



385506

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/02/2013	.	
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The Committee on Children, Families, and Elder Affairs (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (23) of section 28.24, Florida Statutes, is amended to read:

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



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13 without charge to the state attorney, public defender, guardian
14 ad litem, public guardian, attorney ad litem, criminal conflict
15 and civil regional counsel, and private court-appointed counsel
16 paid by the state, and to the authorized staff acting on behalf
17 of each, access to and a copy of any public record, if the
18 requesting party is entitled by law to view the exempt or
19 confidential record, as maintained by and in the custody of the
20 clerk of the circuit court as provided in general law and the
21 Florida Rules of Judicial Administration. The clerk of the
22 circuit court may provide the requested public record in an
23 electronic format in lieu of a paper format when capable of
24 being accessed by the requesting entity.

25
26 Charges

27
28 (23) Upon receipt of an application for a marriage license
29 or a declaration of domestic partnership, for preparing and
30 administering of oath; issuing, sealing, and recording of the
31 marriage license or registering the domestic partnership; and
32 providing a certified copy.....30.00

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

35 97.1031 Notice of change of residence, change of name, or
36 change of party affiliation.—

37 (2) When an elector seeks to change party affiliation, the
38 elector shall notify his or her supervisor of elections or other
39 voter registration official by using a signed written notice
40 that contains the elector's date of birth or voter registration
41 number. When an elector changes his or her name by marriage,



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42 domestic partnership, or other legal process, the elector shall
43 notify his or her supervisor of elections or other voter
44 registration official by using a signed written notice that
45 contains the elector's date of birth or voter's registration
46 number.

47 Section 3. Subsection (16) of section 382.002, Florida
48 Statutes, is amended to read:

49 382.002 Definitions.—As used in this chapter, the term:

50 (16) "Vital records" or "records" means certificates or
51 reports of birth, death, fetal death, marriage, domestic
52 partnership, dissolution of marriage, or notice of termination
53 of domestic partnership, name change filed pursuant to s. 68.07,
54 and data related thereto.

55 Section 4. Subsection (7) of section 382.003, Florida
56 Statutes, is amended to read:

57 382.003 Powers and duties of the department.—The department
58 shall:

59 (7) Approve all forms used in registering, recording,
60 certifying, and preserving vital records, or in otherwise
61 carrying out the purposes of this chapter, and ~~no~~ other forms
62 may not shall be used other than those approved by the
63 department. The department is responsible for the careful
64 examination of the certificates received monthly from the local
65 registrars and marriage certificates, certificates of domestic
66 partnership, ~~and~~ dissolution of marriage, and notice of
67 termination of domestic partnership reports received from the
68 circuit and county courts. A certificate that is complete and
69 satisfactory shall be accepted and given a state file number and
70 considered a state-filed record. If any such certificates are



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71 incomplete or unsatisfactory, the department shall require
72 further information to be supplied as ~~may be~~ necessary to make
73 the record complete and satisfactory. All physicians, midwives,
74 informants, or funeral directors, and all other persons having
75 knowledge of the facts, are required to supply, upon a form
76 approved by the department or upon the original certificate,
77 such information as they may possess regarding any vital record.

78 Section 5. Section 382.021, Florida Statutes, is amended to
79 read:

80 382.021 Department to receive marriage licenses and
81 declarations of domestic partnership.—On or before the 5th day
82 of each month, the county court judge or clerk of the circuit
83 court shall transmit to the department all original marriage
84 licenses, with endorsements, and all declarations of domestic
85 partnership received during the preceding calendar month, ~~to the~~
86 ~~department~~. Any marriage licenses or declarations of domestic
87 partnership issued and not returned, or any marriage licenses
88 returned but not recorded, shall be reported by the issuing
89 county court judge or clerk of the circuit court to the
90 department at the time of transmitting the recorded licenses or
91 declarations on the forms to be prescribed and furnished by the
92 department. If during any month no marriage licenses or
93 declarations of domestic partnership are issued or returned, the
94 county court judge or clerk of the circuit court shall report
95 such fact to the department upon forms prescribed and furnished
96 by the department.

97 Section 6. Section 382.022, Florida Statutes, is amended to
98 read:

99 382.022 Marriage application; registration of domestic



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100 partnership; fees.—Upon the receipt of each application for the
101 issuance of a marriage license or registering a domestic
102 partnership, the county court judge or clerk of the circuit
103 court shall, pursuant to s. 741.02, or s. 741.509(1)(d), collect
104 and receive a fee of \$4 which shall be remitted to the
105 Department of Revenue for deposit to the Department of Health to
106 defray part of the cost of maintaining marriage and domestic
107 partnership records.

108 Section 7. Section 382.023, Florida Statutes, is amended to
109 read:

110 382.023 Department to receive dissolution-of-marriage and
111 notice of termination-of-domestic partnership records; fees. —
112 ~~Clerks of the circuit courts shall collect for their services~~ At
113 the time of the filing of a final judgment of dissolution of
114 marriage or notice of termination of domestic partnership, the
115 clerk of the circuit court shall collect a fee of up to \$10.50,
116 of which 43 percent shall be retained by the clerk ~~of the~~
117 ~~circuit court~~ as a part of the cost in the cause in which the
118 judgment is granted or the cost of maintaining the domestic
119 partnership registry required by s. 741.504(2). The remaining 57
120 percent shall be remitted to the Department of Revenue for
121 deposit to the Department of Health to defray part of the cost
122 of maintaining the dissolution-of-marriage and termination-of-
123 domestic-partnership records. A record of each and every
124 judgment of dissolution of marriage granted by the court during
125 the preceding calendar month and a record of each and every
126 notice of termination-of-domestic-partnership filed with the
127 clerk of the circuit court, giving names of parties and such
128 other data as required by forms prescribed by the department,



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129 shall be transmitted to the department, on or before the 10th
130 day of each month, along with an accounting of the funds
131 remitted to the Department of Revenue pursuant to this section.

132 Section 8. Paragraph (a) of subsection (1) and paragraphs
133 (a) and (c) of subsection (2) of section 382.025, Florida
134 Statutes, are amended to read:

135 382.025 Certified copies of vital records; confidentiality;
136 research.—

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

141 (a) Certified copies of the original birth certificate or a
142 new or amended certificate, or affidavits thereof, are
143 confidential and exempt from the provisions of s. 119.07(1) and,
144 upon receipt of a request and payment of the fee prescribed in
145 s. 382.0255, shall be issued only as authorized by the
146 department and in the form prescribed by the department, and
147 only:

148 1. To the registrant, if the registrant is of legal age, is
149 a certified homeless youth, or is a minor who has had the
150 disabilities of nonage removed under s. 743.01 or s. 743.015;

151 2. To the registrant's parent or guardian or other legal
152 representative;

153 3. Upon receipt of the registrant's death certificate, to
154 the registrant's spouse or domestic partner or to the
155 registrant's child, grandchild, or sibling, if of legal age, or
156 to the legal representative of any of such persons;

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



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158 and not under seal pursuant to court order;
159 5. To a law enforcement agency for official purposes;
160 6. To any agency of the state or the United States for
161 official purposes upon approval of the department; or
162 7. Upon order of any court of competent jurisdiction.
163 (2) OTHER RECORDS.—
164 (a) The department shall authorize the issuance of a
165 certified copy of all or part of any marriage, domestic
166 partnership, dissolution of marriage, notice of termination of
167 domestic partnership, or death or fetal death certificate,
168 excluding that portion which is confidential and exempt from ~~the~~
169 ~~provisions of~~ s. 119.07(1) as provided under s. 382.008, to any
170 person requesting it upon receipt of a request and payment of
171 the fee prescribed by this section. A certification of the death
172 or fetal death certificate which includes the confidential
173 portions shall be issued only:
174 1. To the registrant's spouse, domestic partner, or parent,
175 or to the registrant's child, grandchild, or sibling, if of
176 legal age, or to any person who provides a will that has been
177 executed pursuant to s. 732.502, insurance policy, or other
178 document that demonstrates his or her interest in the estate of
179 the registrant, or to any person who provides documentation that
180 he or she is acting on behalf of any of them;
181 2. To any agency of the state or local government or the
182 United States for official purposes upon approval of the
183 department; or
184 3. Upon order of any court of competent jurisdiction.
185 (c) The department shall issue, upon request and upon
186 payment of an additional fee prescribed by this section, a



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187 commemorative marriage license or certificate of domestic
188 partnership representing that the marriage or domestic
189 partnership of the persons named thereon is recorded in the
190 office of the registrar. The certificate issued under this
191 paragraph must ~~shall~~ be in a form consistent with the need to
192 protect the integrity of vital records but must ~~shall~~ be
193 suitable for display. It may bear the seal of the state printed
194 thereon and may be signed by the Governor.

195 Section 9. Paragraph (i) of subsection (1) of section
196 382.0255, Florida Statutes, is amended to read:

197 382.0255 Fees.—

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

199 (i) Twenty-five dollars for a commemorative certificate of
200 birth, ~~or~~ marriage, or domestic partnership. Fees collected
201 pursuant to this paragraph in excess of expenses shall be used
202 ~~available for use~~ by the Regional Perinatal Intensive Care
203 Centers (RPICC) Program to prevent child abuse and neglect.
204 Funds derived from the issuance of commemorative marriage
205 certificates shall be used ~~available for use~~ by the Improved
206 Pregnancy Outcome Program.

207 Section 10. Paragraph (b) of subsection (5) of section
208 446.50, Florida Statutes, is amended to read:

209 446.50 Displaced homemakers; multiservice programs; report
210 to the Legislature; Displaced Homemaker Trust Fund created.—

211 (5) DISPLACED HOMEMAKER TRUST FUND.—

212 (b) The trust fund shall receive funds generated from an
213 additional fee on marriage license applications, declarations of
214 domestic partnerships, and dissolution of marriage filings as
215 specified in ss. 741.01(3), 741.509, and 28.101, respectively,



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216 and may receive funds from any other public or private source.

217 Section 11. Subsection (3) of section 741.28, Florida
218 Statutes, is amended to read:

219 741.28 Domestic violence; definitions.—As used in ss.
220 741.28–741.31:

221 (3) “Family or household member” means spouses;; former
222 spouses;; persons related by blood, ~~or~~ marriage, or domestic
223 partnership; persons who are presently residing together as if a
224 family or who have resided together in the past as if a family;;
225 and persons who are parents of a child in common regardless of
226 whether they have been married. With the exception of persons
227 who have a child in common, the family or household members must
228 be currently residing or have in the past resided together in
229 the same single dwelling unit.

230 Section 12. Section 741.501, Florida Statutes, is created
231 to read:

232 741.501 Legislative findings.—The Legislature finds that:

233 (1) There are a significant number of individuals in this
234 state who live together in important, personal, emotional, and
235 economically committed relationships. Together, these
236 individuals live, serve, and participate in the community, and
237 often rear children and care for family members.

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

242 (3) The state has a strong interest in promoting stable and
243 lasting families, and believes that all families should be
244 provided with the opportunity to obtain necessary legal



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245 protections and status and the ability to achieve their fullest
246 potential.

247 (4) While some public and private institutions recognize
248 domestic partnerships for limited purposes such as health
249 benefits, hospital visitation, and medical decisionmaking for an
250 incapacitated family member, many do not. Historically, legal
251 recognition of marriage by the state is the primary and, in a
252 number of instances, the exclusive source of numerous rights,
253 benefits, and responsibilities available to families under the
254 laws of this state.

255 (5) The status of marriage in this state is limited by Art.
256 I of the State Constitution to the union of one man and one
257 woman and the Legislature does not seek to alter the definition
258 of marriage in any way. The Legislature also finds, however,
259 that recognition of domestic partnerships can provide an
260 alternative mechanism for extending certain important rights and
261 responsibilities to individuals who choose to form long-term,
262 mutually supportive relationships. Such recognition will provide
263 support to these familial relationships without affecting the
264 definition of marriage, without creating or recognizing a legal
265 relationship that is the substantial equivalent of marriage, and
266 without affecting restrictions contained in federal law.

267 (6) The decision to offer or seek a ceremony or blessing
268 over the domestic partnership should be left to the dictates of
269 each religious faith and to the preferences of the persons
270 entering into the partnership. Sections 741.501-741.511 do not
271 require performance of any solemnization ceremony to enter into
272 a binding domestic partnership agreement and do not interfere
273 with the right of each religious faith to choose freely to whom



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274 to grant the religious status, sacrament, or blessing of
275 marriage under the rules and practices of that faith.

276 (7) Because of the material and other support that these
277 familial relationships provide to their participants, these
278 relationships should be formally recognized and made uniform by
279 law. Therefore, the Legislature declares that it is the policy
280 of this state to establish and define the rights and
281 responsibilities of domestic partners.

282 Section 13. Section 741.502, Florida Statutes, is created
283 to read:

284 741.502 Definitions.—As used in ss. 741.501-741.511, the
285 term:

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

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

291 (3) "Partner" means an individual joined in a domestic
292 partnership.

293 Section 14. Section 741.503, Florida Statutes, is created
294 to read:

295 741.503 Forms.—

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

298 (a) "Declaration of Domestic Partnership" which meet the
299 requirements of s. 741.505.

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

301 (2) The department shall distribute the Declaration of
302 Domestic Partnership and Certificate of Registered Domestic



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303 Partnership forms to each clerk of the circuit court. The
304 department and each clerk shall make the Declaration of Domestic
305 Partnership form available to the public.

306 Section 15. Section 741.504, Florida Statutes, is created
307 to read:

308 741.504 Court jurisdiction and duties; registry.-

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

311 (2) Each clerk of the circuit court shall maintain a
312 registry of all domestic partnerships entered into in that
313 county and a record of all certificates of domestic partnership
314 issued, which includes the names of the partners and the date of
315 issuance, and a record of all notices of termination of domestic
316 partnership filed, which includes the name of the party filing
317 and the date of filing.

318 (3) The clerk of the circuit court shall transmit to the
319 department all original declarations of domestic partnership in
320 accordance with s. 382.021 and all notices of termination of
321 domestic partnership in accordance with s. 382.023.

322 (4) Notwithstanding s. 382.025 or any other law, the
323 registry of domestic partnerships maintained by a clerk of the
324 circuit court is a public record and subject to full disclosure.

325 Section 16. Section 741.505, Florida Statutes, is created
326 to read:

327 741.505 Domestic partnership requirements.-

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



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332 (a) A statement attesting that each individual is 18 years
333 of age or older and is otherwise capable of entering into a
334 domestic partnership. The clerk may accept any reasonable proof
335 of an individual's age which is satisfactory to the clerk. The
336 clerk may also require proof of age by affidavit of some
337 individual other than the parties seeking to file the form if
338 the clerk deems it necessary.

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

341 (c) Each individual's mailing address.

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

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

351 (2) Each person signing a Declaration of Domestic
352 Partnership form consents to the jurisdiction of the circuit
353 courts of this state for any proceeding related to the partners'
354 rights and obligations, even if one or both partners cease to
355 reside or maintain a domicile in this state.

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

360 (4) If all legal requirements have been satisfied and there



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361 appears to be no impediment to the domestic partnership, the
362 clerk of the circuit court shall:

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

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

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

369 Section 17. Section 741.506, Florida Statutes, is created
370 to read:

371 741.506 Domestic partnership; name change.—Upon entering
372 into a domestic partnership, a partner may retain his or her
373 previous surname, or, if changed, may resume the previous legal
374 name during the domestic partnership.

375 Section 18. Section 741.507, Florida Statutes, is created
376 to read:

377 741.507 Domestic partnership; rights and responsibilities;
378 relationship to federal law.—

379 (1) Any privilege, immunity, right, or benefit granted by
380 statute, administrative or court rule, policy, common law, or
381 any other law to an individual because the individual is or was
382 married, or because the individual is or was an in-law in a
383 specified way to another individual, is granted on equivalent
384 terms, substantive and procedural, to an individual because the
385 individual is or was in a domestic partnership or because the
386 individual is or was, based on a domestic partnership, related
387 in a specified way to another individual.

388 (2) Any responsibility imposed by statute, administrative
389 or court rule, policy, common law, or any other law on an



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390 individual because the individual is or was married, or because
391 the individual is or was an in-law in a specified way to another
392 individual, is imposed on equivalent terms, substantive and
393 procedural, on an individual because the individual is or was in
394 a domestic partnership or because the individual is or was,
395 based on a domestic partnership, related in a specified way to
396 another individual.

397 (3) Any privilege, immunity, right, benefit, or
398 responsibility granted to or imposed by statute, administrative
399 or court rule, policy, common law, or any other law on a spouse
400 with respect to a child of either of the spouses is granted to
401 or imposed on equivalent terms, substantive and procedural, on
402 an individual in a domestic partnership with respect to a child
403 of either of the partners.

404 (4) Any privilege, immunity, right, benefit, or
405 responsibility granted or imposed by statute, administrative or
406 court rule, policy, common law, or any other law to or on a
407 former or surviving spouse with respect to a child of either of
408 the spouses is granted to or imposed on equivalent terms,
409 substantive and procedural, on a former or surviving partner
410 with respect to a child of either of the partners.

411 (5) For purposes of administering the tax laws of this
412 state, partners in a domestic partnership, surviving partners of
413 a domestic partnership, and their children have the same
414 privileges, immunities, rights, benefits, and responsibilities
415 as are granted to or imposed on spouses in a marriage, surviving
416 spouses, and their children.

417 (6) Many of the laws of this state are intertwined with
418 federal law, and the Legislature recognizes that it does not



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419 have the jurisdiction to control or implement federal laws or
420 the privileges, immunities, rights, benefits, and
421 responsibilities related to federal laws.

422 (7) Sections 741.502-741.511 do not require or permit the
423 extension of any benefit under any retirement, deferred
424 compensation, or other employee benefit plan, if the plan
425 administrator reasonably concludes that the extension of
426 benefits would conflict with a condition for the tax
427 qualification of the plan, or a condition for other favorable
428 tax treatment of the plan, under the Internal Revenue Code or
429 adopted regulations.

430 (8) Sections 741.502-741.511 do not require the extension
431 of any benefit under any employee benefit plan that is subject
432 to federal regulation under the Employee Retirement Income
433 Security Act of 1974.

434 Section 19. Section 741.508, Florida Statutes, is created
435 to read:

436 741.508 Domestic partnerships prohibited and void.-

437 (1) The following domestic partnerships are prohibited and
438 void if:

439 (a) Either party to the domestic partnership currently has
440 a different partner, or a wife or husband recognized by this
441 state, living at the time of entering into the domestic
442 partnership.

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

446 (c) Either party to a domestic partnership is incapable of
447 making the civil contract or consenting to the contract for want



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448 of legal age or sufficient understanding.

449 (2) If the consent of either party is obtained by force or
450 fraud, the domestic partnership is void from the time it is so
451 declared by a judgment of a court having jurisdiction of the
452 domestic partnership.

453 (3) An individual who has filed a Declaration of Domestic
454 Partnership form may not file a new Declaration of Domestic
455 Partnership form or enter a marriage recognized in this state
456 with someone other than the individual's registered partner
457 unless a notice of termination of the most recent domestic
458 partnership has been entered. This prohibition does not apply if
459 the previous domestic partnership ended because one of the
460 partners died.

461 Section 20. Section 741.509, Florida Statutes, is created
462 to read:

463 741.509 Fees.—

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

468 (a) A fee of \$25 shall be collected and deposited in the
469 Domestic Violence Trust Fund for the purposes provided in s.
470 741.01(2).

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

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

476 (d) A fee of \$4 shall be collected and distributed as



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477 provided in s. 382.022.

478 (2) An applicant for a Certificate of Registered Domestic
479 Partnership who is unable to pay the fees required under
480 subsection (1) in a lump sum may make payment in not more than
481 three installments over a period of 90 days. The clerk shall
482 accept installment payments upon receipt of an affidavit that
483 the applicant is unable to pay the fees in a lump-sum payment.
484 Upon receipt of the third or final installment payment, the
485 Declaration of Domestic Partnership shall be deemed filed, and
486 the clerk shall issue the Certificate of Registered Domestic
487 Partnership and distribute the fees as provided in subsection
488 (1). If the fee is paid in installments, the clerk shall retain
489 \$1 from the additional fee imposed pursuant to paragraph (1) (c)
490 as a processing fee.

491 Section 21. Section 741.510, Florida Statutes, is created
492 to read:

493 741.510 Proof domestic partnership where certificate is not
494 available.—If a Declaration of Domestic Partnership has been
495 received in accordance with s. 741.505 and the clerk has not
496 registered such declaration as required by that section, if a
497 Certificate of Registered Domestic Partnership has been lost, or
498 if by reason of death or other cause the certificate cannot be
499 obtained, the domestic partnership may be proved by affidavit
500 before any officer authorized to administer oaths made by two
501 competent witnesses who were present and saw the Declaration of
502 Domestic Partnership executed under s. 741.505, which affidavit
503 may be filed and recorded in the office of clerk of the circuit
504 in which the Declaration of Domestic Partnership was registered,
505 with the same force and effect as if the proper certificate has



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506 been made, returned, and recorded.

507 Section 22. Section 741.511, Florida Statutes, is created
508 to read:

509 741.511 Termination of partnership.-

510 (1) (a) A party to a state-registered domestic partnership
511 may terminate the relationship by filing a notice of termination
512 of the domestic partnership with the clerk of the circuit court
513 and paying the filing fee established under s. 382.023. The
514 notice must be signed by one or both parties and notarized. If
515 the notice is not signed by both parties, the party seeking
516 termination must also file with the clerk an affidavit stating
517 either that the other party has been served in writing in the
518 manner prescribed for the service of summons in a civil action,
519 that a notice of termination is being filed, or that the party
520 seeking termination has not been able to find the other party
521 after reasonable effort and that notice has been made by
522 publication pursuant to paragraph (b).

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

528 (2) The domestic partnership shall be terminated effective
529 90 days after the date of filing the notice of termination and
530 payment of the filing fee.

531 (3) Upon receipt of a signed, notarized notice of
532 termination, affidavit, if required, and the filing fee, the
533 clerk of the circuit court shall file the notice of termination
534 and provide a certificate of termination of the domestic



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535 partnership to each party named on the notice. The clerk shall
536 maintain a record of each notice of termination filed and each
537 certificate of termination issued in the registry required by s.
538 741.504(2).

539 (4) A domestic partnership is automatically terminated if,
540 subsequent to the registration of the domestic partnership,
541 either party or both parties enter into a marriage that is
542 recognized as valid in this state, either with each other or
543 with another person.

544 Section 23. For the purpose of incorporating the amendment
545 made by this act to section 741.28, Florida Statutes, in a
546 reference thereto, paragraph (b) of subsection (1) of section
547 921.0024, Florida Statutes, is reenacted to read:

548 921.0024 Criminal Punishment Code; worksheet computations;
549 scoresheets.—

550 (1)

551 (b) WORKSHEET KEY:

552
553 Legal status points are assessed when any form of legal status
554 existed at the time the offender committed an offense before the
555 court for sentencing. Four (4) sentence points are assessed for
556 an offender's legal status.

557
558 Community sanction violation points are assessed when a
559 community sanction violation is before the court for sentencing.
560 Six (6) sentence points are assessed for each community sanction
561 violation and each successive community sanction violation,
562 unless any of the following apply:

563 1. If the community sanction violation includes a new



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564 felony conviction before the sentencing court, twelve (12)
565 community sanction violation points are assessed for the
566 violation, and for each successive community sanction violation
567 involving a new felony conviction.

568 2. If the community sanction violation is committed by a
569 violent felony offender of special concern as defined in s.
570 948.06:

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

574 (I) The violation does not include a new felony conviction;
575 and

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

579 b. Twenty-four (24) community sanction violation points are
580 assessed for the violation and for each successive violation of
581 felony probation or community control where the violation
582 includes a new felony conviction.

583
584 Multiple counts of community sanction violations before the
585 sentencing court shall not be a basis for multiplying the
586 assessment of community sanction violation points.

587
588 Prior serious felony points: If the offender has a primary
589 offense or any additional offense ranked in level 8, level 9, or
590 level 10, and one or more prior serious felonies, a single
591 assessment of thirty (30) points shall be added. For purposes of
592 this section, a prior serious felony is an offense in the



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593 offender's prior record that is ranked in level 8, level 9, or
594 level 10 under s. 921.0022 or s. 921.0023 and for which the
595 offender is serving a sentence of confinement, supervision, or
596 other sanction or for which the offender's date of release from
597 confinement, supervision, or other sanction, whichever is later,
598 is within 3 years before the date the primary offense or any
599 additional offense was committed.

600
601 Prior capital felony points: If the offender has one or more
602 prior capital felonies in the offender's criminal record, points
603 shall be added to the subtotal sentence points of the offender
604 equal to twice the number of points the offender receives for
605 the primary offense and any additional offense. A prior capital
606 felony in the offender's criminal record is a previous capital
607 felony offense for which the offender has entered a plea of nolo
608 contendere or guilty or has been found guilty; or a felony in
609 another jurisdiction which is a capital felony in that
610 jurisdiction, or would be a capital felony if the offense were
611 committed in this state.

612
613 Possession of a firearm, semiautomatic firearm, or machine gun:
614 If the offender is convicted of committing or attempting to
615 commit any felony other than those enumerated in s. 775.087(2)
616 while having in his or her possession: a firearm as defined in
617 s. 790.001(6), an additional eighteen (18) sentence points are
618 assessed; or if the offender is convicted of committing or
619 attempting to commit any felony other than those enumerated in
620 s. 775.087(3) while having in his or her possession a
621 semiautomatic firearm as defined in s. 775.087(3) or a machine



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622 gun as defined in s. 790.001(9), an additional twenty-five (25)
623 sentence points are assessed.

624

625 Sentencing multipliers:

626

627 Drug trafficking: If the primary offense is drug trafficking
628 under s. 893.135, the subtotal sentence points are multiplied,
629 at the discretion of the court, for a level 7 or level 8
630 offense, by 1.5. The state attorney may move the sentencing
631 court to reduce or suspend the sentence of a person convicted of
632 a level 7 or level 8 offense, if the offender provides
633 substantial assistance as described in s. 893.135(4).

634

635 Law enforcement protection: If the primary offense is a
636 violation of the Law Enforcement Protection Act under s.
637 775.0823(2), (3), or (4), the subtotal sentence points are
638 multiplied by 2.5. If the primary offense is a violation of s.
639 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
640 are multiplied by 2.0. If the primary offense is a violation of
641 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
642 Protection Act under s. 775.0823(10) or (11), the subtotal
643 sentence points are multiplied by 1.5.

644

645 Grand theft of a motor vehicle: If the primary offense is grand
646 theft of the third degree involving a motor vehicle and in the
647 offender's prior record, there are three or more grand thefts of
648 the third degree involving a motor vehicle, the subtotal
649 sentence points are multiplied by 1.5.

650



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651 Offense related to a criminal gang: If the offender is convicted
652 of the primary offense and committed that offense for the
653 purpose of benefiting, promoting, or furthering the interests of
654 a criminal gang as prohibited under s. 874.04, the subtotal
655 sentence points are multiplied by 1.5.

656
657 Domestic violence in the presence of a child: If the offender is
658 convicted of the primary offense and the primary offense is a
659 crime of domestic violence, as defined in s. 741.28, which was
660 committed in the presence of a child under 16 years of age who
661 is a family or household member as defined in s. 741.28(3) with
662 the victim or perpetrator, the subtotal sentence points are
663 multiplied by 1.5.

664 Section 24. For the purpose of incorporating the amendment
665 made by this act to section 741.28, Florida Statutes, in a
666 reference thereto, paragraph (b) of subsection (2) of section
667 943.171, Florida Statutes, is reenacted to read:

668 943.171 Basic skills training in handling domestic violence
669 cases.-

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

671 (b) "Household member" has the meaning set forth in s.
672 741.28(3).

673 Section 25. This act shall take effect July 1, 2013.

674
675 ===== T I T L E A M E N D M E N T =====

676 And the title is amended as follows:

677 Delete everything before the enacting clause
678 and insert:

679 A bill to be entitled



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680 An act relating to families first; amending s. 28.24,
681 F.S.; setting forth fees and costs to be applied when
682 registering a domestic partnership; amending s.
683 97.1031, F.S.; providing notice to the supervisor of
684 elections concerning a change of name due to
685 participation in a domestic partnership; amending s.
686 382.002, F.S.; including domestic partnerships and
687 terminations of domestic partnership as vital records
688 in this state; amending s. 382.003, F.S.; requiring
689 the Department of Health to examine all certificates
690 of domestic partnership forms and notices of
691 termination of domestic partnership reports sent from
692 the courts; amending s. 382.021, F.S.; requiring the
693 clerk of the circuit court to transmit all original
694 declarations of domestic partnership to the Department
695 of Health by a specified date each month; amending s.
696 382.022, F.S.; requiring the clerk of the circuit
697 court to collect a fee after registering a domestic
698 partnership; amending s. 382.023, F.S.; requiring the
699 clerk of the circuit court to collect a fee upon
700 filing a notice of termination of a domestic
701 partnership; requiring the clerk of the circuit court
702 to transmit records of terminations of domestic
703 partnerships to the Department of Health by a
704 specified date each month; amending s. 382.025, F.S.;
705 authorizing the Department of Health to issue a
706 certified copy of certain vital records to a domestic
707 partner; amending s. 382.0255, F.S.; providing that
708 the Department of Health is entitled to a specified



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709 fee for the issuance of a commemorative certificate of
710 domestic partnership; amending s. 446.50, F.S.;

711 requiring that certain fees relating to declarations
712 of domestic partnership be deposited in the Displaced
713 Homemaker Trust Fund; amending s. 741.28, F.S.;

714 redefining the term "family or household member" in
715 the context of domestic violence to include a domestic
716 partnership; creating s. 741.501, F.S.; providing
717 legislative findings; creating s. 741.502, F.S.;

718 defining terms; creating s. 741.503, F.S.; requiring
719 the Department of Health to create and distribute the
720 Declaration of Domestic Partnership and Certificate of
721 Registered Domestic Partnership forms to each clerk of
722 the circuit court; requiring the department and each
723 clerk of the circuit court to make the Declaration of
724 Domestic Partnership form available to the public;

725 creating s. 741.504, F.S.; providing that the circuit
726 court has jurisdiction over domestic partnership
727 proceedings; requiring the clerk of the circuit court
728 to maintain a domestic partnership registry; requiring
729 the clerk of the circuit court to transmit records
730 related to domestic partnerships to the Department of
731 Health as required by law; providing that the registry
732 is a public record; creating s. 741.505, F.S.;

733 requiring two individuals who wish to become partners
734 in a domestic partnership to complete and file a
735 Declaration of Domestic Partnership form with the
736 clerk of the circuit court; specifying the required
737 contents of the completed form; providing that each



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738 partner who signs the form consents to the
739 jurisdiction of the circuit court for certain
740 purposes; providing that if a person files an
741 intentionally and materially false form, he or she
742 commits a misdemeanor of the first degree; providing
743 criminal penalties; requiring the clerk of the circuit
744 court to register the Declaration of Domestic
745 Partnership in a domestic partnership registry and
746 issue a Certificate of Registered Domestic
747 Partnership; creating s. 741.506, F.S.; authorizing
748 the domestic partners to retain surnames; creating s.
749 741.507, F.S.; providing that any privilege or
750 responsibility granted or imposed by statute,
751 administrative or court rule, policy, common law, or
752 any other law to an individual because the individual
753 is or was related to another by marriage, is or was an
754 in-law, or is a child of either of the spouses, is
755 granted on equivalent terms to domestic partners or
756 individuals similarly related to domestic partners;
757 providing that the act does not require or authorize
758 the extension of any benefit under a retirement,
759 deferred compensation, or other employee benefit plan,
760 if the plan administrator reasonably concludes that
761 the extension of benefits to partners would conflict
762 with a condition for tax qualification of the plan, or
763 a condition for other favorable tax treatment of the
764 plan, under the Internal Revenue Code; creating s.
765 741.508, F.S.; specifying prohibited or void domestic
766 partnerships; creating s. 741.509, F.S.; requiring



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767 that the clerk of the circuit court collect certain
768 fees for receiving a Declaration of Domestic
769 Partnership; authorizing the clerk of the circuit
770 court to accept installment payments from individuals
771 who are unable to pay the fees in a lump sum; creating
772 s. 741.510, F.S.; providing methods to prove the
773 existence of a registered Declaration Domestic
774 Partnership when the certificate document has been
775 lost or is otherwise unavailable; creating s. 741.511,
776 F.S.; providing for termination of a domestic
777 partnership; providing for notice; providing for the
778 effective date of the termination; providing for
779 registration of the termination; requiring records of
780 certain terminations to be maintained; providing for
781 automatic termination of partnership if either party
782 enters into a valid marriage; reenacting ss.
783 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
784 the worksheet form for the Criminal Punishment Code
785 and the basic skills training for domestic violence
786 cases, respectively, to incorporate the amendments
787 made to s. 741.28, F.S., in references thereto;
788 providing an effective date.