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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 except under certain circumstances; requiring parties
6 to a marriage to file a written and signed affidavit
7 with the county court judge or clerk of the circuit
8 court before the judge or clerk may issue a marriage
9 license; requiring such affidavit to include certain
10 information; providing legislative intent; requiring
11 each party to a marriage to provide his or her social
12 security number or an alien registration number for
13 purposes of child support enforcement; prohibiting a
14 judge or clerk from issuing a marriage license unless
15 he or she is presented with certain written
16 statements; providing that the effective date of a
17 marriage license must be delayed by 3 days if the
18 parties to the marriage have not submitted valid
19 certificates of completion of a premarital preparation
20 course; providing exceptions; repealing s. 741.0405,
21 F.S., relating to the issuance of marriage licenses to
22 persons under 18 years of age; amending s. 741.05,
23 F.S.; clarifying that a county court judge or clerk of
24 a circuit court commits a misdemeanor if he or she
25 issues a blank marriage license or if he or she issues
26 a marriage license without obtaining the ages and
27 identification numbers of the parties; conforming
28 cross-references; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 741.04, Florida Statutes, is amended to
33 read:

34 (Substantial rewording of section. See
35 s. 741.04, F.S., for present text.)

36 741.04 Issuance of marriage license.-

37 (1) A county court judge or clerk of the circuit court may
38 not issue a license to marry to any person younger than 18 years
39 of age, unless:

40 (a) The person is at least 17 years of age and provides the
41 written consent of his or her parents or legal guardian, which
42 is acknowledged by an officer authorized by law to take
43 acknowledgements and administer oaths; and

44 (b) The older party to the marriage is not more than 2
45 years older than the younger party to the marriage.

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

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

53 (b) The respective ages of the parties.

54 (3) The submission of social security numbers as provided
55 in this section is intended to support the federal Personal
56 Responsibility and Work Opportunity Reconciliation Act of 1996.
57 The state has a compelling interest in promoting not only
58 marriage, but also responsible parenting, which may include the

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59 payment of child support. Any person who has been issued a
60 social security number shall provide that number in satisfying
61 the requirement in subsection (2). Social security numbers or
62 other identification numbers obtained under this section may be
63 used only for the purposes of administration in Title IV-D child
64 support enforcement cases.

65 (a) Any person who is not a citizen of the United States
66 may provide either a social security number or an alien
67 registration number issued by the United States Bureau of
68 Citizenship and Immigration Services.

69 (b) Any person who is not a citizen of the United States
70 and who has not been issued a social security number or an alien
71 registration number is encouraged to provide another form of
72 identification.

73
74 This subsection does not prohibit a county court judge or clerk
75 of the circuit court from issuing a marriage license to
76 individuals who are not citizens of the United States if one or
77 both of them are unable to provide a social security number, an
78 alien registration number, or another identification number.

79 (4) A county court judge or clerk of the circuit court may
80 not issue a license for the marriage of any person unless the
81 county court judge or clerk of the circuit court is first
82 presented with both of the following:

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

86 (b) A written statement that verifies that both parties
87 have obtained and read or otherwise accessed the information

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88 contained in the handbook or other electronic media presentation
89 of the rights and responsibilities of parties to a marriage
90 specified in s. 741.0306.

91 (5) If a couple does not submit to the clerk of the circuit
92 court valid certificates of completion of a premarital
93 preparation course, the clerk shall delay the effective date of
94 the marriage license by 3 days from the date of application, and
95 the effective date must be printed on the marriage license in
96 bold type. If a couple submits valid certificates of completion
97 of a premarital preparation course, the effective date of the
98 marriage license may not be delayed. The clerk shall grant
99 exceptions to the delayed effective date requirement to non-
100 Florida residents and to couples asserting hardship. Marriage
101 license fee waivers are available to all eligible couples. A
102 county court judge issuing a marriage license may waive the
103 delayed effective date requirement for Florida residents who
104 demonstrate good cause.

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

106 Section 3. Section 741.05, Florida Statutes, is amended to
107 read:

108 741.05 Penalty for violation of ss. 741.03, 741.04(2)
109 ~~741.04(1)~~.—Any county court judge, clerk of the circuit court,
110 or other person who violates s. 741.03 or s. 741.04(2) commits
111 ~~shall violate any provision of ss. 741.03 and 741.04(1) shall be~~
112 ~~guilty of~~ a misdemeanor of the first degree, punishable as
113 provided in s. 775.082 or s. 775.083.

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