

**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 Children, Families, and Elder Affairs Committee

**BILL:** CS/SB 2306

**INTRODUCER:** Children, Families, and Elder Affairs Committee and Senator Storms

**SUBJECT:** Marriage Education Trust Fund

**DATE:** April 1, 2009                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Walsh	Walsh	CF	<b>Fav/CS</b>
2.	_____	_____	FT	_____
3.	_____	_____	HA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

Senate Bill 2306 creates the Marriage Education Trust Fund (trust fund) within the Executive Office of the Governor (EOG) for the purpose of collecting and disbursing funds generated from an additional marriage license fee. The revenues are to be directed to a grants-in-aid category in the Department of Children and Family Services (DCF) in order to fund marriage education programs.

The bill is tied to SB 2310, which creates an additional marriage license fee of \$100. The additional fee is to be deposited in the trust fund.

The trust fund must be terminated by July 1, 2013, in accordance with s. 19(f), Article III, of the Florida Constitution. Before scheduled termination, it must be reviewed as provided in s. 215.3206, F.S.

This bill creates the following section of the Florida Statutes: s. 741.0101, F.S.

## II. Present Situation:

### Creation and Operation of Trust Funds

A trust fund consists of moneys received by the state, which under law or under trust agreement, are segregated for a purpose authorized by law.<sup>1</sup> Section 19(f), Art. III, of the Florida Constitution, governs the creation of trust funds. This constitutional provision prohibits the creation by law of a trust fund of the state or other public body without a three-fifths vote of the membership of each house of the Legislature. This provision further specifies that a trust fund must be created in a separate bill for that purpose only.

In addition, the Legislature has established criteria governing the establishment of trust funds. Under these criteria, a law creating a trust fund must, at a minimum, specify:

- The name of the trust fund;
- The agency or branch of state government responsible for administering the trust fund;
- The requirements or purposes that the trust fund is established to meet; and
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.<sup>2</sup>

The Chief Financial Officer is directed to invest all the trust funds and all agency funds of each state agency.<sup>3</sup> Under current law, any balance of an appropriation for any given fiscal year that is remaining after lawful expenditures have been charged against it reverts to the fund from which the Legislature appropriated it and shall be available for re-appropriation.<sup>4</sup> Any reversion of appropriations provided from the General Revenue Fund must be transferred to the General Revenue Fund within 15 days after the reversion, unless otherwise provided by federal or state law, including the General Appropriations Act.<sup>5</sup>

State trust funds terminate no more than four years after the effective date of the act that created them, unless they are re-created by the Legislature with a three-fifths vote of the Florida House of Representatives and the Florida Senate.

### Marriage Preparation and Education

During the 1998 Legislative Session, the Legislature passed the "Marriage Preparation and Preservation Act of 1998" in an effort to strengthen marriages, make stronger families, children and communities, and reduce the divorce rate.<sup>6</sup> The Act recommends the completion of a premarital preparation course of not less than four hours taught by a provider who has been approved by the Clerk of the Circuit Court.

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<sup>1</sup> Section 215.32(2)(b)1., F.S.

<sup>2</sup> Section 215.3207, F.S.

<sup>3</sup> Section 17.61, F.S.

<sup>4</sup> Section 216.301(1)(b), F.S.

<sup>5</sup> Section 216.301(1)(c), F.S.

<sup>6</sup> Chapter 98-403, Laws of Florida.

The course may be completed by personal instruction or by video/electronic instruction. Providers must furnish a certificate of completion at the conclusion of the course. For those couples who voluntarily complete this premarital preparation course, the state offers a reduction in the marriage license fee of \$32.50.<sup>7</sup> For those couples who do not complete the course, the Clerks of Court remit the \$32.50 to the Department of Revenue for disbursement as follows: \$7.50 for deposit in the Displaced Homemaker Trust Fund, and \$25.00 for deposit in the General Revenue Fund.<sup>8</sup>

### III. **Effect of Proposed Changes:**

SB 2306 creates the Marriage Education Trust Fund within EOG for the purpose of collecting and disbursing funds generated from an additional marriage license fee. The revenues are to be directed to a grants-in-aid category in DCF in order to fund marriage education programs.

The bill is tied to SB 2310, which creates an additional marriage license fee of \$100. The additional fee is to be deposited in the trust fund.

The trust fund must be terminated by July 1, 2013, in accordance with s. 19(f), Article III, of the Florida Constitution. Before scheduled termination, it must be reviewed as provided in s. 215.3206, F.S.

The bill provides an effective date of July 1, 2009, if SB 2310 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

### IV. **Constitutional Issues:**

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

The provisions of this bill are directly affected by the trust fund restrictions under the requirements of Article III, Section 19(f) of the Florida Constitution. The bill is a separate bill, contains the necessary sunset provision, and meets other constitutional requirements, and as such, will require a three-fifths vote for adoption.

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<sup>7</sup> Section 741.0305, F.S.

<sup>8</sup> Section 741.01(5), F.S.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. 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 April 1, 2009**

The Committee Substitute for SB 2306 includes a clarifying amendment, specifying the number of the linked Senate bill, SB 2310.

## B. Amendments:

None.