

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/SB 682

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

SUBJECT: Florida Guide to a Healthy Marriage

DATE: February 18, 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>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 Florida Chapter of the National Association of Social Workers, the Florida Family Therapy Association, the Florida Mental Health Counseling Association, the Governor, the President of the Senate and the Speaker of the House of Representatives. Members of the committee must reflect the ethnic and gender diversity of the State. 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 repeals s. 741.0306, F.S., relating to the family law handbook and removes the requirement that applicants for a marriage license read it.

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

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.
- 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.

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.

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, to be appointed by the Florida Chapter of the National Association of Social Workers, the Florida Family Therapy Association, the Florida Mental Health Counseling Association, the Governor, the President of the Senate and the Speaker of the House of Representatives. Members of the committee must reflect the ethnic and gender diversity of the state.
- 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 committee will again consist of 6 members to be appointed by the Florida Chapter of the National Association of Social Workers, the Florida Family Therapy Association, the Florida Mental Health Counseling Association, the Governor, the President of the Senate and the Speaker of the House of Representatives.

The Florida Guide to a Healthy Marriage shall include, but is not limited to:

- 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. It also removes the requirement to read the family law handbook described in s. 741.0306, F.S.

Section 3 repeals s. 741.0306, F.S., related to the family law handbook.

Section 4 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:

- 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.

This bill repeals s. 741.0306, 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 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.