

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; amending
9 s. 382.002, F.S.; defining the term "dissolution of a
10 domestic partnership" for purposes of vital records;
11 including domestic partnerships and dissolution of
12 domestic partnership as vital records in this state;
13 conforming cross-references; amending s. 382.003, F.S.;
14 requiring the Department of Health to examine all
15 certificates of domestic partnership forms and dissolution
16 of domestic partnership reports sent from the courts;
17 amending s. 382.0085, F.S.; conforming a cross-reference;
18 amending s. 382.021, F.S.; requiring the clerk of the
19 circuit court to transmit all original declarations of
20 domestic partnership to the Department of Health by a
21 specified date each month; amending s. 382.022, F.S.;
22 requiring the clerk of the circuit court to collect a fee
23 after registering a domestic partnership; amending s.
24 382.023, F.S.; requiring the clerk of the circuit court to
25 collect a fee upon filing a final judgment for a
26 dissolution of domestic partnership; amending s. 382.025,
27 F.S.; authorizing the Department of Health to issue a
28 certified copy of certain vital records to a domestic

HB 337

2011

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

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

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

111 (1) When a party petitions for a dissolution of marriage
 112 or dissolution of domestic partnership, in addition to the

HB 337

2011

113 filing charges in s. 28.241, the clerk shall collect and
114 receive:

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

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

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

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

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

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

140 (2) Upon receipt of a final judgment of dissolution of

HB 337

2011

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

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

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

167 Charges

HB 337

2011

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

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

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

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

188 Section 4. Present subsections (5) through (16) of section
 189 382.002, Florida Statutes, are renumbered as subsections (6)
 190 through (17), respectively, a new subsection (5) is added to
 191 that section, and present subsections (7), (8), and (15) of that
 192 section are amended, to read:

193 382.002 Definitions.—As used in this chapter, the term:

194 (5) "Dissolution of domestic partnership" includes an
 195 annulment of domestic partnership.

196 (8)-(7) "Final disposition" means the burial, interment,

HB 337

2011

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

203 (9) ~~(8)~~ "Funeral director" means a licensed funeral
 204 director or direct disposer licensed pursuant to chapter 497 or
 205 other person who first assumes custody of or effects the final
 206 disposition of a dead body or a fetus as described in subsection
 207 (7) ~~(6)~~.

208 (16) ~~(15)~~ "Vital records" or "records" means certificates
 209 or reports of birth, death, fetal death, marriage, domestic
 210 partnership, dissolution of marriage or domestic partnership,
 211 name change filed pursuant to s. 68.07, and data related
 212 thereto.

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

215 382.003 Powers and duties of the department.—The
 216 department shall:

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

HB 337

2011

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

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

238 382.0085 Stillbirth registration.—

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

243 Section 7. Section 382.021, Florida Statutes, is amended
 244 to read:

245 382.021 Department to receive marriage licenses and
 246 declarations of domestic partnership.—On or before the 5th day
 247 of each month, the county court judge or clerk of the circuit
 248 court shall transmit to the department all original marriage
 249 licenses, with endorsements, and all declarations of domestic
 250 partnership received during the preceding calendar month, ~~to the~~
 251 ~~department~~. Any marriage licenses or declarations of domestic
 252 partnership issued and not returned, or any marriage licenses

HB 337

2011

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

262 Section 8. Section 382.022, Florida Statutes, is amended
 263 to read:

264 382.022 Marriage application; registration of domestic
 265 partnership; fees.—Upon the receipt of each application for the
 266 issuance of a marriage license or registering a domestic
 267 partnership, the county court judge or clerk of the circuit
 268 court shall, pursuant to s. 741.02, collect and receive a fee of
 269 \$4 which shall be remitted to the Department of Revenue for
 270 deposit to the Department of Health to defray part of the cost
 271 of maintaining marriage and domestic partnership records.

272 Section 9. Section 382.023, Florida Statutes, is amended
 273 to read:

274 382.023 Department to receive dissolution-of-marriage and
 275 dissolution-of-domestic-partnership records; fees.—~~Clerks of the~~
 276 ~~circuit courts shall collect for their services~~ At the time of
 277 the filing of a final judgment of dissolution of marriage or
 278 dissolution of domestic partnership, the clerk of the circuit
 279 court shall collect a fee of up to \$10.50, of which 43 percent
 280 shall be retained by the clerk ~~of the circuit court~~ as a part of

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

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

296 382.025 Certified copies of vital records;
 297 confidentiality; research.—

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

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

HB 337

2011

- 309 | 1. To the registrant, if of legal age;
- 310 | 2. To the registrant's parent or guardian or other legal
- 311 | representative;
- 312 | 3. Upon receipt of the registrant's death certificate, to
- 313 | the registrant's spouse or domestic partner or to the
- 314 | registrant's child, grandchild, or sibling, if of legal age, or
- 315 | to the legal representative of any of such persons;
- 316 | 4. To any person if the birth record is over 100 years old
- 317 | and not under seal pursuant to court order;
- 318 | 5. To a law enforcement agency for official purposes;
- 319 | 6. To any agency of the state or the United States for
- 320 | official purposes upon approval of the department; or
- 321 | 7. Upon order of any court of competent jurisdiction.

322 | (2) OTHER RECORDS.—

323 | (a) The department shall authorize the issuance of a

324 | certified copy of all or part of any marriage, domestic

325 | partnership, dissolution of marriage or domestic partnership, or

326 | death or fetal death certificate, excluding that portion which

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

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

329 | receipt of a request and payment of the fee prescribed by this

330 | section. A certification of the death or fetal death certificate

331 | which includes the confidential portions shall be issued only:

- 332 | 1. To the registrant's spouse, domestic partner, or
- 333 | parent, or to the registrant's child, grandchild, or sibling, if
- 334 | of legal age, or to any person who provides a will that has been
- 335 | executed pursuant to s. 732.502, insurance policy, or other
- 336 | document that demonstrates his or her interest in the estate of

HB 337

2011

337 the registrant, or to any person who provides documentation that
338 he or she is acting on behalf of any of them;

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

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

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

353 Section 11. Paragraph (i) of subsection (1) of section
354 382.0255, Florida Statutes, is amended to read:

355 382.0255 Fees.—

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

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

HB 337

2011

365 Section 12. Paragraph (b) of subsection (5) of section
 366 446.50, Florida Statutes, is amended to read:

367 446.50 Displaced homemakers; multiservice programs; report
 368 to the Legislature; Displaced Homemaker Trust Fund created.—

369 (5) DISPLACED HOME MAKER TRUST FUND.—

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

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

378 741.28 Domestic violence; definitions.—As used in ss.
 379 741.28-741.31:

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

389 Section 14. Section 741.501, Florida Statutes, is created
 390 to read:

391 741.501 Legislative findings.—The Legislature finds that:

392 (1) There are a significant number of individuals in this

393 state who live together in important, personal, emotional, and
394 economically committed relationships. Together, these
395 individuals live, serve, and participate in the community, and
396 often rear children and care for family members.

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

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

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

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

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

426 (6) The decision to offer or seek a ceremony or blessing
 427 over the domestic partnership should be left to the dictates of
 428 each religious faith and to the preferences of the persons
 429 entering into the partnership. Sections 741.501-741.511 do not
 430 require performance of any solemnization ceremony to enter into
 431 a binding domestic partnership agreement and do not interfere
 432 with the right of each religious faith to choose freely to whom
 433 to grant the religious status, sacrament, or blessing of
 434 marriage under the rules and practices of that faith.

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

441 Section 15. Section 741.502, Florida Statutes, is created
 442 to read:

443 741.502 Definitions.—As used in ss. 741.501-741.511, the
 444 term:

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

446 (2) "Domestic partnership" means a civil contract entered
 447 into between two individuals who are 18 years of age or older
 448 and otherwise capable, of which at least one of whom is a

HB 337

2011

449 resident of this state.

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

452 Section 16. Section 741.503, Florida Statutes, is created
453 to read:

454 741.503 Forms.—

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

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

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

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

465 Section 17. Section 741.504, Florida Statutes, is created
466 to read:

467 741.504 Court jurisdiction and duties; registry.—

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

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

475 (3) Notwithstanding s. 382.025 or any other law, the
476 registry of domestic partnerships maintained by a clerk of the

HB 337

2011

477 circuit court is a public record and subject to full disclosure.

478 Section 18. Section 741.505, Florida Statutes, is created
479 to read:

480 741.505 Domestic partnership requirements.—

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

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

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

494 (c) Each individual's mailing address.

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

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

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

HB 337

2011

505 Declaration of Domestic Partnership form consents to the
506 jurisdiction of the circuit courts of this state for any
507 proceeding related to the partners' rights and obligations, even
508 if one or both partners cease to reside or maintain a domicile
509 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
515 there appears to be no impediment to the domestic partnership,
516 the 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.

523 Section 19. 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 20. Section 741.507, Florida Statutes, is created
530 to read:

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

HB 337

2011

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
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 of
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 741.502-741.511 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
581 tax treatment of the plan, under the Internal Revenue Code or
582 adopted regulations.

583 (8) Sections 741.502-741.511 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 21. Section 741.508, Florida Statutes, is created
588 to read:

HB 337

2011

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 (c) 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.

602 (2) If the consent of either party is obtained by force or
 603 fraud, the domestic partnership is void from the time it is so
 604 declared by a judgment of a court having jurisdiction of the
 605 domestic 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
 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 22. Section 741.509, Florida Statutes, is created
 615 to read:

616 741.509 Fees.-

HB 337

2011

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 for the purposes provided in s.
623 741.01(2).

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

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

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

631 (2) An applicant for a Certificate of Registered Domestic
632 Partnership who is unable to pay the fees required under
633 subsection (1) in a lump sum may make payment in not more than
634 three installments over a period of 90 days. The clerk shall
635 accept installment payments upon receipt of an affidavit that
636 the applicant is unable to pay the fees in a lump-sum payment.
637 Upon receipt of the third or final installment payment, the
638 Declaration of Domestic Partnership shall be deemed filed, and
639 the clerk shall issue the Certificate of Registered Domestic
640 Partnership and distribute the fees as appropriate. If the fee
641 is paid in installments, the clerk shall retain \$1 from the
642 additional fee imposed pursuant to paragraph (1)(c) as a
643 processing fee.

644 Section 23. Section 741.510, Florida Statutes, is created

645 to read:

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

660 Section 24. Section 741.511, Florida Statutes, is created
 661 to read:

662 741.511 Termination of partnership.—

663 (1) (a) A party to a state-registered domestic partnership
 664 may terminate the relationship by filing a notice of termination
 665 of the state-registered domestic partnership with the department
 666 and paying the filing fee established under subsection (5). The
 667 notice must be signed by one or both parties and notarized. If
 668 the notice is not signed by both parties, the party seeking
 669 termination must also file with the department an affidavit
 670 stating either that the other party has been served in writing
 671 in the manner prescribed for the service of summons in a civil
 672 action, that a notice of termination is being filed, or that the

HB 337

2011

673 party seeking termination has not been able to find the other
674 party after reasonable effort and that notice has been made by
675 publication pursuant to paragraph (b).

676 (b) When the other party cannot be found after reasonable
677 effort, the party seeking termination may provide notice by
678 publication as provided in chapter 50 in the county in which the
679 residence most recently shared by the domestic partners is
680 located. Notice must be published at least once.

681 (2) The state registered domestic partnership shall be
682 terminated effective 90 days after the date of filing the notice
683 of termination and payment of the filing fee.

684 (3) Upon receipt of a signed, notarized notice of
685 termination, affidavit, if required, and the filing fee, the
686 department shall register the notice of termination and provide
687 a certificate of termination of the state-registered domestic
688 partnership to each party named on the notice. The department
689 shall maintain a record of each notice of termination filed with
690 it and each certificate of termination issued by it. The
691 department shall maintain records of terminations of state-
692 registered domestic partnerships, except for those state-
693 registered domestic partnerships terminated under subsection

694 (4).

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

700 (5) The department shall collect a reasonable fee for

701 filing the declaration set by rule calculated to cover the
 702 department's costs, but not to exceed \$50. Fees collected under
 703 this section shall be deposited in the department's
 704 Administrative Trust Fund.

705 Section 25. For the purpose of incorporating the amendment
 706 made by this act to section 741.28, Florida Statutes, in a
 707 reference thereto, paragraph (b) of subsection (1) of section
 708 921.0024, Florida Statutes, is reenacted to read:

709 921.0024 Criminal Punishment Code; worksheet computations;
 710 scoresheets.-

711 (1)

712 (b) WORKSHEET KEY:

713
 714 Legal status points are assessed when any form of legal status
 715 existed at the time the offender committed an offense before the
 716 court for sentencing. Four (4) sentence points are assessed for
 717 an offender's legal status.

718
 719 Community sanction violation points are assessed when a
 720 community sanction violation is before the court for sentencing.
 721 Six (6) sentence points are assessed for each community sanction
 722 violation and each successive community sanction violation,
 723 unless any of the following apply:

724 1. If the community sanction violation includes a new
 725 felony conviction before the sentencing court, twelve (12)
 726 community sanction violation points are assessed for the
 727 violation, and for each successive community sanction violation
 728 involving a new felony conviction.

HB 337

2011

729 2. If the community sanction violation is committed by a
730 violent felony offender of special concern as defined in s.
731 948.06:

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

735 (I) The violation does not include a new felony
736 conviction; and

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

740 b. Twenty-four (24) community sanction violation points
741 are assessed for the violation and for each successive violation
742 of felony probation or community control where the violation
743 includes a new felony conviction.

744
745 Multiple counts of community sanction violations before the
746 sentencing court shall not be a basis for multiplying the
747 assessment of community sanction violation points.

748
749 Prior serious felony points: If the offender has a primary
750 offense or any additional offense ranked in level 8, level 9, or
751 level 10, and one or more prior serious felonies, a single
752 assessment of thirty (30) points shall be added. For purposes of
753 this section, a prior serious felony is an offense in the
754 offender's prior record that is ranked in level 8, level 9, or
755 level 10 under s. 921.0022 or s. 921.0023 and for which the
756 offender is serving a sentence of confinement, supervision, or

HB 337

2011

757 | other sanction or for which the offender's date of release from
758 | confinement, supervision, or other sanction, whichever is later,
759 | is within 3 years before the date the primary offense or any
760 | additional offense was committed.

761 |
762 | Prior capital felony points: If the offender has one or more
763 | prior capital felonies in the offender's criminal record, points
764 | shall be added to the subtotal sentence points of the offender
765 | equal to twice the number of points the offender receives for
766 | the primary offense and any additional offense. A prior capital
767 | felony in the offender's criminal record is a previous capital
768 | felony offense for which the offender has entered a plea of nolo
769 | contendere or guilty or has been found guilty; or a felony in
770 | another jurisdiction which is a capital felony in that
771 | jurisdiction, or would be a capital felony if the offense were
772 | committed in this state.

773 |
774 | Possession of a firearm, semiautomatic firearm, or machine gun:
775 | If the offender is convicted of committing or attempting to
776 | commit any felony other than those enumerated in s. 775.087(2)
777 | while having in his or her possession: a firearm as defined in
778 | s. 790.001(6), an additional eighteen (18) sentence points are
779 | assessed; or if the offender is convicted of committing or
780 | attempting to commit any felony other than those enumerated in
781 | s. 775.087(3) while having in his or her possession a
782 | semiautomatic firearm as defined in s. 775.087(3) or a machine
783 | gun as defined in s. 790.001(9), an additional twenty-five (25)
784 | sentence points are assessed.

785
 786 Sentencing multipliers:
 787
 788 Drug trafficking: If the primary offense is drug trafficking
 789 under s. 893.135, the subtotal sentence points are multiplied,
 790 at the discretion of the court, for a level 7 or level 8
 791 offense, by 1.5. The state attorney may move the sentencing
 792 court to reduce or suspend the sentence of a person convicted of
 793 a level 7 or level 8 offense, if the offender provides
 794 substantial assistance as described in s. 893.135(4).
 795
 796 Law enforcement protection: If the primary offense is a
 797 violation of the Law Enforcement Protection Act under s.
 798 775.0823(2), (3), or (4), the subtotal sentence points are
 799 multiplied by 2.5. If the primary offense is a violation of s.
 800 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 801 are multiplied by 2.0. If the primary offense is a violation of
 802 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 803 Protection Act under s. 775.0823(10) or (11), the subtotal
 804 sentence points are multiplied by 1.5.
 805
 806 Grand theft of a motor vehicle: If the primary offense is grand
 807 theft of the third degree involving a motor vehicle and in the
 808 offender's prior record, there are three or more grand thefts of
 809 the third degree involving a motor vehicle, the subtotal
 810 sentence points are multiplied by 1.5.
 811
 812 Offense related to a criminal gang: If the offender is convicted

HB 337

2011

813 of the primary offense and committed that offense for the
814 purpose of benefiting, promoting, or furthering the interests of
815 a criminal gang as prohibited under s. 874.04, the subtotal
816 sentence points are multiplied by 1.5.

817
818 Domestic violence in the presence of a child: If the offender is
819 convicted of the primary offense and the primary offense is a
820 crime of domestic violence, as defined in s. 741.28, which was
821 committed in the presence of a child under 16 years of age who
822 is a family or household member as defined in s. 741.28(3) with
823 the victim or perpetrator, the subtotal sentence points are
824 multiplied by 1.5.

825 Section 26. For the purpose of incorporating the amendment
826 made by this act to section 741.28, Florida Statutes, in a
827 reference thereto, paragraph (b) of subsection (2) of section
828 943.171, Florida Statutes, is reenacted to read:

829 943.171 Basic skills training in handling domestic
830 violence cases.—

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

832 (b) "Household member" has the meaning set forth in s.
833 741.28(3).

834 Section 27. This act shall take effect July 1, 2011.