

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.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/CS/SB 682

INTRODUCER: Judiciary Committee, Children, Families, and Elder Affairs Committee, and Senator Baxley

SUBJECT: Florida Guide to a Healthy Marriage

DATE: February 20, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Elsesser</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 682 creates the Florida Healthy Marriage Handbook, which applicants for marriage licenses must read before a county judge or court clerk issues the applicants a marriage license. The bill specifies the text that the handbook must contain, including information on conflict resolution, budgeting, and child rearing.

II. Present Situation:

Section 741.0306, F.S., requires¹ the Family Law Section of The Florida Bar to create a handbook to explain Florida law as it relates to the rights and responsibilities of marital partners to each other and their children, both during marriage and after divorce. The Family Court Steering Committee and the Florida Supreme Court are required to review the handbook for accuracy. Clerks of circuit courts must make the handbook available to marriage license applicants and are permitted to make the information in the handbook available on videotape or electronic media.

The Family Law Section may update the handbook annually, and the information in the handbook may include explanations of:

- Prenuptial agreements.

¹ The statute compels the Family Law Section of the Florida Bar to act “based on their willingness to undertake this project.” Section 741.0306(1), F.S.

- Shared parental responsibility for children and the determination of a parenting plan, including a time-sharing schedule.
- Permanent relocation restrictions.
- Child support for minor children.
- Property rights, including equitable distribution, premarital property, and nonmarital property.
- Alimony, including temporary, permanent rehabilitative, and lump sum.
- Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting.
- Court processes for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access.
- Parent education course requirements for divorcing parents with children.

Section 741.04(1), F.S., states that county court judge or clerk of the circuit court may not issue a license for the marriage of any person unless the county court judge or clerk of the circuit court is first presented with both of the following:

- A written statement, signed by both parties, which specifies whether the parties, individually or together, have completed a premarital preparation course.
- A written statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306, F.S.

III. Effect of Proposed Changes:

The bill creates the Florida Health Marriage Handbook, which marriage license applicants must read before a county judge or court clerk issues them a marriage license. The bill provides the text which must be contained in the handbook. This includes statements encouraging:

- Mutual respect between marriage partners.
- Freely communicating ideas.
- Resolving conflicts.
- Keeping marriage “vital.”
- Discussing and sharing financial responsibilities (this section also offers budgeting advice).
- Taking responsibility in for raising children.

The bill requires the clerk of the circuit court in each judicial circuit to post an electronic copy of the guide on its website. In addition, if the Marriage Education Committee provides printed copies of the guide to the office of the clerk of the circuit court, the clerk shall make the guide available to marriage license applicants.

The bill amends s. 741.04(4)(b), F.S., to bar county judges or court clerks from issuing marriage licenses unless the applicants present the judge or clerk with a statement verifying that the applicants have read or accessed the information contained in the handbooks created by ss. 741.0306 and 741.0307, F.S.

The bill states that Florida Healthy Marriage Handbook is supplemental to the family Law Handbook created by s. 741.0306, F.S.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families and the Florida Association of Court Clerks have not provided a bill analysis for the bill so any potential fiscal impact is unknown but should be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 741.04, of the Florida Statutes.
This bill creates s. 741.0307, of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on February 19, 2020:

The committee substitute changes the underlying bill by:

- Deleting the language creating a committee to draft the Florida Guide to Health Marriage.
- Creating the Florida Healthy Marriage Handbook and the information required to be contained in the handbook.

CS by Children, Families, and Elder Affairs on January 28, 2020:

- Changes the entities that appoint members to the committee.
- Requires that the membership of the committee is reflective of the ethnic and gender diversity of the state.
- Repeals the section of statute related to the family law handbook and removes the requirement that applicants for a marriage license read it.

- B. **Amendments:**

None.