

Federal judge solemnizing marriage

Number: INFORMAL

Date: January 24, 2006

The Honorable Hugh Lawson
United States District Court
Middle District of Georgia
Post Office Box 838
Macon, Georgia 31202

Dear Judge Lawson:

The Florida Attorney General's Office has received your letter asking whether your temporary assignment to the United States Court for the Middle District of Florida would entitle you to solemnize the marriage of your son who is to be married in St. Augustine, Florida in June.

Section 741.07, Florida Statutes, which authorizes judicial officers of this state to solemnize the rights of matrimonial contract, has not been amended since 1995. As you are aware, this office has stated that, in the absence of legislative or judicial clarification, a federal district court judge whose court has jurisdiction over a part of the state would appear to qualify as a judicial officer of this state.

You, however, serve on the District Court for the Middle District of Georgia but inquire whether a temporary assignment to the court for the Middle District of Florida would enable you to perform the marriage ceremony in Florida. The intent of section 741.07, Florida Statutes, appears to limit the authority of judicial officers to perform marriages within this state to those who have significant ties to this state. Regrettably, this office cannot advise you that a temporary assignment to a federal district court in Florida, which appears to be for the purpose of enabling you to perform such a marriage ceremony, satisfies such an intent.

Thank you for contacting the Florida Attorney General's Office.

Sincerely,

Joslyn Wilson
Director, Division of Opinions

JW/tfl