical social work services. Family law mediators are trained as "mediators," a legal term defined in Black's Law Dictionary as a "neutral third person who helps disputing parties to reach an agreement."

III. Effect of Proposed Changes:

This committee substitute adds "marriage and relationship skill-based education" to the list of topics which must be covered in the life management skills course required under s. 232.246, F.S.

The bill provides that a man and woman desiring to marry *may*, together or separately, complete a premarital education course. If they do so, and obtain a certificate of completion from the provider of the course, they may present that certificate at the time of requesting their marriage license and receive \$32.50 off the marriage license fee. The statutorily established fee is \$88.50.

The 4-hour course must instruct couples in the following:

- Conflict management;
- Communication skills;
- Financial responsibility;
- Children and parenting responsibilities; and
- Typically encountered sources of marital discord as based upon the reports of couples who have sought marital counseling in the past.

The course must be paid for by the applicant and must be conducted by either:

- A psychologist licensed under ch. 490, F.S.;
- A clinical social worker licensed under ch. 419, F.S.;
- A marriage and family therapist licensed under ch. 419, F.S.;
- A mental health counselor licensed under ch. 419, F.S.;

- An official representative of a religious organization recognized under s. 496.404(20), F.S.;
- or
- Any other provider designated by a particular circuit court as qualified.

Circuit courts are required to maintain and update rosters of approved course providers, including those who offer the course for free or on a sliding scale. These courses shall be reviewed by researchers from the Florida State University Center for Marriage and Family.

This bill establishes that premarital preparation pilot programs shall be created by the Florida State University Center for Marriage and Family. The pilot programs will be based upon statistical information obtained by researchers from the Center.

Under the bill, a couple may not receive their marriage license unless they attest whether they have completed a premarital education course and other information determined by the researchers from the Marriage and Family Therapy Center at Florida State University to be necessary in order to effectively document information for follow up purposes.

The bill requires couples desiring to divorce who have minor children to take a parenting course. These courses are directed at educating, training, and assisting divorcing parents with regard to the consequences of divorce. A reasonable fee for the course may be collected in order to assure costs are covered.

Persons seeking divorce are required to complete an unsigned anonymous questionnaire which addresses information needed by Florida State University for the purpose of amassing data and which is necessary for researchers to evaluate the success of the bill in terms of the bill's goal of reducing divorce and domestic violence.

The bill charges divorcing couples an additional fee of \$32.50; \$7.50 of the money obtained from this fee will go to the State Treasury for deposit into the Displaced Homemaker Trust Fund and \$25 will go to the Family Courts Trust Fund.

The bill appropriates \$75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for FY 1998-99.

The bill takes effect January 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Issue/Fund	General Revenue		Trust		Local		Total	
	1st Year	Recurring	1st Year	Recurring	1st Year	Recurring	1st Year	Recurring
Displaced Homemaker TF			\$0.2	\$0.4			\$0.2	\$0.4
Family Courts TF			\$0.3	\$0.7			\$0.3	\$0.7
Total			\$0.5	\$1.1			\$0.5	\$1.1

* Insignificant

** Indeterminate

This bill provides for a lower marriage license fee for couples who complete a premarital preparation course. If 20 percent of marrying couples choose to complete the course the bill will reduce revenue from marriage licenses to the Displaced Homemaker Trust Fund by \$0.2 million and the Family Courts Trust Fund by \$0.8 million. The bill also provides an increase in the fee for dissolution of marriage. Total dissolutions of marriage in Florida in 1996 were 77,750; at that level this bill will increase revenue to the Displaced Homemaker Trust Fund by \$0.6 million and to the Family Courts Trust Fund by \$1.9 million. The net effect of these changes is \$0.4 million increase in the Displaced Homemaker Trust Fund and \$0.7 million increase in the Family Courts Trust Fund. Because the bill has a January 1, 1999 effective date, the first year impact will be one-half the recurring impact.

B. Private Sector Impact:

The bill provides for a decrease of \$32.50 in the marriage license fee if the applicant takes the provided course. If a couple chooses not to take a course, it becomes subject to a 3-day waiting period before the license may be issued. Divorcing couples are charged \$32.50 more when filing for dissolution of marriage.

C. Government Sector Impact:

The bill requires circuit courts to maintain a roster of premarital course providers in the area. In addition, such rosters must list providers who offer the course for free or on a sliding

scale, if any. No funds are provided by the bill to assist the circuits in doing so and it is not clear that this cost may be paid for from course fees. The bill also does not require course providers to register with the circuit court, so it is not clear how this information will be obtained by the court in preparation of the roster.

The bill appropriates \$75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for FY 1998-99.

VI. Technical Deficiencies:

The FSU Center for Marriage and Family is required to review different premarital preparation courses, but providers of these courses are not required to provide information about their courses to the Center. Since any licensed psychologist, clinical social worker, marriage and family therapist, licensed mental health counsel, clergy person, or other provider designated by the circuit court may provide these courses, it is not clear how the center will review particular courses and determine their efficacy.

VII. Related Issues:

None.

VIII. Amendments:

None.