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LEGISLATIVE ACTION

Senate

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House

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Senator Benacquisto moved the following:

1           **Senate Amendment to House Amendment (923493) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 44

5 and insert:

6           Section 1. Section 741.04, Florida Statutes, is amended to  
7 read:

8           (Substantial rewording of section. See

9           s. 741.04, F.S., for present text.)

10           741.04 Issuance of marriage license.—

11           (1) A county court judge or clerk of the circuit court may



756720

12 not issue a license to marry to any person younger than 18 years  
13 of age, unless:

14 (a) The person is at least 17 years of age and provides the  
15 written consent of his or her parents or legal guardian, which  
16 is acknowledged by an officer authorized by law to take  
17 acknowledgements and administer oaths; and

18 (b) The older party to the marriage is not more than 2  
19 years older than the younger party to the marriage.

20 (2) A county court judge or clerk of the circuit court may  
21 not issue a license to marry until the parties to the marriage  
22 file with the county court judge or clerk of the court a written  
23 and signed affidavit, made and subscribed before a person  
24 authorized by law to administer an oath, which provides:

25 (a) The social security number or any other available  
26 identification number for each person.

27 (b) The respective ages of the parties.

28 (3) The submission of social security numbers as provided  
29 in this section is intended to support the federal Personal  
30 Responsibility and Work Opportunity Reconciliation Act of 1996.  
31 The state has a compelling interest in promoting not only  
32 marriage, but also responsible parenting, which may include the  
33 payment of child support. Any person who has been issued a  
34 social security number shall provide that number in satisfying  
35 the requirement in subsection (2). Social security numbers or  
36 other identification numbers obtained under this section may be  
37 used only for the purposes of administration in Title IV-D child  
38 support enforcement cases.

39 (a) Any person who is not a citizen of the United States  
40 may provide either a social security number or an alien



756720

41 registration number issued by the United States Bureau of  
42 Citizenship and Immigration Services.

43 (b) Any person who is not a citizen of the United States  
44 and who has not been issued a social security number or an alien  
45 registration number is encouraged to provide another form of  
46 identification.

47  
48 This subsection does not prohibit a county court judge or clerk  
49 of the circuit court from issuing a marriage license to  
50 individuals who are not citizens of the United States if one or  
51 both of them are unable to provide a social security number, an  
52 alien registration number, or another identification number.

53 (4) A county court judge or clerk of the circuit court may  
54 not issue a license for the marriage of any person unless the  
55 county court judge or clerk of the circuit court is first  
56 presented with both of the following:

57 (a) A written statement, signed by both parties, which  
58 specifies whether the parties, individually or together, have  
59 completed a premarital preparation course.

60 (b) A written statement that verifies that both parties  
61 have obtained and read or otherwise accessed the information  
62 contained in the handbook or other electronic media presentation  
63 of the rights and responsibilities of parties to a marriage  
64 specified in s. 741.0306.

65 (5) If a couple does not submit to the clerk of the circuit  
66 court valid certificates of completion of a premarital  
67 preparation course, the clerk shall delay the effective date of  
68 the marriage license by 3 days from the date of application, and  
69 the effective date must be printed on the marriage license in



756720

70 bold type. If a couple submits valid certificates of completion  
71 of a premarital preparation course, the effective date of the  
72 marriage license may not be delayed. The clerk shall grant  
73 exceptions to the delayed effective date requirement to non-  
74 Florida residents and to couples asserting hardship. Marriage  
75 license fee waivers are available to all eligible couples. A  
76 county court judge issuing a marriage license may waive the  
77 delayed effective date requirement for Florida residents who  
78 demonstrate good cause.

79 Section 2. Section 741.0405, Florida Statutes, is repealed.

80 Section 3. Section 741.05, Florida Statutes, is amended to  
81 read:

82 741.05 Penalty for violation of ss. 741.03, 741.04(2)  
83 741.04(1).—Any county court judge, clerk of the circuit court,  
84 or other person who violates s. 741.03 or s. 741.04(2) commits  
85 shall violate any provision of ss. 741.03 and 741.04(1) shall be  
86 guilty of a misdemeanor of the first degree, punishable as  
87 provided in s. 775.082 or s. 775.083.

88  
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 51 - 57

92 and insert:

93 An act relating to marriage licenses; amending s.  
94 741.04, F.S.; providing that a marriage license may  
95 not be issued to a person under the age of 18 years  
96 except under certain circumstances; requiring parties  
97 to a marriage to file a written and signed affidavit  
98 with the county court judge or clerk of the circuit



756720

99 court before the judge or clerk may issue a marriage  
100 license; requiring such affidavit to include certain  
101 information; providing legislative intent; requiring  
102 each party to a marriage to provide his or her social  
103 security number or an alien registration number for  
104 purposes of child support enforcement; prohibiting a  
105 judge or clerk from issuing a marriage license unless  
106 he or she is presented with certain written  
107 statements; providing that the effective date of a  
108 marriage license must be delayed by 3 days if the  
109 parties to the marriage have not submitted valid  
110 certificates of completion of a premarital preparation  
111 course; providing exceptions; repealing s. 741.0405,  
112 F.S., relating to the issuance of marriage licenses to  
113 persons under 18 years of age; amending s. 741.05,  
114 F.S.; clarifying that a county court judge or clerk of  
115 a circuit court commits a misdemeanor if he or she  
116 issues a blank marriage license or if he or she issues  
117 a marriage license without obtaining the ages and  
118 identification numbers of the parties; conforming  
119 cross-references; providing