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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

(Substantial rewording of section. See
s. 741.04, F.S., for present text.)

741.04 Issuance of marriage license.—

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



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11 not issue a license to marry to any person younger than 18 years
12 of age.

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

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

20 (b) The respective ages of the parties.

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

32 (a) Any person who is not a citizen of the United States
33 may provide either a social security number or an alien
34 registration number issued by the United States Bureau of
35 Citizenship and Immigration Services.

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



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41 This subsection does not prohibit a county court judge or clerk
42 of the circuit court from issuing a marriage license to
43 individuals who are not citizens of the United States if one or
44 both of them are unable to provide a social security number, an
45 alien registration number, or another identification number.

46 (4) A county court judge or clerk of the circuit court may
47 not issue a license for the marriage of any person unless the
48 county court judge or clerk of the circuit court is first
49 presented with both of the following:

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

53 (b) A written statement that verifies that both parties
54 have obtained and read or otherwise accessed the information
55 contained in the handbook or other electronic media presentation
56 of the rights and responsibilities of parties to a marriage
57 specified in s. 741.0306.

58 (5) If a couple does not submit to the clerk of the circuit
59 court valid certificates of completion of a premarital
60 preparation course, the clerk shall delay the effective date of
61 the marriage license by 3 days from the date of application, and
62 the effective date must be printed on the marriage license in
63 bold type. If a couple submits valid certificates of completion
64 of a premarital preparation course, the effective date of the
65 marriage license may not be delayed. The clerk shall grant
66 exceptions to the delayed effective date requirement to non-
67 Florida residents and to couples asserting hardship. Marriage
68 license fee waivers are available to all eligible couples. A



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69 county court judge issuing a marriage license may waive the
70 delayed effective date requirement for Florida residents who
71 demonstrate good cause.

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

73 Section 3. Section 741.05, Florida Statutes, is amended to
74 read:

75 741.05 Penalty for violation of ss. 741.03, 741.04(2)
76 ~~741.04(1)~~.—Any county court judge, clerk of the circuit court,
77 or other person who violates ~~shall violate~~ any provision of ss.
78 741.03 and 741.04(2) commits ~~741.04(1) shall be guilty of~~ a
79 misdemeanor of the first degree, punishable as provided in s.
80 775.082 or s. 775.083.

81 Section 4. This act shall take effect July 1, 2018.

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83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete everything before the enacting clause
86 and insert:

87 A bill to be entitled
88 An act relating to marriage licenses; amending s.
89 741.04, F.S.; providing that a marriage license may
90 not be issued to a person under the age of 18 years;
91 requiring parties to a marriage to file a written and
92 signed affidavit with the county court judge or clerk
93 of the circuit court before the judge or clerk may
94 issue a marriage license; requiring such affidavit to
95 include certain information; providing legislative
96 intent; requiring each party to a marriage to provide
97 his or her social security number or an alien



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98 registration number for purposes of child support
99 enforcement; prohibiting a judge or clerk from issuing
100 a marriage license unless he or she is presented with
101 certain written statements; providing that the
102 effective date of a marriage license must be delayed
103 by 3 days if the parties to the marriage have not
104 submitted valid certificates of completion of a
105 premarital preparation course; providing exceptions;
106 repealing s. 741.0405, F.S., relating to the issuance
107 of marriage licenses to persons under 18 years of age;
108 amending s. 741.05, F.S.; conforming cross-references;
109 providing an effective date.