

By Senator Brown-Waite

10-845A-02

1 A bill to be entitled
2 An act relating to marriage licenses; amending
3 s. 741.04, F.S.; requiring that, for purposes
4 of obtaining a marriage license, a person who
5 is not a citizen of the United States and who
6 does not have a social security number or alien
7 registration number must present a valid
8 passport and, under certain circumstances, a
9 valid visa; eliminating provisions authorizing
10 a county court judge or clerk of the circuit
11 court to issue a marriage license to
12 noncitizens if one or both of the parties are
13 unable to provide the required identification;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (1) of section 741.04, Florida
19 Statutes, is amended to read:

20 741.04 Marriage license issued.--

21 (1) No county court judge or clerk of the circuit
22 court in this state shall issue a license for the marriage of
23 any person unless there shall be first presented and filed
24 with him or her an affidavit in writing, signed by both
25 parties to the marriage, providing the social security numbers
26 or any other available identification numbers of each party,
27 made and subscribed before some person authorized by law to
28 administer an oath, reciting the true and correct ages of such
29 parties; unless both such parties shall be over the age of 18
30 years, except as provided in s. 741.0405; and unless one party
31 is a male and the other party is a female. Pursuant to the

1 federal Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996, each party is required to provide
3 his or her social security number in accordance with this
4 section. The state has a compelling interest in promoting not
5 only marriage but also responsible parenting, which may
6 include the payment of child support. Any person who has been
7 issued a social security number shall provide that number.
8 Disclosure of social security numbers or other identification
9 numbers obtained through this requirement shall be limited to
10 the purpose of administration of the Title IV-D program for
11 child support enforcement. Any person who is not a citizen of
12 the United States may provide either a social security number
13 or an alien registration number if one has been issued by the
14 United States Immigration and Naturalization Service. Any
15 person who is not a citizen of the United States and who has
16 not been issued a social security number or an alien
17 registration number must ~~is encouraged to~~ provide a valid,
18 current, and unexpired passport and, when required by federal
19 law, a valid visa ~~another form of identification. Nothing in~~
20 ~~this subsection shall be construed to mean that a county court~~
21 ~~judge or clerk of the circuit court in this state shall not~~
22 ~~issue a marriage license to individuals who are not citizens~~
23 ~~of the United States if one or both of the parties are unable~~
24 ~~to provide a social security number, alien registration~~
25 ~~number, or other identification number.~~

26 Section 2. This act shall take effect upon becoming a
27 law.

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SENATE SUMMARY

Requires that a person who is not a citizen of the United States and who does not have a social security number or alien registration number to provide a valid passport and, if required by federal law, a valid visa to the county court judge or clerk of the circuit court in order to obtain a marriage license. Eliminates provisions allowing a judge or clerk of court to issue a marriage license to individuals who are not citizens of the United States and who do not provide the required identification.