

Laws Related to Solemnizing Marriage

from the 1997 Florida Statutes and the 1998 Supplement to the Florida Statutes

117.045 Marriages.- A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

117.05 Use of notary commission; unlawful use; notary fee; seal . . .- (2) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. 117.04.

28.24 Service charges by clerk of the circuit court.- (29) For solemnizing matrimony, \$30.

741.07 Persons authorized to solemnize matrimony.- (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.

741.08 Marriage not to be solemnized without a license.- 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.

SUMMARY OF ATTORNEY GENERAL OPINION 91-70

(September 18, 1991)

Does s. 117.05(6)(d), F.S.*, prohibit a notary public from solemnizing the rites of matrimony of persons related by blood or marriage to the notary public?

Section 117.05(6)(d), F.S., as amended effective January 1, 1992, [and further amended effective April 16, 1992] does not prohibit a notary public from solemnizing the rites of matrimony of persons related by blood or marriage to the notary public.

According to Robert A. Butterworth, Attorney General of the State of Florida,

"Section 117.05(6)(d) . . . prohibits a notary public from notarizing the signature of a relative on a document. In solemnizing the rites of matrimony and certifying on the marriage license that he has solemnized the marriage, the notary is not notarizing the signature of the relative on a document. Accordingly, the prohibition contained in s. 117.05(6)(d)* . . . would not appear to be applicable."

* Now s. 117.107(11), *Florida Statutes (1998 Supp.) (effective 1/1/99)*.