

By Senator Benacquisto

27-00129A-18

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1                                   A bill to be entitled  
2       An act relating to marriage of minors; amending s.  
3       741.0405, F.S.; prohibiting the issuance of a marriage  
4       license to any person under the age of 18 years;  
5       amending s. 741.04, F.S.; conforming a provision to  
6       changes made by the act; providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

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10       Section 1. Section 741.0405, Florida Statutes, is amended  
11       to read:

12       741.0405 ~~When~~ Marriage license may not be issued to persons  
13       under 18 years.-

14       ~~(1) If either of the parties shall be under the age of 18~~  
15       ~~years but at least 16 years of age, the county court judge or~~  
16       ~~clerk of the circuit court shall issue a license for the~~  
17       ~~marriage of such party only if there is first presented and~~  
18       ~~filed with him or her the written consent of the parents or~~  
19       ~~guardian of such minor to such marriage, acknowledged before~~  
20       ~~some officer authorized by law to take acknowledgments and~~  
21       ~~administer oaths. However, the license shall be issued without~~  
22       ~~parental consent when both parents of such minor are deceased at~~  
23       ~~the time of making application or when such minor has been~~  
24       ~~married previously.~~

25       ~~(2) The county court judge of any county in the state may,~~  
26       ~~in the exercise of his or her discretion, issue a license to~~  
27       ~~marry to any male or female under the age of 18 years, upon~~  
28       ~~application of both parties sworn under oath that they are the~~  
29       ~~parents of a child.~~

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30 ~~(3) When the fact of pregnancy is verified by the written~~  
31 ~~statement of a licensed physician, the county court judge of any~~  
32 ~~county in the state may, in his or her discretion, issue a~~  
33 ~~license to marry:~~

34 ~~(a) To any male or female under the age of 18 years upon~~  
35 ~~application of both parties sworn under oath that they are the~~  
36 ~~expectant parents of a child; or~~

37 ~~(b) To any female under the age of 18 years and male over~~  
38 ~~the age of 18 years upon the female's application sworn under~~  
39 ~~oath that she is an expectant parent.~~

40 ~~(4) A No license to marry may not ~~shall~~ be issued ~~granted~~~~  
41 ~~to any person under the age of 18 ~~16~~ years, with or without the~~  
42 ~~consent of the parents, except as provided in subsections (2)~~  
43 ~~and (3).~~

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 there is ~~shall be~~ first presented and filed  
50 with him or her an affidavit in writing, signed by both parties  
51 to the marriage, providing the social security numbers or any  
52 other available identification numbers of each party, made and  
53 subscribed before some person authorized by law to administer an  
54 oath, reciting the true and correct ages of such parties; unless  
55 both ~~such~~ parties shall be over the age of 18 years, ~~except as~~  
56 ~~provided in s. 741.0405,~~ and unless one party is a male and the  
57 other party is a female. Pursuant to the federal Personal  
58 Responsibility and Work Opportunity Reconciliation Act of 1996,

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

81 Section 3. This act shall take effect July 1, 2018.