

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1163 The Florida Marriage Handbook

**SPONSOR(S):** Healthy Families Subcommittee; Baxley

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthy Families Subcommittee	7 Y, 5 N, As CS	McElroy	Schoolfield
2) Appropriations Committee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

This bill creates a new statutory section (s. 741.0307) which provides for the formation of the Marriage Education Committee (Committee) and the creation of the Florida Marriage Handbook (Handbook). The Handbook will provide information relating to resources, information, and skills to help couples have a healthy and successful marriage. The Committee shall consist of six marriage education and family advocates and shall be responsible for raising the funds for the creation and distribution of the Handbook. Members of the Committee shall be appointed by September 1, 2013. Each appointee shall serve for a one-year term or until the completion of the creation of the Handbook, whichever is earlier. The Committee is reconstituted every 10 years thereafter to review and update the contents of the Handbook.

The bill provides content that the Committee may include in the Handbook, such as:

- Resources dealing with conflict resolution, communication skills, family expectations, financial responsibilities and management, domestic violence resources and children and parenting responsibilities.
- Current information from marriage education and family advocates which is intended to assist couples 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 toward dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist couples.

The Committee is established within the Department of Children and Families for administrative purposes only.

The bill is not anticipated to have a fiscal impact on state and local government.

The bill has an effective date of July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

According to the Center for Disease Control and Prevention, approximately 50 percent of marriages in the United States end in either divorce or annulment.<sup>1</sup> Florida's divorce rate is higher than the national average (60 percent) and ranks amongst the top ten highest rates in the nation.<sup>2</sup> Numerous studies indicate that divorce has a detrimental impact on children; however, the length and severity of this impact is debated amongst the experts. Additionally, studies have indicated that the public indirectly benefits from strong marriages in the form of lower crime rates and lower economic costs.<sup>3</sup> One study has estimated that the yearly public cost of divorce is \$112 billion nationally with Florida contributing approximately \$2 billion of the total amount.<sup>4</sup>

Research has indicated that premarital preparation can be effective in supporting healthy marriages and reducing divorce.<sup>5</sup> Premarital counseling has been defined as the process designed to enhance and enrich premarital relationships leading to more satisfactory and stable marriages with the intended consequence to prevent divorce.<sup>6</sup> Although programs differ, typical goals of premarital counseling include: 1) easing the transition from single to married life, 2) increasing couple stability and satisfaction for the short and long term, 3) enhancing the communication skills of the couple; and; 4) enhancing problem-solving and decision-making skills in such areas as marital roles and finances.<sup>7</sup>

Florida has taken several steps related to promoting healthy marriages. In 1998, the Legislature enacted the "Marriage Preparation and Preservation Act of 1998 (Act) which included a law creating a family law handbook.<sup>8</sup> The family law handbook explains portions of Florida law pertaining to the rights and responsibilities of marital partners to each other and their children, both during the marriage and upon dissolution.<sup>9</sup> The family law handbook is created by the Family Law Section of The Florida Bar and must be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court.<sup>10</sup> The family law handbook may include, but is not limited to, the following information:

- Prenuptial agreements;
- Shared parental responsibility for children;
- Permanent relocation restrictions on parents with primary residential responsibility;
- Child support for minor children;
- Property rights, including equitable distribution, special equity, premarital property, and non-marital property;
- Alimony;
- Domestic violence and child abuse and neglect;
- Court process for dissolution with or without legal assistance;
- Parent education course requirements for divorcing parents with children;

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<sup>1</sup> Centers for Disease Control and Prevention- National Marriage and Divorce Rate Trends for the United States, 2000-2011.

<sup>2</sup> CDC/National Center for Health Statistics, National Vital Statistics System- Marriage Rates by State 1990, 1995 and 1999-2011. CDC/National Center for Health Statistics, National Vital Statistics System- Divorce Rates by State 1990, 1995 and 1999-2011.

<sup>3</sup> *The Taxpayer Cost of Divorce and Unwed Childbearing*. Benjamin Scafidi, Ph.D.

<sup>4</sup> *Id.* According to the study, Florida ranks sixth highest in the nation for the yearly public cost of divorce.

<sup>5</sup> Stahmann, Robert, 2000 *Premarital counseling- a focus for family therapy*. *Journal of Family Therapy*, Volume 22(1), 104-116.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Chapter 98-403, s. 7, Laws of Fla., codified in Section 741.0306, F.S.

<sup>9</sup> Section 741.0306(1), F.S.

<sup>10</sup> *Id.*

- Community resources that are available for separating or divorcing persons and their children; and
- Women's rights specified in the Battered Women's Bill of Rights.<sup>11</sup>

### **Effects of the Bill**

The bill provides for the formation of the Marriage Education Committee (Committee) which has the responsibility for the creation and review of the Florida Marriage Handbook (Handbook). The Committee shall consist of six marriage education and family advocates appointed as follows:

- Two advocates appointed by the Governor;
- Two advocates appointed by the President of the Senate; and,
- Two advocates appointed by the Speaker of the House of Representatives.

The Committee shall be appointed by September 1, 2013. Each appointee shall serve for one year, or until completion of the creation of the Handbook, whichever is earlier. The Committee shall submit the completed Handbook to the Governor, the President of the Senate and the Speaker of the House of Representatives at which time the Committee will be terminated. The Committee is placed within the Department of Children and Family Services for administrative purposes only.

The Committee shall be reconstituted once every ten years to review and update the contents of the Handbook. The Governor, the President of the Senate and the Speaker of the House of Representatives shall each appoint two members to the reconstituted committee. The Committee shall provide a report to the Governor, the President of the Senate and the Speaker of the House of Representatives every ten years, or as soon thereafter as practicable. The report shall explain the changes made to the Handbook and recommend further updates.

The Committee shall raise funds through private sources for the creation and distribution of the Handbook. The Handbook will be made available in both paper and electronic form. The Florida marriage license application will be amended to include an option for applicants to request an electronic version of the Handbook. Additionally, the clerk of the circuit court will make a paper version of the Handbook available to applicants.

The bill states that the following information may be included in the Handbook:

- Resources dealing with conflict resolution, communication skills, family expectations, financial responsibilities and management, domestic violence resources and children and parenting responsibilities.
- Current information from marriage education and family advocates which is intended to assist couples 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 toward dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist couples.

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<sup>11</sup> Section 741.0306(3), F.S.

**B. SECTION DIRECTORY:**

Section 1 creates the Marriage Education Committee and provides for the creation of the Florida Marriage Handbook.

Section 2 provides an effective date of July 1, 2013.

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

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

1. Revenues:

None.

2. 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:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 18, 2013, the Healthy Families Subcommittee adopted a strike-all amendment to HB 1163. The amendment:

- Clarifies the requirements for the creation, termination and reconstitution of the Committee.
- Requires the Committee to raise funds from private sources for the creation and distribution of the Handbook.
- Requires that the paper form of the Handbook be made available by the clerk of the circuit court upon application for a marriage license.
- Amends the marriage license application to include an option for applicants to request an electronic version of the Handbook.

The bill was reported favorable as a Committee Substitute. The analysis reflects the Committee Substitute.