

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence

§ 741.07

(1) All regularly ordained ministers of the gospel or elders in communion with some church, or other ordained clergy, and all judicial officers, including retired judicial officers, clerks of the circuit courts, and notaries public of this state may solemnize the rights of matrimonial contract, under the regulations prescribed by law. Nothing in this section shall make invalid a marriage which was solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978. (2) Any marriage which may be had and solemnized among the people called Quakers, or Friends, in the manner and form used or practiced in their societies, according to their rites and ceremonies, shall be good and valid in law; and wherever the words minister and elder are used in this chapter, they shall be held to include all of the persons connected with the Society of Friends, or Quakers, who perform or have charge of the marriage ceremony according to their rites and ceremonies.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.03

It is unlawful for any county court judge or clerk of the circuit court in the state to send out of his or her office any marriage license signed in blank to be issued upon application to persons not in the office of the county court judge or clerk of the circuit court.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.01

(1) Every marriage license shall be issued by a county court judge or clerk of the circuit court under his or her hand and seal. The county court judge or clerk of the circuit court shall issue such license, upon application for the license, if there appears to be no impediment to the marriage. An application for a marriage license must allow both parties to the marriage to state under oath in writing if they are the parents of a child born in this state and to identify any such child they have in common by name, date of birth, place of birth, and, if available, birth certificate number. The name of any child recorded by both parties must be transmitted to the Department of Health along with the original marriage license and endorsements. The county court judge or clerk of the circuit court shall collect and receive a fee of \$2 for receiving the application for the issuance of a marriage license. (2) The fee charged for each marriage license issued in the state shall be increased by the sum of \$25. This fee shall be collected upon receipt of the application for the issuance of a marriage license and remitted by the clerk to the Department of Revenue for deposit in the Domestic Violence Trust Fund. The Executive Office of the Governor shall

establish a Domestic Violence Trust Fund for the purpose of collecting and disbursing funds generated from the increase in the marriage license fee. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers, and the funds shall be appropriated in a grants-in-aid category to the Department of Children and Family Services for the purpose of funding domestic violence centers. From the proceeds of the surcharge deposited into the Domestic Violence Trust Fund as required under s. 938.08, the Executive Office of the Governor may spend up to \$500,000 each year for the purpose of administering a statewide public-awareness campaign regarding domestic violence. (3)Further, the fee charged for each marriage license issued in the state shall be increased by an additional sum of \$7.50 to be collected upon receipt of the application for the issuance of a marriage license. The clerk shall transfer such funds monthly to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund created in s. 446.50. (4)An additional fee of \$25 shall be paid to the clerk upon receipt of the application for issuance of a marriage license. The moneys collected shall be remitted by the clerk to the Department of Revenue, monthly, for deposit in the General Revenue Fund. (5)The fee charged for each marriage license issued in the state shall be reduced by a sum of \$32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of \$7.50 to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of \$25 to the Department of Revenue for deposit in the General Revenue Fund.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.011

An applicant for a marriage license who is unable to pay the fees required under s. 741.01 in a lump sum may make payment in not more than three installments over a period of 90 days. The clerk shall accept installment payments upon receipt of an affidavit that the applicant is unable to pay the fees in a lump-sum payment. Upon receipt of the third or final installment payment, the marriage license application shall be deemed filed, and the clerk shall issue the marriage license to the applicant and distribute the fees as provided in s. 741.01. In the event that the marriage license fee is paid in installments, the clerk shall retain \$1 from the additional fee imposed pursuant to s. 741.01(4), as a processing fee.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.02

Upon the receipt of each application for the issuance of a marriage license, the county court judge or clerk of the circuit court shall, in addition to the fee allowed by s. 741.01, collect and receive an additional fee of \$4, to be distributed as provided by s. 382.022.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence §

741.0305

(1)A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by \$32.50. (2)The premarital preparation course may include instruction regarding: (a)Conflict management. (b)Communication skills. (c)Financial responsibilities. (d)Children and parenting responsibilities. (e)Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling. (3)(a)All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors: 1.A psychologist licensed under chapter 490. 2.A clinical social worker licensed under chapter 491. 3.A marriage and family therapist licensed under chapter 491. 4.A mental health counselor licensed under chapter 491. 5.An official representative of a religious institution which is recognized under s. 496.404(19), if the representative has relevant training. 6.Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free. (b)The costs of such premarital preparation course shall be paid by the applicant. (4)Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods. (5)All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the providers compliance with the premarital preparation course requirements as set forth in this section

and including the course instructors name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

**Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence §
741.0306**

(1)Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution. (2)Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available. (3)The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to: (a)Prenuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship. (b)Shared parental responsibility for children and the determination of a parenting plan, including a time-sharing schedule. (c)Permanent relocation restrictions. (d)Child support for minor children; both parents are obligated for support in accordance with the applicable child support guidelines schedule. (e)Property rights, including equitable distribution, premarital property, and nonmarital property. (f)Alimony, including temporary, permanent rehabilitative, and lump sum. (g)Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting. (h)Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access. (i)Parent education course requirements for divorcing parents with children. (j)Community resources that are available for separating or divorcing persons and their children. (k)Women’s rights specified in the Battered Women’s Bill of Rights. (4)The material contained in such a handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually. (5)The existing family law handbook shall be reviewed and a

report provided to the Legislature by October 1, 2008, or as soon thereafter as practicable, with recommendations for updating the handbook.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.04

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers or any other available identification numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. 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. Disclosure of social security numbers or other identification numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement. Any person who is not a citizen of the United States may provide either a social security number or an alien registration number if one has been issued by the United States Bureau of Citizenship and Immigration Services. 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. Nothing in this subsection shall be construed to mean that a county court judge or clerk of the circuit court in this state shall not issue a marriage license to individuals who are not citizens of the United States if one or both of the parties are unable to provide a social security number, alien registration number, or other identification number. (2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her: (a) A statement in writing, signed by both parties, which specifies whether the parties, separately or together, have completed a premarital preparation course. (b) A 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. (3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall be delayed 3 days from the date of application. The effective date shall

be printed on the marriage license in bold print. If a couple has submitted valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall not be delayed. Exceptions to the delayed effective date must be granted to non-Florida residents seeking a marriage license from the state and for individuals asserting hardship. Marriage license fee waivers shall continue to be available to all eligible individuals. For state residents, a county court judge issuing a marriage license may waive the delayed effective date for good cause.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.0405

(1) If either of the parties shall be under the age of 18 years but at least 16 years of age, the county court judge or clerk of the circuit court shall issue a license for the marriage of such party only if there is first presented and filed with him or her the written consent of the parents or guardian of such minor to such marriage, acknowledged before some officer authorized by law to take acknowledgments and administer oaths. However, the license shall be issued without parental consent when both parents of such minor are deceased at the time of making application or when such minor has been married previously. (2) The county court judge of any county in the state may, in the exercise of his or her discretion, issue a license to marry to any male or female under the age of 18 years, upon application of both parties sworn under oath that they are the parents of a child. (3) When the fact of pregnancy is verified by the written statement of a licensed physician, the county court judge of any county in the state may, in his or her discretion, issue a license to marry: (a) To any male or female under the age of 18 years upon application of both parties sworn under oath that they are the expectant parents of a child; or (b) To any female under the age of 18 years and male over the age of 18 years upon the females application sworn under oath that she is an expectant parent. (4) No license to marry shall be granted to any person under the age of 16 years, with or without the consent of the parents, except as provided in subsections (2) and (3).

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.041

Marriage licenses shall be valid only for a period of 60 days after issuance, and no person shall perform any ceremony of marriage after the expiration date of such license. The county court judge or clerk of the circuit court shall recite on each marriage license the final date that the license is valid.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.05

Any county court judge, clerk of the circuit court, or other person who 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.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.07

(1) All regularly ordained ministers of the gospel or elders in communion with some church, or other ordained clergy, and all judicial officers, including retired judicial officers, clerks of the circuit courts, and notaries public of this state may solemnize the rights of matrimonial contract, under the regulations prescribed by law. Nothing in this section shall make invalid a marriage which was solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978. (2) Any marriage which may be had and solemnized among the people called Quakers, or Friends, in the manner and form used or practiced in their societies, according to their rites and ceremonies, shall be good and valid in law; and wherever the words, minister, and elder, are used in this chapter, they shall be held to include all of the persons connected with the Society of Friends, or Quakers, who perform or have charge of the marriage ceremony according to their rites and ceremonies.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.08

Before any of the persons named in s. 741.07 shall solemnize any marriage, he or she shall require of the parties a marriage license issued according to the requirements of s. 741.01, and within 10 days after solemnizing the marriage he or she shall make a certificate thereof on the license, and shall transmit the same to the office of the county court judge or clerk of the circuit court from which it issued.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.09

The county court judge and clerk of the circuit court shall keep a correct record of all marriage licenses issued, with the names of the parties and the date of issuing, and upon the return of the license and certificate shall enter therein the name of the person solemnizing the marriage and the date of marriage.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.10

When any marriage is or has been solemnized by any of the persons named in s. 741.07, and such person has not made a certificate thereof on the marriage license as required by s. 741.08, or when the marriage license has been lost, or when by reason of death or other cause the proper certificate cannot be obtained, the marriage may be proved by affidavit before any officer authorized to administer oaths

made by two competent witnesses who were present and saw the marriage ceremony performed, which affidavit may be filed and recorded in the office of the county court judge or clerk of the circuit court from which the marriage license issued, with the same force and effect as in cases in which the proper certificate has been made, returned and recorded.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.21

A man may not marry any woman to whom he is related by lineal consanguinity, nor his sister, nor his aunt, nor his niece. A woman may not marry any man to whom she is related by lineal consanguinity, nor her brother, nor her uncle, nor her nephew.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.211

No common-law marriage entered into after January 1, 1968, shall be valid, except that nothing contained in this section shall affect any marriage which, though otherwise defective, was entered into by the party asserting such marriage in good faith and in substantial compliance with this chapter.

Florida Statutes - Title XLIII: Domestic Relations - Chapter 741: Marriage; Domestic Violence § 741.212

(1) Marriages between persons of the same sex entered into in any jurisdiction, whether within or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location, or relationships between persons of the same sex which are treated as marriages in any jurisdiction, whether within or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location, are not recognized for any purpose in this state. (2) The state, its agencies, and its political subdivisions may not give effect to any public act, record, or judicial proceeding of any state, territory, possession, or tribe of the United States or of any other jurisdiction, either domestic or foreign, or any other place or location respecting either a marriage or relationship not recognized under subsection (1) or a claim arising from such a marriage or relationship. (3) For purposes of interpreting any state statute or rule, the term marriage means only a legal union between one man and one woman as husband and wife, and the term spouse applies only to a member of such a union.