

By Senator Sobel

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1 A bill to be entitled
2 An act relating to families first; amending ss. 28.101
3 and 28.24, F.S.; setting forth fees and costs to be
4 applied when petitioning for a dissolution of a
5 domestic partnership or registering a domestic
6 partnership, respectively; amending s. 97.1031, F.S.;
7 providing notice to the supervisor of elections
8 concerning a change of name due to participation in a
9 domestic partnership; amending s. 382.002, F.S.;
10 defining the term "dissolution of a domestic
11 partnership" for purposes of vital records; including
12 domestic partnerships and dissolution of domestic
13 partnership as vital records in this state; conforming
14 cross-references; amending s. 382.003, F.S.; requiring
15 the Department of Health to examine all certificates
16 of domestic partnership forms and dissolution of
17 domestic partnership reports sent from the courts;
18 amending s. 382.0085, F.S.; conforming a cross-
19 reference; amending s. 382.021, F.S.; requiring the
20 clerk of the circuit court to transmit all original
21 declarations of domestic partnership to the Department
22 of Health by a specified date each month; amending s.
23 382.022, F.S.; requiring the clerk of the circuit
24 court to collect a fee after registering a domestic
25 partnership; amending s. 382.023, F.S.; requiring the
26 clerk of the circuit court to collect a fee upon
27 filing a final judgment for a dissolution of domestic
28 partnership; amending s. 382.025, F.S.; authorizing
29 the Department of Health to issue a certified copy of

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30 certain vital records to a domestic partner; amending
31 s. 382.0255, F.S.; providing that the Department of
32 Health is entitled to a specified fee for the issuance
33 of a commemorative certificate of domestic
34 partnership; amending s. 446.50, F.S.; requiring that
35 certain fees relating to declarations of domestic
36 partnership and dissolution of domestic partnership
37 filings be deposited in the Displaced Homemaker Trust
38 Fund; amending s. 741.28, F.S.; redefining the term
39 "family or household member" in the context of
40 domestic violence to include a domestic partnership;
41 creating s. 741.501, F.S.; providing legislative
42 findings; creating s. 741.502, F.S.; defining terms;
43 creating s. 741.503, F.S.; requiring the Department of
44 Health to create and distribute the Declaration of
45 Domestic Partnership and Certificate of Registered
46 Domestic Partnership forms to each clerk of the
47 circuit court; requiring the department and each clerk
48 of the circuit court to make the Declaration of
49 Domestic Partnership form available to the public;
50 creating s. 741.504, F.S.; providing that the circuit
51 court has jurisdiction over domestic partnership
52 proceedings; requiring the clerk of the circuit court
53 to maintain a domestic partnership registry; providing
54 that the registry is a public record; creating s.
55 741.505, F.S.; requiring two individuals who wish to
56 become partners in a domestic partnership to complete
57 and file a Declaration of Domestic Partnership form
58 with the clerk of the circuit court; specifying the

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59 required contents of the completed form; providing
60 that each partner who signs the form consents to the
61 jurisdiction of the circuit court for certain
62 purposes; providing that if a person files an
63 intentionally and materially false form, he or she
64 commits a misdemeanor of the first degree; providing
65 criminal penalties; requiring the clerk of the circuit
66 court to register the Declaration of Domestic
67 Partnership in a domestic partnership registry and
68 issue a Certificate of Registered Domestic
69 Partnership; creating s. 741.506, F.S.; authorizing
70 the domestic partners to retain surnames; creating s.
71 741.507, F.S.; providing that any privilege or
72 responsibility granted or imposed by statute,
73 administrative or court rule, policy, common law, or
74 any other law to an individual because the individual
75 is or was related to another by marriage, or is a
76 child of either of the spouses, is granted on
77 equivalent terms to domestic partners or individuals
78 similarly related to domestic partners; providing that
79 the act does not require or permit the extension of
80 any benefit under a retirement, deferred compensation,
81 or other employee benefit plan, if the plan
82 administrator reasonably concludes that the extension
83 of benefits to partners would conflict with a
84 condition for tax qualification of the plan, or a
85 condition for other favorable tax treatment of the
86 plan, under the Internal Revenue Code; creating s.
87 741.508, F.S.; specifying prohibited or void domestic

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88 partnerships; creating s. 741.509, F.S.; requiring
89 that the clerk of the circuit court collect certain
90 fees for receiving a Declaration of Domestic
91 Partnership; authorizing the clerk of the circuit
92 court to accept installment payments from individuals
93 who are unable to pay the fees in a lump sum; creating
94 s. 741.510, F.S.; providing methods to prove the
95 existence of a registered Declaration Domestic
96 Partnership when the certificate document has been
97 lost or is otherwise unavailable; creating s. 741.511,
98 F.S.; providing for termination of a domestic
99 partnership; providing for notice; providing for the
100 effective date of the termination; providing for
101 registration of the termination; requiring records of
102 certain terminations to be maintained; providing for
103 automatic termination of partnership if either party
104 enters into a valid marriage; providing for a
105 reasonable fee for termination; reenacting ss.
106 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
107 the worksheet form for the Criminal Punishment Code
108 and the basic skills training for domestic violence
109 cases, respectively, to incorporate the amendments
110 made to s. 741.28, F.S., in references thereto;
111 providing an effective date.

112
113 Be It Enacted by the Legislature of the State of Florida:

114
115 Section 1. Section 28.101, Florida Statutes, is amended to
116 read:

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117 28.101 Petitions and records of dissolution of marriage and
118 domestic partnership; additional charges.-

119 (1) When a party petitions for a dissolution of marriage or
120 dissolution of domestic partnership, in addition to the filing
121 charges in s. 28.241, the clerk shall collect and receive:

122 (a) A charge of \$5. On a monthly basis, the clerk shall
123 transfer the moneys collected pursuant to this paragraph to the
124 Department of Revenue for deposit in the Child Welfare Training
125 Trust Fund created in s. 402.40.

126 (b) A charge of \$5. On a monthly basis, the clerk shall
127 transfer the moneys collected pursuant to this paragraph to the
128 Department of Revenue for deposit in the Displaced Homemaker
129 Trust Fund created in s. 446.50. If a petitioner does not have
130 sufficient funds ~~with which~~ to pay this fee and signs an
131 affidavit so stating, all or a portion of the fee shall be
132 waived subject to a subsequent order of the court relative to
133 the payment of the fee.

134 (c) A charge of \$55. On a monthly basis, the clerk shall
135 transfer the moneys collected pursuant to this paragraph to the
136 Department of Revenue for deposit in the Domestic Violence Trust
137 Fund. Such funds ~~which are generated~~ shall be directed to the
138 Department of Children and Family Services for the specific
139 purpose of funding domestic violence centers.

140 (d) A charge of \$32.50. On a monthly basis, the clerk shall
141 transfer the moneys collected pursuant to this paragraph as
142 follows:

143 1. An amount of \$7.50 to the Department of Revenue for
144 deposit in the Displaced Homemaker Trust Fund.

145 2. An amount of \$25 to the Department of Revenue for

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146 deposit in the General Revenue Fund.

147 (2) Upon receipt of a final judgment of dissolution of
148 marriage or dissolution of domestic partnership for filing, and
149 in addition to the filing charges in s. 28.241, the clerk may
150 collect and receive a service charge of up to \$10.50 pursuant to
151 s. 382.023 for ~~the~~ recording and reporting the ~~of such~~ final
152 judgment ~~of dissolution of marriage~~ to the Department of Health.

153 Section 2. Subsection (23) of section 28.24, Florida
154 Statutes, is amended to read:

155 28.24 Service charges by clerk of the circuit court.—The
156 clerk of the circuit court shall charge for services rendered by
157 the clerk's office in recording documents and instruments and in
158 performing the duties enumerated in amounts not to exceed those
159 specified in this section. Notwithstanding any other provision
160 of this section, the clerk of the circuit court shall provide
161 without charge to the state attorney, public defender, guardian
162 ad litem, public guardian, attorney ad litem, criminal conflict
163 and civil regional counsel, and private court-appointed counsel
164 paid by the state, and to the authorized staff acting on behalf
165 of each, access to and a copy of any public record, if the
166 requesting party is entitled by law to view the exempt or
167 confidential record, as maintained by and in the custody of the
168 clerk of the circuit court as provided in general law and the
169 Florida Rules of Judicial Administration. The clerk of the
170 circuit court may provide the requested public record in an
171 electronic format in lieu of a paper format when capable of
172 being accessed by the requesting entity.

173
174 Charges

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175
 176 (23) Upon receipt of an application for a marriage license
 177 or a declaration of domestic partnership, for preparing and
 178 administering of oath; issuing, sealing, and recording of the
 179 marriage license or registering the domestic partnership; and
 180 providing a certified copy.....30.00

181 Section 3. Subsection (2) of section 97.1031, Florida
 182 Statutes, is amended to read:

183 97.1031 Notice of change of residence, change of name, or
 184 change of party affiliation.—

185 (2) When an elector seeks to change party affiliation, the
 186 elector shall notify his or her supervisor of elections or other
 187 voter registration official by using a signed written notice
 188 that contains the elector’s date of birth or voter registration
 189 number. When an elector changes his or her name by marriage,
 190 domestic partnership, or other legal process, the elector shall
 191 notify his or her supervisor of elections or other voter
 192 registration official by using a signed written notice that
 193 contains the elector’s date of birth or voter’s registration
 194 number.

195 Section 4. Present subsections (6) through (17) of section
 196 382.002, Florida Statutes, are renumbered as subsections (7)
 197 through (18), respectively, a new subsection (6) is added to
 198 that section, and present subsections (8), (9), and (16) of that
 199 section are amended, to read:

200 382.002 Definitions.—As used in this chapter, the term:

201 (6) “Dissolution of domestic partnership” includes an
 202 annulment of domestic partnership.

203 (7)~~(6)~~ “Dissolution of marriage” includes an annulment of

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204 marriage.

205 (8)~~(7)~~ "Fetal death" means death prior to the complete
206 expulsion or extraction of a product of human conception from
207 its mother if the 20th week of gestation has been reached and
208 the death is indicated by the fact that after such expulsion or
209 extraction the fetus does not breathe or show any other evidence
210 of life such as beating of the heart, pulsation of the umbilical
211 cord, or definite movement of voluntary muscles.

212 (9)~~(8)~~ "Final disposition" means the burial, interment,
213 cremation, removal from the state, or other authorized
214 disposition of a dead body or a fetus as described in subsection
215 (8)~~(7)~~. In the case of cremation, dispersion of ashes or
216 cremation residue is considered to occur after final
217 disposition; the cremation itself is considered final
218 disposition.

219 (10)~~(9)~~ "Funeral director" means a licensed funeral
220 director or direct disposer licensed pursuant to chapter 497 or
221 other person who first assumes custody of or effects the final
222 disposition of a dead body or a fetus as described in subsection
223 (8)~~(7)~~.

224 (17)~~(16)~~ "Vital records" or "records" means certificates or
225 reports of birth, death, fetal death, marriage, domestic
226 partnership, dissolution of marriage or domestic partnership,
227 name change filed pursuant to s. 68.07, and data related
228 thereto.

229 Section 5. Subsection (7) of section 382.003, Florida
230 Statutes, is amended to read:

231 382.003 Powers and duties of the department.—The department
232 shall:

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233 (7) Approve all forms used in registering, recording,
234 certifying, and preserving vital records, or in otherwise
235 carrying out the purposes of this chapter, and ~~no~~ other forms
236 may not shall be used other than those approved by the
237 department. The department is responsible for the careful
238 examination of the certificates received monthly from the local
239 registrars and marriage certificates, certificates of domestic
240 partnership, and dissolution of marriage and domestic
241 partnership reports received from the circuit and county courts.
242 A certificate that is complete and satisfactory shall be
243 accepted and given a state file number and considered a state-
244 filed record. If any such certificates are incomplete or
245 unsatisfactory, the department shall require further information
246 to be supplied as ~~may be~~ necessary to make the record complete
247 and satisfactory. All physicians, midwives, informants, or
248 funeral directors, and all other persons having knowledge of the
249 facts, are required to supply, upon a form approved by the
250 department or upon the original certificate, such information as
251 they may possess regarding any vital record.

252 Section 6. Subsection (9) of section 382.0085, Florida
253 Statutes, is amended to read:

254 382.0085 Stillbirth registration.—

255 (9) This section or s. 382.002(16) ~~s. 382.002(15)~~ may not
256 be used to establish, bring, or support a civil cause of action
257 seeking damages against any person or entity for bodily injury,
258 personal injury, or wrongful death for a stillbirth.

259 Section 7. Section 382.021, Florida Statutes, is amended to
260 read:

261 382.021 Department to receive marriage licenses and

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262 declarations of domestic partnership.—On or before the 5th day
263 of each month, the county court judge or clerk of the circuit
264 court shall transmit to the department all original marriage
265 licenses, with endorsements, and all declarations of domestic
266 partnership received during the preceding calendar month, ~~to the~~
267 ~~department.~~ Any marriage licenses or declarations of domestic
268 partnership issued and not returned, or any marriage licenses
269 returned but not recorded, shall be reported by the issuing
270 county court judge or clerk of the circuit court to the
271 department at the time of transmitting the recorded licenses or
272 declarations on the forms to be prescribed and furnished by the
273 department. If during any month no marriage licenses or
274 declarations of domestic partnership are issued or returned, the
275 county court judge or clerk of the circuit court shall report
276 such fact to the department upon forms prescribed and furnished
277 by the department.

278 Section 8. Section 382.022, Florida Statutes, is amended to
279 read:

280 382.022 Marriage application; registration of domestic
281 partnership; fees.—Upon the receipt of each application for the
282 issuance of a marriage license or registering a domestic
283 partnership, the county court judge or clerk of the circuit
284 court shall, pursuant to s. 741.02, collect and receive a fee of
285 \$4 which shall be remitted to the Department of Revenue for
286 deposit to the Department of Health to defray part of the cost
287 of maintaining marriage and domestic partnership records.

288 Section 9. Section 382.023, Florida Statutes, is amended to
289 read:

290 382.023 Department to receive dissolution-of-marriage and

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291 ~~dissolution-of-domestic-partnership~~ records; fees. ~~Clerks of the~~
292 ~~circuit courts shall collect for their services~~ At the time of
293 the filing of a final judgment of dissolution of marriage or
294 dissolution of domestic partnership, the clerk of the circuit
295 court shall collect a fee of up to \$10.50, of which 43 percent
296 shall be retained by the clerk ~~of the circuit court~~ as a part of
297 the cost in the cause in which the judgment is granted. The
298 remaining 57 percent shall be remitted to the Department of
299 Revenue for deposit to the Department of Health to defray part
300 of the cost of maintaining the dissolution-of-marriage and
301 dissolution-of-domestic-partnership records. A record of each
302 and every judgment of dissolution of marriage and dissolution of
303 domestic partnership granted by the court during the preceding
304 calendar month, giving names of parties and such other data as
305 required by forms prescribed by the department, shall be
306 transmitted to the department, on or before the 10th day of each
307 month, along with an accounting of the funds remitted to the
308 Department of Revenue pursuant to this section.

309 Section 10. Paragraph (a) of subsection (1) and paragraphs
310 (a) and (c) of subsection (2) of section 382.025, Florida
311 Statutes, are amended to read:

312 382.025 Certified copies of vital records; confidentiality;
313 research.—

314 (1) BIRTH RECORDS.—Except for birth records over 100 years
315 old which are not under seal pursuant to court order, all birth
316 records of this state shall be confidential and are exempt from
317 the provisions of s. 119.07(1).

318 (a) Certified copies of the original birth certificate or a
319 new or amended certificate, or affidavits thereof, are

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320 confidential and exempt from the provisions of s. 119.07(1) and,
321 upon receipt of a request and payment of the fee prescribed in
322 s. 382.0255, shall be issued only as authorized by the
323 department and in the form prescribed by the department, and
324 only:

325 1. To the registrant, if the registrant is of legal age, is
326 a certified homeless youth, or is a minor who has had the
327 disabilities of nonage removed under s. 743.01 or s. 743.015;

328 2. To the registrant's parent or guardian or other legal
329 representative;

330 3. Upon receipt of the registrant's death certificate, to
331 the registrant's spouse or domestic partner or to the
332 registrant's child, grandchild, or sibling, if of legal age, or
333 to the legal representative of any of such persons;

334 4. To any person if the birth record is over 100 years old
335 and not under seal pursuant to court order;

336 5. To a law enforcement agency for official purposes;

337 6. To any agency of the state or the United States for
338 official purposes upon approval of the department; or

339 7. Upon order of any court of competent jurisdiction.

340 (2) OTHER RECORDS.—

341 (a) The department shall authorize the issuance of a
342 certified copy of all or part of any marriage, domestic
343 partnership, dissolution of marriage or domestic partnership, or
344 death or fetal death certificate, excluding that portion which
345 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
346 as provided under s. 382.008, to any person requesting it upon
347 receipt of a request and payment of the fee prescribed by this
348 section. A certification of the death or fetal death certificate

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349 which includes the confidential portions shall be issued only:

350 1. To the registrant's spouse, domestic partner, or parent,
351 or to the registrant's child, grandchild, or sibling, if of
352 legal age, or to any person who provides a will that has been
353 executed pursuant to s. 732.502, insurance policy, or other
354 document that demonstrates his or her interest in the estate of
355 the registrant, or to any person who provides documentation that
356 he or she is acting on behalf of any of them;

357 2. To any agency of the state or local government or the
358 United States for official purposes upon approval of the
359 department; or

360 3. Upon order of any court of competent jurisdiction.

361 (c) The department shall issue, upon request and upon
362 payment of an additional fee prescribed by this section, a
363 commemorative marriage license or certificate of domestic
364 partnership representing that the marriage or domestic
365 partnership of the persons named thereon is recorded in the
366 office of the registrar. The certificate issued under this
367 paragraph must ~~shall~~ be in a form consistent with the need to
368 protect the integrity of vital records but must ~~shall~~ be
369 suitable for display. It may bear the seal of the state printed
370 thereon and may be signed by the Governor.

371 Section 11. Paragraph (i) of subsection (1) of section
372 382.0255, Florida Statutes, is amended to read:

373 382.0255 Fees.—

374 (1) The department is entitled to fees, as follows:

375 (i) Twenty-five dollars for a commemorative certificate of
376 birth, ~~or marriage~~, or domestic partnership. Fees collected
377 pursuant to this paragraph in excess of expenses shall be used

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378 ~~available for use~~ by the Regional Perinatal Intensive Care
379 Centers (RPICC) Program to prevent child abuse and neglect.
380 Funds derived from the issuance of commemorative marriage
381 certificates shall be used ~~available for use~~ by the Improved
382 Pregnancy Outcome Program.

383 Section 12. Paragraph (b) of subsection (5) of section
384 446.50, Florida Statutes, is amended to read:

385 446.50 Displaced homemakers; multiservice programs; report
386 to the Legislature; Displaced Homemaker Trust Fund created.—

387 (5) DISPLACED HOMEMAKER TRUST FUND.—

388 (b) The trust fund shall receive funds generated from an
389 additional fee on marriage license applications, declarations of
390 domestic partnerships, and dissolution of marriage and domestic
391 partnership filings as specified in ss. 741.01(3), 741.509, and
392 28.101, respectively, and may receive funds from any other
393 public or private source.

394 Section 13. Subsection (3) of section 741.28, Florida
395 Statutes, is amended to read:

396 741.28 Domestic violence; definitions.—As used in ss.
397 741.28-741.31:

398 (3) "Family or household member" means spouses;; former
399 spouses;; persons related by blood, ~~or~~ marriage, or domestic
400 partnership; persons who are presently residing together as if a
401 family or who have resided together in the past as if a family;;
402 and persons who are parents of a child in common regardless of
403 whether they have been married. With the exception of persons
404 who have a child in common, the family or household members must
405 be currently residing or have in the past resided together in
406 the same single dwelling unit.

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407 Section 14. Section 741.501, Florida Statutes, is created
408 to read:

409 741.501 Legislative findings.—The Legislature finds that:

410 (1) There are a significant number of individuals in this
411 state who live together in important, personal, emotional, and
412 economically committed relationships. Together, these
413 individuals live, serve, and participate in the community, and
414 often rear children and care for family members.

415 (2) These familial relationships, often referred to as
416 domestic partnerships, assist the state by providing a private
417 network of support for the financial, physical, and emotional
418 health of their participants.

419 (3) The state has a strong interest in promoting stable and
420 lasting families, and believes that all families should be
421 provided with the opportunity to obtain necessary legal
422 protections and status and the ability to achieve their fullest
423 potential.

424 (4) While some public and private institutions recognize
425 domestic partnerships for limited purposes such as health
426 benefits, hospital visitation, and medical decisionmaking for an
427 incapacitated family member, many do not. Historically, legal
428 recognition of marriage by the state is the primary and, in a
429 number of instances, the exclusive source of numerous rights,
430 benefits, and responsibilities available to families under the
431 laws of this state.

432 (5) The status of marriage in this state is limited by Art.
433 I of the State Constitution to the union of one man and one
434 woman and the Legislature does not seek to alter the definition
435 of marriage in any way. The Legislature also finds, however,

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436 that recognition of domestic partnerships can provide an
437 alternative mechanism for extending certain important rights and
438 responsibilities to individuals who choose to form long-term,
439 mutually supportive relationships. Such recognition will provide
440 support to these familial relationships without affecting the
441 definition of marriage, without creating or recognizing a legal
442 relationship that is the substantial equivalent of marriage, and
443 without affecting restrictions contained in federal law.

444 (6) The decision to offer or seek a ceremony or blessing
445 over the domestic partnership should be left to the dictates of
446 each religious faith and to the preferences of the persons
447 entering into the partnership. Sections 741.501-741.511 do not
448 require performance of any solemnization ceremony to enter into
449 a binding domestic partnership agreement and do not interfere
450 with the right of each religious faith to choose freely to whom
451 to grant the religious status, sacrament, or blessing of
452 marriage under the rules and practices of that faith.

453 (7) Because of the material and other support that these
454 familial relationships provide to their participants, these
455 relationships should be formally recognized and made uniform by
456 law. Therefore, the Legislature declares that it is the policy
457 of this state to establish and define the rights and
458 responsibilities of domestic partners.

459 Section 15. Section 741.502, Florida Statutes, is created
460 to read:

461 741.502 Definitions.—As used in ss. 741.501-741.511, the
462 term:

463 (1) "Department" means the Department of Health.

464 (2) "Domestic partnership" means a civil contract entered

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465 into between two individuals who are 18 years of age or older
466 and otherwise capable, of which at least one of whom is a
467 resident of this state.

468 (3) "Partner" means an individual joined in a domestic
469 partnership.

470 Section 16. Section 741.503, Florida Statutes, is created
471 to read:

472 741.503 Forms.—

473 (1) Pursuant to s. 382.003(7), the department shall prepare
474 forms entitled:

475 (a) "Declaration of Domestic Partnership" which meet the
476 requirements of s. 741.505.

477 (b) "Certificate of Registered Domestic Partnership."

478 (2) The department shall distribute the Declaration of
479 Domestic Partnership and Certificate of Registered Domestic
480 Partnership forms to each clerk of the circuit court. The
481 department and each clerk shall make the Declaration of Domestic
482 Partnership form available to the public.

483 Section 17. Section 741.504, Florida Statutes, is created
484 to read:

485 741.504 Court jurisdiction and duties; registry.—

486 (1) The circuit court has jurisdiction over any proceeding
487 relating to the domestic partners' rights and obligations.

488 (2) Each clerk of the circuit court shall maintain a
489 registry of all domestic partnerships entered into in that
490 circuit and a record of all certificates of domestic partnership
491 issued which includes the names of the partners and the date of
492 issuance.

493 (3) Notwithstanding s. 382.025 or any other law, the

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494 registry of domestic partnerships maintained by a clerk of the
495 circuit court is a public record and subject to full disclosure.

496 Section 18. Section 741.505, Florida Statutes, is created
497 to read:

498 741.505 Domestic partnership requirements.-

499 (1) Two individuals wishing to become partners in a
500 domestic partnership recognized by this state must complete and
501 file a Declaration of Domestic Partnership form with a clerk of
502 the circuit court. The declaration must include:

503 (a) A statement attesting that each individual is 18 years
504 of age or older and is otherwise capable of entering into a
505 domestic partnership. The clerk may accept any reasonable proof
506 of an individual's age which is satisfactory to the clerk. The
507 clerk may also require proof of age by affidavit of some
508 individual other than the parties seeking to file the form if
509 the clerk deems it necessary.

510 (b) A statement attesting that at least one of the
511 individuals is a resident of this state.

512 (c) Each individual's mailing address.

513 (d) A statement attesting that each individual consents to
514 the jurisdiction of the circuit courts of this state for any
515 proceeding relating to the partners' rights and obligations,
516 even if one or both partners cease to reside or maintain a
517 domicile in this state.

518 (e) The notarized signature of each individual, along with
519 a declaration that the representations made on the form are
520 true, correct, and contain no material omissions of fact to the
521 best knowledge and belief of each individual.

522 (2) Notwithstanding s. 61.021, each person signing a

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523 Declaration of Domestic Partnership form consents to the
524 jurisdiction of the circuit courts of this state for any
525 proceeding related to the partners' rights and obligations, even
526 if one or both partners cease to reside or maintain a domicile
527 in this state.

528 (3) A person who provides intentionally and materially
529 false information on a Declaration of Domestic Partnership form
530 with the clerk of court commits a misdemeanor of the first
531 degree, punishable as provided in s. 775.082 or s. 775.083.

532 (4) If all legal requirements have been satisfied and there
533 appears to be no impediment to the domestic partnership, the
534 clerk of the circuit court shall:

535 (a) Return a copy of the registered form to the partners;

536 (b) Register the Declaration of Domestic Partnership in a
537 domestic partnership registry; and

538 (c) Issue a Certificate of Registered Domestic Partnership
539 under his or her hand and seal to the partners in person or at
540 the mailing address provided by the partners.

541 Section 19. Section 741.506, Florida Statutes, is created
542 to read:

543 741.506 Domestic partnership; name change.—Upon entering
544 into a domestic partnership, a partner may retain his or her
545 previous surname, or, if changed, may resume the previous legal
546 name during the domestic partnership.

547 Section 20. Section 741.507, Florida Statutes, is created
548 to read:

549 741.507 Domestic partnership; rights and responsibilities;
550 relationship to federal law.—

551 (1) Any privilege, immunity, right, or benefit granted by

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552 statute, administrative or court rule, policy, common law, or
553 any other law to an individual because the individual is or was
554 related to another individual by marriage as an in-law is
555 granted on equivalent terms, substantive and procedural, to an
556 individual who is or was in a domestic partnership or who is or
557 was similarly related as an in-law to an individual
558 participating in a domestic partnership.

559 (2) Any responsibility imposed by statute, administrative
560 or court rule, policy, common law, or any other law on an
561 individual because the individual is or was related to another
562 individual by marriage as an in-law is imposed on equivalent
563 terms, substantive and procedural, on an individual who is or
564 was in a domestic partnership or who is or was similarly related
565 as an in-law to an individual participating in a domestic
566 partnership.

567 (3) Any privilege, immunity, right, benefit, or
568 responsibility granted to or imposed by statute, administrative
569 or court rule, policy, common law, or any other law on a spouse
570 with respect to a child of either of the spouses is granted to
571 or imposed on equivalent terms, substantive and procedural, on
572 an individual in a domestic partnership with respect to a child
573 of either of the partners.

574 (4) Any privilege, immunity, right, benefit, or
575 responsibility granted or imposed by statute, administrative or
576 court rule, policy, common law, or any other law to or on a
577 former or surviving spouse with respect to a child of either of
578 the spouses is granted to or imposed on equivalent terms,
579 substantive and procedural, on a former or surviving partner
580 with respect to a child of either of the partners.

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581 (5) For purposes of administering the tax laws of this
582 state, partners in a domestic partnership, surviving partners of
583 a domestic partnership, and the children of partners in a
584 domestic partnership have the same privileges, immunities,
585 rights, benefits, and responsibilities as are granted to or
586 imposed on spouses in a marriage, surviving spouses, and their
587 children.

588 (6) Many of the laws of this state are intertwined with
589 federal law, and the Legislature recognizes that it does not
590 have the jurisdiction to control or implement federal laws or
591 the privileges, immunities, rights, benefits, and
592 responsibilities related to federal laws.

593 (7) Sections 741.502-741.511 do not require or permit the
594 extension of any benefit under any retirement, deferred
595 compensation, or other employee benefit plan, if the plan
596 administrator reasonably concludes that the extension of
597 benefits would conflict with a condition for the tax
598 qualification of the plan, or a condition for other favorable
599 tax treatment of the plan, under the Internal Revenue Code or
600 adopted regulations.

601 (8) Sections 741.502-741.511 do not require the extension
602 of any benefit under any employee benefit plan that is subject
603 to federal regulation under the Employee Retirement Income
604 Security Act of 1974.

605 Section 21. Section 741.508, Florida Statutes, is created
606 to read:

607 741.508 Domestic partnerships prohibited and void.—

608 (1) The following domestic partnerships are prohibited and
609 void if:

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610 (a) Either party to the domestic partnership currently has
611 a different partner, or a wife or husband recognized by this
612 state, living at the time of entering into the domestic
613 partnership.

614 (b) The parties to the domestic partnership are related by
615 lineal consanguinity or are siblings, or if one party is the
616 niece or nephew of the other party.

617 (c) Either party to a domestic partnership is incapable of
618 making the civil contract or consenting to the contract for want
619 of legal age or sufficient understanding.

620 (2) If the consent of either party is obtained by force or
621 fraud, the domestic partnership is void from the time it is so
622 declared by a judgment of a court having jurisdiction of the
623 domestic partnership.

624 (3) An individual who has filed a Declaration of Domestic
625 Partnership form may not file a new Declaration of Domestic
626 Partnership form or enter a marriage recognized in this state
627 with someone other than the individual's registered partner
628 unless a judgment of dissolution or annulment of the most recent
629 domestic partnership has been entered. This prohibition does not
630 apply if the previous domestic partnership ended because one of
631 the partners died.

632 Section 22. Section 741.509, Florida Statutes, is created
633 to read:

634 741.509 Fees.—

635 (1) The clerk of the circuit court shall collect and
636 receive a fee of \$2 for receiving a Declaration of Domestic
637 Partnership form completed in accordance with s. 741.505. In
638 addition:

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639 (a) A fee of \$25 shall be collected and deposited in the
640 Domestic Violence Trust Fund for the purposes provided in s.
641 741.01(2).

642 (b) A fee of \$7.50 shall be collected for deposit in the
643 Displaced Homemaker Trust Fund created in s. 446.50.

644 (c) A fee of \$25 shall be collected and remitted to the
645 Department of Revenue for deposit, monthly, into the General
646 Revenue Fund.

647 (d) A fee of \$4 shall be collected and distributed as
648 provided in s. 382.022.

649 (2) An applicant for a Certificate of Registered Domestic
650 Partnership who is unable to pay the fees required under
651 subsection (1) in a lump sum may make payment in not more than
652 three installments over a period of 90 days. The clerk shall
653 accept installment payments upon receipt of an affidavit that
654 the applicant is unable to pay the fees in a lump-sum payment.
655 Upon receipt of the third or final installment payment, the
656 Declaration of Domestic Partnership shall be deemed filed, and
657 the clerk shall issue the Certificate of Registered Domestic
658 Partnership and distribute the fees as appropriate. If the fee
659 is paid in installments, the clerk shall retain \$1 from the
660 additional fee imposed pursuant to paragraph (1)(c) as a
661 processing fee.

662 Section 23. Section 741.510, Florida Statutes, is created
663 to read:

664 741.510 Proof domestic partnership where certificate is not
665 available.—If a Declaration of Domestic Partnership has been
666 received in accordance with s. 741.505 and the clerk has not
667 registered such declaration as required by that section, if a

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668 Certificate of Registered Domestic Partnership has been lost, or
669 if by reason of death or other cause the certificate cannot be
670 obtained, the domestic partnership may be proved by affidavit
671 before any officer authorized to administer oaths made by two
672 competent witnesses who were present and saw the Declaration of
673 Domestic Partnership executed under s. 741.505, which affidavit
674 may be filed and recorded in the office of clerk of the circuit
675 in which the Declaration of Domestic Partnership was registered,
676 with the same force and effect as if the proper certificate has
677 been made, returned, and recorded.

678 Section 24. Section 741.511, Florida Statutes, is created
679 to read:

680 741.511 Termination of partnership.—

681 (1) (a) A party to a state-registered domestic partnership
682 may terminate the relationship by filing a notice of termination
683 of the state-registered domestic partnership with the department
684 and paying the filing fee established under subsection (5). The
685 notice must be signed by one or both parties and notarized. If
686 the notice is not signed by both parties, the party seeking
687 termination must also file with the department an affidavit
688 stating either that the other party has been served in writing
689 in the manner prescribed for the service of summons in a civil
690 action, that a notice of termination is being filed, or that the
691 party seeking termination has not been able to find the other
692 party after reasonable effort and that notice has been made by
693 publication pursuant to paragraph (b).

694 (b) When the other party cannot be found after reasonable
695 effort, the party seeking termination may provide notice by
696 publication as provided in chapter 50 in the county in which the

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697 residence most recently shared by the domestic partners is
698 located. Notice must be published at least once.

699 (2) The state-registered domestic partnership shall be
700 terminated effective 90 days after the date of filing the notice
701 of termination and payment of the filing fee.

702 (3) Upon receipt of a signed, notarized notice of
703 termination, affidavit, if required, and the filing fee, the
704 department shall register the notice of termination and provide
705 a certificate of termination of the state-registered domestic
706 partnership to each party named on the notice. The department
707 shall maintain a record of each notice of termination filed with
708 it and each certificate of termination issued by it. The
709 department shall maintain records of terminations of state-
710 registered domestic partnerships, except for those state-
711 registered domestic partnerships terminated under subsection
712 (4).

713 (4) A state-registered domestic partnership is
714 automatically terminated if, subsequent to the registration of
715 the domestic partnership with the department, either party or
716 both parties enter into a marriage that is recognized as valid
717 in this state, either with each other or with another person.

718 (5) The department shall collect a reasonable fee for
719 filing the declaration set by rule calculated to cover the
720 department's costs, but not to exceed \$50. Fees collected under
721 this section shall be deposited into the department's
722 Administrative Trust Fund.

723 Section 25. For the purpose of incorporating the amendment
724 made by this act to section 741.28, Florida Statutes, in a
725 reference thereto, paragraph (b) of subsection (1) of section

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726 921.0024, Florida Statutes, is reenacted to read:

727 921.0024 Criminal Punishment Code; worksheet computations;
728 scoresheets.-

729 (1)

730 (b) WORKSHEET KEY:

731

732 Legal status points are assessed when any form of legal status
733 existed at the time the offender committed an offense before the
734 court for sentencing. Four (4) sentence points are assessed for
735 an offender's legal status.

736

737 Community sanction violation points are assessed when a
738 community sanction violation is before the court for sentencing.
739 Six (6) sentence points are assessed for each community sanction
740 violation and each successive community sanction violation,
741 unless any of the following apply:

742 1. If the community sanction violation includes a new
743 felony conviction before the sentencing court, twelve (12)
744 community sanction violation points are assessed for the
745 violation, and for each successive community sanction violation
746 involving a new felony conviction.

747 2. If the community sanction violation is committed by a
748 violent felony offender of special concern as defined in s.
749 948.06:

750 a. Twelve (12) community sanction violation points are
751 assessed for the violation and for each successive violation of
752 felony probation or community control where:

753 (I) The violation does not include a new felony conviction;
754 and

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755 (II) The community sanction violation is not based solely
756 on the probationer or offender's failure to pay costs or fines
757 or make restitution payments.

758 b. Twenty-four (24) community sanction violation points are
759 assessed for the violation and for each successive violation of
760 felony probation or community control where the violation
761 includes a new felony conviction.

762

763 Multiple counts of community sanction violations before the
764 sentencing court shall not be a basis for multiplying the
765 assessment of community sanction violation points.

766

767 Prior serious felony points: If the offender has a primary
768 offense or any additional offense ranked in level 8, level 9, or
769 level 10, and one or more prior serious felonies, a single
770 assessment of thirty (30) points shall be added. For purposes of
771 this section, a prior serious felony is an offense in the
772 offender's prior record that is ranked in level 8, level 9, or
773 level 10 under s. 921.0022 or s. 921.0023 and for which the
774 offender is serving a sentence of confinement, supervision, or
775 other sanction or for which the offender's date of release from
776 confinement, supervision, or other sanction, whichever is later,
777 is within 3 years before the date the primary offense or any
778 additional offense was committed.

779

780 Prior capital felony points: If the offender has one or more
781 prior capital felonies in the offender's criminal record, points
782 shall be added to the subtotal sentence points of the offender
783 equal to twice the number of points the offender receives for

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784 the primary offense and any additional offense. A prior capital
785 felony in the offender's criminal record is a previous capital
786 felony offense for which the offender has entered a plea of nolo
787 contendere or guilty or has been found guilty; or a felony in
788 another jurisdiction which is a capital felony in that
789 jurisdiction, or would be a capital felony if the offense were
790 committed in this state.

791

792 Possession of a firearm, semiautomatic firearm, or machine gun:
793 If the offender is convicted of committing or attempting to
794 commit any felony other than those enumerated in s. 775.087(2)
795 while having in his or her possession: a firearm as defined in
796 s. 790.001(6), an additional eighteen (18) sentence points are
797 assessed; or if the offender is convicted of committing or
798 attempting to commit any felony other than those enumerated in
799 s. 775.087(3) while having in his or her possession a
800 semiautomatic firearm as defined in s. 775.087(3) or a machine
801 gun as defined in s. 790.001(9), an additional twenty-five (25)
802 sentence points are assessed.

803

804 Sentencing multipliers:

805

806 Drug trafficking: If the primary offense is drug trafficking
807 under s. 893.135, the subtotal sentence points are multiplied,
808 at the discretion of the court, for a level 7 or level 8
809 offense, by 1.5. The state attorney may move the sentencing
810 court to reduce or suspend the sentence of a person convicted of
811 a level 7 or level 8 offense, if the offender provides
812 substantial assistance as described in s. 893.135(4).

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813

814 Law enforcement protection: If the primary offense is a
815 violation of the Law Enforcement Protection Act under s.
816 775.0823(2), (3), or (4), the subtotal sentence points are
817 multiplied by 2.5. If the primary offense is a violation of s.
818 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
819 are multiplied by 2.0. If the primary offense is a violation of
820 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
821 Protection Act under s. 775.0823(10) or (11), the subtotal
822 sentence points are multiplied by 1.5.

823

824 Grand theft of a motor vehicle: If the primary offense is grand
825 theft of the third degree involving a motor vehicle and in the
826 offender's prior record, there are three or more grand thefts of
827 the third degree involving a motor vehicle, the subtotal
828 sentence points are multiplied by 1.5.

829

830 Offense related to a criminal gang: If the offender is convicted
831 of the primary offense and committed that offense for the
832 purpose of benefiting, promoting, or furthering the interests of
833 a criminal gang as prohibited under s. 874.04, the subtotal
834 sentence points are multiplied by 1.5.

835

836 Domestic violence in the presence of a child: If the offender is
837 convicted of the primary offense and the primary offense is a
838 crime of domestic violence, as defined in s. 741.28, which was
839 committed in the presence of a child under 16 years of age who
840 is a family or household member as defined in s. 741.28(3) with
841 the victim or perpetrator, the subtotal sentence points are

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842 multiplied by 1.5.

843 Section 26. For the purpose of incorporating the amendment
844 made by this act to section 741.28, Florida Statutes, in a
845 reference thereto, paragraph (b) of subsection (2) of section
846 943.171, Florida Statutes, is reenacted to read:

847 943.171 Basic skills training in handling domestic violence
848 cases.—

849 (2) As used in this section, the term:

850 (b) "Household member" has the meaning set forth in s.
851 741.28(3).

852 Section 27. This act shall take effect July 1, 2013.

853