

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 Children, Families, and Elder Affairs

BILL: SB 682

INTRODUCER: Senator Baxley

SUBJECT: Florida Guide to a Healthy Marriage

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 682 provides for the creation of a Marriage Education Committee (committee) to develop a Florida Guide to a Healthy Marriage (guide) and be housed within the Department of Children and Families (DCF or department) for administrative purposes. The committee will consist of 6 members to be appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. The committee terminates upon completion of the guide and must be reconstituted every 10 years to update the guide. The guide must include:

- Resources regarding conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, 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 toward dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist a marital relationship.

The committee is required to raise funds from private sources to cover costs of design and layout and may raise fund to cover costs of printing and distribution. The clerks of the circuit courts are required to post the guide on its website and distribute printed copies if available.

A county court judge or clerk of the circuit court may not issue a marriage license until the parties to the marriage provide a statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the newly created guide, or some other presentation of information regarding conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, and parenting responsibilities.

The bill may have an insignificant fiscal impact on the state and has an effective date of July 1, 2020.

II. Present Situation:

Current law required the creation of a family law handbook by the Family Law Section of the Florida Bar that contains information related 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.¹ The material contained in the handbook is to be made available by the clerk of the circuit court upon application for a marriage license. The information may also be provided through videotape or other suitable electronic media.

A 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:

Section 1 creates s. 741.0307, F.S., relating to the Marriage Education Committee, to develop a Florida Guide to a Healthy Marriage and be housed within the department for administrative purposes.

- The committee shall consist of six marriage education and family advocates, two of whom shall be appointed by the Governor, two of whom shall be appointed by the President of the Senate, and two of whom shall be appointed by the Speaker of the House of Representatives.
- The committee shall be appointed by September 1, 2020, and the appointees shall each serve a 1-year term or until such time as the Florida Guide to a Healthy Marriage has been created, whichever is earlier. The committee shall submit the completed guide to the Governor, the President of the Senate, and the Speaker of the House of Representatives and terminates with the submission of the guide.
- The committee shall subsequently be reconstituted once every 10 years after July 1, 2020, to review and update the contents of the guide. 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 Florida Guide to a Healthy Marriage shall include, but is not limited to:

¹ Section 741.0306, F.S. The requirement was enacted by the Legislature in 1998. See ch. 98-403, L.O.F.

- Resources regarding conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, 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 toward dissolution.
- Contact information and website links to additional resources and local professional and community services to further assist a marital relationship.

The committee is required to raise funds from private sources to cover the costs of the design and layout. The committee may raise funds from private sources to cover the costs of printing and distributing copies of the guide. The committee will not be required to print or distribute copies of the guide if adequate funds are not raised to cover the costs of printing and distribution.

The clerk of the circuit court in each judicial circuit is required 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 clerk of the circuit court is encouraged to provide a list of course providers and sites where marriage and relationship skill-building classes are available.

The Marriage Education Committee shall review the guide and provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives every 10 years, or as soon thereafter as practicable, detailing changes made to the guide and recommending further updates.

Section 2 amends s. 741.04, F.S., relating to the issuance of a marriage license, to add to the information that must be provided in a written, signed and notarized affidavit to a county court judge or clerk of the circuit court before a license to marry may be issued. The parties also must provide a statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the newly created Florida Guide to a Healthy Marriage, or some other presentation of information regarding conflict management, communication skills, family expectations, financial responsibilities and management, domestic violence resources, and parenting responsibilities.

Section 3 provides an effective date of 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:

- The bill does not repeal the Family Law Handbook created pursuant to s. 741.036, F.S., which could result in parties applying for a marriage license being required to read both the handbook and the guide.
- It appears the committee would be required to both develop the guide and fundraise at the same time.
- Requiring the committee to fundraise may lead to some reluctance to serve on the committee.
- The bill does not provide any information as to the duties of the department related to the committee.
- The bill is unclear on a number of issues related to the raising of private funds.

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

None.

B. **Amendments:**

None.

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