

By Senator Sobel

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1 A bill to be entitled
2 An act relating to domestic partnerships; amending ss.
3 28.101 and 28.24, F.S.; setting forth fees and costs
4 to be 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; creating s. 220.121, F.S.;
10 providing applicability of domestic partnerships to
11 state tax laws; amending s. 382.002, F.S.; defining
12 the term "dissolution of a domestic partnership" for
13 purposes of vital records; including domestic
14 partnerships and dissolution of domestic partnership
15 as vital records in this state; amending s. 382.003,
16 F.S.; requiring the Department of Health to examine
17 all certificates of domestic partnership forms and
18 dissolution of domestic partnership reports sent from
19 the courts; amending s. 382.0085, F.S.; conforming a
20 cross-reference; amending s. 382.021, F.S.; requiring
21 the clerk of the circuit court to transmit all
22 original declarations of domestic partnership to the
23 Department of Health by a specified date each month;
24 amending s. 382.022, F.S.; requiring the clerk of the
25 circuit court to collect a fee after registering a
26 domestic partnership; amending s. 382.023, F.S.;
27 requiring the clerk of the circuit court to collect a
28 fee upon filing a final judgment for a dissolution of
29 domestic partnership; amending s. 382.025, F.S.;

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

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59 with the clerk of the circuit court; specifying the
60 required contents of the completed form; providing
61 that each partner who signs the form consents to the
62 jurisdiction of the circuit court for certain
63 specified purposes; providing that if a person files
64 an intentionally and materially false form, he or she
65 commits a misdemeanor of the first degree; providing
66 criminal penalties; requiring the clerk of the circuit
67 court to register the Declaration of Domestic
68 Partnership in a domestic partnership registry and
69 issue a Certificate of Registered Domestic
70 Partnership; creating s. 742.506, F.S.; authorizing
71 the domestic partners to retain surnames; creating s.
72 741.507, F.S.; providing that any privilege or
73 responsibility granted or imposed by statute,
74 administrative rule, court order, policy, common law,
75 or any other law to an individual because the
76 individual is or was related to another by marriage,
77 or is a child of either of the spouses, is granted on
78 equivalent terms to domestic partners or individuals
79 similarly related to domestic partners; providing that
80 the act does not require or permit the extension of
81 any benefit under a retirement, deferred compensation,
82 or other employee benefit plan, if the plan
83 administrator reasonably concludes that the extension
84 of benefits to partners would conflict with a
85 condition for tax qualification of the plan, or a
86 condition for other favorable tax treatment of the
87 plan, under the Internal Revenue Code; creating s.

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88 741.508, F.S.; specifying prohibited or void domestic
89 partnerships; creating s. 741.09, F.S.; requiring that
90 the clerk of the circuit court collect certain fees
91 for receiving a Declaration of Domestic Partnership;
92 authorizing the clerk of the circuit court to accept
93 installment payments from individuals who are unable
94 to pay the fees in a lump sum; creating s. 741.510,
95 F.S.; providing methods to prove the existence of a
96 registered Declaration Domestic Partnership when the
97 certificate document has been lost or is otherwise
98 unavailable; reenacting ss. 921.0024(1)(b) and
99 943.171(2)(b), F.S., relating to the worksheet form
100 for the Criminal Punishment Code and the basic skills
101 training for domestic violence cases, respectively, to
102 incorporate the amendments made to s. 741.28, F.S., in
103 references thereto; providing an effective date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Section 28.101, Florida Statutes, is amended to
108 read:

109 28.101 Petitions and records of dissolution of marriage and
110 domestic partnership; additional charges.—

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

114 (a) A charge of \$5. On a monthly basis, the clerk shall
115 transfer the moneys collected pursuant to this paragraph to the
116 Department of Revenue for deposit in the Child Welfare Training

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117 Trust Fund created in s. 402.40.

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

126 (c) A charge of \$55. 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 Domestic Violence Trust
129 Fund. Such funds ~~which are generated~~ shall be directed to the
130 Department of Children and Family Services for the specific
131 purpose of funding domestic violence centers.

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

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

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

139 (2) Upon receipt of a final judgment of dissolution of
140 marriage or dissolution of domestic partnership for filing, and
141 in addition to the filing charges in s. 28.241, the clerk may
142 collect and receive a service charge of up to \$10.50 pursuant to
143 s. 382.023 for ~~the~~ recording and reporting ~~the of such~~ final
144 judgment ~~of dissolution of marriage~~ to the Department of Health.

145 Section 2. Subsection (23) of section 28.24, Florida

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146 Statutes, is amended to read:

147 28.24 Service charges by clerk of the circuit court.—The
 148 clerk of the circuit court shall charge for services rendered by
 149 the clerk’s office in recording documents and instruments and in
 150 performing the duties enumerated in amounts not to exceed those
 151 specified in this section. Notwithstanding any other provision
 152 of this section, the clerk of the circuit court shall provide
 153 without charge to the state attorney, public defender, guardian
 154 ad litem, public guardian, attorney ad litem, criminal conflict
 155 and civil regional counsel, and private court-appointed counsel
 156 paid by the state, and to the authorized staff acting on behalf
 157 of each, access to and a copy of any public record, if the
 158 requesting party is entitled by law to view the exempt or
 159 confidential record, as maintained by and in the custody of the
 160 clerk of the circuit court as provided in general law and the
 161 Florida Rules of Judicial Administration. The clerk of the
 162 circuit court may provide the requested public record in an
 163 electronic format in lieu of a paper format when capable of
 164 being accessed by the requesting entity.

166 Charges

168 (23) Upon receipt of an application for a marriage license
 169 or a declaration of domestic partnership, for preparing and
 170 administering of oath; issuing, sealing, and recording of the
 171 marriage license or registering the domestic partnership; and
 172 providing a certified copy.....30.00

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

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175 97.1031 Notice of change of residence, change of name, or
176 change of party affiliation.—

177 (2) When an elector moves from the address named on that
178 person's voter registration record to another address in a
179 different county but within the state, the elector seeks to
180 change party affiliation, or the name of an elector is changed
181 by marriage, domestic partnership, or other legal process, the
182 elector shall provide notice of such change to a voter
183 registration official using a voter registration application
184 signed by the elector. A voter information card reflecting the
185 new information shall be issued to the elector as provided in
186 subsection (3).

187 Section 4. Section 220.121, Florida Statutes, is created to
188 read:

189 220.121 Application to domestic partnerships.—This chapter
190 applies to partners in a domestic partnership, as defined in s.
191 741.502, and surviving partners as if federal income tax law
192 recognized a domestic partnership in the same manner as state
193 law.

194 Section 5. Present subsections (6) through (16) of section
195 382.002, Florida Statutes, are renumbered as subsections (7)
196 through (17), respectively, a new subsection (6) is added to
197 that section, and present subsection (15) of that section is
198 amended, to read:

199 382.002 Definitions.—As used in this chapter, the term:

200 (6) "Dissolution of domestic partnership" includes an
201 annulment of domestic partnership.

202 (16) ~~(15)~~ "Vital records" or "records" means certificates or
203 reports of birth, death, fetal death, marriage, domestic

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204 partnership, dissolution of marriage or domestic partnership,
205 name change filed pursuant to s. 68.07, and data related
206 thereto.

207 Section 6. Subsection (7) of section 382.003, Florida
208 Statutes, is amended to read:

209 382.003 Powers and duties of the department.—The department
210 shall:

211 (7) Approve all forms used in registering, recording,
212 certifying, and preserving vital records, or in otherwise
213 carrying out the purposes of this chapter, and ~~no~~ other forms
214 may not shall be used other than those approved by the
215 department. The department is responsible for the careful
216 examination of the certificates received monthly from the local
217 registrars and marriage certificates, certificates of domestic
218 partnership, and dissolution of marriage and domestic
219 partnership reports received from the circuit and county courts.
220 A certificate that is complete and satisfactory shall be
221 accepted and given a state file number and considered a state-
222 filed record. If any such certificates are incomplete or
223 unsatisfactory, the department shall require further information
224 to be supplied as ~~may be~~ necessary to make the record complete
225 and satisfactory. All physicians, midwives, informants, or
226 funeral directors, and all other persons having knowledge of the
227 facts, are required to supply, upon a form approved by the
228 department or upon the original certificate, such information as
229 they may possess regarding any vital record.

230 Section 7. Subsection (9) of section 382.0085, Florida
231 Statutes, is amended to read:

232 382.0085 Stillbirth registration.—

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

237 Section 8. Section 382.021, Florida Statutes, is amended to
238 read:

239 382.021 Department to receive marriage licenses and
240 declarations of domestic partnership.—On or before the 5th day
241 of each month, the county court judge or clerk of the circuit
242 court shall transmit to the department all original marriage
243 licenses, with endorsements, and all declarations of domestic
244 partnership received during the preceding calendar month, ~~to the~~
245 ~~department~~. Any marriage licenses or declarations of domestic
246 partnership issued and not returned, or any marriage licenses
247 returned but not recorded, shall be reported by the issuing
248 county court judge or clerk of the circuit court to the
249 department at the time of transmitting the recorded licenses or
250 declarations on the forms to be prescribed and furnished by the
251 department. If during any month no marriage licenses or
252 declarations of domestic partnership are issued or returned, the
253 county court judge or clerk of the circuit court shall report
254 such fact to the department upon forms prescribed and furnished
255 by the department.

256 Section 9. Section 382.022, Florida Statutes, is amended to
257 read:

258 382.022 Marriage application; registration of domestic
259 partnership; fees.—Upon the receipt of each application for the
260 issuance of a marriage license or registering a domestic
261 partnership, the county court judge or clerk of the circuit

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262 court shall, pursuant to s. 741.02, collect and receive a fee of
263 \$4 which shall be remitted to the Department of Revenue for
264 deposit to the Department of Health to defray part of the cost
265 of maintaining marriage and domestic partnership records.

266 Section 10. Section 382.023, Florida Statutes, is amended
267 to read:

268 382.023 Department to receive dissolution-of-marriage and
269 domestic-partnership records; fees. ~~Clerks of the circuit courts~~
270 ~~shall collect for their services~~ At the time of the filing of a
271 final judgment of dissolution of marriage or dissolution of
272 domestic partnership, the clerk of the circuit court shall
273 collect a fee of up to \$10.50, of which 43 percent shall be
274 retained by the clerk ~~of the circuit court~~ as a part of the cost
275 in the cause in which the judgment is granted. The remaining 57
276 percent shall be remitted to the Department of Revenue for
277 deposit to the Department of Health to defray part of the cost
278 of maintaining the dissolution-of-marriage and dissolution-of-
279 domestic-partnership records. A record of each and every
280 judgment of dissolution of marriage and dissolution of domestic
281 partnership granted by the court during the preceding calendar
282 month, giving names of parties and such other data as required
283 by forms prescribed by the department, shall be transmitted to
284 the department, on or before the 10th day of each month, along
285 with an accounting of the funds remitted to the Department of
286 Revenue pursuant to this section.

287 Section 11. Paragraph (a) of subsection (1) and paragraphs
288 (a) and (c) of subsection (2) of section 382.025, Florida
289 Statutes, are amended to read:

290 382.025 Certified copies of vital records; confidentiality;

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291 research.—

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

296 (a) Certified copies of the original birth certificate or a
297 new or amended certificate, or affidavits thereof, are
298 confidential and exempt from the provisions of s. 119.07(1) and,
299 upon receipt of a request and payment of the fee prescribed in
300 s. 382.0255, shall be issued only as authorized by the
301 department and in the form prescribed by the department, and
302 only:

303 1. To the registrant, if of legal age;

304 2. To the registrant's parent or guardian or other legal
305 representative;

306 3. Upon receipt of the registrant's death certificate, to
307 the registrant's spouse or domestic partner or to the
308 registrant's child, grandchild, or sibling, if of legal age, or
309 to the legal representative of any of such persons;

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

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

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

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

316 (2) OTHER RECORDS.—

317 (a) The department shall authorize the issuance of a
318 certified copy of all or part of any marriage, domestic
319 partnership, dissolution of marriage or domestic partnership, or

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320 death or fetal death certificate, excluding that portion which
321 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
322 as provided under s. 382.008, to any person requesting it upon
323 receipt of a request and payment of the fee prescribed by this
324 section. A certification of the death or fetal death certificate
325 which includes the confidential portions shall be issued only:

326 1. To the registrant's spouse, domestic partner, or parent,
327 or to the registrant's child, grandchild, or sibling, if of
328 legal age, or to any person who provides a will that has been
329 executed pursuant to s. 732.502, insurance policy, or other
330 document that demonstrates his or her interest in the estate of
331 the registrant, or to any person who provides documentation that
332 he or she is acting on behalf of any of them;

333 2. To any agency of the state or local government or the
334 United States for official purposes upon approval of the
335 department; or

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

337 (c) The department shall issue, upon request and upon
338 payment of an additional fee prescribed by this section, a
339 commemorative marriage license or certificate of domestic
340 partnership representing that the marriage or domestic
341 partnership of the persons named thereon is recorded in the
342 office of the registrar. The certificate issued under this
343 paragraph must ~~shall~~ be in a form consistent with the need to
344 protect the integrity of vital records but must ~~shall~~ be
345 suitable for display. It may bear the seal of the state printed
346 thereon and may be signed by the Governor.

347 Section 12. Paragraph (i) of subsection (1) of section
348 382.0255, Florida Statutes, is amended to read:

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349 382.0255 Fees.—

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

351 (i) Twenty-five dollars for a commemorative certificate of
352 birth, ~~or marriage, or domestic partnership~~. Fees collected
353 pursuant to this paragraph in excess of expenses shall be used
354 ~~available for use~~ by the Regional Perinatal Intensive Care
355 Centers (RPICC) Program to prevent child abuse and neglect.
356 Funds derived from the issuance of commemorative marriage
357 certificates shall be used ~~available for use~~ by the Improved
358 Pregnancy Outcome Program.

359 Section 13. Paragraph (b) of subsection (5) of section
360 446.50, Florida Statutes, is amended to read:

361 446.50 Displaced homemakers; multiservice programs; report
362 to the Legislature; Displaced Homemaker Trust Fund created.—

363 (5) DISPLACED HOMEMAKER TRUST FUND.—

364 (b) The trust fund shall receive funds generated from an
365 additional fee on marriage license applications, declarations of
366 domestic partnerships, and dissolution of marriage and domestic
367 partnership filings as specified in ss. 741.01(3), 741.509, and
368 28.101, respectively, and may receive funds from any other
369 public or private source.

370 Section 14. Subsection (3) of section 741.28, Florida
371 Statutes, is amended to read:

372 741.28 Domestic violence; definitions.—As used in ss.
373 741.28-741.31:

374 (3) "Family or household member" means spouses;; former
375 spouses;; persons related by blood, ~~or marriage, or domestic~~
376 partnership; persons who are presently residing together as if a
377 family or who have resided together in the past as if a family;;

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378 and persons who are parents of a child in common regardless of
379 whether they have been married. With the exception of persons
380 who have a child in common, the family or household members must
381 be currently residing or have in the past resided together in
382 the same single dwelling unit.

383 Section 15. Section 741.501, Florida Statutes, is created
384 to read:

385 741.501 Legislative findings.—The Legislature finds that:

386 (1) There are a significant number of individuals in this
387 state who live together in important, personal, emotional, and
388 economically committed relationships. Together, these
389 individuals live, serve, and participate in the community, and
390 often rear children and care for family members.

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

395 (3) The state has a strong interest in promoting stable and
396 lasting families, and believes that all families should be
397 provided with the opportunity to obtain necessary legal
398 protections and status and the ability to achieve their fullest
399 potential.

400 (4) While some public and private institutions recognize
401 domestic partnerships for limited purposes such as health
402 benefits, hospital visitation, and medical decisionmaking for an
403 incapacitated family member, many do not. Historically, legal
404 recognition of marriage by the state is the primary and, in a
405 number of instances, the exclusive source of numerous rights,
406 benefits, and responsibilities available to families under the

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407 laws of this state.

408 (5) The status of marriage in this state is limited by Art.
409 I of the State Constitution to the union of one man and one
410 woman and the Legislature does not seek to alter the definition
411 of marriage in any way. The Legislature also finds, however,
412 that recognition of domestic partnerships can provide an
413 alternative mechanism for extending certain important rights and
414 responsibilities to individuals who choose to form long-term,
415 mutually supportive relationships. Such recognition will provide
416 support to these familial relationships without affecting the
417 definition of marriage, without creating or recognizing a legal
418 relationship that is the substantial equivalent of marriage, and
419 without affecting restrictions contained in federal law.

420 (6) The decision to offer or seek a ceremony or blessing
421 over the domestic partnership should be left to the dictates of
422 each religious faith and to the preferences of the persons
423 entering into the partnership. Sections 741.501-741.510 do not
424 require performance of any solemnization ceremony to enter into
425 a binding domestic partnership agreement and do not interfere
426 with the right of each religious faith to choose freely to whom
427 to grant the religious status, sacrament, or blessing of
428 marriage under the rules and practices of that faith.

429 (7) Because of the material and other support that these
430 familial relationships provide to their participants, these
431 relationships should be formally recognized and made uniform by
432 law. Therefore, the Legislature declares that it is the policy
433 of this state to establish and define the rights and
434 responsibilities of domestic partners.

435 Section 16. Section 741.502, Florida Statutes, is created

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436 to read:

437 741.502 Definitions.—As used in ss. 741.501-741-510, the
438 term:439 (1) "Department" means the Department of Health.440 (2) "Domestic partnership" means a civil contract entered
441 into between two individuals who are 18 years of age or older
442 and otherwise capable, of which at least one of whom is a
443 resident of this state.444 (3) "Partner" means an individual joined in a domestic
445 partnership.446 Section 17. Section 741.503, Florida Statutes, is created
447 to read:448 741.503 Forms.—449 (1) Pursuant to s. 382.003(7), the department shall prepare
450 forms entitled:451 (a) "Declaration of Domestic Partnership" which meets the
452 requirements of s. 741.504; and453 (b) "Certificate of Registered Domestic Partnership."454 (2) The department shall distribute the Declaration of
455 Domestic Partnership and Certificate of Registered Domestic
456 Partnership forms to each clerk of the circuit court. The
457 department and each clerk shall make the Declaration of Domestic
458 Partnership form available to the public.459 Section 18. Section 741.504, Florida Statutes, is created
460 to read:461 741.504 Court jurisdiction and duties; registry.—462 (1) The circuit court has jurisdiction over any proceeding
463 relating to the domestic partners' rights and obligations,
464 including a petition for the dissolution or annulment of the

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465 domestic partnership.

466 (2) Each clerk of the circuit court shall maintain a
467 registry of all domestic partnerships entered into in that
468 circuit and a record of all certificates of domestic partnership
469 issued which includes the names of the partners and the date of
470 issuance.

471 (3) Notwithstanding s. 382.025 or any other law, the
472 registry of domestic partnerships maintained by a clerk of the
473 circuit court is a public record and subject to full disclosure.

474 Section 19. Section 741.505, Florida Statutes, is created
475 to read:

476 741.505 Domestic partnership requirements.-

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

481 (a) A statement attesting that each individual is 18 years
482 of age or older and is otherwise capable of entering into a
483 domestic partnership. The clerk may accept any reasonable proof
484 of an individual's age which is satisfactory to the clerk. The
485 clerk may also require proof of age by affidavit of some
486 individual other than the parties seeking to file the form if
487 the clerk deems it necessary.

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

490 (c) Each individual's mailing address.

491 (d) A statement attesting that each individual consents to
492 the jurisdiction of the circuit courts of this state for the
493 purpose of an action to obtain a judgment of dissolution or

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494 annulment of the domestic partnership or for legal separation of
495 the partners, or for any other proceeding relating to the
496 partners' rights and obligations, even if one or both partners
497 ceases to reside, or maintain a domicile, in this state.

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

502 (2) Notwithstanding s. 61.021, each person signing a
503 Declaration of Domestic Partnership form consents to the
504 jurisdiction of the circuit courts of this state for the purpose
505 of an action to obtain a judgment of dissolution or annulment of
506 the domestic partnership, for legal separation of the partners
507 in the domestic partnership, or for any other proceeding related
508 to the partners' rights and obligations even if one or both
509 partners cease to reside or maintain a domicile in this state.

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

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

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

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

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

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523 Section 20. Section 741.506, Florida Statutes, is created
524 to read:

525 741.506 Domestic partnership; name change.—Upon entering
526 into a domestic partnership, a partner may retain his or her
527 previous surname, or, if changed, may resume the previous legal
528 name during the domestic partnership.

529 Section 21. Section 741.507, Florida Statutes, is created
530 to read:

531 741.507 Domestic partnership; rights and responsibilities;
532 relationship to federal law.—

533 (1) Any privilege, immunity, right, or benefit granted by
534 statute, administrative or court rule, policy, common law, or
535 any other law to an individual because the individual is or was
536 related to another individual by marriage as an in-law is
537 granted on equivalent terms, substantive and procedural, to an
538 individual who is or was in a domestic partnership, or who is or
539 was similarly related as an in-law to an individual
540 participating in a domestic partnership.

541 (2) Any responsibility imposed by statute, administrative
542 or court rule, policy, common law, or any other law on an
543 individual because the individual is or was related to another
544 individual by marriage as an in-law, is imposed on equivalent
545 terms, substantive and procedural, on an individual who is or
546 was in a domestic partnership or who is or was similarly related
547 as an in-law to an individual participating in a domestic
548 partnership.

549 (3) Any privilege, immunity, right, benefit, or
550 responsibility granted to or imposed by statute, administrative
551 or court rule, policy, common law, or any other law on a spouse

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552 with respect to a child of either of the spouses is granted to
553 or imposed on equivalent terms, substantive and procedural, on
554 an individual in a domestic partnership with respect to a child
555 of either of the partners.

556 (4) Any privilege, immunity, right, benefit, or
557 responsibility granted or imposed by statute, administrative or
558 court rule, policy, common law, or any other law to or on a
559 former or surviving spouse with respect to a child of either of
560 the spouses is granted to or imposed on equivalent terms,
561 substantive and procedural, on a former or surviving partner
562 with respect to a child of either of the partners.

563 (5) For purposes of administering the tax laws of this
564 state, partners in a domestic partnership, surviving partners in
565 a domestic partnership, and the children of partners in a
566 domestic partnership have the same privileges, immunities,
567 rights, benefits, and responsibilities as are granted to or
568 imposed on spouses in a marriage, surviving spouses, and their
569 children.

570 (6) Many of the laws of this state are intertwined with
571 federal law, and the Legislature recognizes that it does not
572 have the jurisdiction to control or implement federal laws or
573 the privileges, immunities, rights, benefits, and
574 responsibilities related to federal laws.

575 (7) Sections 741.502-741.510 do not require or permit the
576 extension of any benefit under any retirement, deferred
577 compensation, or other employee benefit plan, if the plan
578 administrator reasonably concludes that the extension of
579 benefits would conflict with a condition for the tax
580 qualification of the plan, or a condition for other favorable

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581 tax treatment of the plan, under the Internal Revenue Code or
582 adopted regulations.

583 (8) Sections 741.502-741.510 do not require the extension
584 of any benefit under any employee benefit plan that is subject
585 to federal regulation under the Employee Retirement Income
586 Security Act of 1974.

587 Section 22. Section 741.508, Florida Statutes, is created
588 to read:

589 741.508 Domestic partnerships prohibited and void.—

590 (1) The following domestic partnerships are prohibited and
591 void:

592 (a) If either party to the domestic partnership currently
593 has a different partner, or a wife or husband recognized by this
594 state, living at the time of entering into the domestic
595 partnership.

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

599 (2) If either party to a domestic partnership is incapable
600 of making the civil contract or consenting to the contract for
601 want of legal age or sufficient understanding. If the consent of
602 either party is obtained by force or fraud, the domestic
603 partnership is void from the time it is so declared by a
604 judgment of a court having jurisdiction of the domestic
605 partnership.

606 (3) An individual who has filed a Declaration of Domestic
607 Partnership form may not file a new Declaration of Domestic
608 Partnership form or enter a marriage recognized in this state
609 with someone other than the individual's registered partner

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610 unless a judgment of dissolution or annulment of the most recent
611 domestic partnership has been entered. This prohibition does not
612 apply if the previous domestic partnership ended because one of
613 the partners died.

614 Section 23. Section 741.509, Florida Statutes, is created
615 to read:

616 741.509 Fees.—

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

621 (a) A fee of \$25 shall be collected and deposited in the
622 Domestic Violence Trust Fund in accordance with s. 741.01(2).

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

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

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

630 (2) An applicant for a Certificate of Registered Domestic
631 Partnership who is unable to pay the fees required under
632 subsection (1) in a lump sum may make payment in not more than
633 three installments over a period of 90 days. The clerk shall
634 accept installment payments upon receipt of an affidavit that
635 the applicant is unable to pay the fees in a lump-sum payment.
636 Upon receipt of the third or final installment payment, the
637 Declaration of Domestic Partnership shall be deemed filed, and
638 the clerk shall issue the Certificate of Registered Domestic

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639 Partnership and distribute the fees as appropriate. If the
640 marriage license fee is paid in installments, the clerk shall
641 retain \$1 from the additional fee imposed pursuant to paragraph
642 (1) (c) as a processing fee.

643 Section 24. Section 741.510, Florida Statutes, is created
644 to read:

645 741.510 Proof domestic partnership where certificate is not
646 available.—If a Declaration of Domestic Partnership has been
647 received in accordance with s. 741.505 and the clerk has not
648 registered such declaration as required by that section, if a
649 Certificate of Registered Domestic Partnership has been lost, or
650 if by reason of death or other cause the certificate cannot be
651 obtained, the domestic partnership may be proved by affidavit
652 before any officer authorized to administer oaths made by two
653 competent witnesses who were present and saw the Declaration of
654 Domestic Partnership executed under s. 741.505, which affidavit
655 may be filed and recorded in the office of clerk of the circuit
656 court from which the marriage license issued or in which the
657 Declaration of Domestic Partnership was registered, with the
658 same force and effect as if the proper certificate has been
659 made, returned, and recorded.

660 Section 25. For the purpose of incorporating the amendment
661 made by this act to section 741.28, Florida Statutes, in a
662 reference thereto, paragraph (b) of subsection (1) of section
663 921.0024, Florida Statutes, is reenacted to read:

664 921.0024 Criminal Punishment Code; worksheet computations;
665 scoresheets.—

666 (1)

667 (b) WORKSHEET KEY:

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668

669 Legal status points are assessed when any form of legal status
670 existed at the time the offender committed an offense before the
671 court for sentencing. Four (4) sentence points are assessed for
672 an offender's legal status.

673

674 Community sanction violation points are assessed when a
675 community sanction violation is before the court for sentencing.
676 Six (6) sentence points are assessed for each community sanction
677 violation and each successive community sanction violation,
678 unless any of the following apply:

679

680 1. If the community sanction violation includes a new
681 felony conviction before the sentencing court, twelve (12)
682 community sanction violation points are assessed for the
683 violation, and for each successive community sanction violation
involving a new felony conviction.

684

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

687

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

690

691 (I) The violation does not include a new felony conviction;

692

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

695

696 b. Twenty-four (24) community sanction violation points are
assessed for the violation and for each successive violation of

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697 felony probation or community control where the violation
698 includes a new felony conviction.

699

700 Multiple counts of community sanction violations before the
701 sentencing court shall not be a basis for multiplying the
702 assessment of community sanction violation points.

703

704 Prior serious felony points: If the offender has a primary
705 offense or any additional offense ranked in level 8, level 9, or
706 level 10, and one or more prior serious felonies, a single
707 assessment of thirty (30) points shall be added. For purposes of
708 this section, a prior serious felony is an offense in the
709 offender's prior record that is ranked in level 8, level 9, or
710 level 10 under s. 921.0022 or s. 921.0023 and for which the
711 offender is serving a sentence of confinement, supervision, or
712 other sanction or for which the offender's date of release from
713 confinement, supervision, or other sanction, whichever is later,
714 is within 3 years before the date the primary offense or any
715 additional offense was committed.

716

717 Prior capital felony points: If the offender has one or more
718 prior capital felonies in the offender's criminal record, points
719 shall be added to the subtotal sentence points of the offender
720 equal to twice the number of points the offender receives for
721 the primary offense and any additional offense. A prior capital
722 felony in the offender's criminal record is a previous capital
723 felony offense for which the offender has entered a plea of nolo
724 contendere or guilty or has been found guilty; or a felony in
725 another jurisdiction which is a capital felony in that

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726 jurisdiction, or would be a capital felony if the offense were
727 committed in this state.

728

729 Possession of a firearm, semiautomatic firearm, or machine gun:
730 If the offender is convicted of committing or attempting to
731 commit any felony other than those enumerated in s. 775.087(2)
732 while having in his or her possession: a firearm as defined in
733 s. 790.001(6), an additional eighteen (18) sentence points are
734 assessed; or if the offender is convicted of committing or
735 attempting to commit any felony other than those enumerated in
736 s. 775.087(3) while having in his or her possession a
737 semiautomatic firearm as defined in s. 775.087(3) or a machine
738 gun as defined in s. 790.001(9), an additional twenty-five (25)
739 sentence points are assessed.

740

741 Sentencing multipliers:

742

743 Drug trafficking: If the primary offense is drug trafficking
744 under s. 893.135, the subtotal sentence points are multiplied,
745 at the discretion of the court, for a level 7 or level 8
746 offense, by 1.5. The state attorney may move the sentencing
747 court to reduce or suspend the sentence of a person convicted of
748 a level 7 or level 8 offense, if the offender provides
749 substantial assistance as described in s. 893.135(4).

750

751 Law enforcement protection: If the primary offense is a
752 violation of the Law Enforcement Protection Act under s.
753 775.0823(2), (3), or (4), the subtotal sentence points are
754 multiplied by 2.5. If the primary offense is a violation of s.

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755 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
756 are multiplied by 2.0. If the primary offense is a violation of
757 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
758 Protection Act under s. 775.0823(10) or (11), the subtotal
759 sentence points are multiplied by 1.5.

760

761 Grand theft of a motor vehicle: If the primary offense is grand
762 theft of the third degree involving a motor vehicle and in the
763 offender's prior record, there are three or more grand thefts of
764 the third degree involving a motor vehicle, the subtotal
765 sentence points are multiplied by 1.5.

766

767 Offense related to a criminal gang: If the offender is convicted
768 of the primary offense and committed that offense for the
769 purpose of benefiting, promoting, or furthering the interests of
770 a criminal gang as prohibited under s. 874.04, the subtotal
771 sentence points are multiplied by 1.5.

772

773 Domestic violence in the presence of a child: If the offender is
774 convicted of the primary offense and the primary offense is a
775 crime of domestic violence, as defined in s. 741.28, which was
776 committed in the presence of a child under 16 years of age who
777 is a family or household member as defined in s. 741.28(3) with
778 the victim or perpetrator, the subtotal sentence points are
779 multiplied by 1.5.

780 Section 26. For the purpose of incorporating the amendment
781 made by this act to section 741.28, Florida Statutes, in a
782 reference thereto, paragraph (b) of subsection (2) of section
783 943.171, Florida Statutes, is reenacted to read:

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784 943.171 Basic skills training in handling domestic violence
785 cases.-

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

787 (b) "Household member" has the meaning set forth in s.
788 741.28(3).

789 Section 27. This act shall take effect July 1, 2010.