

1 A bill to be entitled
2 An act relating to domestic partnerships; creating s.
3 741.501, F.S.; providing legislative findings and stating
4 the policy of this state; creating s. 741.502, F.S.;
5 providing definitions; creating s. 741.503, F.S.;
6 requiring the Department of Health to create and
7 distribute the Declaration of Domestic Partnership and
8 Certificate of Registered Domestic Partnership forms to
9 each clerk of the circuit court; requiring the department
10 and each clerk of the circuit court to make the
11 Declaration of Domestic Partnership forms available to the
12 public; creating s. 741.504, F.S.; describing the required
13 contents of the Declaration of Domestic Partnership;
14 providing that if a person files an intentionally and
15 materially false Declaration of Domestic Partnership form
16 he or she commits a misdemeanor of the first degree;
17 providing criminal penalties; creating s. 741.505, F.S.;
18 requiring two individuals who wish to become partners in a
19 domestic partnership to complete and file a Declaration of
20 Domestic Partnership form with the clerk of the circuit
21 court; providing for the clerk of the circuit court to
22 register the Declaration of Domestic Partnership in a
23 domestic partnership registry and return a copy of the
24 registered form and a Certificate of Registered Domestic
25 Partnership to the partners; providing that each partner
26 who signs a Declaration of Domestic Partnership consents
27 to the jurisdiction of the circuit court of this state for
28 certain specified purposes; providing that the registry of

29 domestic partnerships maintained by the clerk is a public
30 record; creating s. 741.506, F.S.; prohibiting certain
31 specified domestic partnerships; creating s. 741.507,
32 F.S.; providing that the circuit court has jurisdiction
33 over any proceeding relating to the domestic partners'
34 rights and obligations, including a petition for
35 dissolution or annulment of the domestic partnership;
36 creating s. 741.508, F.S.; authorizing the domestic
37 partners to retain surnames; creating s. 741.509, F.S.;
38 providing that any privilege, immunity, right, or benefit
39 granted by statute, administrative regulation, or court
40 order, policy, common law, or any other law to an
41 individual because the individual is or was an in-law in a
42 specified way to another individual, is granted on
43 equivalent terms, substantive and procedural, to an
44 individual because the individual is or was in a domestic
45 partnership or because the individual is or was, based on
46 a domestic partnership, related in a specified way to
47 another individual; providing that the act does not
48 require or permit the extension of any benefit under a
49 retirement, deferred compensation, or other employee
50 benefit plan, if the plan administrator reasonably
51 concludes that the extension of benefits to domestic
52 partners would conflict with a condition for tax
53 qualification of the plan, or a condition for other
54 favorable tax treatment of the plan, under the Internal
55 Revenue Code or regulations adopted under the Internal
56 Revenue Code; amending ss. 28.101 and 28.24, F.S.; setting

57 | forth fees and costs to be applied when petitioning for a
58 | dissolution of a domestic partnership or registering a
59 | Declaration of Domestic Partnership, respectively;
60 | amending s. 97.1031, F.S.; providing notice to the
61 | supervisor of elections concerning a change of name due to
62 | registering a Declaration of Domestic Partnership;
63 | creating s. 220.121, F.S.; providing applicability of
64 | domestic partnerships to the tax laws of this state;
65 | amending s. 382.002, F.S.; defining the term "dissolution
66 | of a domestic partnership" for purposes of vital records;
67 | including a declaration of domestic partnership and a
68 | dissolution of a domestic partnership as vital records in
69 | this state; amending s. 382.003, F.S.; requiring the
70 | Department of Health to monitor declarations of domestic
71 | partnership forms and dissolution of domestic partnership
72 | reports sent from the circuit courts; amending s.
73 | 382.0085, F.S.; conforming a cross-reference; amending s.
74 | 382.021, F.S.; requiring the clerk of the circuit court to
75 | transmit all original Declarations of Domestic Partnership
76 | forms to the Department of Health by a specified date each
77 | month; amending ss. 382.022 and 382.023, F.S.; requiring
78 | the clerk of the circuit court to collect a fee after
79 | receiving each Declaration of Domestic Partnership form
80 | and requiring the clerk of the circuit court to collect a
81 | fee upon filing a final judgment in each dissolution of
82 | domestic partnership proceeding, respectively; amending s.
83 | 382.025, F.S.; authorizing the Department of Health to
84 | issue a certified copy of certain records to a domestic

85 partner; amending s. 382.0255, F.S.; providing that the
86 Department of Health is entitled to a specified fee for
87 the issuance of a commemorative certificate of domestic
88 partnership; amending s. 446.50, F.S.; requiring that
89 funds generated from additional fees collected from
90 Declarations of Domestic Partnership and dissolution of
91 domestic partnership filings be deposited in the Displaced
92 Homemaker Trust Fund; amending s. 741.01, F.S.; requiring
93 the clerk of the circuit court to collect enumerated fees
94 for registering a Declaration of Domestic Partnership;
95 amending s. 741.011, F.S.; authorizing the clerk of the
96 circuit court to accept installment payments from
97 individuals who are unable to pay the fees to register a
98 Declaration of Domestic Partnership in a lump sum;
99 amending s. 741.02, F.S.; requiring the clerk of the
100 circuit court to collect an additional fee upon
101 registering a Declaration of Domestic Partnership;
102 amending s. 741.09, F.S.; requiring the clerk of the
103 circuit court to keep complete and accurate records of all
104 declarations of domestic partnerships registered in that
105 circuit; amending s. 741.10, F.S.; providing for methods
106 to prove the existence of a registered Declaration
107 Domestic Partnership when the certificate document has
108 been lost or is otherwise unavailable; amending s. 741.28,
109 F.S.; redefining the term "family or household member" in
110 the context of domestic violence to include a domestic
111 partnership; reenacting ss. 921.0024(1)(b) and
112 943.171(2)(b), F.S., relating to the worksheet form for

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113 the Criminal Punishment Code and the basic skills training
114 for domestic violence cases, respectively, to incorporate
115 the amendments made to s. 741.28, F.S., in a reference
116 thereto; providing an effective date.

117

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

119

120 Section 1. Section 741.501, Florida Statutes, is created
121 to read:

122 741.501 Legislative findings; purpose.--The Legislature
123 finds that:

124 (1) There are a significant number of individuals in this
125 state who choose to live together in an important, personal,
126 emotional, and economically committed relationship. These
127 individuals live together, serve and participate together in the
128 community, and often rear children and care for family members
129 together.

130 (2) These familial relationships, which are known as
131 domestic partnerships, assist the state by establishing a
132 private network of support for the financial, physical, and
133 emotional health of their participants.

134 (3) While some public and private institutions choose to
135 recognize these familial relationships for limited purposes such
136 as health benefits, hospital visitation, and medical
137 decisionmaking for an incapacitated family member, many do not.
138 Additionally, legal recognition of marriage by the state is the
139 primary and, in a number of instances, the exclusive source of
140 numerous rights, benefits, and responsibilities available to

141 families under the law of this state.

142 (4) Because of the material and other support that these
 143 familial relationships provide to their participants, the
 144 Legislature believes that they should be formally recognized and
 145 made uniform by law.

146 (5) The Legislature recognizes that marriage is limited to
 147 the union of one man and one woman by Art. I of the State
 148 Constitution, and the Legislature does not seek to, and
 149 recognizes that it cannot, alter the definition of marriage in
 150 any way. The Legislature also recognizes that, while far short
 151 of the full legal and social rights, responsibilities, and
 152 recognition afforded by marriage, domestic partnerships extend
 153 important rights, responsibilities, and recognition to
 154 individuals who choose to form long-term, mutually supportive
 155 relationships. Recognition of domestic partnerships by the state
 156 will provide support to these familial relationships without
 157 affecting the definition of marriage, without creating or
 158 recognizing a legal relationship that is the substantial
 159 equivalent of marriage, and without affecting restrictions
 160 contained in federal law.

161 (6) This state has a strong interest in promoting stable
 162 and lasting families, and all families should be provided with
 163 the opportunity to obtain necessary legal protections and status
 164 and the ability to achieve their fullest potential.

165 (7) The Legislature leaves it to the dictates and
 166 conscience of partners entering into a domestic partnership to
 167 determine whether to seek a ceremony or blessing over the
 168 domestic partnership and to the dictates of each religious faith

169 to determine whether to offer or permit a ceremony or blessing
 170 of domestic partnerships. Sections 741.501-741.509 do not
 171 require performance of any solemnization ceremony to enter into
 172 a binding domestic partnership agreement, and providing familial
 173 recognition through a domestic partnership system in no way
 174 interferes with the right of each religious faith to choose
 175 freely to whom to grant the religious status, sacrament, or
 176 blessing of marriage under the rules and practices of that
 177 faith.

178 (8) Therefore, the Legislature declares that it is the
 179 policy of this state to establish and define the rights and
 180 responsibilities of domestic partners.

181 Section 2. Section 741.502, Florida Statutes, is created
 182 to read:

183 741.502 Domestic partnerships; definitions.--As used in
 184 this ss. 741.501-741-509, the term:

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

186 (2) "Domestic partnership" means a civil contract entered
 187 into between two individuals who are 18 years of age or older
 188 and who are otherwise capable, at least one of whom is a
 189 resident of this state.

190 (3) "Partner" means an individual joined in a domestic
 191 partnership.

192 Section 3. Section 741.503, Florida Statutes, is created
 193 to read:

194 741.503 Declaration of domestic partnership; certificate
 195 of registered domestic partnership.--

196 (1) The department shall prepare forms entitled:

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197 (a) "Declaration of Domestic Partnership" meeting the
198 requirements of s. 741.504; and

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

200 (2) The department shall distribute the Declaration of
201 Domestic Partnership and Certificate of Registered Domestic
202 Partnership forms to each clerk of the circuit court. The
203 department and each clerk shall make the Declaration of Domestic
204 Partnership forms available to the public.

205 Section 4. Section 741.504, Florida Statutes, is created
206 to read:

207 741.504 Domestic partnership; requirements.--

208 (1) Each individual who desires to become a partner in a
209 domestic partnership must execute and file a Declaration of
210 Domestic Partnership. The declaration must include:

211 (a) A statement that the individual is 18 years of age or
212 older and is otherwise capable to enter into a domestic
213 partnership.

214 (b) A statement that the individual is a resident of this
215 state.

216 (c) The individual's mailing address.

217 (d) A statement that the individual consents to the
218 jurisdiction of the circuit courts of this state for the purpose
219 of an action to obtain a judgment of dissolution or annulment of
220 the domestic partnership or for legal separation of the partners
221 in the domestic partnership, or for any other proceeding related
222 to the partners' rights and obligations, even if one or both
223 partners cease to reside in, or to maintain a domicile in, this
224 state.

225 (e) A signature by the individual, acknowledged by a
 226 notary public, along with a declaration that representations
 227 made on the form are true, correct, and contain no material
 228 omissions of fact to the best knowledge and belief of the
 229 individual.

230 (f) Both partners' signatures affixed to one Declaration
 231 of Domestic Partnership form.

232 (2) A person who files an intentionally and materially
 233 false Declaration of Domestic Partnership form with the clerk of
 234 court commits a misdemeanor of the first degree, punishable as
 235 provided in s. 775.082 or s. 775.083.

236 Section 5. Section 741.505, Florida Statutes, is created
 237 to read:

238 741.505 Domestic partnership; creation and registration.--

239 (1) Two individuals wishing to become partners in a
 240 domestic partnership may complete and file a Declaration of
 241 Domestic Partnership with the clerk of the circuit court.

242 (2) In accordance with the requirements of s. 741.504, the
 243 clerk of the circuit court may accept any reasonable proof of an
 244 individual's age which is satisfactory to the clerk. The clerk
 245 may require proof of age by affidavit of some individual other
 246 than either of the parties seeking to file the Declaration of
 247 Domestic Partnership if the clerk finds it necessary in order to
 248 determine the age of the individual to the clerk's satisfaction.

249 (3) If all legal requirements of ss. 741.502-741.509 have
 250 been satisfied, the clerk of the circuit court shall register
 251 the Declaration of Domestic Partnership in a domestic
 252 partnership registry and return a copy of the registered form

253 and a Certificate of Registered Domestic Partnership to the
 254 partners in person or at the mailing address provided by the
 255 partners.

256 (4) Notwithstanding s. 61.021, each person signing a
 257 Declaration of Domestic Partnership consents to the jurisdiction
 258 of the circuit courts of this state for the purpose of an action
 259 to obtain a judgment of dissolution or annulment of the domestic
 260 partnership, for legal separation of the partners in the
 261 domestic partnership, or for any other proceeding related to the
 262 partners' rights and obligations, even if one or both partners
 263 cease to reside in, or to maintain a domicile in, this state.

264 (5) An individual who has filed a Declaration of Domestic
 265 Partnership may not file a new Declaration of Domestic
 266 Partnership or enter a marriage recognized in this state with
 267 someone other than the individual's registered partner unless a
 268 judgment of dissolution or annulment of the most recent domestic
 269 partnership has been entered. This prohibition does not apply if
 270 the previous domestic partnership ended because one of the
 271 partners died.

272 (6) Notwithstanding s. 382.025 or any other law, the
 273 registry of domestic partnerships maintained by a clerk of the
 274 circuit court is a public record and subject to full disclosure.

275 Section 6. Section 741.506, Florida Statutes, is created
 276 to read:

277 741.506 Domestic partnerships prohibited and void.--

278 (1) The following domestic partnerships are prohibited and
 279 void:

280 (a) If either party to the domestic partnership has a

281 different partner, or a wife or husband recognized by the State
 282 of Florida, living at the time of the domestic partnership.

283 (b) If the parties to the domestic partnership are related
 284 by lineal consanguinity or are siblings, or if one party is the
 285 niece or nephew of the other party.

286 (2) If either party to a domestic partnership is incapable
 287 of making the civil contract or consenting to the contract for
 288 want of legal age or sufficient understanding or if the consent
 289 of either party is obtained by force or fraud, the domestic
 290 partnership is void from the time it is so declared by a
 291 judgment of a court having jurisdiction of the domestic
 292 partnership.

293 Section 7. Section 741.507, Florida Statutes, is created
 294 to read:

295 741.507 Domestic partnership; enforcement; dissolution and
 296 annulment.--The circuit court has jurisdiction over any
 297 proceeding relating to the domestic partners' rights and
 298 obligations, including a petition for dissolution or annulment
 299 of the domestic partnership.

300 Section 8. Section 741.508, Florida Statutes, is created
 301 to read:

302 741.508 Domestic partnership; name change.--Upon entering
 303 into a domestic partnership, an individual may retain the
 304 individual's previous surname and either individual may resume
 305 the individual's previous legal name during the domestic
 306 partnership.

307 Section 9. Section 741.509, Florida Statutes, is created
 308 to read:

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309 741.509 Domestic partnership; rights and responsibilities;
310 no conflict with federal law.--

311 (1) Any privilege, immunity, right, or benefit granted by
312 statute, administrative or court rule, policy, common law, or
313 any other law to an individual because the individual is or was
314 an in-law in a specified way to another individual, is granted
315 on equivalent terms, substantive and procedural, to an
316 individual because the individual is or was in a domestic
317 partnership or because the individual is or was, based on a
318 domestic partnership, related in a specified way to another
319 individual.

320 (2) Any responsibility imposed by statute, administrative
321 or court rule, policy, common law, or any other law on an
322 individual because the individual is or was married, or because
323 the individual is or was an in-law in a specified way to another
324 individual, is imposed on equivalent terms, substantive and
325 procedural, on an individual because the individual is or was,
326 based on a domestic partnership, related in a specified way to
327 another individual.

328 (3) Any privilege, immunity, right, benefit, or
329 responsibility granted or imposed by statute, administrative or
330 court rule, policy, common law, or any other law to or on a
331 spouse with respect to a child of either of the spouses is
332 granted or imposed on equivalent terms, substantive and
333 procedural, to or on a partner with respect to a child of either
334 of the partners.

335 (4) Any privilege, immunity, right, benefit, or
336 responsibility granted or imposed by statute, administrative or

337 court rule, policy, common law, or any other law to or on a
338 former or surviving spouse with respect to a child of either of
339 the spouses is granted or imposed on equivalent terms,
340 substantive and procedural, to or on a former or surviving
341 partner with respect to a child of either of the partners.

342 (5) Many of the laws of this state are intertwined with
343 federal law, and the Legislature recognizes that it does not
344 have the jurisdiction to control federal laws or the privileges,
345 immunities, rights, benefits, and responsibilities related to
346 federal laws.

347 (6) Sections 741.502-741.509 do not require or permit the
348 extension of any benefit under any retirement, deferred
349 compensation, or other employee benefit plan, if the plan
350 administrator reasonably concludes that the extension of
351 benefits would conflict with a condition for tax qualification
352 of the plan, or a condition for other favorable tax treatment of
353 the plan, under the Internal Revenue Code or regulations adopted
354 under the Internal Revenue Code.

355 (7) Sections 741.502-741.509 do not require the extension
356 of any benefit under any employee benefit plan that is subject
357 to federal regulation under the Employee Retirement Income
358 Security Act of 1974.

359 (8) For purposes of administering the tax laws of this
360 state, partners in a domestic partnership, surviving partners in
361 a domestic partnership, and the children of partners in a
362 domestic partnership have the same privileges, immunities,
363 rights, benefits, and responsibilities as are granted to or
364 imposed on spouses in a marriage, surviving spouses, and their

365 children.

366 Section 10. Section 28.101, Florida Statutes, is amended
367 to read:

368 28.101 Petitions and records of dissolution of marriage
369 and domestic partnership; additional charges.--

370 (1) When a party petitions for a dissolution of marriage
371 or domestic partnership, in addition to the filing charges in s.
372 28.241, the clerk shall collect and receive:

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

377 (b) A charge of \$5. On a monthly basis, the clerk shall
378 transfer the moneys collected pursuant to this paragraph to the
379 Department of Revenue for deposit in the Displaced Homemaker
380 Trust Fund created in s. 446.50. If a petitioner does not have
381 sufficient funds with which to pay this fee and signs an
382 affidavit so stating, all or a portion of the fee shall be
383 waived subject to a subsequent order of the court relative to
384 the payment of the fee.

385 (c) A charge of \$55. On a monthly basis, the clerk shall
386 transfer the moneys collected pursuant to this paragraph to the
387 Department of Revenue for deposit in the Domestic Violence Trust
388 Fund. Such funds which are generated shall be directed to the
389 Department of Children and Family Services for the specific
390 purpose of funding domestic violence centers.

391 (d) A charge of \$32.50. On a monthly basis, the clerk
392 shall transfer the moneys collected pursuant to this paragraph

393 as follows:

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

396 2. An amount of \$25 to the Department of Revenue for
 397 deposit in the General Revenue Fund.

398 (2) Upon receipt of a final judgment of dissolution of
 399 marriage or dissolution of domestic partnership for filing, and
 400 in addition to the filing charges in s. 28.241, the clerk may
 401 collect and receive a service charge of up to \$10.50 pursuant to
 402 s. 382.023 for the recording and reporting of such final
 403 judgment of dissolution of marriage or dissolution of domestic
 404 partnership to the Department of Health.

405 Section 11. Subsection (23) of section 28.24, Florida
 406 Statutes, is amended to read:

407 28.24 Service charges by clerk of the circuit court.--The
 408 clerk of the circuit court shall charge for services rendered by
 409 the clerk's office in recording documents and instruments and in
 410 performing the duties enumerated in amounts not to exceed those
 411 specified in this section. Notwithstanding any other provision
 412 of this section, the clerk of the circuit court shall provide
 413 without charge to the state attorney, public defender, guardian
 414 ad litem, public guardian, attorney ad litem, criminal conflict
 415 and civil regional counsel, and private court-appointed counsel
 416 paid by the state, and to the authorized staff acting on behalf
 417 of each, access to and a copy of any public record, if the
 418 requesting party is entitled by law to view the exempt or
 419 confidential record, as maintained by and in the custody of the
 420 clerk of the circuit court as provided in general law and the

421 Florida Rules of Judicial Administration. The clerk of the
 422 circuit court may provide the requested public record in an
 423 electronic format in lieu of a paper format when capable of
 424 being accessed by the requesting entity.

425
 426 Charges

427 (23) Upon receipt of an application for a marriage license
 428 or an application to register a Declaration of Domestic
 429 Partnership, for preparing and administering of oath; issuing,
 430 sealing, and recording of the marriage license or for
 431 registering the Declaration of Domestic Partnership; and
 432 providing a certified copy....30.00

433 Section 12. Subsection (2) of section 97.1031, Florida
 434 Statutes, is amended to read:

435 97.1031 Notice of change of residence, change of name, or
 436 change of party affiliation.--

437 (2) When an elector moves from the address named on that
 438 person's voter registration record to another address in a
 439 different county but within the state, the elector seeks to
 440 change party affiliation, or the name of an elector is changed
 441 by marriage, registered Declaration of Domestic Partnership, or
 442 other legal process, the elector shall provide notice of such
 443 change to a voter registration official using a voter
 444 registration application signed by the elector. A voter
 445 information card reflecting the new information shall be issued
 446 to the elector as provided in subsection (3).

447 Section 13. Section 220.121, Florida Statutes, is created
 448 to read:

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449 220.121 Application to domestic partnerships.--This
450 chapter applies to partners in a domestic partnership, as
451 defined in s. 741.502, and surviving partners as if federal
452 income tax law recognized a domestic partnership in the same
453 manner as Florida law.

454 Section 14. Present subsections (6) through (16) of
455 section 382.002, Florida Statutes, are renumbered as subsections
456 (7) through (17), respectively, a new subsection (6) is added to
457 that section, and present subsections (7), (8), and (15) of that
458 section are amended, to read:

459 382.002 Definitions.--As used in this chapter, the term:

460 (6) "Dissolution of domestic partnership" includes an
461 annulment of domestic partnership.

462 (8)~~(7)~~ "Final disposition" means the burial, interment,
463 cremation, removal from the state, or other authorized
464 disposition of a dead body or a fetus as described in subsection
465 (7) ~~(6)~~. In the case of cremation, dispersion of ashes or
466 cremation residue is considered to occur after final
467 disposition; the cremation itself is considered final
468 disposition.

469 (9)~~(8)~~ "Funeral director" means a licensed funeral
470 director or direct disposer licensed pursuant to chapter 497 or
471 other person who first assumes custody of or effects the final
472 disposition of a dead body or a fetus as described in subsection
473 (7) ~~(6)~~.

474 (16)~~(15)~~ "Vital records" or "records" means certificates
475 or reports of birth, death, fetal death, marriage, dissolution
476 of marriage, declaration of domestic partnership, dissolution of

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477 domestic partnership, name change filed pursuant to s. 68.07,
478 and data related thereto.

479 Section 15. Subsection (7) of section 382.003, Florida
480 Statutes, is amended to read:

481 382.003 Powers and duties of the department.--The
482 department may:

483 (7) Approve all forms used in registering, recording,
484 certifying, and preserving vital records, or in otherwise
485 carrying out the purposes of this chapter, and no other forms
486 shall be used other than those approved by the department. The
487 department is responsible for the careful examination of the
488 certificates received monthly from the local registrars and
489 marriage certificates, ~~and~~ dissolution of marriage reports,
490 declarations of domestic partnership reports, and dissolution of
491 domestic partnership reports received from the circuit and
492 county courts. A certificate that is complete and satisfactory
493 shall be accepted and given a state file number and considered a
494 state-filed record. If any such certificates are incomplete or
495 unsatisfactory, the department shall require further information
496 to be supplied as may be necessary to make the record complete
497 and satisfactory. All physicians, midwives, informants, or
498 funeral directors, and all other persons having knowledge of the
499 facts, are required to supply, upon a form approved by the
500 department or upon the original certificate, such information as
501 they may possess regarding any vital record.

502 Section 16. Subsection (9) of section 382.0085, Florida
503 Statutes, is amended to read:

504 382.0085 Stillbirth registration.--

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505 (9) This section or s. 382.002 (15) ~~(14)~~ may not be used to
 506 establish, bring, or support a civil cause of action seeking
 507 damages against any person or entity for bodily injury, personal
 508 injury, or wrongful death for a stillbirth.

509 Section 17. Section 382.021, Florida Statutes, is amended
 510 to read:

511 382.021 Department to receive marriage licenses and
 512 registered Declarations of Domestic Partnership.--On or before
 513 the 5th day of each month, the county court judge or clerk of
 514 the circuit court shall transmit all original marriage licenses,
 515 with endorsements, and all Declarations of Domestic Partnership
 516 received during the preceding calendar month, to the department.
 517 Any marriage licenses issued and not returned or any marriage
 518 licenses returned but not recorded shall be reported by the
 519 issuing county court judge or clerk of the circuit court to the
 520 department at the time of transmitting the recorded licenses on
 521 the forms to be prescribed and furnished by the department. If
 522 during any month no marriage licenses are issued or returned, or
 523 no Declarations of Domestic Partnership are registered, the
 524 county court judge or clerk of the circuit court shall report
 525 such fact to the department upon forms prescribed and furnished
 526 by the department.

527 Section 18. Section 382.022, Florida Statutes, is amended
 528 to read:

529 382.022 Marriage application; registration of Declaration
 530 of Domestic Partnership; fees.--Upon the receipt of each
 531 application for the issuance of a marriage license, or upon
 532 registering a Declaration of Domestic Partnership, the county

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533 court judge or clerk of the circuit court shall, pursuant to s.
534 741.02, collect and receive a fee of \$4 which shall be remitted
535 to the Department of Revenue for deposit to the Department of
536 Health to defray part of the cost of maintaining marriage and
537 registered domestic partnership records.

538 Section 19. Section 382.023, Florida Statutes, is amended
539 to read:

540 382.023 Department to receive dissolution-of-marriage and
541 dissolution-of-domestic-partnership records; fees.--Clerks of
542 the circuit courts shall collect for their services at the time
543 of the filing of a final judgment of dissolution of marriage or
544 dissolution-of-domestic-partnership a fee of up to \$10.50, of
545 which 43 percent shall be retained by the clerk of the circuit
546 court as a part of the cost in the cause in which the judgment
547 is granted. The remaining 57 percent shall be remitted to the
548 Department of Revenue for deposit to the Department of Health to
549 defray part of the cost of maintaining the dissolution-of-
550 marriage and dissolution-of-domestic-partnership records. A
551 record of each and every judgment of dissolution of marriage and
552 dissolution of domestic partnership granted by the court during
553 the preceding calendar month, giving names of parties and such
554 other data as required by forms prescribed by the department,
555 shall be transmitted to the department, on or before the 10th
556 day of each month, along with an accounting of the funds
557 remitted to the Department of Revenue pursuant to this section.

558 Section 20. Paragraph (a) of subsection (1) and paragraphs
559 (a) and (c) of subsection (2) of section 382.025, Florida
560 Statutes, are amended to read:

561 382.025 Certified copies of vital records;
 562 confidentiality; research.--

563 (1) BIRTH RECORDS.--Except for birth records over 100
 564 years old which are not under seal pursuant to court order, all
 565 birth records of this state shall be confidential and are exempt
 566 from the provisions of s. 119.07(1).

567 (a) Certified copies of the original birth certificate or
 568 a new or amended certificate, or affidavits thereof, are
 569 confidential and exempt from the provisions of s. 119.07(1) and,
 570 upon receipt of a request and payment of the fee prescribed in
 571 s. 382.0255, shall be issued only as authorized by the
 572 department and in the form prescribed by the department, and
 573 only:

- 574 1. To the registrant, if of legal age;
- 575 2. To the registrant's parent or guardian or other legal
 576 representative;
- 577 3. Upon receipt of the registrant's death certificate, to
 578 the registrant's spouse or domestic partner or to the
 579 registrant's child, grandchild, or sibling, if of legal age, or
 580 to the legal representative of any of such persons;
- 581 4. To any person if the birth record is over 100 years old
 582 and not under seal pursuant to court order;
- 583 5. To a law enforcement agency for official purposes;
- 584 6. To any agency of the state or the United States for
 585 official purposes upon approval of the department; or
- 586 7. Upon order of any court of competent jurisdiction.

587 (2) OTHER RECORDS.--

588 (a) The department shall authorize the issuance of a

589 certified copy of all or part of any marriage, dissolution of
 590 marriage, domestic partnership, dissolution of domestic
 591 partnership, or death or fetal death certificate, excluding that
 592 portion which is confidential and exempt from the provisions of
 593 s. 119.07(1) as provided under s. 382.008, to any person
 594 requesting it upon receipt of a request and payment of the fee
 595 prescribed by this section. A certification of the death or
 596 fetal death certificate which includes the confidential portions
 597 shall be issued only:

598 1. To the registrant's spouse or domestic partner, or
 599 parent, or to the registrant's child, grandchild, or sibling, if
 600 of legal age, or to any person who provides a will that has been
 601 executed pursuant to s. 732.502, insurance policy, or other
 602 document that demonstrates his or her interest in the estate of
 603 the registrant, or to any person who provides documentation that
 604 he or she is acting on behalf of any of them;

605 2. To any agency of the state or local government or the
 606 United States for official purposes upon approval of the
 607 department; or

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

609 (c) The department shall issue, upon request and upon
 610 payment of an additional fee prescribed by this section, a
 611 commemorative marriage license or Certificate of Registered
 612 Domestic Partnership representing that the marriage or domestic
 613 partnership of the persons named thereon is recorded in the
 614 office of the registrar. The certificate issued under this
 615 paragraph shall be in a form consistent with the need to protect
 616 the integrity of vital records but shall be suitable for

617 display. It may bear the seal of the state printed thereon and
 618 may be signed by the Governor.

619 Section 21. Paragraph (i) of subsection (1) of section
 620 382.0255, Florida Statutes, is amended to read:

621 382.0255 Fees.--

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

623 (i) Twenty-five dollars for a commemorative certificate of
 624 birth, ~~or marriage,~~ or domestic partnership. Fees collected
 625 pursuant to this paragraph in excess of expenses shall be
 626 available for use by the Regional Perinatal Intensive Care
 627 Centers (RPICC) Program to prevent child abuse and neglect.
 628 Funds derived from the issuance of commemorative marriage
 629 certificates shall be available for use by the Improved
 630 Pregnancy Outcome Program.

631 Section 22. Paragraph (b) of subsection (5) of section
 632 446.50, Florida Statutes, is amended to read:

633 446.50 Displaced homemakers; multiservice programs; report
 634 to the Legislature; Displaced Homemaker Trust Fund created.--

635 (5) DISPLACED HOMEMAKER TRUST FUND.--

636 (b) The trust fund shall receive funds generated from an
 637 additional fee on marriage license applications, Declarations of
 638 Domestic Partnership, ~~and~~ dissolution of marriage, and
 639 dissolution of domestic partnership filings as specified in ss.
 640 741.01(3) and 28.101, respectively, and may receive funds from
 641 any other public or private source.

642 Section 23. Section 741.01, Florida Statutes, is amended
 643 to read:

644 741.01 County court judge or clerk of the circuit court to

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645 issue marriage license; fee.--

646 (1) Every marriage license shall be issued by a county
647 court judge or clerk of the circuit court under his or her hand
648 and seal. The county court judge or clerk of the circuit court
649 shall issue such license, upon application for the license, if
650 there appears to be no impediment to the marriage. The county
651 court judge or clerk of the circuit court shall collect and
652 receive a fee of \$2 for receiving the application for the
653 issuance of a marriage license or for registering a Declaration
654 of Domestic Partnership.

655 (2) The fee charged for each marriage license issued and
656 for each Declaration of Domestic Partnership registered in the
657 state shall be increased by the sum of \$25. This fee shall be
658 collected upon receipt of the application for the issuance of a
659 marriage license or upon registering the Declaration of Domestic
660 Partnership and remitted by the clerk to the Department of
661 Revenue for deposit in the Domestic Violence Trust Fund. The
662 Executive Office of the Governor shall establish a Domestic
663 Violence Trust Fund for the purpose of collecting and disbursing
664 funds generated from the increase in the marriage license fee.
665 Such funds which are generated shall be directed to the
666 Department of Children and Family Services for the specific
667 purpose of funding domestic violence centers, and the funds
668 shall be appropriated in a "grants-in-aid" category to the
669 Department of Children and Family Services for the purpose of
670 funding domestic violence centers. From the proceeds of the
671 surcharge deposited into the Domestic Violence Trust Fund as
672 required under s. 938.08, the Executive Office of the Governor

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673 may spend up to \$500,000 each year for the purpose of
674 administering a statewide public-awareness campaign regarding
675 domestic violence.

676 (3) Further, the fee charged for each marriage license
677 issued and for each Declaration of Domestic Partnership
678 registered in the state shall be increased by an additional sum
679 of \$7.50 to be collected upon receipt of the application for the
680 issuance of a marriage license or upon registration of the
681 domestic partnership. The clerk shall transfer such funds
682 monthly to the Department of Revenue for deposit in the
683 Displaced Homemaker Trust Fund created in s. 446.50.

684 (4) An additional fee of \$25 shall be paid to the clerk
685 upon receipt of the application for issuance of a marriage
686 license and for each Declaration of Domestic Partnership
687 registered. The moneys collected shall be remitted by the clerk
688 to the Department of Revenue, monthly, for deposit in the
689 General Revenue Fund.

690 (5) The fee charged for each marriage license issued in
691 the state shall be reduced by a sum of \$32.50 for all couples
692 who present valid certificates of completion of a premarital
693 preparation course from a qualified course provider registered
694 under s. 741.0305(5) for a course taken no more than 1 year
695 before ~~prior to~~ the date of application for a marriage license.
696 For each license issued that is subject to the fee reduction of
697 this subsection, the clerk is not required to transfer the sum
698 of \$7.50 to the Department of Revenue for deposit in the
699 Displaced Homemaker Trust Fund pursuant to subsection (3) or to
700 transfer the sum of \$25 to the Department of Revenue for deposit

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701 in the General Revenue Fund.

702 Section 24. Section 741.011, Florida Statutes, is amended
703 to read:

704 741.011 Installment payments.--An applicant for a marriage
705 license or a Declaration of Domestic Partnership who is unable
706 to pay the fees required under s. 741.01 in a lump sum may make
707 payment in not more than three installments over a period of 90
708 days. The clerk shall accept installment payments upon receipt
709 of an affidavit that the applicant is unable to pay the fees in
710 a lump-sum payment. Upon receipt of the third or final
711 installment payment, the marriage license application shall be
712 deemed filed, and the clerk shall issue the marriage license to
713 the applicant or register the Declaration of Domestic
714 Partnership and distribute the fees as provided in s. 741.01. In
715 the event that the marriage license fee is paid in installments,
716 the clerk shall retain \$1 from the additional fee imposed
717 pursuant to s. 741.01(4), as a processing fee.

718 Section 25. Section 741.02, Florida Statutes, is amended
719 to read:

720 741.02 Additional fee.--Upon the receipt of each
721 application for the issuance of a marriage license or for
722 registering a Declaration of Domestic Partnership, the county
723 court judge or clerk of the circuit court shall, in addition to
724 the fee allowed by s. 741.01, collect and receive an additional
725 fee of \$4, to be distributed as provided by s. 382.022.

726 Section 26. Section 741.09, Florida Statutes, is amended
727 to read:

728 741.09 Record of license, and certificate, and registered

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729 Declaration of Domestic Partnership.--The county court judge and
 730 clerk of the circuit court shall keep a correct record of all
 731 marriage licenses issued and domestic partnerships registered,
 732 with the names of the parties and the date of issuing, and upon
 733 the return of the license and certificate shall enter therein
 734 the name of the person solemnizing the marriage and the date of
 735 marriage.

736 Section 27. Section 741.10, Florida Statutes, is amended
 737 to read:

738 741.10 Proof of marriage or registered Declaration of
 739 Domestic Partnership where no certificate available.--When any
 740 marriage is or has been solemnized by any of the persons named
 741 in s. 741.07, and such person has not made a certificate thereof
 742 on the marriage license as required by s. 741.08, or when the
 743 marriage license or registered Declaration of Domestic
 744 Partnership has been lost, or when by reason of death or other
 745 cause the proper certificate cannot be obtained, the marriage or
 746 registered domestic partnership may be proved by affidavit
 747 before any officer authorized to administer oaths made by two
 748 competent witnesses who were present and saw the marriage
 749 ceremony performed, or the Declaration of Domestic Partnership
 750 executed under s. 741.505, which affidavit may be filed and
 751 recorded in the office of the county court judge or clerk of the
 752 circuit court from which the marriage license issued or in which
 753 the Declaration of Domestic Partnership was registered, with the
 754 same force and effect as in cases in which the proper
 755 certificate has been made, returned and recorded.

756 Section 28. Subsection (3) of section 741.28, Florida

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757 Statutes, is amended to read:

758 741.28 Domestic violence; definitions.--As used in ss.

759 741.28-741.31:

760 (3) "Family or household member" means spouses, former
 761 spouses, persons related by blood, ~~or~~ marriage, or domestic
 762 partnership, persons who are presently residing together as if a
 763 family or who have resided together in the past as if a family,
 764 and persons who are parents of a child in common regardless of
 765 whether they have been married. With the exception of persons
 766 who have a child in common, the family or household members must
 767 be currently residing or have in the past resided together in
 768 the same single dwelling unit.

769 Section 29. For the purpose of incorporating the amendment
 770 made by this act to section 741.28, Florida Statutes, in a
 771 reference thereto, paragraph (b) of subsection (1) of section
 772 921.0024, Florida Statutes, is reenacted to read:

773 921.0024 Criminal Punishment Code; worksheet computations;
 774 scoresheets.--

775 (1)

776 (b) WORKSHEET KEY:

777
 778 Legal status points are assessed when any form of legal status
 779 existed at the time the offender committed an offense before the
 780 court for sentencing. Four (4) sentence points are assessed for
 781 an offender's legal status.

782
 783 Community sanction violation points are assessed when a
 784 community sanction violation is before the court for sentencing.

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785 Six (6) sentence points are assessed for each community sanction
786 violation and each successive community sanction violation,
787 unless any of the following apply:

788 1. If the community sanction violation includes a new
789 felony conviction before the sentencing court, twelve (12)
790 community sanction violation points are assessed for the
791 violation, and for each successive community sanction violation
792 involving a new felony conviction.

793 2. If the community sanction violation is committed by a
794 violent felony offender of special concern as defined in s.
795 948.06:

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

799 (I) The violation does not include a new felony
800 conviction; and

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

804 b. Twenty-four (24) community sanction violation points
805 are assessed for the violation and for each successive violation
806 of felony probation or community control where the violation
807 includes a new felony conviction.

808

809 Multiple counts of community sanction violations before the
810 sentencing court shall not be a basis for multiplying the
811 assessment of community sanction violation points.

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813 Prior serious felony points: If the offender has a primary
814 offense or any additional offense ranked in level 8, level 9, or
815 level 10, and one or more prior serious felonies, a single
816 assessment of thirty (30) points shall be added. For purposes of
817 this section, a prior serious felony is an offense in the
818 offender's prior record that is ranked in level 8, level 9, or
819 level 10 under s. 921.0022 or s. 921.0023 and for which the
820 offender is serving a sentence of confinement, supervision, or
821 other sanction or for which the offender's date of release from
822 confinement, supervision, or other sanction, whichever is later,
823 is within 3 years before the date the primary offense or any
824 additional offense was committed.

825
826 Prior capital felony points: If the offender has one or more
827 prior capital felonies in the offender's criminal record, points
828 shall be added to the subtotal sentence points of the offender
829 equal to twice the number of points the offender receives for
830 the primary offense and any additional offense. A prior capital
831 felony in the offender's criminal record is a previous capital
832 felony offense for which the offender has entered a plea of nolo
833 contendere or guilty or has been found guilty; or a felony in
834 another jurisdiction which is a capital felony in that
835 jurisdiction, or would be a capital felony if the offense were
836 committed in this state.

837
838 Possession of a firearm, semiautomatic firearm, or machine gun:
839 If the offender is convicted of committing or attempting to
840 commit any felony other than those enumerated in s. 775.087(2)

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841 while having in his or her possession: a firearm as defined in
842 s. 790.001(6), an additional eighteen (18) sentence points are
843 assessed; or if the offender is convicted of committing or
844 attempting to commit any felony other than those enumerated in
845 s. 775.087(3) while having in his or her possession a
846 semiautomatic firearm as defined in s. 775.087(3) or a machine
847 gun as defined in s. 790.001(9), an additional twenty-five (25)
848 sentence points are assessed.

849
850 Sentencing multipliers:

851
852 Drug trafficking: If the primary offense is drug trafficking
853 under s. 893.135, the subtotal sentence points are multiplied,
854 at the discretion of the court, for a level 7 or level 8
855 offense, by 1.5. The state attorney may move the sentencing
856 court to reduce or suspend the sentence of a person convicted of
857 a level 7 or level 8 offense, if the offender provides
858 substantial assistance as described in s. 893.135(4).

859
860 Law enforcement protection: If the primary offense is a
861 violation of the Law Enforcement Protection Act under s.
862 775.0823(2), (3), or (4), the subtotal sentence points are
863 multiplied by 2.5. If the primary offense is a violation of s.
864 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
865 are multiplied by 2.0. If the primary offense is a violation of
866 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
867 Protection Act under s. 775.0823(10) or (11), the subtotal
868 sentence points are multiplied by 1.5.

869
 870 Grand theft of a motor vehicle: If the primary offense is grand
 871 theft of the third degree involving a motor vehicle and in the
 872 offender's prior record, there are three or more grand thefts of
 873 the third degree involving a motor vehicle, the subtotal
 874 sentence points are multiplied by 1.5.

875
 876 Offense related to a criminal gang: If the offender is convicted
 877 of the primary offense and committed that offense for the
 878 purpose of benefiting, promoting, or furthering the interests of
 879 a criminal gang as prohibited under s. 874.04, the subtotal
 880 sentence points are multiplied by 1.5.

881
 882 Domestic violence in the presence of a child: If the offender is
 883 convicted of the primary offense and the primary offense is a
 884 crime of domestic violence, as defined in s. 741.28, which was
 885 committed in the presence of a child under 16 years of age who
 886 is a family or household member as defined in s. 741.28(3) with
 887 the victim or perpetrator, the subtotal sentence points are
 888 multiplied by 1.5.

889 Section 30. For the purpose of incorporating the amendment
 890 made by this act to section 741.28, Florida Statutes, in a
 891 reference thereto, paragraph (b) of subsection (2) of section
 892 943.171, Florida Statutes, is reenacted to read:

893 943.171 Basic skills training in handling domestic
 894 violence cases.--

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

896 (b) "Household member" has the meaning set forth in s.

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897 | 741.28(3).

898 | Section 31. This act shall take effect July 1, 2009.