

By Senator Jones

40-894C-99

1 A bill to be entitled
2 An act relating to domestic partners; providing
3 for the establishment of domestic partnerships;
4 defining terms; providing conditions; providing
5 for filing of forms with the Secretary of
6 State; providing contents of such forms;
7 authorizing the Secretary of State to create
8 such forms by rule and to charge fees
9 associated with the filing of such forms;
10 providing procedures for terminating a domestic
11 partnership; providing legal effect of such
12 partnerships; requiring health care facilities
13 to provide visitation rights to a patient's
14 domestic partner and certain other specified
15 persons; requiring group health care service
16 plans and group disability insurance policies
17 that provide certain hospital, medical, or
18 surgical expense benefits for employees or
19 subscribers to provide benefits to such
20 person's domestic partner and other specified
21 persons; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Domestic partners; relationship.--A valid
26 domestic partnership may be registered by two adults who meet
27 the following requirements:

28 (1) Each person is at least 18 years old and competent
29 to contract;

30 (2) Neither person is married nor a partner to another
31 domestic partnership relationship;

1 (3) Consent of either person to the domestic
2 partnership relationship has not been obtained by force,
3 duress, or fraud;

4 (4) Each person agrees to be jointly responsible for
5 each other's basic food and shelter; and

6 (5) Both persons file a declaration of domestic
7 partnership with the Secretary of State.

8 Section 2. Definitions.--As used in this act, the
9 term:

10 (1) "Basic living expenses" means costs of food and
11 shelter.

12 (2) "Joint responsibility" means that each partner
13 mutually agrees to provide for the other partner's basic
14 living expenses while the domestic partnership is in effect,
15 except that domestic partners need not contribute equally or
16 jointly to such basic living expenses.

17 Section 3. Registration.--

18 (1) The Secretary of State shall prepare forms
19 entitled "Declaration of Domestic Partnership" and "Notice of
20 Termination of Domestic Partnership" to meet the requirements
21 of this act. These forms must require the signature and seal
22 of an acknowledgment by a notary public to be binding and
23 valid.

24 (2) The Secretary of State shall distribute these
25 forms to each county clerk. These forms must be available to
26 the public at the office of the Secretary of State and each
27 county clerk.

28 (3) The Secretary of State shall, by rule, establish
29 fees for the actual costs of processing each of these forms
30 and shall charge these fees to persons filing the forms.

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1 (4) The Declaration of Domestic Partnership form must
2 require each person who seeks to become a domestic partner to:

3 (a) State that he or she meets the requirements of
4 this act at the time the form is signed;

5 (b) Provide his or her mailing address;

6 (c) Sign the form under penalty of perjury; and

7 (d) Have a notary public notarize his or her
8 signature.

9 Section 4. Filing.--

10 (1) Two persons seeking to become domestic partners
11 may complete and file a Declaration of Domestic Partnership
12 with the Secretary of State.

13 (2) No person who has filed a Declaration of Domestic
14 Partnership may file a new Declaration of Domestic Partnership
15 until at least 180 days after the date that a Notice of
16 Termination of Domestic Partnership was filed with Secretary
17 of State under this act in connection with the termination of
18 the most recent domestic partnership. This prohibition does
19 not apply if the previous domestic partnership ended because
20 one of the partners died.

21 Section 5. Termination.--

22 (1) Either partner to a registered domestic
23 partnership may terminate such partnership by filing a
24 notarized declaration of termination of domestic partnership
25 with the Secretary of State. Upon the payment of the required
26 fee, the Secretary of State shall file the declaration and
27 issue a certificate of termination of domestic partnership to
28 each partner. The termination shall become effective 30 days
29 from the date the certificate of termination is issued.

30 (2) If any partner to a domestic partnership enters
31 into a legal marriage, the domestic partnership shall

1 terminate automatically, and all rights, benefits, and
2 entitlements thereunder shall cease as of the effective date
3 of the marriage. The marrying domestic partner shall file a
4 declaration terminating the domestic partnership within 10
5 days after entering into a legal marriage.

6 (3) The death of either domestic partner shall
7 automatically terminate the domestic partnership.

8 Section 6. Legal effect.--

9 (1) The obligations that two people have to each other
10 as a result of creating a domestic partnership are those
11 described in section 1. Registration as a domestic partner
12 under this act is not evidence of and does not establish any
13 rights existing under law other than those expressly provided
14 to domestic partners in this act. The provisions relating to
15 domestic partners provided in this act, shall not diminish any
16 right under any other provision of law.

17 (2) Upon the termination of a domestic partnership,
18 the partners, from that time forward, incur none of the
19 obligations to each other as domestic partners that are
20 created by this act.

21 (3) Any domestic partnership entered into outside this
22 state which is valid under the laws of the jurisdiction under
23 which the partnership was created is valid in this state.

24 Section 7. Visitation.--

25 (1) A health care facility shall allow a patient's
26 domestic partner, the children of the patient's domestic
27 partner, and the domestic partner of the patient's parent or
28 child to visit, unless one of the following is met:

29 (a) No visitors are allowed;

30 (b) The facility reasonably determines that the
31 presence of a particular visitor would endanger the health or

1 safety of a patient, member of the health care facility staff,
2 or other visitor to the health care facility, or would
3 significantly disrupt the operations of a facility; or

4 (c) The patient has indicated to health care facility
5 staff that the patient does not want this person to visit.

6 (2) This section does not prohibit a health care
7 facility from otherwise establishing reasonable restrictions
8 upon visitation, including restrictions on the hours of
9 visitation and number of visitors.

10 Section 8. Group health care.--

11 (1) A group health care service plan that provides
12 hospital, medical, or surgical expense benefits for employees
13 or subscribers and their dependents shall provide eligibility
14 or benefits to the domestic partner of an employee or
15 subscriber to the same extent, and subject to the same terms
16 and conditions, as provided to a dependent of the employee or
17 subscriber.

18 (2) A health care service plan that provides hospital,
19 medical, or surgical expense benefits for employees or
20 subscribers and their dependents shall enroll as a dependent,
21 upon application by the employer or group administrator, a
22 domestic partner of an employee or subscriber at any time the
23 employee or subscriber applies for enrollment to the employer
24 or group administrator.

25 Section 9. Insurance.--

26 (1) A policy of group disability insurance that
27 provides hospital, medical, or surgical expense benefits for
28 employees, insureds, or policyholders and their dependents
29 shall provide eligibility and benefits to the domestic partner
30 of an employee, insured, or policyholder to the same extent,
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1 and subject to the same terms and conditions, as provided to a
2 dependent of the employee, insured, or policyholder.

3 (2) Each policy of group disability insurance that
4 provides hospital, medical, or surgical expense benefits for
5 employees, insureds, or policyholders and their dependents
6 shall enroll as a dependent, upon application by the employer
7 or group administrator, a domestic partner of the employee,
8 insured, or policyholder when that employee, insured, or
9 policyholder at any time applies for enrollment to the
10 employer or group administrator.

11 Section 10. Severability.--If any provision of this
12 act or the application thereof to any person or circumstance
13 is held invalid, the invalidity shall not affect other
14 provisions or applications of the act which can be given
15 effect without the invalid provision or application, and to
16 this end the provisions of this act are declared severable.

17 Section 11. This act shall take effect July 1, 1999.

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20 SENATE SUMMARY

21 Provides for the establishment of domestic partnerships.
22 Provides conditions for the creation of such
23 partnerships. Provides definitions. Provides for filing
24 of forms with the Secretary of State and the contents of
25 such forms. Authorizes the Secretary of State to create
26 such forms by rule and to charge fees associated with the
27 filing of such forms. Provides procedures for termination
28 of a domestic partnership. Provides legal effect of such
29 partnerships. Requires health care facilities to provide
30 visitation rights to a patient's domestic partner and
31 certain other specified persons. Requires group health
care service plans and group disability insurance
policies that provide certain hospital, medical, or
surgical expense benefits for employees or subscribers to
provide benefits to such person's domestic partner and
other specified persons.