

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 to be
4 applied when petitioning for a dissolution of a domestic
5 partnership or registering a domestic partnership,
6 respectively; amending s. 97.1031, F.S.; providing notice
7 to the supervisor of elections concerning a change of name
8 due to participation in a domestic partnership; creating
9 s. 220.121, F.S.; providing applicability of domestic
10 partnerships to state tax laws; amending s. 382.002, F.S.;
11 defining the term "dissolution of a domestic partnership"
12 for purposes of vital records; including domestic
13 partnerships and dissolution of domestic partnership as
14 vital records in this state; conforming cross-references;
15 amending s. 382.003, F.S.; requiring the Department of
16 Health to examine all certificates of domestic partnership
17 forms and dissolution of domestic partnership reports sent
18 from the courts; amending s. 382.0085, F.S.; conforming a
19 cross-reference; amending s. 382.021, F.S.; requiring the
20 clerk of the circuit court to transmit all original
21 declarations of domestic partnership to the Department of
22 Health by a specified date each month; amending s.
23 382.022, F.S.; requiring the clerk of the circuit court to
24 collect a fee after registering a domestic partnership;
25 amending s. 382.023, F.S.; requiring the clerk of the
26 circuit court to collect a fee upon filing a final
27 judgment for a dissolution of domestic partnership;
28 amending s. 382.025, F.S.; authorizing the Department of

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

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57 | required contents of the completed form; providing that
58 | each partner who signs the form consents to the
59 | jurisdiction of the circuit court for certain specified
60 | purposes; providing that if a person files an
61 | intentionally and materially false form, he or she commits
62 | a misdemeanor of the first degree; providing criminal
63 | penalties; requiring the clerk of the circuit court to
64 | register the Declaration of Domestic Partnership in a
65 | domestic partnership registry and issue a Certificate of
66 | Registered Domestic Partnership; creating s. 741.506,
67 | F.S.; authorizing the domestic partners to retain
68 | surnames; creating s. 741.507, F.S.; providing that any
69 | privilege or responsibility granted or imposed by statute,
70 | administrative or court rule, policy, common law, or any
71 | other law to an individual because the individual is or
72 | was related to another by marriage, or is a child of
73 | either of the spouses, is granted on equivalent terms to
74 | domestic partners or individuals similarly related to
75 | domestic partners; providing that the act does not require
76 | or permit the extension of any benefit under a retirement,
77 | deferred compensation, or other employee benefit plan, if
78 | the plan administrator reasonably concludes that the
79 | extension of benefits to partners would conflict with a
80 | condition for tax qualification of the plan, or a
81 | condition for other favorable tax treatment of the plan,
82 | under the Internal Revenue Code; creating s. 741.508,
83 | F.S.; specifying prohibited or void domestic partnerships;
84 | creating s. 741.509, F.S.; requiring that the clerk of the

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

98

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

100

101 Section 1. Section 28.101, Florida Statutes, is amended to
 102 read:

103 28.101 Petitions and records of dissolution of marriage
 104 and domestic partnership; additional charges.—

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

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

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

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

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

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

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

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

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

141 Statutes, is amended to read:

142 28.24 Service charges by clerk of the circuit court.—The
 143 clerk of the circuit court shall charge for services rendered by
 144 the clerk's office in recording documents and instruments and in
 145 performing the duties enumerated in amounts not to exceed those
 146 specified in this section. Notwithstanding any other provision
 147 of this section, the clerk of the circuit court shall provide
 148 without charge to the state attorney, public defender, guardian
 149 ad litem, public guardian, attorney ad litem, criminal conflict
 150 and civil regional counsel, and private court-appointed counsel
 151 paid by the state, and to the authorized staff acting on behalf
 152 of each, access to and a copy of any public record, if the
 153 requesting party is entitled by law to view the exempt or
 154 confidential record, as maintained by and in the custody of the
 155 clerk of the circuit court as provided in general law and the
 156 Florida Rules of Judicial Administration. The clerk of the
 157 circuit court may provide the requested public record in an
 158 electronic format in lieu of a paper format when capable of
 159 being accessed by the requesting entity.

161 Charges

162
 163 (23) Upon receipt of an application for a marriage license
 164 or a declaration of domestic partnership, for preparing and
 165 administering of oath; issuing, sealing, and recording of the
 166 marriage license or registering the domestic partnership; and
 167 providing a certified copy.....30.00

168 Section 3. Subsection (2) of section 97.1031, Florida

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169 Statutes, is amended to read:

170 97.1031 Notice of change of residence, change of name, or
171 change of party affiliation.—

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

182 Section 4. Section 220.121, Florida Statutes, is created
183 to read:

184 220.121 Application to domestic partnerships.—This chapter
185 applies to partners in a domestic partnership, as defined in s.
186 741.502, and surviving partners as if federal income tax law
187 recognized a domestic partnership in the same manner as state
188 law.

189 Section 5. Present subsections (6) through (16) of section
190 382.002, Florida Statutes, are renumbered as subsections (7)
191 through (17), respectively, a new subsection (6) is added to
192 that section, and present subsections (7), (8), and (15) of that
193 section are amended, to read:

194 382.002 Definitions.—As used in this chapter, the term:

195 (6) "Dissolution of domestic partnership" includes an
196 annulment of domestic partnership.

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197 (8)~~(7)~~ "Final disposition" means the burial, interment,
 198 cremation, removal from the state, or other authorized
 199 disposition of a dead body or a fetus as described in subsection
 200 (7) ~~(6)~~. In the case of cremation, dispersion of ashes or
 201 cremation residue is considered to occur after final
 202 disposition; the cremation itself is considered final
 203 disposition.

204 (9)~~(8)~~ "Funeral director" means a licensed funeral
 205 director or direct disposer licensed pursuant to chapter 497 or
 206 other person who first assumes custody of or effects the final
 207 disposition of a dead body or a fetus as described in subsection
 208 (7) ~~(6)~~.

209 (16)~~(15)~~ "Vital records" or "records" means certificates
 210 or reports of birth, death, fetal death, marriage, domestic
 211 partnership, dissolution of marriage or domestic partnership,
 212 name change filed pursuant to s. 68.07, and data related
 213 thereto.

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

216 382.003 Powers and duties of the department.—The
 217 department shall:

218 (7) Approve all forms used in registering, recording,
 219 certifying, and preserving vital records, or in otherwise
 220 carrying out the purposes of this chapter, and ~~no~~ other forms
 221 may not shall be used other than those approved by the
 222 department. The department is responsible for the careful
 223 examination of the certificates received monthly from the local
 224 registrars and marriage certificates, certificates of domestic

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225 partnership, and dissolution of marriage and domestic
 226 partnership reports received from the circuit and county courts.
 227 A certificate that is complete and satisfactory shall be
 228 accepted and given a state file number and considered a state-
 229 filed record. If any such certificates are incomplete or
 230 unsatisfactory, the department shall require further information
 231 to be supplied as ~~may be~~ necessary to make the record complete
 232 and satisfactory. All physicians, midwives, informants, or
 233 funeral directors, and all other persons having knowledge of the
 234 facts, are required to supply, upon a form approved by the
 235 department or upon the original certificate, such information as
 236 they may possess regarding any vital record.

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

239 382.0085 Stillbirth registration.—

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

244 Section 8. Section 382.021, Florida Statutes, is amended
 245 to read:

246 382.021 Department to receive marriage licenses and
 247 declarations of domestic partnership.—On or before the 5th day
 248 of each month, the county court judge or clerk of the circuit
 249 court shall transmit to the department all original marriage
 250 licenses, with endorsements, and all declarations of domestic
 251 partnership received during the preceding calendar month, ~~to the~~
 252 ~~department~~. Any marriage licenses or declarations of domestic

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253 partnership issued and not returned, ~~or any marriage licenses~~
 254 ~~returned but not recorded,~~ shall be reported by the issuing
 255 county court judge or clerk of the circuit court to the
 256 department at the time of transmitting the recorded licenses or
 257 declarations on the forms to be prescribed and furnished by the
 258 department. If during any month no marriage licenses or
 259 declarations of domestic partnership are issued or returned, the
 260 county court judge or clerk of the circuit court shall report
 261 such fact to the department upon forms prescribed and furnished
 262 by the department.

263 Section 9. Section 382.022, Florida Statutes, is amended
 264 to read:

265 382.022 Marriage application; registration of domestic
 266 partnership; fees.—Upon the receipt of each application for the
 267 issuance of a marriage license or registering a domestic
 268 partnership, the county court judge or clerk of the circuit
 269 court shall, pursuant to s. 741.02, collect and receive a fee of
 270 \$4 which shall be remitted to the Department of Revenue for
 271 deposit to the Department of Health to defray part of the cost
 272 of maintaining marriage and domestic partnership records.

273 Section 10. Section 382.023, Florida Statutes, is amended
 274 to read:

275 382.023 Department to receive dissolution-of-marriage and
 276 dissolution-of-domestic-partnership records; fees. ~~Clerks of the~~
 277 ~~circuit courts shall collect for their services~~ At the time of
 278 the filing of a final judgment of dissolution of marriage or
 279 dissolution of domestic partnership, the clerk of the circuit
 280 court shall collect a fee of up to \$10.50, of which 43 percent

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281 shall be retained by the clerk ~~of the circuit court~~ as a part of
 282 the cost in the cause in which the judgment is granted. The
 283 remaining 57 percent shall be remitted to the Department of
 284 Revenue for deposit to the Department of Health to defray part
 285 of the cost of maintaining the dissolution-of-marriage and
 286 dissolution-of-domestic-partnership records. A record of each
 287 and every judgment of dissolution of marriage and dissolution of
 288 domestic partnership granted by the court during the preceding
 289 calendar month, giving names of parties and such other data as
 290 required by forms prescribed by the department, shall be
 291 transmitted to the department, on or before the 10th day of each
 292 month, along with an accounting of the funds remitted to the
 293 Department of Revenue pursuant to this section.

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

297 382.025 Certified copies of vital records;
 298 confidentiality; research.—

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

303 (a) Certified copies of the original birth certificate or
 304 a new or amended certificate, or affidavits thereof, are
 305 confidential and exempt from the provisions of s. 119.07(1) and,
 306 upon receipt of a request and payment of the fee prescribed in
 307 s. 382.0255, shall be issued only as authorized by the
 308 department and in the form prescribed by the department, and

309 only:

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

311 2. To the registrant's parent or guardian or other legal

312 representative;

313 3. Upon receipt of the registrant's death certificate, to

314 the registrant's spouse or domestic partner or to the

315 registrant's child, grandchild, or sibling, if of legal age, or

316 to the legal representative of any of such persons;

317 4. To any person if the birth record is over 100 years old

318 and not under seal pursuant to court order;

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

320 6. To any agency of the state or the United States for

321 official purposes upon approval of the department; or

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

323 (2) OTHER RECORDS.—

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

325 certified copy of all or part of any marriage, domestic

326 partnership, dissolution of marriage or domestic partnership, or

327 death or fetal death certificate, excluding that portion which

328 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)

329 as provided under s. 382.008, to any person requesting it upon

330 receipt of a request and payment of the fee prescribed by this

331 section. A certification of the death or fetal death certificate

332 which includes the confidential portions shall be issued only:

333 1. To the registrant's spouse, domestic partner, or

334 parent, or to the registrant's child, grandchild, or sibling, if

335 of legal age, or to any person who provides a will that has been

336 executed pursuant to s. 732.502, insurance policy, or other

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337 document that demonstrates his or her interest in the estate of
 338 the registrant, or to any person who provides documentation that
 339 he or she is acting on behalf of any of them;

340 2. To any agency of the state or local government or the
 341 United States for official purposes upon approval of the
 342 department; or

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

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

354 Section 12. Paragraph (i) of subsection (1) of section
 355 382.0255, Florida Statutes, is amended to read:

356 382.0255 Fees.—

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

358 (i) Twenty-five dollars for a commemorative certificate of
 359 birth, ~~or~~ marriage, or domestic partnership. Fees collected
 360 pursuant to this paragraph in excess of expenses shall be used
 361 ~~available for use~~ by the Regional Perinatal Intensive Care
 362 Centers (RPICC) Program to prevent child abuse and neglect.
 363 Funds derived from the issuance of commemorative marriage
 364 certificates shall be used ~~available for use~~ by the Improved

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365 Pregnancy Outcome Program.

366 Section 13. Paragraph (b) of subsection (5) of section
367 446.50, Florida Statutes, is amended to read:

368 446.50 Displaced homemakers; multiservice programs; report
369 to the Legislature; Displaced Homemaker Trust Fund created.—

370 (5) DISPLACED HOME MAKER TRUST FUND.—

371 (b) The trust fund shall receive funds generated from an
372 additional fee on marriage license applications, declarations of
373 domestic partnerships, and dissolution of marriage and domestic
374 partnership filings as specified in ss. 741.01(3), 741.509, and
375 28.101, respectively, and may receive funds from any other
376 public or private source.

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

379 741.28 Domestic violence; definitions.—As used in ss.
380 741.28-741.31:

381 (3) "Family or household member" means spouses;~~;~~ former
382 spouses;~~;~~ persons related by blood, ~~or~~ marriage, or domestic
383 partnership; persons who are presently residing together as if a
384 family or who have resided together in the past as if a family;~~;~~
385 and persons who are parents of a child in common regardless of
386 whether they have been married. With the exception of persons
387 who have a child in common, the family or household members must
388 be currently residing or have in the past resided together in
389 the same single dwelling unit.

390 Section 15. Section 741.501, Florida Statutes, is created
391 to read:

392 741.501 Legislative findings.—The Legislature finds that:

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393 (1) There are a significant number of individuals in this
394 state who live together in important, personal, emotional, and
395 economically committed relationships. Together, these
396 individuals live, serve, and participate in the community, and
397 often rear children and care for family members.

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

402 (3) The state has a strong interest in promoting stable
403 and lasting families, and believes that all families should be
404 provided with the opportunity to obtain necessary legal
405 protections and status and the ability to achieve their fullest
406 potential.

407 (4) While some public and private institutions recognize
408 domestic partnerships for limited purposes such as health
409 benefits, hospital visitation, and medical decisionmaking for an
410 incapacitated family member, many do not. Historically, legal
411 recognition of marriage by the state is the primary and, in a
412 number of instances, the exclusive source of numerous rights,
413 benefits, and responsibilities available to families under the
414 laws of this state.

415 (5) The status of marriage in this state is limited by
416 Art. I of the State Constitution to the union of one man and one
417 woman and the Legislature does not seek to alter the definition
418 of marriage in any way. The Legislature also finds, however,
419 that recognition of domestic partnerships can provide an
420 alternative mechanism for extending certain important rights and

421 responsibilities to individuals who choose to form long-term,
 422 mutually supportive relationships. Such recognition will provide
 423 support to these familial relationships without affecting the
 424 definition of marriage, without creating or recognizing a legal
 425 relationship that is the substantial equivalent of marriage, and
 426 without affecting restrictions contained in federal law.

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

436 (7) Because of the material and other support that these
 437 familial relationships provide to their participants, these
 438 relationships should be formally recognized and made uniform by
 439 law. Therefore, the Legislature declares that it is the policy
 440 of this state to establish and define the rights and
 441 responsibilities of domestic partners.

442 Section 16. Section 741.502, Florida Statutes, is created
 443 to read:

444 741.502 Definitions.—As used in ss. 741.501-741.510, the
 445 term:

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

447 (2) "Domestic partnership" means a civil contract entered
 448 into between two individuals who are 18 years of age or older

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449 and otherwise capable, of which at least one of whom is a
450 resident of this state.

451 (3) "Partner" means an individual joined in a domestic
452 partnership.

453 Section 17. Section 741.503, Florida Statutes, is created
454 to read:

455 741.503 Forms.—

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

458 (a) "Declaration of Domestic Partnership" which meets the
459 requirements of s. 741.505.

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

461 (2) The department shall distribute the Declaration of
462 Domestic Partnership and Certificate of Registered Domestic
463 Partnership forms to each clerk of the circuit court. The
464 department and each clerk shall make the Declaration of Domestic
465 Partnership form available to the public.

466 Section 18. Section 741.504, Florida Statutes, is created
467 to read:

468 741.504 Court jurisdiction and duties; registry.—

469 (1) The circuit court has jurisdiction over any proceeding
470 relating to the domestic partners' rights and obligations,
471 including a petition for the dissolution or annulment of the
472 domestic partnership.

473 (2) Each clerk of the circuit court shall maintain a
474 registry of all domestic partnerships entered into in that
475 circuit and a record of all certificates of domestic partnership
476 issued which includes the names of the partners and the date of

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477 issuance.

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

481 Section 19. Section 741.505, Florida Statutes, is created
482 to read:

483 741.505 Domestic partnership requirements.—

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

488 (a) A statement attesting that each individual is 18 years
489 of age or older and is otherwise capable of entering into a
490 domestic partnership. The clerk may accept any reasonable proof
491 of an individual's age which is satisfactory to the clerk. The
492 clerk may also require proof of age by affidavit of some
493 individual other than the parties seeking to file the form if
494 the clerk deems it necessary.

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

497 (c) Each individual's mailing address.

498 (d) A statement attesting that each individual consents to
499 the jurisdiction of the circuit courts of this state for the
500 purpose of an action to obtain a judgment of dissolution or
501 annulment of the domestic partnership or for legal separation of
502 the partners, or for any other proceeding relating to the
503 partners' rights and obligations, even if one or both partners
504 cease to reside or maintain a domicile in this state.

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

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

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

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

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

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

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

530 Section 20. Section 741.506, Florida Statutes, is created
 531 to read:

532 741.506 Domestic partnership; name change.—Upon entering

533 into a domestic partnership, a partner may retain his or her
 534 previous surname, or, if changed, may resume the previous legal
 535 name during the domestic partnership.

536 Section 21. Section 741.507, Florida Statutes, is created
 537 to read:

538 741.507 Domestic partnership; rights and responsibilities;
 539 relationship to federal law.—

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

548 (2) Any responsibility imposed by statute, administrative
 549 or court rule, policy, common law, or any other law on an
 550 individual because the individual is or was related to another
 551 individual by marriage as an in-law is imposed on equivalent
 552 terms, substantive and procedural, on an individual who is or
 553 was in a domestic partnership or who is or was similarly related
 554 as an in-law to an individual participating in a domestic
 555 partnership.

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

561 an individual in a domestic partnership with respect to a child
 562 of either of the partners.

563 (4) Any privilege, immunity, right, benefit, or
 564 responsibility granted or imposed by statute, administrative or
 565 court rule, policy, common law, or any other law to or on a
 566 former or surviving spouse with respect to a child of either of
 567 the spouses is granted to or imposed on equivalent terms,
 568 substantive and procedural, on a former or surviving partner
 569 with respect to a child of either of the partners.

570 (5) For purposes of administering the tax laws of this
 571 state, partners in a domestic partnership, surviving partners in
 572 a domestic partnership, and the children of partners in a
 573 domestic partnership have the same privileges, immunities,
 574 rights, benefits, and responsibilities as are granted to or
 575 imposed on spouses in a marriage, surviving spouses, and their
 576 children.

577 (6) Many of the laws of this state are intertwined with
 578 federal law, and the Legislature recognizes that it does not
 579 have the jurisdiction to control or implement federal laws or
 580 the privileges, immunities, rights, benefits, and
 581 responsibilities related to federal laws.

582 (7) Sections 741.502-741.510 do not require or permit the
 583 extension of any benefit under any retirement, deferred
 584 compensation, or other employee benefit plan, if the plan
 585 administrator reasonably concludes that the extension of
 586 benefits would conflict with a condition for the tax
 587 qualification of the plan, or a condition for other favorable
 588 tax treatment of the plan, under the Internal Revenue Code or

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589 adopted regulations.

590 (8) Sections 741.502-741.510 do not require the extension
591 of any benefit under any employee benefit plan that is subject
592 to federal regulation under the Employee Retirement Income
593 Security Act of 1974.

594 Section 22. Section 741.508, Florida Statutes, is created
595 to read:

596 741.508 Domestic partnerships prohibited and void.-

597 (1) The following domestic partnerships are prohibited and
598 void:

599 (a) If either party to the domestic partnership currently
600 has a different partner, or a wife or husband recognized by this
601 state, living at the time of entering into the domestic
602 partnership.

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

606 (c) If either party to a domestic partnership is incapable
607 of making the civil contract or consenting to the contract for
608 want of legal age or sufficient understanding.

609 (2) If the consent of either party is obtained by force or
610 fraud, the domestic partnership is void from the time it is so
611 declared by a judgment of a court having jurisdiction of the
612 domestic partnership.

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

617 unless a judgment of dissolution or annulment of the most recent
 618 domestic partnership has been entered. This prohibition does not
 619 apply if the previous domestic partnership ended because one of
 620 the partners died.

621 Section 23. Section 741.509, Florida Statutes, is created
 622 to read:

623 741.509 Fees.—

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

628 (a) A fee of \$25 shall be collected and deposited in the
 629 Domestic Violence Trust Fund for the purposes provided in s.
 630 741.01(2).

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

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

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

638 (2) An applicant for a Certificate of Registered Domestic
 639 Partnership who is unable to pay the fees required under
 640 subsection (1) in a lump sum may make payment in not more than
 641 three installments over a period of 90 days. The clerk shall
 642 accept installment payments upon receipt of an affidavit that
 643 the applicant is unable to pay the fees in a lump-sum payment.
 644 Upon receipt of the third or final installment payment, the

645 Declaration of Domestic Partnership shall be deemed filed, and
 646 the clerk shall issue the Certificate of Registered Domestic
 647 Partnership and distribute the fees as appropriate. If the fee
 648 is paid in installments, the clerk shall retain \$1 from the
 649 additional fee imposed pursuant to paragraph (1) (c) as a
 650 processing fee.

651 Section 24. Section 741.510, Florida Statutes, is created
 652 to read:

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

667 Section 25. For the purpose of incorporating the amendment
 668 made by this act to section 741.28, Florida Statutes, in a
 669 reference thereto, paragraph (b) of subsection (1) of section
 670 921.0024, Florida Statutes, is reenacted to read:

671 921.0024 Criminal Punishment Code; worksheet computations;
 672 scoresheets.—

673 (1)

674 (b) WORKSHEET KEY:

675

676 Legal status points are assessed when any form of legal status
 677 existed at the time the offender committed an offense before the
 678 court for sentencing. Four (4) sentence points are assessed for
 679 an offender's legal status.

680

681 Community sanction violation points are assessed when a
 682 community sanction violation is before the court for sentencing.
 683 Six (6) sentence points are assessed for each community sanction
 684 violation and each successive community sanction violation,
 685 unless any of the following apply:

686 1. If the community sanction violation includes a new
 687 felony conviction before the sentencing court, twelve (12)
 688 community sanction violation points are assessed for the
 689 violation, and for each successive community sanction violation
 690 involving a new felony conviction.

691 2. If the community sanction violation is committed by a
 692 violent felony offender of special concern as defined in s.
 693 948.06:

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

697 (I) The violation does not include a new felony
 698 conviction; and

699 (II) The community sanction violation is not based solely
 700 on the probationer or offender's failure to pay costs or fines

701 or make restitution payments.

702 b. Twenty-four (24) community sanction violation points
 703 are assessed for the violation and for each successive violation
 704 of felony probation or community control where the violation
 705 includes a new felony conviction.

706
 707 Multiple counts of community sanction violations before the
 708 sentencing court shall not be a basis for multiplying the
 709 assessment of community sanction violation points.

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

723
 724 Prior capital felony points: If the offender has one or more
 725 prior capital felonies in the offender's criminal record, points
 726 shall be added to the subtotal sentence points of the offender
 727 equal to twice the number of points the offender receives for
 728 the primary offense and any additional offense. A prior capital

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729 felony in the offender's criminal record is a previous capital
730 felony offense for which the offender has entered a plea of nolo
731 contendere or guilty or has been found guilty; or a felony in
732 another jurisdiction which is a capital felony in that
733 jurisdiction, or would be a capital felony if the offense were
734 committed in this state.

735

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

747

748 Sentencing multipliers:

749

750 Drug trafficking: If the primary offense is drug trafficking
751 under s. 893.135, the subtotal sentence points are multiplied,
752 at the discretion of the court, for a level 7 or level 8
753 offense, by 1.5. The state attorney may move the sentencing
754 court to reduce or suspend the sentence of a person convicted of
755 a level 7 or level 8 offense, if the offender provides
756 substantial assistance as described in s. 893.135(4).

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757
758 Law enforcement protection: If the primary offense is a
759 violation of the Law Enforcement Protection Act under s.
760 775.0823(2), (3), or (4), the subtotal sentence points are
761 multiplied by 2.5. If the primary offense is a violation of s.
762 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
763 are multiplied by 2.0. If the primary offense is a violation of
764 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
765 Protection Act under s. 775.0823(10) or (11), the subtotal
766 sentence points are multiplied by 1.5.

767
768 Grand theft of a motor vehicle: If the primary offense is grand
769 theft of the third degree involving a motor vehicle and in the
770 offender's prior record, there are three or more grand thefts of
771 the third degree involving a motor vehicle, the subtotal
772 sentence points are multiplied by 1.5.

773
774 Offense related to a criminal gang: If the offender is convicted
775 of the primary offense and committed that offense for the
776 purpose of benefiting, promoting, or furthering the interests of
777 a criminal gang as prohibited under s. 874.04, the subtotal
778 sentence points are multiplied by 1.5.

779
780 Domestic violence in the presence of a child: If the offender is
781 convicted of the primary offense and the primary offense is a
782 crime of domestic violence, as defined in s. 741.28, which was
783 committed in the presence of a child under 16 years of age who
784 is a family or household member as defined in s. 741.28(3) with

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785 the victim or perpetrator, the subtotal sentence points are
786 multiplied by 1.5.

787 Section 26. For the purpose of incorporating the amendment
788 made by this act to section 741.28, Florida Statutes, in a
789 reference thereto, paragraph (b) of subsection (2) of section
790 943.171, Florida Statutes, is reenacted to read:

791 943.171 Basic skills training in handling domestic
792 violence cases.—

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

794 (b) "Household member" has the meaning set forth in s.
795 741.28(3).

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