

## CHAPTER 2018-81

### Committee Substitute for Committee Substitute for Senate Bill No. 140

An act relating to marriage licenses; amending s. 741.04, F.S.; providing that a marriage license may not be issued to a person under the age of 18 years except under certain circumstances; requiring parties to a marriage to file a written and signed affidavit with the county court judge or clerk of the circuit court before the judge or clerk may issue a marriage license; requiring such affidavit to include certain information; providing legislative intent; requiring each party to a marriage to provide his or her social security number or an alien registration number for purposes of child support enforcement; prohibiting a judge or clerk from issuing a marriage license unless he or she is presented with certain written statements; providing that the effective date of a marriage license must be delayed by 3 days if the parties to the marriage have not submitted valid certificates of completion of a premarital preparation course; providing exceptions; repealing s. 741.0405, F.S., relating to the issuance of marriage licenses to persons under 18 years of age; amending s. 741.05, F.S.; clarifying that a county court judge or clerk of a circuit court commits a misdemeanor if he or she issues a blank marriage license or if he or she issues a marriage license without obtaining the ages and identification numbers of the parties; conforming cross-references; providing an effective date.

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

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

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

741.04 Issuance of marriage license.—

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

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

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

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

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

(b) The respective ages of the parties.

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

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

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

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

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

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

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

(5) If a couple does not submit to the clerk of the circuit court valid certificates of completion of a premarital preparation course, the clerk shall delay the effective date of the marriage license by 3 days from the date of application, and the effective date must be printed on the marriage license in bold type. If a couple submits valid certificates of completion of a premarital preparation course, the effective date of the marriage license may not be delayed. The clerk shall grant exceptions to the delayed effective date requirement to non-Florida residents and to couples asserting hardship. Marriage license fee waivers are available to all eligible couples. A county

court judge issuing a marriage license may waive the delayed effective date requirement for Florida residents who demonstrate good cause.

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

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

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

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

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.