

By Senator Sobel

31-00522-11

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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.

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

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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.

Charges

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

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

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

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

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

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

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

(8)~~(7)~~ “Final disposition” means the burial, interment,

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

210 (9) ~~(8)~~ "Funeral director" means a licensed funeral director
211 or direct disposer licensed pursuant to chapter 497 or other
212 person who first assumes custody of or effects the final
213 disposition of a dead body or a fetus as described in subsection
214 (7) ~~(6)~~.

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

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

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

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

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

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

245 382.0085 Stillbirth registration.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

329 (2) OTHER RECORDS.—

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

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

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

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

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

360 Section 11. Paragraph (i) of subsection (1) of section
361 382.0255, Florida Statutes, is amended to read:

362 382.0255 Fees.—

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

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

372 Section 12. Paragraph (b) of subsection (5) of section
373 446.50, Florida Statutes, is amended to read:

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

376 (5) DISPLACED HOMEMAKER TRUST FUND.—

377 (b) The trust fund shall receive funds generated from an

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

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

385 741.28 Domestic violence; definitions.—As used in ss.
386 741.28-741.31:

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

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

398 741.501 Legislative findings.—The Legislature finds that:

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

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

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407 health of their participants.

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

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

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

433 (6) The decision to offer or seek a ceremony or blessing
434 over the domestic partnership should be left to the dictates of
435 each religious faith and to the preferences of the persons

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436 entering into the partnership. Sections 741.501-741.511 do not
437 require performance of any solemnization ceremony to enter into
438 a binding domestic partnership agreement and do not interfere
439 with the right of each religious faith to choose freely to whom
440 to grant the religious status, sacrament, or blessing of
441 marriage under the rules and practices of that faith.

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

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

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

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

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

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

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

461 741.503 Forms.—

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

464 (a) "Declaration of Domestic Partnership" which meets the

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465 requirements of s. 741.505.

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

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

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

474 741.504 Court jurisdiction and duties; registry.-

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

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

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

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

487 741.505 Domestic partnership requirements.-

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

492 (a) A statement attesting that each individual is 18 years
493 of age or older and is otherwise capable of entering into a

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

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

501 (c) Each individual's mailing address.

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

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

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

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

521 (4) If all legal requirements have been satisfied and there
522 appears to be no impediment to the domestic partnership, the

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523 clerk of the circuit court shall:

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

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

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

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

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

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

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

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

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

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552 terms, substantive and procedural, on an individual who is or
553 was in a domestic partnership or who is or was similarly related
554 as an in-law to an individual participating in a domestic
555 partnership.

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

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

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

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

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581 responsibilities related to federal laws.

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

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

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

596 741.508 Domestic partnerships prohibited and void.—

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

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

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

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

609 (2) If the consent of either party is obtained by force or

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610 fraud, the domestic partnership is void from the time it is so
611 declared by a judgment of a court having jurisdiction of the
612 domestic partnership.

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

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

623 741.509 Fees.—

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

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

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

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

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

638 (2) An applicant for a Certificate of Registered Domestic

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

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

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

667 Section 24. Section 741.511, Florida Statutes, is created

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668 to read:

669 741.511 Termination of partnership.-

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

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

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

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

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697 it and each certificate of termination issued by it. The
698 department shall maintain records of terminations of state-
699 registered domestic partnerships, except for those state-
700 registered domestic partnerships terminated under subsection
701 (4).

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

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

712 Section 25. For the purpose of incorporating the amendment
713 made by this act to section 741.28, Florida Statutes, in a
714 reference thereto, paragraph (b) of subsection (1) of section
715 921.0024, Florida Statutes, is reenacted to read:

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

718 (1)

719 (b) WORKSHEET KEY:

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

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

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

736 2. If the community sanction violation is committed by a
737 violent felony offender of special concern as defined in s.
738 948.06:

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

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

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

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

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

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755

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

768

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

780

781 Possession of a firearm, semiautomatic firearm, or machine gun:
782 If the offender is convicted of committing or attempting to
783 commit any felony other than those enumerated in s. 775.087(2)

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

792

793 Sentencing multipliers:

794

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

802

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

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

818

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

824

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

832 Section 26. For the purpose of incorporating the amendment
833 made by this act to section 741.28, Florida Statutes, in a
834 reference thereto, paragraph (b) of subsection (2) of section
835 943.171, Florida Statutes, is reenacted to read:

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

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

839 (b) "Household member" has the meaning set forth in s.
840 741.28(3).

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