

By Senator Sobel

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1 A bill to be entitled
2 An act relating to domestic partnerships; amending ss.
3 28.101 and 28.24, F.S.; setting forth fees and costs
4 to be applied when petitioning for a dissolution of a
5 domestic partnership or registering a domestic
6 partnership, respectively; amending s. 97.1031, F.S.;
7 providing notice to the supervisor of elections
8 concerning a change of name due to participation in a
9 domestic partnership; 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

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

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59 required contents of the completed form; providing
60 that each partner who signs the form consents to the
61 jurisdiction of the circuit court for certain
62 purposes; providing that if a person files an
63 intentionally and materially false form, he or she
64 commits a misdemeanor of the first degree; providing
65 criminal penalties; requiring the clerk of the circuit
66 court to register the Declaration of Domestic
67 Partnership in a domestic partnership registry and
68 issue a Certificate of Registered Domestic
69 Partnership; creating s. 741.506, F.S.; authorizing
70 the domestic partners to retain surnames; creating s.
71 741.507, F.S.; providing that any privilege or
72 responsibility granted or imposed by statute,
73 administrative or court rule, policy, common law, or
74 any other law to an individual because the individual
75 is or was related to another by marriage, or is a
76 child of either of the spouses, is granted on
77 equivalent terms to domestic partners or individuals
78 similarly related to domestic partners; providing that
79 the act does not require or permit the extension of
80 any benefit under a retirement, deferred compensation,
81 or other employee benefit plan, if the plan
82 administrator reasonably concludes that the extension
83 of benefits to partners would conflict with a
84 condition for tax qualification of the plan, or a
85 condition for other favorable tax treatment of the
86 plan, under the Internal Revenue Code; creating s.
87 741.508, F.S.; specifying prohibited or void domestic

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88 partnerships; creating s. 741.509, F.S.; requiring
89 that the clerk of the circuit court collect certain
90 fees for receiving a Declaration of Domestic
91 Partnership; authorizing the clerk of the circuit
92 court to accept installment payments from individuals
93 who are unable to pay the fees in a lump sum; creating
94 s. 741.510, F.S.; providing methods to prove the
95 existence of a registered Declaration Domestic
96 Partnership when the certificate document has been
97 lost or is otherwise unavailable; creating s. 741.511,
98 F.S.; providing for termination of a domestic
99 partnership; providing for notice; providing for the
100 effective date of the termination; providing for
101 registration of the termination; requiring records of
102 certain terminations to be maintained; providing for
103 automatic termination of partnership if either party
104 enters into a valid marriage; providing for a
105 reasonable fee for termination; reenacting ss.
106 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
107 the worksheet form for the Criminal Punishment Code
108 and the basic skills training for domestic violence
109 cases, respectively, to incorporate the amendments
110 made to s. 741.28, F.S., in references thereto;
111 providing an effective date.

112
113 Be It Enacted by the Legislature of the State of Florida:

114
115 Section 1. Section 28.101, Florida Statutes, is amended to
116 read:

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117 28.101 Petitions and records of dissolution of marriage and
118 domestic partnership; additional charges.-

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

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

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

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

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

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

145 2. An amount of \$25 to the Department of Revenue for

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146 deposit in the General Revenue Fund.

147 (2) Upon receipt of a final judgment of dissolution of
148 marriage or dissolution of domestic partnership for filing, and
149 in addition to the filing charges in s. 28.241, the clerk may
150 collect and receive a service charge of up to \$10.50 pursuant to
151 s. 382.023 for ~~the~~ recording and reporting the ~~of such~~ final
152 judgment ~~of dissolution of marriage~~ to the Department of Health.

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

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

173 Charges

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175 (23) Upon receipt of an application for a marriage license
 176 or a declaration of domestic partnership, for preparing and
 177 administering of oath; issuing, sealing, and recording of the
 178 marriage license or registering the domestic partnership; and
 179 providing a certified copy.....30.00

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

182 97.1031 Notice of change of residence, change of name, or
 183 change of party affiliation.—

184 (2) When an elector seeks to change party affiliation, the
 185 elector shall notify his or her supervisor of elections or other
 186 voter registration official by using a signed written notice
 187 that contains the elector’s date of birth or voter registration
 188 number. When an elector changes his or her name by marriage,
 189 domestic partnership, or other legal process, the elector shall
 190 notify his or her supervisor of elections or other voter
 191 registration official by using a signed written notice that
 192 contains the elector’s date of birth or voter’s registration
 193 number.

194 Section 4. Present subsections (5) through (16) of section
 195 382.002, Florida Statutes, are renumbered as subsections (6)
 196 through (17), respectively, a new subsection (5) is added to
 197 that section, and present subsections (7), (8), and (15) of that
 198 section are amended, to read:

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

200 (5) “Dissolution of domestic partnership” includes an
 201 annulment of domestic partnership.

202 (8) ~~(7)~~ “Final disposition” means the burial, interment,
 203 cremation, removal from the state, or other authorized

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204 disposition of a dead body or a fetus as described in subsection
205 (7) ~~(6)~~. In the case of cremation, dispersion of ashes or
206 cremation residue is considered to occur after final
207 disposition; the cremation itself is considered final
208 disposition.

209 (9) ~~(8)~~ "Funeral director" means a licensed funeral director
210 or direct disposer licensed pursuant to chapter 497 or other
211 person who first assumes custody of or effects the final
212 disposition of a dead body or a fetus as described in subsection
213 (7) ~~(6)~~.

214 (16) ~~(15)~~ "Vital records" or "records" means certificates or
215 reports of birth, death, fetal death, marriage, domestic
216 partnership, dissolution of marriage or domestic partnership,
217 name change filed pursuant to s. 68.07, and data related
218 thereto.

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

221 382.003 Powers and duties of the department.—The department
222 shall:

223 (7) Approve all forms used in registering, recording,
224 certifying, and preserving vital records, or in otherwise
225 carrying out the purposes of this chapter, and ~~no~~ other forms
226 may not shall be used other than those approved by the
227 department. The department is responsible for the careful
228 examination of the certificates received monthly from the local
229 registrars and marriage certificates, certificates of domestic
230 partnership, and dissolution of marriage and domestic
231 partnership reports received from the circuit and county courts.
232 A certificate that is complete and satisfactory shall be

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233 accepted and given a state file number and considered a state-
234 filed record. If any such certificates are incomplete or
235 unsatisfactory, the department shall require further information
236 to be supplied as ~~may be~~ necessary to make the record complete
237 and satisfactory. All physicians, midwives, informants, or
238 funeral directors, and all other persons having knowledge of the
239 facts, are required to supply, upon a form approved by the
240 department or upon the original certificate, such information as
241 they may possess regarding any vital record.

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

244 382.0085 Stillbirth registration.-

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

249 Section 7. Section 382.021, Florida Statutes, is amended to
250 read:

251 382.021 Department to receive marriage licenses and
252 declarations of domestic partnership.-On or before the 5th day
253 of each month, the county court judge or clerk of the circuit
254 court shall transmit to the department all original marriage
255 licenses, with endorsements, and all declarations of domestic
256 partnership received during the preceding calendar month, ~~to the~~
257 ~~department.~~ Any marriage licenses or declarations of domestic
258 partnership issued and not returned, or any marriage licenses
259 returned but not recorded, shall be reported by the issuing
260 county court judge or clerk of the circuit court to the
261 department at the time of transmitting the recorded licenses or

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262 declarations on the forms to be prescribed and furnished by the
263 department. If during any month no marriage licenses or
264 declarations of domestic partnership are issued or returned, the
265 county court judge or clerk of the circuit court shall report
266 such fact to the department upon forms prescribed and furnished
267 by the department.

268 Section 8. Section 382.022, Florida Statutes, is amended to
269 read:

270 382.022 Marriage application; registration of domestic
271 partnership; fees.—Upon the receipt of each application for the
272 issuance of a marriage license or registering a domestic
273 partnership, the county court judge or clerk of the circuit
274 court shall, pursuant to s. 741.02, collect and receive a fee of
275 \$4 which shall be remitted to the Department of Revenue for
276 deposit to the Department of Health to defray part of the cost
277 of maintaining marriage and domestic partnership records.

278 Section 9. Section 382.023, Florida Statutes, is amended to
279 read:

280 382.023 Department to receive dissolution-of-marriage and
281 dissolution-of-domestic-partnership records; fees.—~~Clerks of the~~
282 ~~circuit courts shall collect for their services~~ At the time of
283 the filing of a final judgment of dissolution of marriage or
284 dissolution of domestic partnership, the clerk of the circuit
285 court shall collect a fee of up to \$10.50, of which 43 percent
286 shall be retained by the clerk ~~of the circuit court~~ as a part of
287 the cost in the cause in which the judgment is granted. The
288 remaining 57 percent shall be remitted to the Department of
289 Revenue for deposit to the Department of Health to defray part
290 of the cost of maintaining the dissolution-of-marriage and

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291 dissolution-of-domestic-partnership records. A record of each
292 and every judgment of dissolution of marriage and dissolution of
293 domestic partnership granted by the court during the preceding
294 calendar month, giving names of parties and such other data as
295 required by forms prescribed by the department, shall be
296 transmitted to the department, on or before the 10th day of each
297 month, along with an accounting of the funds remitted to the
298 Department of Revenue pursuant to this section.

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

302 382.025 Certified copies of vital records; confidentiality;
303 research.—

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

308 (a) Certified copies of the original birth certificate or a
309 new or amended certificate, or affidavits thereof, are
310 confidential and exempt from the provisions of s. 119.07(1) and,
311 upon receipt of a request and payment of the fee prescribed in
312 s. 382.0255, shall be issued only as authorized by the
313 department and in the form prescribed by the department, and
314 only:

- 315 1. To the registrant, if of legal age;
- 316 2. To the registrant's parent or guardian or other legal
317 representative;
- 318 3. Upon receipt of the registrant's death certificate, to
319 the registrant's spouse or domestic partner or to the

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320 registrant's child, grandchild, or sibling, if of legal age, or
321 to the legal representative of any of such persons;

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

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

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

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

328 (2) OTHER RECORDS.—

329 (a) The department shall authorize the issuance of a
330 certified copy of all or part of any marriage, domestic
331 partnership, dissolution of marriage or domestic partnership, or
332 death or fetal death certificate, excluding that portion which
333 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
334 as provided under s. 382.008, to any person requesting it upon
335 receipt of a request and payment of the fee prescribed by this
336 section. A certification of the death or fetal death certificate
337 which includes the confidential portions shall be issued only:

338 1. To the registrant's spouse, domestic partner, or parent,
339 or to the registrant's child, grandchild, or sibling, if of
340 legal age, or to any person who provides a will that has been
341 executed pursuant to s. 732.502, insurance policy, or other
342 document that demonstrates his or her interest in the estate of
343 the registrant, or to any person who provides documentation that
344 he or she is acting on behalf of any of them;

345 2. To any agency of the state or local government or the
346 United States for official purposes upon approval of the
347 department; or

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

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

359 Section 11. Paragraph (i) of subsection (1) of section
360 382.0255, Florida Statutes, is amended to read:

361 382.0255 Fees.—

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

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

371 Section 12. Paragraph (b) of subsection (5) of section
372 446.50, Florida Statutes, is amended to read:

373 446.50 Displaced homemakers; multiservice programs; report
374 to the Legislature; Displaced Homemaker Trust Fund created.—

375 (5) DISPLACED HOMEMAKER TRUST FUND.—

376 (b) The trust fund shall receive funds generated from an
377 additional fee on marriage license applications, declarations of

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378 domestic partnerships, and dissolution of marriage and domestic
379 partnership filings as specified in ss. 741.01(3), 741.509, and
380 28.101, respectively, and may receive funds from any other
381 public or private source.

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

384 741.28 Domestic violence; definitions.—As used in ss.
385 741.28-741.31:

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

395 Section 14. Section 741.501, Florida Statutes, is created
396 to read:

397 741.501 Legislative findings.—The Legislature finds that:

398 (1) There are a significant number of individuals in this
399 state who live together in important, personal, emotional, and
400 economically committed relationships. Together, these
401 individuals live, serve, and participate in the community, and
402 often rear children and care for family members.

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

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407 (3) The state has a strong interest in promoting stable and
408 lasting families, and believes that all families should be
409 provided with the opportunity to obtain necessary legal
410 protections and status and the ability to achieve their fullest
411 potential.

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

420 (5) The status of marriage in this state is limited by Art.
421 I of the State Constitution to the union of one man and one
422 woman and the Legislature does not seek to alter the definition
423 of marriage in any way. The Legislature also finds, however,
424 that recognition of domestic partnerships can provide an
425 alternative mechanism for extending certain important rights and
426 responsibilities to individuals who choose to form long-term,
427 mutually supportive relationships. Such recognition will provide
428 support to these familial relationships without affecting the
429 definition of marriage, without creating or recognizing a legal
430 relationship that is the substantial equivalent of marriage, and
431 without affecting restrictions contained in federal law.

432 (6) The decision to offer or seek a ceremony or blessing
433 over the domestic partnership should be left to the dictates of
434 each religious faith and to the preferences of the persons
435 entering into the partnership. Sections 741.501-741.511 do not

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436 require performance of any solemnization ceremony to enter into
437 a binding domestic partnership agreement and do not interfere
438 with the right of each religious faith to choose freely to whom
439 to grant the religious status, sacrament, or blessing of
440 marriage under the rules and practices of that faith.

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

447 Section 15. Section 741.502, Florida Statutes, is created
448 to read:

449 741.502 Definitions.—As used in ss. 741.501-741.511, the
450 term:

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

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

456 (3) "Partner" means an individual joined in a domestic
457 partnership.

458 Section 16. Section 741.503, Florida Statutes, is created
459 to read:

460 741.503 Forms.—

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

463 (a) "Declaration of Domestic Partnership" which meets the
464 requirements of s. 741.505.

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

466 (2) The department shall distribute the Declaration of
467 Domestic Partnership and Certificate of Registered Domestic
468 Partnership forms to each clerk of the circuit court. The
469 department and each clerk shall make the Declaration of Domestic
470 Partnership form available to the public.

471 Section 17. Section 741.504, Florida Statutes, is created
472 to read:

473 741.504 Court jurisdiction and duties; registry.-

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

476 (2) Each clerk of the circuit court shall maintain a
477 registry of all domestic partnerships entered into in that
478 circuit and a record of all certificates of domestic partnership
479 issued which includes the names of the partners and the date of
480 issuance.

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

484 Section 18. Section 741.505, Florida Statutes, is created
485 to read:

486 741.505 Domestic partnership requirements.-

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

491 (a) A statement attesting that each individual is 18 years
492 of age or older and is otherwise capable of entering into a
493 domestic partnership. The clerk may accept any reasonable proof

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494 of an individual's age which is satisfactory to the clerk. The
495 clerk may also require proof of age by affidavit of some
496 individual other than the parties seeking to file the form if
497 the clerk deems it necessary.

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

500 (c) Each individual's mailing address.

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

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

510 (2) Notwithstanding s. 61.021, each person signing a
511 Declaration of Domestic Partnership form consents to the
512 jurisdiction of the circuit courts of this state for any
513 proceeding related to the partners' rights and obligations, even
514 if one or both partners cease to reside or maintain a domicile
515 in this state.

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

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

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- 523 (a) Return a copy of the registered form to the partners;
524 (b) Register the Declaration of Domestic Partnership in a
525 domestic partnership registry; and
526 (c) Issue a Certificate of Registered Domestic Partnership
527 under his or her hand and seal to the partners in person or at
528 the mailing address provided by the partners.

529 Section 19. Section 741.506, Florida Statutes, is created
530 to read:

531 741.506 Domestic partnership; name change.—Upon entering
532 into a domestic partnership, a partner may retain his or her
533 previous surname, or, if changed, may resume the previous legal
534 name during the domestic partnership.

535 Section 20. Section 741.507, Florida Statutes, is created
536 to read:

537 741.507 Domestic partnership; rights and responsibilities;
538 relationship to federal law.—

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

547 (2) Any responsibility imposed by statute, administrative
548 or court rule, policy, common law, or any other law on an
549 individual because the individual is or was related to another
550 individual by marriage as an in-law is imposed on equivalent
551 terms, substantive and procedural, on an individual who is or

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552 was in a domestic partnership or who is or was similarly related
553 as an in-law to an individual participating in a domestic
554 partnership.

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

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

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

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

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581 (7) Sections 741.502-741.511 do not require or permit the
582 extension of any benefit under any retirement, deferred
583 compensation, or other employee benefit plan, if the plan
584 administrator reasonably concludes that the extension of
585 benefits would conflict with a condition for the tax
586 qualification of the plan, or a condition for other favorable
587 tax treatment of the plan, under the Internal Revenue Code or
588 adopted regulations.

589 (8) Sections 741.502-741.511 do not require the extension
590 of any benefit under any employee benefit plan that is subject
591 to federal regulation under the Employee Retirement Income
592 Security Act of 1974.

593 Section 21. Section 741.508, Florida Statutes, is created
594 to read:

595 741.508 Domestic partnerships prohibited and void.—

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

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

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

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

608 (2) If the consent of either party is obtained by force or
609 fraud, the domestic partnership is void from the time it is so

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610 declared by a judgment of a court having jurisdiction of the
611 domestic partnership.

612 (3) An individual who has filed a Declaration of Domestic
613 Partnership form may not file a new Declaration of Domestic
614 Partnership form or enter a marriage recognized in this state
615 with someone other than the individual's registered partner
616 unless a judgment of dissolution or annulment of the most recent
617 domestic partnership has been entered. This prohibition does not
618 apply if the previous domestic partnership ended because one of
619 the partners died.

620 Section 22. Section 741.509, Florida Statutes, is created
621 to read:

622 741.509 Fees.—

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

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

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

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

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

637 (2) An applicant for a Certificate of Registered Domestic
638 Partnership who is unable to pay the fees required under

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639 subsection (1) in a lump sum may make payment in not more than
640 three installments over a period of 90 days. The clerk shall
641 accept installment payments upon receipt of an affidavit that
642 the applicant is unable to pay the fees in a lump-sum payment.
643 Upon receipt of the third or final installment payment, the
644 Declaration of Domestic Partnership shall be deemed filed, and
645 the clerk shall issue the Certificate of Registered Domestic
646 Partnership and distribute the fees as appropriate. If the fee
647 is paid in installments, the clerk shall retain \$1 from the
648 additional fee imposed pursuant to paragraph (1) (c) as a
649 processing fee.

650 Section 23. Section 741.510, Florida Statutes, is created
651 to read:

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

666 Section 24. Section 741.511, Florida Statutes, is created
667 to read:

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668 741.511 Termination of partnership.-

669 (1) (a) A party to a state-registered domestic partnership
670 may terminate the relationship by filing a notice of termination
671 of the state-registered domestic partnership with the department
672 and paying the filing fee established under subsection (5). The
673 notice must be signed by one or both parties and notarized. If
674 the notice is not signed by both parties, the party seeking
675 termination must also file with the department an affidavit
676 stating either that the other party has been served in writing
677 in the manner prescribed for the service of summons in a civil
678 action, that a notice of termination is being filed, or that the
679 party seeking termination has not been able to find the other
680 party after reasonable effort and that notice has been made by
681 publication pursuant to paragraph (b).

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

687 (2) The state-registered domestic partnership shall be
688 terminated effective 90 days after the date of filing the notice
689 of termination and payment of the filing fee.

690 (3) Upon receipt of a signed, notarized notice of
691 termination, affidavit, if required, and the filing fee, the
692 department shall register the notice of termination and provide
693 a certificate of termination of the state-registered domestic
694 partnership to each party named on the notice. The department
695 shall maintain a record of each notice of termination filed with
696 it and each certificate of termination issued by it. The

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697 department shall maintain records of terminations of state-
 698 registered domestic partnerships, except for those state-
 699 registered domestic partnerships terminated under subsection
 700 (4).

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

706 (5) The department shall collect a reasonable fee for
 707 filing the declaration set by rule calculated to cover the
 708 department's costs, but not to exceed \$50. Fees collected under
 709 this section shall be deposited into the department's
 710 Administrative Trust Fund.

711 Section 25. For the purpose of incorporating the amendment
 712 made by this act to section 741.28, Florida Statutes, in a
 713 reference thereto, paragraph (b) of subsection (1) of section
 714 921.0024, Florida Statutes, is reenacted to read:

715 921.0024 Criminal Punishment Code; worksheet computations;
 716 scoresheets.-

717 (1)

(b) WORKSHEET KEY:

719
 720 Legal status points are assessed when any form of legal status
 721 existed at the time the offender committed an offense before the
 722 court for sentencing. Four (4) sentence points are assessed for
 723 an offender's legal status.

724

725 Community sanction violation points are assessed when a

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726 community sanction violation is before the court for sentencing.
727 Six (6) sentence points are assessed for each community sanction
728 violation and each successive community sanction violation,
729 unless any of the following apply:

730 1. If the community sanction violation includes a new
731 felony conviction before the sentencing court, twelve (12)
732 community sanction violation points are assessed for the
733 violation, and for each successive community sanction violation
734 involving a new felony conviction.

735 2. If the community sanction violation is committed by a
736 violent felony offender of special concern as defined in s.
737 948.06:

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

741 (I) The violation does not include a new felony conviction;
742 and

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

746 b. Twenty-four (24) community sanction violation points are
747 assessed for the violation and for each successive violation of
748 felony probation or community control where the violation
749 includes a new felony conviction.

750

751 Multiple counts of community sanction violations before the
752 sentencing court shall not be a basis for multiplying the
753 assessment of community sanction violation points.

754

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755 Prior serious felony points: If the offender has a primary
756 offense or any additional offense ranked in level 8, level 9, or
757 level 10, and one or more prior serious felonies, a single
758 assessment of thirty (30) points shall be added. For purposes of
759 this section, a prior serious felony is an offense in the
760 offender's prior record that is ranked in level 8, level 9, or
761 level 10 under s. 921.0022 or s. 921.0023 and for which the
762 offender is serving a sentence of confinement, supervision, or
763 other sanction or for which the offender's date of release from
764 confinement, supervision, or other sanction, whichever is later,
765 is within 3 years before the date the primary offense or any
766 additional offense was committed.

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

779
780 Possession of a firearm, semiautomatic firearm, or machine gun:
781 If the offender is convicted of committing or attempting to
782 commit any felony other than those enumerated in s. 775.087(2)
783 while having in his or her possession: a firearm as defined in

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784 s. 790.001(6), an additional eighteen (18) sentence points are
785 assessed; or if the offender is convicted of committing or
786 attempting to commit any felony other than those enumerated in
787 s. 775.087(3) while having in his or her possession a
788 semiautomatic firearm as defined in s. 775.087(3) or a machine
789 gun as defined in s. 790.001(9), an additional twenty-five (25)
790 sentence points are assessed.

791

792 Sentencing multipliers:

793

794 Drug trafficking: If the primary offense is drug trafficking
795 under s. 893.135, the subtotal sentence points are multiplied,
796 at the discretion of the court, for a level 7 or level 8
797 offense, by 1.5. The state attorney may move the sentencing
798 court to reduce or suspend the sentence of a person convicted of
799 a level 7 or level 8 offense, if the offender provides
800 substantial assistance as described in s. 893.135(4).

801

802 Law enforcement protection: If the primary offense is a
803 violation of the Law Enforcement Protection Act under s.
804 775.0823(2), (3), or (4), the subtotal sentence points are
805 multiplied by 2.5. If the primary offense is a violation of s.
806 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
807 are multiplied by 2.0. If the primary offense is a violation of
808 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
809 Protection Act under s. 775.0823(10) or (11), the subtotal
810 sentence points are multiplied by 1.5.

811

812 Grand theft of a motor vehicle: If the primary offense is grand

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813 theft of the third degree involving a motor vehicle and in the
814 offender's prior record, there are three or more grand thefts of
815 the third degree involving a motor vehicle, the subtotal
816 sentence points are multiplied by 1.5.

817
818 Offense related to a criminal gang: If the offender is convicted
819 of the primary offense and committed that offense for the
820 purpose of benefiting, promoting, or furthering the interests of
821 a criminal gang as prohibited under s. 874.04, the subtotal
822 sentence points are multiplied by 1.5.

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

831 Section 26. For the purpose of incorporating the amendment
832 made by this act to section 741.28, Florida Statutes, in a
833 reference thereto, paragraph (b) of subsection (2) of section
834 943.171, Florida Statutes, is reenacted to read:

835 943.171 Basic skills training in handling domestic violence
836 cases.—

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

838 (b) "Household member" has the meaning set forth in s.
839 741.28(3).

840 Section 27. This act shall take effect July 1, 2012.