

By the Committees on Rules; and Judiciary; and Senators Benacquisto, Simpson, Book, Hutson, Perry, Bracy, Torres, Rodriguez, Campbell, Taddeo, Baxley, and Farmer

595-02011-18

2018140c2

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.; clarifying that a county
23 court judge or clerk of a circuit court commits a
24 misdemeanor if he or she issues a blank marriage
25 license or if he or she issues a marriage license
26 without obtaining the ages and identification numbers
27 of the parties; conforming cross-references; providing
28 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.

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

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

47 (b) The respective ages of the parties.

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

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59 (a) Any person who is not a citizen of the United States
60 may provide either a social security number or an alien
61 registration number issued by the United States Bureau of
62 Citizenship and Immigration Services.

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

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

73 (4) A county court judge or clerk of the circuit court may
74 not issue a license for the marriage of any person unless the
75 county court judge or clerk of the circuit court is first
76 presented with both of the following:

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

80 (b) A written statement that verifies that both parties
81 have obtained and read or otherwise accessed the information
82 contained in the handbook or other electronic media presentation
83 of the rights and responsibilities of parties to a marriage
84 specified in s. 741.0306.

85 (5) If a couple does not submit to the clerk of the circuit
86 court valid certificates of completion of a premarital
87 preparation course, the clerk shall delay the effective date of

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

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

100 Section 3. Section 741.05, Florida Statutes, is amended to
101 read:

102 741.05 Penalty for violation of ss. 741.03, 741.04(2)
103 ~~741.04(1).~~—Any county court judge, clerk of the circuit court,
104 or other person who violates s. 741.03 or s. 741.04(2) commits
105 ~~shall violate any provision of ss. 741.03 and 741.04(1) shall be~~
106 ~~guilty of~~ a misdemeanor of the first degree, punishable as
107 provided in s. 775.082 or s. 775.083.

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