

By Senator Campbell

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1 A bill to be entitled
 2 An act relating to marriage licenses; amending s.
 3 741.0305, F.S.; requiring a couple that intends to
 4 apply for a marriage license to complete, together or
 5 separately, a premarital preparation course;
 6 conforming a provision to changes made by the act;
 7 amending s. 741.04, F.S.; removing a prohibition
 8 preventing a county court judge or clerk of the
 9 circuit court from issuing a marriage license to a
 10 couple unless one party to the marriage is a male and
 11 the other party is a female; making technical changes;
 12 repealing s. 741.212, F.S.; deleting a prohibition on
 13 recognizing marriages between persons of the same sex;
 14 deleting a prohibition on giving effect to marriages
 15 between persons of the same sex; deleting a provision
 16 interpreting the terms "marriage" and "spouse";
 17 reenacting and amending s. 741.05, F.S., relating to a
 18 penalty for violating specified provisions; making
 19 technical changes; providing a directive to the
 20 Division of Law Revision and Information; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (1) of section 741.0305, Florida
 26 Statutes, is amended to read:

27 741.0305 Marriage fee reduction for completion of
 28 premarital preparation course.—

29 (1) A couple that intends ~~man and a woman who intend~~ to

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30 apply for a marriage license under s. 741.04 must ~~may~~, together
31 or separately, complete a premarital preparation course of not
32 less than 4 hours. Each individual shall verify completion of
33 the course by filing with the application a valid certificate of
34 completion from the course provider, which certificate shall
35 specify whether the course was completed by personal
36 instruction, videotape instruction, instruction via other
37 electronic medium, or a combination of those methods. All
38 individuals who complete a premarital preparation course
39 pursuant to this section must be issued a certificate of
40 completion at the conclusion of the course by their course
41 provider. Upon furnishing such certificate when applying for a
42 marriage license, the individuals shall have their marriage
43 license fee reduced by \$32.50.

44 Section 2. Subsection (1) of section 741.04, Florida
45 Statutes, is amended to read:

46 741.04 Marriage license issued.-

47 (1) A ~~No~~ county court judge or clerk of the circuit court
48 in this state may not ~~shall~~ issue a license for the marriage of
49 any person unless the parties to the marriage ~~there shall be~~
50 first present and file ~~presented and filed~~ with him or her an
51 affidavit in writing, signed by both parties to the marriage,
52 providing the social security numbers or any other available
53 identification numbers of each party, made and subscribed before
54 a ~~some~~ person authorized by law to administer an oath, reciting
55 the true and correct ages of such parties; and unless both such
56 parties are ~~shall be~~ over the age of 18 years, except as
57 provided in s. 741.0405; ~~and unless one party is a male and the~~
58 ~~other party is a female~~. Pursuant to the federal Personal

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59 Responsibility and Work Opportunity Reconciliation Act of 1996,
60 each party is required to provide his or her social security
61 number in accordance with this section. The state has a
62 compelling interest in promoting not only marriage but also
63 responsible parenting, which may include the payment of child
64 support. Any person who has been issued a social security number
65 shall provide that number. Disclosure of social security numbers
66 or other identification numbers obtained through this
67 requirement is ~~shall be~~ limited to the purpose of administration
68 of the Title IV-D program for child support enforcement. Any
69 person who is not a citizen of the United States may provide
70 either a social security number or an alien registration number
71 if one has been issued by the United States Bureau of
72 Citizenship and Immigration Services. Any person who is not a
73 citizen of the United States and who has not been issued a
74 social security number or an alien registration number is
75 encouraged to provide another form of identification. Nothing in
76 this subsection may ~~shall~~ be construed to mean that a county
77 court judge or clerk of the circuit court in this state may
78 ~~shall~~ not issue a marriage license to individuals who are not
79 citizens of the United States if one or both of the parties are
80 unable to provide a social security number, alien registration
81 number, or other identification number.

82 Section 3. Section 741.212, Florida Statutes, is repealed.

83 Section 4. For the purpose of incorporating the amendment
84 made by this act to section 741.04, Florida Statutes, in a
85 reference thereto, section 741.05, Florida Statutes, is
86 reenacted and amended to read:

87 741.05 Penalty for violation of ss. 741.03, 741.04(1).-A

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88 ~~Any~~ county court judge, a clerk of the circuit court, or any
89 other person who violates ~~shall violate~~ any provision of ss.
90 741.03 and 741.04(1) commits ~~shall be guilty of~~ a misdemeanor of
91 the first degree, punishable as provided in s. 775.082 or s.
92 775.083.

93 Section 5. The Division of Law Revision and Information is
94 directed to prepare a reviser's bill for the 2018 Regular
95 Session of the Legislature to change the terms "husband" and
96 "wife" to "spouse," the term "husband and wife" to "spouses,"
97 and the term "husband or wife" to "either spouse" wherever those
98 terms appear in the Florida Statutes.

99 Section 6. This act shall take effect upon becoming a law.