

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1279 Marriage of Minors  
**SPONSOR(S):** Stafford  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 1498

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N	Cary	Bond
2) Healthy Families Subcommittee	11 Y, 0 N	Entress	Brazzell
3) Judiciary Committee	19 Y, 0 N	Cary	Havlicak

### SUMMARY ANALYSIS

Under current law, a minor can marry if he or she is at least 16 years of age and if the parents or guardian of the minor consent in writing; if both parents are deceased; or if the minor has previously been married. In addition, a minor of any age can marry if the marriage is approved by a county court judge and the female is pregnant or has given birth.

This bill prohibits any person under the age of 16 from marrying.

This bill may have a minimal fiscal impact on state revenues. This bill does not appear to have a local government impact.

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Under current law, a minor may be married if he or she is at least 16 years of age if the parents or guardian of the minor consents in writing.<sup>1</sup> If a minor of at least 16 years of age has been previously married, no parental consent is required. Likewise, if both parents of a minor of at least 16 years of age are deceased, no parental consent is required.<sup>2</sup>

A county court judge may, in his or her discretion, issue a marriage license to a minor without parental consent under two specific circumstances:

- Upon application of both parties sworn under oath that they are the parents of a child;<sup>3</sup> or
- When a pregnancy is verified by the written statement of a licensed physician and the minor female (or both the male and the female, if both are minors) swears under oath that she is an expectant parent.<sup>4</sup>

There is currently no age limitation when the minor is a parent or expectant parent.

Florida is one of many states that allow marriage below the age of 16 with certain statutory requirements, including pregnancy, parental, and/or judicial consent. Only 13 states and the District of Columbia appear to prohibit marriage under the age of 16 in all cases: Alabama, Illinois, Iowa, Kentucky, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, Utah, Vermont, Wisconsin.<sup>5</sup> All other states appear to currently allow marriage under the age of 16 under some circumstances.<sup>6</sup>

In 2013, 9 marriages in Florida involved a person under the age of 16.<sup>7</sup> In 2012, 16 marriages involved a person under the age of 16. The youngest person to be married during those years was a 13-year-old groom.<sup>8</sup>

##### Effect of the Bill

The bill prohibits marriage by a minor under the age of 16.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 741.0405, F.S., relating to when a marriage license may be issued to persons under 18 years.

**Section 2:** Provides an effective date of July 1, 2014.

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<sup>1</sup> Section 741.0405(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 741.0405(2), F.S.

<sup>4</sup> Section 741.0405(3), F.S.

<sup>5</sup> See the Cornell University Marriage Laws database at [http://www.law.cornell.edu/wex/table\\_marriage](http://www.law.cornell.edu/wex/table_marriage) (last viewed March 13, 2013).

<sup>6</sup> *Id.*

<sup>7</sup> Email correspondence with the Bureau of Vital Statistics, March 19, 2014 (on file with the Civil Justice Subcommittee).

<sup>8</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill may have a minor impact on state revenues. See Fiscal Comments section below.

#### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

### D. FISCAL COMMENTS:

A marriage license costs \$93.50, \$32 of which goes to the county clerk of courts,<sup>9</sup> \$25 of which goes to General Revenue,<sup>10</sup> \$4 of which goes to the state Department of Health,<sup>11</sup> \$25 of which goes to a domestic violence trust fund,<sup>12</sup> and \$7.50 of which goes to a displaced homemaker trust fund.<sup>13</sup> If the couple takes a premarital preparation course, the fee is reduced by \$32.50, so that the state does not collect \$25 into General Revenue or \$7.50 for the displaced homemaker trust fund.<sup>14</sup>

The Department of Health maintains marriage statistics at the Bureau of Vital Statistics. In 2013, 9 marriages in Florida involved a person under the age of 16. In 2012, 16 marriages involved a person under the age of 16.<sup>15</sup> Had the bill been enacted prior to 2012, if none of the licenses' cost were reduced by taking the premarital preparation course, this would have resulted in a reduction of \$225 in general revenue collections in 2013 and \$400 in general revenue collections in 2012 and a reduction of \$67.50 and \$120 into the displaced homemaker trust fund. Likewise, the bill would have resulted in reduced collections of \$288 and \$512 statewide by the various clerks of court, \$36 and \$64 by the Department of Health, and \$225 and \$400 less deposited into the domestic violence trust fund.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

The 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.

<sup>9</sup> Sections 28.24(23) and 741.01(1), F.S.

<sup>10</sup> Section 741.01(4), F.S.

<sup>11</sup> Section 741.02, F.S.

<sup>12</sup> Section 741.01(2), F.S.

<sup>13</sup> Section 741.01(3), F.S.

<sup>14</sup> Section 741.01(5), F.S.

<sup>15</sup> Email correspondence with the Bureau of Vital Statistics, March 17, 2014 (on file with the Civil Justice Subcommittee).

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.