

By the Committee on Judiciary; and Senators Benacquisto,
Simpson, Book, Hutson, Perry, and Bracy

590-00928-18

2018140c1

1 A bill to be entitled
2 An act relating to marriage licenses; amending s.
3 741.04, F.S.; providing that a marriage license may
4 not be issued to a person under the age of 18 years;
5 requiring parties to a marriage to file a written and
6 signed affidavit with the county court judge or clerk
7 of the circuit court before the judge or clerk may
8 issue a marriage license; requiring such affidavit to
9 include certain information; providing legislative
10 intent; requiring each party to a marriage to provide
11 his or her social security number or an alien
12 registration number for purposes of child support
13 enforcement; prohibiting a judge or clerk from issuing
14 a marriage license unless he or she is presented with
15 certain written statements; providing that the
16 effective date of a marriage license must be delayed
17 by 3 days if the parties to the marriage have not
18 submitted valid certificates of completion of a
19 premarital preparation course; providing exceptions;
20 repealing s. 741.0405, F.S., relating to the issuance
21 of marriage licenses to persons under 18 years of age;
22 amending s. 741.05, F.S.; conforming cross-references;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 741.04, Florida Statutes, is amended to
28 read:

29 (Substantial rewording of section. See

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30 s. 741.04, F.S., for present text.)

31 741.04 Issuance of marriage license.-

32 (1) A county court judge or clerk of the circuit court may
33 not issue a license to marry to any person younger than 18 years
34 of age.

35 (2) A county court judge or clerk of the circuit court may
36 not issue a license to marry until the parties to the marriage
37 file with the county court judge or clerk of the court a written
38 and signed affidavit, made and subscribed before a person
39 authorized by law to administer an oath, which provides:

40 (a) The social security number or any other available
41 identification number for each person.

42 (b) The respective ages of the parties.

43 (3) The submission of social security numbers as provided
44 in this section is intended to support the federal Personal
45 Responsibility and Work Opportunity Reconciliation Act of 1996.
46 The state has a compelling interest in promoting not only
47 marriage, but also responsible parenting, which may include the
48 payment of child support. Any person who has been issued a
49 social security number shall provide that number in satisfying
50 the requirement in subsection (2). Social security numbers or
51 other identification numbers obtained under this section may be
52 used only for the purposes of administration in Title IV-D child
53 support enforcement cases.

54 (a) Any person who is not a citizen of the United States
55 may provide either a social security number or an alien
56 registration number issued by the United States Bureau of
57 Citizenship and Immigration Services.

58 (b) Any person who is not a citizen of the United States

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59 and who has not been issued a social security number or an alien
60 registration number is encouraged to provide another form of
61 identification.

62
63 This subsection does not prohibit a county court judge or clerk
64 of the circuit court from issuing a marriage license to
65 individuals who are not citizens of the United States if one or
66 both of them are unable to provide a social security number, an
67 alien registration number, or another identification number.

68 (4) A county court judge or clerk of the circuit court may
69 not issue a license for the marriage of any person unless the
70 county court judge or clerk of the circuit court is first
71 presented with both of the following:

72 (a) A written statement, signed by both parties, which
73 specifies whether the parties, individually or together, have
74 completed a premarital preparation course.

75 (b) A written statement that verifies that both parties
76 have obtained and read or otherwise accessed the information
77 contained in the handbook or other electronic media presentation
78 of the rights and responsibilities of parties to a marriage
79 specified in s. 741.0306.

80 (5) If a couple does not submit to the clerk of the circuit
81 court valid certificates of completion of a premarital
82 preparation course, the clerk shall delay the effective date of
83 the marriage license by 3 days from the date of application, and
84 the effective date must be printed on the marriage license in
85 bold type. If a couple submits valid certificates of completion
86 of a premarital preparation course, the effective date of the
87 marriage license may not be delayed. The clerk shall grant

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88 exceptions to the delayed effective date requirement to non-
89 Florida residents and to couples asserting hardship. Marriage
90 license fee waivers are available to all eligible couples. A
91 county court judge issuing a marriage license may waive the
92 delayed effective date requirement for Florida residents who
93 demonstrate good cause.

94 Section 2. Section 741.0405, Florida Statutes, is repealed.

95 Section 3. Section 741.05, Florida Statutes, is amended to
96 read:

97 741.05 Penalty for violation of ss. 741.03, 741.04(2)
98 ~~741.04(1)~~.—Any county court judge, clerk of the circuit court,
99 or other person who violates ~~shall violate~~ any provision of ss.
100 741.03 and 741.04(2) commits ~~741.04(1) shall be guilty of~~ a
101 misdemeanor of the first degree, punishable as provided in s.
102 775.082 or s. 775.083.

103 Section 4. This act shall take effect July 1, 2018.