

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1495

Marriage Licenses

SPONSOR(S): Arza

TIED BILLS: None.

IDEN./SIM. BILLS: SB 2536

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Civil Justice Committee</u>	<u>4 Y, 0 N</u>	<u>Shaddock</u>	<u>Bond</u>
2) <u>Future of Florida's Families Committee</u>	<u>5 Y, 1 N</u>	<u>Preston</u>	<u>Collins</u>
3) <u>Justice Council</u>	<u>10 Y, 0 N</u>	<u>Shaddock</u>	<u>De La Paz</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law provides two different avenues for a minor to be granted a marriage license:

- Any minor 16 or 17 years of age may marry with the consent of the minor's parents or legal guardian; or
- Any minor of any age may marry if the female is pregnant or has given birth, the potential groom is the father of the child, and a judge, in his or her discretion, grants permission to marry. This provision does not require notice to, or the consent of, the parents or guardian of the minor.

This bill eliminates the provisions allowing a court to grant a marriage license to a minor, thereby limiting the legal authority of a minor to marry to only those minors 16 or 17 years of age who obtain the consent of the minor's parents or legal guardian.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower families -- This bill affects the ability of a minor to marry.

Safeguard individual liberty -- This bill decreases the individual liberty of certain minors to marry without parental consent.

B. EFFECT OF PROPOSED CHANGES:

Current Law

Section 741.0405, F.S., provides a method by which minors may obtain a marriage license. If either of the parties seeking to be married is under the age of 18 but at least 16, the issuing authority¹ must issue a marriage license if there is a written consent of the parents or guardian of the minor, acknowledged before some officer authorized by law to take acknowledgments and administer oaths. The license must be issued without parental consent when both parents of the minor are deceased at the time of application or when the minor has been married previously.

Current law authorizes a county judge, in his or her discretion, to issue a marriage license without parental consent in limited circumstances. A county court judge may issue a license to any male or female under 18, when both parties swear under oath that they are the parents of a child. When the pregnancy is verified by the written statement of a physician, the county court judge may issue a marriage license:

- To any male or female under 18 upon a sworn application of both parties that they are the expectant parents; or
- To any female under 18 and male over 18 upon the female's sworn application that she is an expectant parent.

These exceptions too would permit a minor under 16, with or without the consent of the parents, to be issued a marriage license.

Effect of Bill

The bill provides that no marriage license will be granted to any person under 16 with or without the parents consent. Further, this bill eliminates the provisions allowing a court to issue a license without parental consent when one or both parties swear under oath that they are parents of a child or when the pregnancy is verified by a physician's statement.

C. SECTION DIRECTORY:

Section 1 amends s. 741.0405, F.S., by deleting provisions authorizing a court to issue a marriage license in certain circumstances.

Section 2 provides for an effective date of July 1, 2006.

¹ The issuing authority is either a county court judge or clerk of the circuit court.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

It is expected that so few minors under 16 marry that this bill is not expected to have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.