

1 A bill to be entitled
2 An act relating to domestic partnerships; amending ss.
3 28.101 and 28.24, F.S.; setting forth fees and costs
4 to be applied when petitioning for a dissolution of a
5 domestic partnership or registering a domestic
6 partnership, respectively; amending s. 97.1031, F.S.;
7 providing notice to the supervisor of elections
8 concerning a change of name due to participation in a
9 domestic partnership; amending s. 382.002, F.S.;
10 defining the term "dissolution of a domestic
11 partnership" for purposes of vital records; including
12 domestic partnerships and dissolution of domestic
13 partnership as vital records in this state; conforming
14 cross-references; amending s. 382.003, F.S.; requiring
15 the Department of Health to examine all certificates
16 of domestic partnership forms and dissolution of
17 domestic partnership reports sent from the courts;
18 amending s. 382.0085, F.S.; conforming a cross-
19 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
22 of Health by a specified date each month; amending s.
23 382.022, F.S.; requiring the clerk of the circuit
24 court to collect a fee after registering a domestic
25 partnership; amending s. 382.023, F.S.; requiring the
26 clerk of the circuit court to collect a fee upon
27 filing a final judgment for a dissolution of domestic
28 partnership; amending s. 382.025, F.S.; authorizing

29 | the Department of Health to issue a certified copy of
30 | certain vital records to a domestic partner; amending
31 | s. 382.0255, F.S.; providing that the Department of
32 | Health is entitled to a specified fee for the issuance
33 | of a commemorative certificate of domestic
34 | partnership; amending s. 402.302, F.S.; including
35 | children related by domestic partnership within the
36 | definition of the term "household children" for
37 | purposes of ch. 402, F.S.; amending s. 446.50, F.S.;
38 | requiring that certain fees relating to declarations
39 | of domestic partnership and dissolution of domestic
40 | partnership filings be deposited in the Displaced
41 | Homemaker Trust Fund; amending s. 709.2109, F.S.;
42 | providing that an agent's authority under a power of
43 | attorney terminates when an action is filed for the
44 | dissolution of the agent's domestic partnership with
45 | the principal unless the power of attorney otherwise
46 | provides; amending s. 741.28, F.S.; redefining the
47 | term "family or household member" in the context of
48 | domestic violence to include a domestic partnership;
49 | creating s. 741.501, F.S.; providing legislative
50 | findings; creating s. 741.502, F.S.; defining terms;
51 | creating s. 741.503, F.S.; requiring the Department of
52 | Health to create and distribute the Declaration of
53 | Domestic Partnership and Certificate of Registered
54 | Domestic Partnership forms to each clerk of the
55 | circuit court; requiring the department and each clerk
56 | of the circuit court to make the Declaration of

57 Domestic Partnership form available to the public;
58 creating s. 741.504, F.S.; providing that the circuit
59 court has jurisdiction over domestic partnership
60 proceedings; requiring the clerk of the circuit court
61 to maintain a domestic partnership registry; providing
62 that the registry is a public record; creating s.
63 741.505, F.S.; requiring two individuals who wish to
64 become partners in a domestic partnership to complete
65 and file a Declaration of Domestic Partnership form
66 with the clerk of the circuit court; specifying the
67 required contents of the completed form; providing
68 that each partner who signs the form consents to the
69 jurisdiction of the circuit court for certain
70 purposes; providing that if a person files an
71 intentionally and materially false form, he or she
72 commits a misdemeanor of the first degree; providing
73 criminal penalties; requiring the clerk of the circuit
74 court to register the Declaration of Domestic
75 Partnership in a domestic partnership registry and
76 issue a Certificate of Registered Domestic
77 Partnership; creating s. 741.506, F.S.; authorizing
78 the domestic partners to retain surnames; creating s.
79 741.507, F.S.; providing that any privilege or
80 responsibility granted or imposed by statute,
81 administrative or court rule, policy, common law, or
82 any other law to an individual because the individual
83 is or was related to another by marriage, or is a
84 child of either of the spouses, is granted on

85 equivalent terms to domestic partners or individuals
86 similarly related to domestic partners; providing that
87 the act does not require or permit the extension of
88 any benefit under a retirement, deferred compensation,
89 or other employee benefit plan, if the plan
90 administrator reasonably concludes that the extension
91 of benefits to partners would conflict with a
92 condition for tax qualification of the plan, or a
93 condition for other favorable tax treatment of the
94 plan, under the Internal Revenue Code; creating s.
95 741.508, F.S.; specifying prohibited or void domestic
96 partnerships; creating s. 741.509, F.S.; requiring
97 that the clerk of the circuit court collect certain
98 fees for receiving a Declaration of Domestic
99 Partnership; authorizing the clerk of the circuit
100 court to accept installment payments from individuals
101 who are unable to pay the fees in a lump sum; creating
102 s. 741.510, F.S.; providing methods to prove the
103 existence of a registered Declaration Domestic
104 Partnership when the certificate document has been
105 lost or is otherwise unavailable; creating s. 741.511,
106 F.S.; providing for termination of a domestic
107 partnership; providing for notice; providing for the
108 effective date of the termination; providing for
109 registration of the termination; requiring records of
110 certain terminations to be maintained; providing for
111 automatic termination of partnership if either party
112 enters into a valid marriage; providing for a

113 reasonable fee for termination; reenacting ss.
 114 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
 115 the worksheet form for the Criminal Punishment Code
 116 and the basic skills training for domestic violence
 117 cases, respectively, to incorporate the amendments
 118 made to s. 741.28, F.S., in references thereto;
 119 providing an effective date.

120
 121 Be It Enacted by the Legislature of the State of Florida:
 122

123 Section 1. Section 28.101, Florida Statutes, is amended to
 124 read:

125 28.101 Petitions and records of dissolution of marriage
 126 and domestic partnership; additional charges.—

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

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

135 (b) A charge of \$5. On a monthly basis, the clerk shall
 136 transfer the moneys collected pursuant to this paragraph to the
 137 Department of Revenue for deposit in the Displaced Homemaker
 138 Trust Fund created in s. 446.50. If a petitioner does not have
 139 sufficient funds ~~with which~~ to pay this fee and signs an
 140 affidavit so stating, all or a portion of the fee shall be

141 waived subject to a subsequent order of the court relative to
 142 the payment of the fee.

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

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

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

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

156 (2) Upon receipt of a final judgment of dissolution of
 157 marriage or dissolution of domestic partnership for filing, and
 158 in addition to the filing charges in s. 28.241, the clerk may
 159 collect and receive a service charge of up to \$10.50 pursuant to
 160 s. 382.023 for ~~the~~ recording and reporting the ~~of such~~ final
 161 judgment ~~of dissolution of marriage~~ to the Department of Health.

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

164 28.24 Service charges by clerk of the circuit court.—The
 165 clerk of the circuit court shall charge for services rendered by
 166 the clerk's office in recording documents and instruments and in
 167 performing the duties enumerated in amounts not to exceed those
 168 specified in this section. Notwithstanding any other provision

169 of this section, the clerk of the circuit court shall provide
 170 without charge to the state attorney, public defender, guardian
 171 ad litem, public guardian, attorney ad litem, criminal conflict
 172 and civil regional counsel, and private court-appointed counsel
 173 paid by the state, and to the authorized staff acting on behalf
 174 of each, access to and a copy of any public record, if the
 175 requesting party is entitled by law to view the exempt or
 176 confidential record, as maintained by and in the custody of the
 177 clerk of the circuit court as provided in general law and the
 178 Florida Rules of Judicial Administration. The clerk of the
 179 circuit court may provide the requested public record in an
 180 electronic format in lieu of a paper format when capable of
 181 being accessed by the requesting entity.

183 Charges

185 (23) Upon receipt of an application for a marriage license
 186 or a declaration of domestic partnership, for preparing and
 187 administering of oath; issuing, sealing, and recording of the
 188 marriage license or registering the domestic partnership; and
 189 providing a certified copy 30.00

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

192 97.1031 Notice of change of residence, change of name, or
 193 change of party affiliation.—

194 (2) When an elector seeks to change party affiliation, the
 195 elector shall notify his or her supervisor of elections or other
 196 voter registration official by using a signed written notice

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197 that contains the elector's date of birth or voter registration
 198 number. When an elector changes his or her name by marriage,
 199 domestic partnership, or other legal process, the elector shall
 200 notify his or her supervisor of elections or other voter
 201 registration official by using a signed written notice that
 202 contains the elector's date of birth or voter's registration
 203 number.

204 Section 4. Present subsections (5) through (16) of section
 205 382.002, Florida Statutes, are renumbered as subsections (6)
 206 through (17), respectively, a new subsection (5) is added to
 207 that section, and present subsections (7), (8), and (15) of that
 208 section are amended, to read:

209 382.002 Definitions.—As used in this chapter, the term:

210 (5) "Dissolution of domestic partnership" includes an
 211 annulment of domestic partnership.

212 (8)~~(7)~~ "Final disposition" means the burial, interment,
 213 cremation, removal from the state, or other authorized
 214 disposition of a dead body or a fetus as described in subsection
 215 (7) ~~(6)~~. In the case of cremation, dispersion of ashes or
 216 cremation residue is considered to occur after final
 217 disposition; the cremation itself is considered final
 218 disposition.

219 (9)~~(8)~~ "Funeral director" means a licensed funeral
 220 director or direct disposer licensed pursuant to chapter 497 or
 221 other person who first assumes custody of or effects the final
 222 disposition of a dead body or a fetus as described in subsection
 223 (7) ~~(6)~~.

224 (16)~~(15)~~ "Vital records" or "records" means certificates

225 or reports of birth, death, fetal death, marriage, domestic
 226 partnership, dissolution of marriage or domestic partnership,
 227 name change filed pursuant to s. 68.07, and data related
 228 thereto.

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

231 382.003 Powers and duties of the department.—The
 232 department shall:

233 (7) Approve all forms used in registering, recording,
 234 certifying, and preserving vital records, or in otherwise
 235 carrying out the purposes of this chapter, and ~~no~~ other forms
 236 may not shall be used other than those approved by the
 237 department. The department is responsible for the careful
 238 examination of the certificates received monthly from the local
 239 registrars and marriage certificates, certificates of domestic
 240 partnership, and dissolution of marriage and domestic
 241 partnership reports received from the circuit and county courts.
 242 A certificate that is complete and satisfactory shall be
 243 accepted and given a state file number and considered a state-
 244 filed record. If any such certificates are incomplete or
 245 unsatisfactory, the department shall require further information
 246 to be supplied as ~~may be~~ necessary to make the record complete
 247 and satisfactory. All physicians, midwives, informants, or
 248 funeral directors, and all other persons having knowledge of the
 249 facts, are required to supply, upon a form approved by the
 250 department or upon the original certificate, such information as
 251 they may possess regarding any vital record.

252 Section 6. Subsection (9) of section 382.0085, Florida

253 Statutes, is amended to read:

254 382.0085 Stillbirth registration.—

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

259 Section 7. Section 382.021, Florida Statutes, is amended
 260 to read:

261 382.021 Department to receive marriage licenses and
 262 declarations of domestic partnership.—On or before the 5th day
 263 of each month, the county court judge or clerk of the circuit
 264 court shall transmit to the department all original marriage
 265 licenses, with endorsements, and all declarations of domestic
 266 partnership received during the preceding calendar month, ~~to the~~
 267 ~~department~~. Any marriage licenses or declarations of domestic
 268 partnership issued and not returned, or any marriage licenses
 269 returned but not recorded, shall be reported by the issuing
 270 county court judge or clerk of the circuit court to the
 271 department at the time of transmitting the recorded licenses or
 272 declarations on the forms to be prescribed and furnished by the
 273 department. If during any month no marriage licenses or
 274 declarations of domestic partnership are issued or returned, the
 275 county court judge or clerk of the circuit court shall report
 276 such fact to the department upon forms prescribed and furnished
 277 by the department.

278 Section 8. Section 382.022, Florida Statutes, is amended
 279 to read:

280 382.022 Marriage application; registration of domestic

281 partnership; fees.—Upon the receipt of each application for the
 282 issuance of a marriage license or registering a domestic
 283 partnership, the county court judge or clerk of the circuit
 284 court shall, pursuant to s. 741.02, collect and receive a fee of
 285 \$4 which shall be remitted to the Department of Revenue for
 286 deposit to the Department of Health to defray part of the cost
 287 of maintaining marriage and domestic partnership records.

288 Section 9. Section 382.023, Florida Statutes, is amended
 289 to read:

290 382.023 Department to receive dissolution-of-marriage and
 291 dissolution-of-domestic-partnership records; fees.—~~Clerks of the~~
 292 ~~circuit courts shall collect for their services~~ At the time of
 293 the filing of a final judgment of dissolution of marriage or
 294 dissolution of domestic partnership, the clerk of the circuit
 295 court shall collect a fee of up to \$10.50, of which 43 percent
 296 shall be retained by the clerk ~~of the circuit court~~ as a part of
 297 the cost in the cause in which the judgment is granted. The
 298 remaining 57 percent shall be remitted to the Department of
 299 Revenue for deposit to the Department of Health to defray part
 300 of the cost of maintaining the dissolution-of-marriage and
 301 dissolution-of-domestic-partnership records. A record of each
 302 and every judgment of dissolution of marriage and dissolution of
 303 domestic partnership granted by the court during the preceding
 304 calendar month, giving names of parties and such other data as
 305 required by forms prescribed by the department, shall be
 306 transmitted to the department, on or before the 10th day of each
 307 month, along with an accounting of the funds remitted to the
 308 Department of Revenue pursuant to this section.

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

312 382.025 Certified copies of vital records;
 313 confidentiality; research.—

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

318 (a) Certified copies of the original birth certificate or
 319 a new or amended certificate, or affidavits thereof, are
 320 confidential and exempt from the provisions of s. 119.07(1) and,
 321 upon receipt of a request and payment of the fee prescribed in
 322 s. 382.0255, shall be issued only as authorized by the
 323 department and in the form prescribed by the department, and
 324 only:

- 325 1. To the registrant, if of legal age;
- 326 2. To the registrant's parent or guardian or other legal
 327 representative;
- 328 3. Upon receipt of the registrant's death certificate, to
 329 the registrant's spouse or domestic partner or to the
 330 registrant's child, grandchild, or sibling, if of legal age, or
 331 to the legal representative of any of such persons;
- 332 4. To any person if the birth record is over 100 years old
 333 and not under seal pursuant to court order;
- 334 5. To a law enforcement agency for official purposes;
- 335 6. To any agency of the state or the United States for
 336 official purposes upon approval of the department; or

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

338 (2) OTHER RECORDS.—

339 (a) The department shall authorize the issuance of a
340 certified copy of all or part of any marriage, domestic
341 partnership, dissolution of marriage or domestic partnership, or
342 death or fetal death certificate, excluding that portion which
343 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
344 as provided under s. 382.008, to any person requesting it upon
345 receipt of a request and payment of the fee prescribed by this
346 section. A certification of the death or fetal death certificate
347 which includes the confidential portions shall be issued only:

348 1. To the registrant's spouse, domestic partner, or
349 parent, or to the registrant's child, grandchild, or sibling, if
350 of legal age, or to any person who provides a will that has been
351 executed pursuant to s. 732.502, insurance policy, or other
352 document that demonstrates his or her interest in the estate of
353 the registrant, or to any person who provides documentation that
354 he or she is acting on behalf of any of them;

355 2. To any agency of the state or local government or the
356 United States for official purposes upon approval of the
357 department; or

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

359 (c) The department shall issue, upon request and upon
360 payment of an additional fee prescribed by this section, a
361 commemorative marriage license or certificate of domestic
362 partnership representing that the marriage or domestic
363 partnership of the persons named thereon is recorded in the
364 office of the registrar. The certificate issued under this

365 paragraph must ~~shall~~ be in a form consistent with the need to
 366 protect the integrity of vital records but must ~~shall~~ be
 367 suitable for display. It may bear the seal of the state printed
 368 thereon and may be signed by the Governor.

369 Section 11. Paragraph (i) of subsection (1) of section
 370 382.0255, Florida Statutes, is amended to read:

371 382.0255 Fees.—

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

373 (i) Twenty-five dollars for a commemorative certificate of
 374 birth, ~~or marriage,~~ or domestic partnership. Fees collected
 375 pursuant to this paragraph in excess of expenses shall be used
 376 ~~available for use~~ by the Regional Perinatal Intensive Care
 377 Centers (RPICC) Program to prevent child abuse and neglect.
 378 Funds derived from the issuance of commemorative marriage
 379 certificates shall be used ~~available for use~~ by the Improved
 380 Pregnancy Outcome Program.

381 Section 12. Subsection (9) of section 402.302, Florida
 382 Statutes, is amended to read:

383 402.302 Definitions.—As used in this chapter, the term:

384 (9) "Household children" means children who are related by
 385 blood, marriage, domestic partnership, or legal adoption to, or
 386 who are the legal wards of, the family day care home operator,
 387 the large family child care home operator, or an adult household
 388 member who permanently or temporarily resides in the home.
 389 Supervision of the operator's household children shall be left
 390 to the discretion of the operator unless those children receive
 391 subsidized child care through the School Readiness Program
 392 pursuant to s. 411.0101 to be in the home.

393 Section 13. Paragraph (b) of subsection (5) of section
 394 446.50, Florida Statutes, is amended to read:

395 446.50 Displaced homemakers; multiservice programs; report
 396 to the Legislature; Displaced Homemaker Trust Fund created.—

397 (5) DISPLACED HOME MAKER TRUST FUND.—

398 (b) The trust fund shall receive funds generated from an
 399 additional fee on marriage license applications, declarations of
 400 domestic partnerships, and dissolution of marriage and domestic
 401 partnership filings as specified in ss. 741.01(3), 741.509, and
 402 28.101, respectively, and may receive funds from any other
 403 public or private source.

404 Section 14. Paragraph (b) of subsection (2) of section
 405 709.2109, Florida Statutes, is amended to read:

406 709.2109 Termination or suspension of power of attorney or
 407 agent's authority.—

408 (2) An agent's authority is exercisable until the
 409 authority terminates. An agent's authority terminates when:

410 (b) An action is filed for the dissolution or annulment of
 411 the agent's marriage to or domestic partnership with the
 412 principal or for their legal separation, unless the power of
 413 attorney otherwise provides; or

414 Section 15. Subsection (3) of section 741.28, Florida
 415 Statutes, is amended to read:

416 741.28 Domestic violence; definitions.—As used in ss.
 417 741.28-741.31:

418 (3) "Family or household member" means spouses; ~~former~~
 419 spouses; ~~persons~~ persons related by blood, ~~or~~ marriage, or domestic
 420 partnership; persons who are presently residing together as if a

421 family or who have resided together in the past as if a family;~~;~~
 422 and persons who are parents of a child in common regardless of
 423 whether they have been married. With the exception of persons
 424 who have a child in common, the family or household members must
 425 be currently residing or have in the past resided together in
 426 the same single dwelling unit.

427 Section 16. Section 741.501, Florida Statutes, is created
 428 to read:

429 741.501 Legislative findings.—The Legislature finds that:

430 (1) There are a significant number of individuals in this
 431 state who live together in important, personal, emotional, and
 432 economically committed relationships. Together, these
 433 individuals live, serve, and participate in the community, and
 434 often rear children and care for family members.

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

439 (3) The state has a strong interest in promoting stable
 440 and lasting families, and believes that all families should be
 441 provided with the opportunity to obtain necessary legal
 442 protections and status and the ability to achieve their fullest
 443 potential.

444 (4) While some public and private institutions recognize
 445 domestic partnerships for limited purposes such as health
 446 benefits, hospital visitation, and medical decisionmaking for an
 447 incapacitated family member, many do not. Historically, legal
 448 recognition of marriage by the state is the primary and, in a

449 number of instances, the exclusive source of numerous rights,
450 benefits, and responsibilities available to families under the
451 laws of this state.

452 (5) The status of marriage in this state is limited by
453 Art. I of the State Constitution to the union of one man and one
454 woman and the Legislature does not seek to alter the definition
455 of marriage in any way. The Legislature also finds, however,
456 that recognition of domestic partnerships can provide an
457 alternative mechanism for extending certain important rights and
458 responsibilities to individuals who choose to form long-term,
459 mutually supportive relationships. Such recognition will provide
460 support to these familial relationships without affecting the
461 definition of marriage, without creating or recognizing a legal
462 relationship that is the substantial equivalent of marriage, and
463 without affecting restrictions contained in federal law.

464 (6) The decision to offer or seek a ceremony or blessing
465 over the domestic partnership should be left to the dictates of
466 each religious faith and to the preferences of the persons
467 entering into the partnership. Sections 741.501-741.511 do not
468 require performance of any solemnization ceremony to enter into
469 a binding domestic partnership agreement and do not interfere
470 with the right of each religious faith to choose freely to whom
471 to grant the religious status, sacrament, or blessing of
472 marriage under the rules and practices of that faith.

473 (7) Because of the material and other support that these
474 familial relationships provide to their participants, these
475 relationships should be formally recognized and made uniform by
476 law. Therefore, the Legislature declares that it is the policy

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477 of this state to establish and define the rights and
478 responsibilities of domestic partners.

479 Section 17. Section 741.502, Florida Statutes, is created
480 to read:

481 741.502 Definitions.—As used in ss. 741.501-741.511, the
482 term:

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

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

488 (3) "Partner" means an individual joined in a domestic
489 partnership.

490 Section 18. Section 741.503, Florida Statutes, is created
491 to read:

492 741.503 Forms.—

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

495 (a) "Declaration of Domestic Partnership" which meets the
496 requirements of s. 741.505.

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

498 (2) The department shall distribute the Declaration of
499 Domestic Partnership and Certificate of Registered Domestic
500 Partnership forms to each clerk of the circuit court. The
501 department and each clerk shall make the Declaration of Domestic
502 Partnership form available to the public.

503 Section 19. Section 741.504, Florida Statutes, is created
504 to read:

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505 741.504 Court jurisdiction and duties; registry.—

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

508 (2) Each clerk of the circuit court shall maintain a
509 registry of all domestic partnerships entered into in that
510 circuit and a record of all certificates of domestic partnership
511 issued which includes the names of the partners and the date of
512 issuance.

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

516 Section 20. Section 741.505, Florida Statutes, is created
517 to read:

518 741.505 Domestic partnership requirements.—

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

523 (a) A statement attesting that each individual is 18 years
524 of age or older and is otherwise capable of entering into a
525 domestic partnership. The clerk may accept any reasonable proof
526 of an individual's age which is satisfactory to the clerk. The
527 clerk may also require proof of age by affidavit of some
528 individual other than the parties seeking to file the form if
529 the clerk deems it necessary.

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

532 (c) Each individual's mailing address.

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

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

542 (2) Notwithstanding s. 61.021, each person signing a
543 Declaration of Domestic Partnership form consents to the
544 jurisdiction of the circuit courts of this state for any
545 proceeding related to the partners' rights and obligations, even
546 if one or both partners cease to reside or maintain a domicile
547 in this state.

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

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

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

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

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

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561 Section 21. Section 741.506, Florida Statutes, is created
562 to read:

563 741.506 Domestic partnership; name change.—Upon entering
564 into a domestic partnership, a partner may retain his or her
565 previous surname, or, if changed, may resume the previous legal
566 name during the domestic partnership.

567 Section 22. Section 741.507, Florida Statutes, is created
568 to read:

569 741.507 Domestic partnership; rights and responsibilities;
570 relationship to federal law.—

571 (1) Any privilege, immunity, right, or benefit granted by
572 statute, administrative or court rule, policy, common law, or
573 any other law to an individual because the individual is or was
574 related to another individual by marriage as an in-law is
575 granted on equivalent terms, substantive and procedural, to an
576 individual who is or was in a domestic partnership or who is or
577 was similarly related as an in-law to an individual
578 participating in a domestic partnership.

579 (2) Any responsibility imposed by statute, administrative
580 or court rule, policy, common law, or any other law on an
581 individual because the individual is or was related to another
582 individual by marriage as an in-law is imposed on equivalent
583 terms, substantive and procedural, on an individual who is or
584 was in a domestic partnership or who is or was similarly related
585 as an in-law to an individual participating in a domestic
586 partnership.

587 (3) Any privilege, immunity, right, benefit, or
588 responsibility granted to or imposed by statute, administrative

589 or court rule, policy, common law, or any other law on a spouse
590 with respect to a child of either of the spouses is granted to
591 or imposed on equivalent terms, substantive and procedural, on
592 an individual in a domestic partnership with respect to a child
593 of either of the partners.

594 (4) Any privilege, immunity, right, benefit, or
595 responsibility granted or imposed by statute, administrative or
596 court rule, policy, common law, or any other law to or on a
597 former or surviving spouse with respect to a child of either of
598 the spouses is granted to or imposed on equivalent terms,
599 substantive and procedural, on a former or surviving partner
600 with respect to a child of either of the partners.

601 (5) For purposes of administering the tax laws of this
602 state, partners in a domestic partnership, surviving partners of
603 a domestic partnership, and the children of partners in a
604 domestic partnership have the same privileges, immunities,
605 rights, benefits, and responsibilities as are granted to or
606 imposed on spouses in a marriage, surviving spouses, and their
607 children.

608 (6) Many of the laws of this state are intertwined with
609 federal law, and the Legislature recognizes that it does not
610 have the jurisdiction to control or implement federal laws or
611 the privileges, immunities, rights, benefits, and
612 responsibilities related to federal laws.

613 (7) Sections 741.502-741.511 do not require or permit the
614 extension of any benefit under any retirement, deferred
615 compensation, or other employee benefit plan, if the plan
616 administrator reasonably concludes that the extension of

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617 benefits would conflict with a condition for the tax
618 qualification of the plan, or a condition for other favorable
619 tax treatment of the plan, under the Internal Revenue Code or
620 adopted regulations.

621 (8) Sections 741.502-741.511 do not require the extension
622 of any benefit under any employee benefit plan that is subject
623 to federal regulation under the Employee Retirement Income
624 Security Act of 1974.

625 Section 23. Section 741.508, Florida Statutes, is created
626 to read:

627 741.508 Domestic partnerships prohibited and void.—

628 (1) The following domestic partnerships are prohibited and
629 void:

630 (a) If either party to the domestic partnership currently
631 has a different partner, or a wife or husband recognized by this
632 state, living at the time of entering into the domestic
633 partnership.

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

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

640 (2) If the consent of either party is obtained by force or
641 fraud, the domestic partnership is void from the time it is so
642 declared by a judgment of a court having jurisdiction of the
643 domestic partnership.

644 (3) An individual who has filed a Declaration of Domestic

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645 Partnership form may not file a new Declaration of Domestic
646 Partnership form or enter a marriage recognized in this state
647 with someone other than the individual's registered partner
648 unless a judgment of dissolution or annulment of the most recent
649 domestic partnership has been entered. This prohibition does not
650 apply if the previous domestic partnership ended because one of
651 the partners died.

652 Section 24. Section 741.509, Florida Statutes, is created
653 to read:

654 741.509 Fees.—

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

659 (a) A fee of \$25 shall be collected and deposited in the
660 Domestic Violence Trust Fund for the purposes provided in s.
661 741.01(2).

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

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

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

669 (2) An applicant for a Certificate of Registered Domestic
670 Partnership who is unable to pay the fees required under
671 subsection (1) in a lump sum may make payment in not more than
672 three installments over a period of 90 days. The clerk shall

673 accept installment payments upon receipt of an affidavit that
 674 the applicant is unable to pay the fees in a lump-sum payment.
 675 Upon receipt of the third or final installment payment, the
 676 Declaration of Domestic Partnership shall be deemed filed, and
 677 the clerk shall issue the Certificate of Registered Domestic
 678 Partnership and distribute the fees as appropriate. If the fee
 679 is paid in installments, the clerk shall retain \$1 from the
 680 additional fee imposed pursuant to paragraph (1)(c) as a
 681 processing fee.

682 Section 25. Section 741.510, Florida Statutes, is created
 683 to read:

684 741.510 Proof domestic partnership where certificate is
 685 not available.—If a Declaration of Domestic Partnership has been
 686 received in accordance with s. 741.505 and the clerk has not
 687 registered such declaration as required by that section, if a
 688 Certificate of Registered Domestic Partnership has been lost, or
 689 if by reason of death or other cause the certificate cannot be
 690 obtained, the domestic partnership may be proved by affidavit
 691 before any officer authorized to administer oaths made by two
 692 competent witnesses who were present and saw the Declaration of
 693 Domestic Partnership executed under s. 741.505, which affidavit
 694 may be filed and recorded in the office of clerk of the circuit
 695 in which the Declaration of Domestic Partnership was registered,
 696 with the same force and effect as if the proper certificate has
 697 been made, returned, and recorded.

698 Section 26. Section 741.511, Florida Statutes, is created
 699 to read:

700 741.511 Termination of partnership.—

701 (1) (a) A party to a state-registered domestic partnership
702 may terminate the relationship by filing a notice of termination
703 of the state-registered domestic partnership with the department
704 and paying the filing fee established under subsection (5). The
705 notice must be signed by one or both parties and notarized. If
706 the notice is not signed by both parties, the party seeking
707 termination must also file with the department an affidavit
708 stating either that the other party has been served in writing
709 in the manner prescribed for the service of summons in a civil
710 action, that a notice of termination is being filed, or that the
711 party seeking termination has not been able to find the other
712 party after reasonable effort and that notice has been made by
713 publication pursuant to paragraph (b).

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

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

722 (3) Upon receipt of a signed, notarized notice of
723 termination, affidavit, if required, and the filing fee, the
724 department shall register the notice of termination and provide
725 a certificate of termination of the state-registered domestic
726 partnership to each party named on the notice. The department
727 shall maintain a record of each notice of termination filed with
728 it and each certificate of termination issued by it. The

729 department shall maintain records of terminations of state-
 730 registered domestic partnerships, except for those state-
 731 registered domestic partnerships terminated under subsection
 732 (4).

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

738 (5) The department shall collect a reasonable fee for
 739 filing the declaration set by rule calculated to cover the
 740 department's costs, but not to exceed \$50. Fees collected under
 741 this section shall be deposited in the department's
 742 Administrative Trust Fund.

743 Section 27. For the purpose of incorporating the amendment
 744 made by this act to section 741.28, Florida Statutes, in a
 745 reference thereto, paragraph (b) of subsection (1) of section
 746 921.0024, Florida Statutes, is reenacted to read:

747 921.0024 Criminal Punishment Code; worksheet computations;
 748 scoresheets.-

749 (1)

750 (b) WORKSHEET KEY:

751
 752 Legal status points are assessed when any form of legal status
 753 existed at the time the offender committed an offense before the
 754 court for sentencing. Four (4) sentence points are assessed for
 755 an offender's legal status.

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757 Community sanction violation points are assessed when a
758 community sanction violation is before the court for sentencing.
759 Six (6) sentence points are assessed for each community sanction
760 violation and each successive community sanction violation,
761 unless any of the following apply:

762 1. If the community sanction violation includes a new
763 felony conviction before the sentencing court, twelve (12)
764 community sanction violation points are assessed for the
765 violation, and for each successive community sanction violation
766 involving a new felony conviction.

767 2. If the community sanction violation is committed by a
768 violent felony offender of special concern as defined in s.
769 948.06:

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

773 (I) The violation does not include a new felony
774 conviction; and

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

778 b. Twenty-four (24) community sanction violation points
779 are assessed for the violation and for each successive violation
780 of felony probation or community control where the violation
781 includes a new felony conviction.

782

783 Multiple counts of community sanction violations before the
784 sentencing court shall not be a basis for multiplying the

785 assessment of community sanction violation points.

786

787 Prior serious felony points: If the offender has a primary
 788 offense or any additional offense ranked in level 8, level 9, or
 789 level 10, and one or more prior serious felonies, a single
 790 assessment of thirty (30) points shall be added. For purposes of
 791 this section, a prior serious felony is an offense in the
 792 offender's prior record that is ranked in level 8, level 9, or
 793 level 10 under s. 921.0022 or s. 921.0023 and for which the
 794 offender is serving a sentence of confinement, supervision, or
 795 other sanction or for which the offender's date of release from
 796 confinement, supervision, or other sanction, whichever is later,
 797 is within 3 years before the date the primary offense or any
 798 additional offense was committed.

799

800 Prior capital felony points: If the offender has one or more
 801 prior capital felonies in the offender's criminal record, points
 802 shall be added to the subtotal sentence points of the offender
 803 equal to twice the number of points the offender receives for
 804 the primary offense and any additional offense. A prior capital
 805 felony in the offender's criminal record is a previous capital
 806 felony offense for which the offender has entered a plea of nolo
 807 contendere or guilty or has been found guilty; or a felony in
 808 another jurisdiction which is a capital felony in that
 809 jurisdiction, or would be a capital felony if the offense were
 810 committed in this state.

811

812 Possession of a firearm, semiautomatic firearm, or machine gun:

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813 If the offender is convicted of committing or attempting to
814 commit any felony other than those enumerated in s. 775.087(2)
815 while having in his or her possession: a firearm as defined in
816 s. 790.001(6), an additional eighteen (18) sentence points are
817 assessed; or if the offender is convicted of committing or
818 attempting to commit any felony other than those enumerated in
819 s. 775.087(3) while having in his or her possession a
820 semiautomatic firearm as defined in s. 775.087(3) or a machine
821 gun as defined in s. 790.001(9), an additional twenty-five (25)
822 sentence points are assessed.

823

824 Sentencing multipliers:

825

826 Drug trafficking: If the primary offense is drug trafficking
827 under s. 893.135, the subtotal sentence points are multiplied,
828 at the discretion of the court, for a level 7 or level 8
829 offense, by 1.5. The state attorney may move the sentencing
830 court to reduce or suspend the sentence of a person convicted of
831 a level 7 or level 8 offense, if the offender provides
832 substantial assistance as described in s. 893.135(4).

833

834 Law enforcement protection: If the primary offense is a
835 violation of the Law Enforcement Protection Act under s.
836 775.0823(2), (3), or (4), the subtotal sentence points are
837 multiplied by 2.5. If the primary offense is a violation of s.
838 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
839 are multiplied by 2.0. If the primary offense is a violation of
840 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement

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841 Protection Act under s. 775.0823(10) or (11), the subtotal
842 sentence points are multiplied by 1.5.

843

844 Grand theft of a motor vehicle: If the primary offense is grand
845 theft of the third degree involving a motor vehicle and in the
846 offender's prior record, there are three or more grand thefts of
847 the third degree involving a motor vehicle, the subtotal
848 sentence points are multiplied by 1.5.

849

850 Offense related to a criminal gang: If the offender is convicted
851 of the primary offense and committed that offense for the
852 purpose of benefiting, promoting, or furthering the interests of
853 a criminal gang as prohibited under s. 874.04, the subtotal
854 sentence points are multiplied by 1.5.

855

856 Domestic violence in the presence of a child: If the offender is
857 convicted of the primary offense and the primary offense is a
858 crime of domestic violence, as defined in s. 741.28, which was
859 committed in the presence of a child under 16 years of age who
860 is a family or household member as defined in s. 741.28(3) with
861 the victim or perpetrator, the subtotal sentence points are
862 multiplied by 1.5.

863 Section 28. For the purpose of incorporating the amendment
864 made by this act to section 741.28, Florida Statutes, in a
865 reference thereto, paragraph (b) of subsection (2) of section
866 943.171, Florida Statutes, is reenacted to read:

867 943.171 Basic skills training in handling domestic
868 violence cases.—

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

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

871 741.28(3).

872 Section 29. This act shall take effect July 1, 2012.