



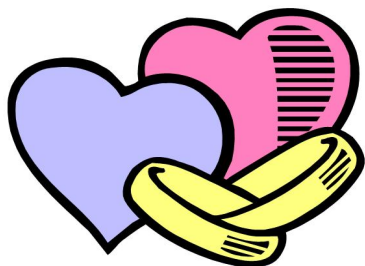
## So You are Getting Married in Florida!<sup>1</sup>

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Donna Peacock and Heidi Radunovich<sup>2</sup>

### Overview

In the United States, marriage laws differ from state to state, and the way you get your marriage license often varies from county to county within a single state. This is true in Florida's counties.



### Applying for a Marriage License

The best plan is for you, as an engaged couple, to phone or visit the marriage license office well in advance of the time you intend to purchase a license. This office will be in the county offices or courthouse. You can find out where it is by looking in the phone book under **Government Offices - County, Clerk of the County Court, or Clerk of the Circuit Court**. You can also view a list of all Florida County Clerks, including phone numbers and fax

numbers, at <http://dlis.dos.state.fl.us/fgils/coclerks.html>.

### Requirements for a Florida Marriage License

*Important: Couples must go together to apply for a marriage license in Florida.* A couple may purchase a marriage license in one Florida county and be married in another. However, the county issuing the marriage license is the only county that will have the marriage license on record.

### Proof of Marital Status

The clerk's office will tell you what you'll need to do and have *before* a license can be issued. *This is especially important if either of you has been married before.* In many Florida counties, a certified copy of the divorce decree or a certified copy of a deceased spouse's death certificate is required. In all Florida counties, the date of divorce or date of deceased spouse's death is required.

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  2. Donna Peacock, Extension Agent III, University of Florida, Hernando County, Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville 32611 and Heidi Radunovich, Assistant Professor, Department of Family, Youth and Community Sciences, University of Florida, Gainesville FL 32611.

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## Proof of Age, Identity, and Residency

It will be necessary to prove that you are old enough to get married, that you are who you say you are, and that you live where you say you live. To prove who you are, each of you may need to show your Social Security card or a legal document showing your Social Security number and name. You may both also need to show birth certificates. Legal photo identification, such as a driver's license or state ID, may also be required to prove your address information and verify residency.

In general, those planning on getting married in Florida should be eighteen or older at the time of marriage. However, it is sometimes possible to get married at a younger age. For example, it is possible to get married at sixteen or seventeen if written parental consent is given. It is also possible for people of this age to get married if the bride and groom are parents, or expectant parents, of a child.

## Family Law Handbook

Beginning January 1, 1999, all applicants for a marriage license in the state of Florida are required to read the *Family Law Handbook*. This handbook will be given to you when you apply for the license. It covers topics such as legal issues and responsibilities related to marriage and family, family violence, and divorce.

## Cost and Waiting Period

As of the writing of this publication, a Florida marriage license costs \$93.50. If you cannot afford this amount all at once, it may be possible to pay it in three installments over a ninety-day period. However, you will not receive the license until all payments are made. After purchasing the marriage license, you will need to wait three days before having the wedding ceremony and finalizing the marriage. Florida residents can get a discount on the license and waive the three-day waiting period by taking a marriage preparation course.

## The Marriage Preparation Course

As of January 1, 1999, Florida residents who take a marriage preparation course offered by an approved provider can receive certain privileges. If

both members of the couple are Florida residents, you will receive a \$32.50 discount on the marriage license fee. In addition, the three-day waiting period will be waived. Both partners must prove that they took the course within the last twelve months. The late Florida Governor Lawton Chiles signed this bill into law to encourage couples to consider marriage carefully.

## What is Acceptable Proof?

A certificate of completion of an approved marriage preparation course given by a qualified instructor will be accepted as proof. Also, a letter from an official representative of a religious institution recognized under the Florida Statute will be accepted. This letter should be on the clergy member's official stationery.

## Non-Resident Exceptions

Non-Florida residents are not entitled to the fee reduction for taking an approved marriage preparation course. They must pay the entire fee (\$93.50, at this writing). However, if they have taken an accepted marriage preparation course, the three-day waiting period will be waived.

## Varied Interpretations by Counties

Changes to Florida law have been relatively recent. Because these laws are still new, different counties interpret them differently.

For example:

- Some counties may not recognize marriage preparation classes conducted in other counties.
- Some counties may give couples credit for their marriage preparation when one person is a Florida resident and one is not.
- Some counties will only recognize marriage preparation given by people (even clergy) who are on an approved list.
- The approval process for providers of marriage preparation courses even varies from court system to court system.

Soon there should be more consistency among counties. As of the time of this writing, situations vary.

### Who is an Approved Provider?

You can get a list of approved providers of marriage preparation classes from the county marriage license bureau. This bureau is normally found in the offices of the Clerk of the Circuit Court. Approved providers may include family life educators of the Florida Cooperative Extension Service, psychologists, mental health counselors, trained official representatives of religious institutions, and marriage and family therapists.

### How Long is the Course?

A typical premarital class lasts a minimum of four hours, but most are not longer than six sessions. Depending on the provider, the course could be free, or it could cost up to several hundred dollars. Some providers may use a sliding scale. You are responsible for paying the fees for any chosen marriage preparation course. When you have completed the class, the provider will give you written proof that you have finished it. According to Florida law, these classes should include information on:

- conflict management,
- communication skills,
- financial responsibilities,
- children and parenting responsibilities, and
- information and statistics related to marital problems.

### Religious vs. Civil Requirements

A given marriage preparation course may fulfill the civil (Florida) requirements, but not the religious requirements for the institution where the couple plans to marry. For instance, a couple could receive a discount on the marriage license fee and a waiver for the three-day waiting period, but if there is a conflict with religious rules, a clergy member could still refuse to conduct the religious ceremony.

If you want to marry in a church, mosque, temple, or synagogue, contact the clergy member who will be performing the wedding ceremony before you take a marriage preparation course. Some clergy require that premarital preparation be provided by their particular religion.

### The Next Step

Once your license application and paperwork have been accepted and the appropriate fee has been paid, you will be issued a Florida marriage license. The license will have an issue date, an effective date (generally three days after issue, unless a marriage preparation course is taken), and an expiration date. The marriage license is good for sixty days from the effective date. *If the license is not used within that period, you will have to reapply and pay again for a license.*

### It's Legal

Following the wedding ceremony, the executed marriage license must be signed by someone who officiated at the ceremony and returned to the marriage clerk. There must be only one signature, although more than one clergy or marrying official may perform the ceremony. You should send the executed, properly signed marriage license to the county clerk. The certified, recorded marriage license will be returned to you within thirty days. This is the only original marriage license, so it is important to keep it in a safe place. *Note: County clerks will usually send the couple a marriage certificate suitable for framing at the same time they send the certified marriage license. However, this uncertified document is not a legal document.*



### Changing Your Name

Until recently, most women in the United States changed their last names at marriage. By tradition, the

bride took the last name of the groom. Today, many brides choose to keep their own names or to use a hyphenated name.

Legally, a bride can start using her spouse's name or the hyphenated combination as soon as she says "I do." If the bride would like to formally change her name to that of her husband for everyday use, formal action must be taken to change her name on necessary documentation.

- **Driver's License.** Take the certified copy of the marriage license to a Florida Driver's License Department. There will be a fee to process the change. (At this writing, it is \$10).
- **Social Security Card.** Pick up Form SS-5 at any Social Security office. You can call the Social Security Administration at 1-800-772-1213 to request that a form be mailed to you. You can also read and download a copy of Form SS-5 at <http://www.ssa.gov/online/forms.html>. The Social Security office must see the certified copy of your marriage license, so it is a good idea to go to your local office in person. (Although the name change can be done by mail, your certified copy may not be mailed back to you.)
- **Bank Accounts.** Take your marriage license and valid photo identification to banks, savings and loans institutions, and credit unions where you have accounts.
- **Credit Cards.** Normally, a copy of your marriage license with a note is sufficient. You need to mail the information to the address the credit card company uses for correspondence. This address can be found on a current bill. However, some credit card companies may be willing to change your name with a simple phone call to customer service.
- **Voter Registration.** A voter registration application may be included when the certified copy of the marriage license is returned to the newly married couple. Otherwise, you can get the form from the office of the Supervisor of Elections. Fill it in, sign it, and return it to the Supervisor of Elections.

- **Other.** Your passport, library card, car registration/title, frequent flier card and other club cards, and business and professional licenses should also be changed if you want to make a formal name change. You should also notify your employer, your insurance provider, and your school or university, if you are currently enrolled.

Some women choose to keep their maiden names after marriage. If you are one of these women, it may be helpful to have *one* form of identification that identifies you by your husband's name. A passport could be a good choice, because it is a legal document. For men who are interested in changing their last name after marriage, it is currently necessary to obtain a formal name change through the court system.

### Name-Change Kits

You don't need to purchase an advertised name-change kit. The process is very straightforward. Here are the steps to take:

1. Make a list for yourself that includes all the places that you need to change your name.
2. Make sufficient copies of your certified marriage certificate.
3. A toll-free call to a company's customer service department will tell you if a special form is needed. In some cases, the change can be made over the phone, without paperwork.
4. A note asking for the name change, together with a copy of your marriage certificate, is usually all that is required for other agencies.

### References

Florida Congress. Senate. *Senate Bill 1576*, Section 741.04 and Section 61.043. 1998. Florida Statutes.

Hernando County Clerk of the Circuit Court. "Marriage Licenses." <http://www.clerk.co.hernando.fl.us/Other/>

MarriageLic.html (accessed October 19, 2006)

Florida Department of State, State Libraries and Archives of Florida. "Clerks of Court."

<http://dlis.dos.state.fl.us/fgils/coclerks.html>

(accessed October 19, 2006).

Online Sunshine. 006 Florida Statutes, Title XLIII, Domestic Relations, Chapter 741, Marriage; Domestic Violence."

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=Ch0741/titl0741.htm](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0741/titl0741.htm) (accessed October 19, 2006).