

1 A bill to be entitled
2 An act relating to families first; amending ss. 28.101
3 and 28.24, F.S.; setting forth fees and costs to be
4 applied when petitioning for a dissolution of a
5 domestic partnership or registering a domestic
6 partnership, respectively; amending s. 97.1031, F.S.;
7 providing notice to the supervisor of elections
8 concerning a change of name due to participation in a
9 domestic partnership; amending s. 382.002, F.S.;
10 defining the term "dissolution of a domestic
11 partnership" for purposes of vital records; including
12 domestic partnerships and dissolution of domestic
13 partnership as vital records in this state; conforming
14 cross-references; amending s. 382.003, F.S.; requiring
15 the Department of Health to examine all certificates
16 of domestic partnership forms and dissolution of
17 domestic partnership reports sent from the courts;
18 amending s. 382.0085, F.S.; conforming a cross-
19 reference; amending s. 382.021, F.S.; requiring the
20 clerk of the circuit court to transmit all original
21 declarations of domestic partnership to the Department
22 of Health by a specified date each month; amending s.
23 382.022, F.S.; requiring the clerk of the circuit
24 court to collect a fee after registering a domestic
25 partnership; amending s. 382.023, F.S.; requiring the
26 clerk of the circuit court to collect a fee upon
27 filing a final judgment for a dissolution of domestic
28 partnership; amending s. 382.025, F.S.; authorizing

29 | the Department of Health to issue a certified copy of
30 | certain vital records to a domestic partner; amending
31 | s. 382.0255, F.S.; providing that the Department of
32 | Health is entitled to a specified fee for the issuance
33 | of a commemorative certificate of domestic
34 | partnership; amending s. 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
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
88 | partnerships; creating s. 741.509, F.S.; requiring
89 | that the clerk of the circuit court collect certain
90 | fees for receiving a Declaration of Domestic
91 | Partnership; authorizing the clerk of the circuit
92 | court to accept installment payments from individuals
93 | who are unable to pay the fees in a lump sum; creating
94 | s. 741.510, F.S.; providing methods to prove the
95 | existence of a registered Declaration Domestic
96 | Partnership when the certificate document has been
97 | lost or is otherwise unavailable; creating s. 741.511,
98 | F.S.; providing for termination of a domestic
99 | partnership; providing for notice; providing for the
100 | effective date of the termination; providing for
101 | registration of the termination; requiring records of
102 | certain terminations to be maintained; providing for
103 | automatic termination of partnership if either party
104 | enters into a valid marriage; providing for a
105 | reasonable fee for termination; reenacting ss.
106 | 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
107 | the worksheet form for the Criminal Punishment Code
108 | and the basic skills training for domestic violence
109 | cases, respectively, to incorporate the amendments
110 | made to s. 741.28, F.S., in references thereto;
111 | providing an effective date.

112

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

114

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

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

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

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

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

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

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

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

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

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

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

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

169 clerk of the circuit court as provided in general law and the
 170 Florida Rules of Judicial Administration. The clerk of the
 171 circuit court may provide the requested public record in an
 172 electronic format in lieu of a paper format when capable of
 173 being accessed by the requesting entity.

175 Charges

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

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

184 97.1031 Notice of change of residence, change of name, or
 185 change of party affiliation.—

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

196 Section 4. Present subsections (6) through (17) of section

197 382.002, Florida Statutes, are renumbered as subsections (7)
198 through (18), respectively, a new subsection (6) is added to
199 that section, and present subsections (8), (9), and (16) of that
200 section are amended, to read:

201 382.002 Definitions.—As used in this chapter, the term:

202 (6) "Dissolution of domestic partnership" includes an
203 annulment of domestic partnership.

204 (7)~~(6)~~ "Dissolution of marriage" includes an annulment of
205 marriage.

206 (8)~~(7)~~ "Fetal death" means death prior to the complete
207 expulsion or extraction of a product of human conception from
208 its mother if the 20th week of gestation has been reached and
209 the death is indicated by the fact that after such expulsion or
210 extraction the fetus does not breathe or show any other evidence
211 of life such as beating of the heart, pulsation of the umbilical
212 cord, or definite movement of voluntary muscles.

213 (9)~~(8)~~ "Final disposition" means the burial, interment,
214 cremation, removal from the state, or other authorized
215 disposition of a dead body or a fetus as described in subsection
216 (8)~~(7)~~. In the case of cremation, dispersion of ashes or
217 cremation residue is considered to occur after final
218 disposition; the cremation itself is considered final
219 disposition.

220 (10)~~(9)~~ "Funeral director" means a licensed funeral
221 director or direct disposer licensed pursuant to chapter 497 or
222 other person who first assumes custody of or effects the final
223 disposition of a dead body or a fetus as described in subsection
224 (8)~~(7)~~.

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225 | ~~(17)-(16)~~ "Vital records" or "records" means certificates
226 | or reports of birth, death, fetal death, marriage, domestic
227 | partnership, dissolution of marriage or domestic partnership,
228 | name change filed pursuant to s. 68.07, and data related
229 | thereto.

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

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

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

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

255 382.0085 Stillbirth registration.—

256 (9) This section or s. 382.002(16) ~~s. 382.002(15)~~ may not
257 be used to establish, bring, or support a civil cause of action
258 seeking damages against any person or entity for bodily injury,
259 personal injury, or wrongful death for a stillbirth.

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

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

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

281 382.022 Marriage application; registration of domestic
 282 partnership; fees.—Upon the receipt of each application for the
 283 issuance of a marriage license or registering a domestic
 284 partnership, the county court judge or clerk of the circuit
 285 court shall, pursuant to s. 741.02, collect and receive a fee of
 286 \$4 which shall be remitted to the Department of Revenue for
 287 deposit to the Department of Health to defray part of the cost
 288 of maintaining marriage and domestic partnership records.

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

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

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309 Department of Revenue pursuant to this section.

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

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

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

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

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

329 2. To the registrant's parent or guardian or other legal
330 representative;

331 3. Upon receipt of the registrant's death certificate, to
332 the registrant's spouse or domestic partner or to the
333 registrant's child, grandchild, or sibling, if of legal age, or
334 to the legal representative of any of such persons;

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

- 337 5. To a law enforcement agency for official purposes;
- 338 6. To any agency of the state or the United States for
- 339 official purposes upon approval of the department; or
- 340 7. Upon order of any court of competent jurisdiction.

341 (2) OTHER RECORDS.—

342 (a) The department shall authorize the issuance of a

343 certified copy of all or part of any marriage, domestic

344 partnership, dissolution of marriage or domestic partnership, or

345 death or fetal death certificate, excluding that portion which

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

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

348 receipt of a request and payment of the fee prescribed by this

349 section. A certification of the death or fetal death certificate

350 which includes the confidential portions shall be issued only:

351 1. To the registrant's spouse, domestic partner, or

352 parent, or to the registrant's child, grandchild, or sibling, if

353 of legal age, or to any person who provides a will that has been

354 executed pursuant to s. 732.502, insurance policy, or other

355 document that demonstrates his or her interest in the estate of

356 the registrant, or to any person who provides documentation that

357 he or she is acting on behalf of any of them;

358 2. To any agency of the state or local government or the

359 United States for official purposes upon approval of the

360 department; or

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

362 (c) The department shall issue, upon request and upon

363 payment of an additional fee prescribed by this section, a

364 commemorative marriage license or certificate of domestic

365 partnership representing that the marriage or domestic
366 partnership of the persons named thereon is recorded in the
367 office of the registrar. The certificate issued under this
368 paragraph must ~~shall~~ be in a form consistent with the need to
369 protect the integrity of vital records but must ~~shall~~ be
370 suitable for display. It may bear the seal of the state printed
371 thereon and may be signed by the Governor.

372 Section 11. Paragraph (i) of subsection (1) of section
373 382.0255, Florida Statutes, is amended to read:

374 382.0255 Fees.—

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

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

384 Section 12. Paragraph (b) of subsection (5) of section
385 446.50, Florida Statutes, is amended to read:

386 446.50 Displaced homemakers; multiservice programs; report
387 to the Legislature; Displaced Homemaker Trust Fund created.—

388 (5) DISPLACED HOMEKER TRUST FUND.—

389 (b) The trust fund shall receive funds generated from an
390 additional fee on marriage license applications, declarations of
391 domestic partnerships, and dissolution of marriage and domestic
392 partnership filings as specified in ss. 741.01(3), 741.509, and

393 28.101, respectively, and may receive funds from any other
 394 public or private source.

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

397 741.28 Domestic violence; definitions.—As used in ss.
 398 741.28-741.31:

399 (3) "Family or household member" means spouses;; former
 400 spouses;; persons related by blood, ~~or~~ marriage, or domestic
 401 partnership; persons who are presently residing together as if a
 402 family or who have resided together in the past as if a family;;
 403 and persons who are parents of a child in common regardless of
 404 whether they have been married. With the exception of persons
 405 who have a child in common, the family or household members must
 406 be currently residing or have in the past resided together in
 407 the same single dwelling unit.

408 Section 14. Section 741.501, Florida Statutes, is created
 409 to read:

410 741.501 Legislative findings.—The Legislature finds that:

411 (1) There are a significant number of individuals in this
 412 state who live together in important, personal, emotional, and
 413 economically committed relationships. Together, these
 414 individuals live, serve, and participate in the community, and
 415 often rear children and care for family members.

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

420 (3) The state has a strong interest in promoting stable

421 and lasting families, and believes that all families should be
422 provided with the opportunity to obtain necessary legal
423 protections and status and the ability to achieve their fullest
424 potential.

425 (4) While some public and private institutions recognize
426 domestic partnerships for limited purposes such as health
427 benefits, hospital visitation, and medical decisionmaking for an
428 incapacitated family member, many do not. Historically, legal
429 recognition of marriage by the state is the primary and, in a
430 number of instances, the exclusive source of numerous rights,
431 benefits, and responsibilities available to families under the
432 laws of this state.

433 (5) The status of marriage in this state is limited by
434 Art. I of the State Constitution to the union of one man and one
435 woman and the Legislature does not seek to alter the definition
436 of marriage in any way. The Legislature also finds, however,
437 that recognition of domestic partnerships can provide an
438 alternative mechanism for extending certain important rights and
439 responsibilities to individuals who choose to form long-term,
440 mutually supportive relationships. Such recognition will provide
441 support to these familial relationships without affecting the
442 definition of marriage, without creating or recognizing a legal
443 relationship that is the substantial equivalent of marriage, and
444 without affecting restrictions contained in federal law.

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

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449 require performance of any solemnization ceremony to enter into
450 a binding domestic partnership agreement and do not interfere
451 with the right of each religious faith to choose freely to whom
452 to grant the religious status, sacrament, or blessing of
453 marriage under the rules and practices of that faith.

454 (7) Because of the material and other support that these
455 familial relationships provide to their participants, these
456 relationships should be formally recognized and made uniform by
457 law. Therefore, the Legislature declares that it is the policy
458 of this state to establish and define the rights and
459 responsibilities of domestic partners.

460 Section 15. Section 741.502, Florida Statutes, is created
461 to read:

462 741.502 Definitions.—As used in ss. 741.501-741.511, the
463 term:

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

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

469 (3) "Partner" means an individual joined in a domestic
470 partnership.

471 Section 16. Section 741.503, Florida Statutes, is created
472 to read:

473 741.503 Forms.—

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

476 (a) "Declaration of Domestic Partnership" which meet the

477 requirements of s. 741.505.

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

479 (2) The department shall distribute the Declaration of
480 Domestic Partnership and Certificate of Registered Domestic
481 Partnership forms to each clerk of the circuit court. The
482 department and each clerk shall make the Declaration of Domestic
483 Partnership form available to the public.

484 Section 17. Section 741.504, Florida Statutes, is created
485 to read:

486 741.504 Court jurisdiction and duties; registry.-

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

489 (2) Each clerk of the circuit court shall maintain a
490 registry of all domestic partnerships entered into in that
491 circuit and a record of all certificates of domestic partnership
492 issued which includes the names of the partners and the date of
493 issuance.

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

497 Section 18. Section 741.505, Florida Statutes, is created
498 to read:

499 741.505 Domestic partnership requirements.-

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

504 (a) A statement attesting that each individual is 18 years

505 of age or older and is otherwise capable of entering into a
506 domestic partnership. The clerk may accept any reasonable proof
507 of an individual's age which is satisfactory to the clerk. The
508 clerk may also require proof of age by affidavit of some
509 individual other than the parties seeking to file the form if
510 the clerk deems it necessary.

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

513 (c) Each individual's mailing address.

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

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

523 (2) Notwithstanding s. 61.021, each person signing a
524 Declaration of Domestic Partnership form consents to the
525 jurisdiction of the circuit courts of this state for any
526 proceeding related to the partners' rights and obligations, even
527 if one or both partners cease to reside or maintain a domicile
528 in this state.

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

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

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

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

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

542 Section 19. Section 741.506, Florida Statutes, is created
543 to read:

544 741.506 Domestic partnership; name change.—Upon entering
545 into a domestic partnership, a partner may retain his or her
546 previous surname, or, if changed, may resume the previous legal
547 name during the domestic partnership.

548 Section 20. Section 741.507, Florida Statutes, is created
549 to read:

550 741.507 Domestic partnership; rights and responsibilities;
551 relationship to federal law.—

552 (1) Any privilege, immunity, right, or benefit granted by
553 statute, administrative or court rule, policy, common law, or
554 any other law to an individual because the individual is or was
555 related to another individual by marriage as an in-law is
556 granted on equivalent terms, substantive and procedural, to an
557 individual who is or was in a domestic partnership or who is or
558 was similarly related as an in-law to an individual
559 participating in a domestic partnership.

560 (2) Any responsibility imposed by statute, administrative

561 or court rule, policy, common law, or any other law on an
562 individual because the individual is or was related to another
563 individual by marriage as an in-law is imposed on equivalent
564 terms, substantive and procedural, on an individual who is or
565 was in a domestic partnership or who is or was similarly related
566 as an in-law to an individual participating in a domestic
567 partnership.

568 (3) Any privilege, immunity, right, benefit, or
569 responsibility granted to or imposed by statute, administrative
570 or court rule, policy, common law, or any other law on a spouse
571 with respect to a child of either of the spouses is granted to
572 or imposed on equivalent terms, substantive and procedural, on
573 an individual in a domestic partnership with respect to a child
574 of either of the partners.

575 (4) Any privilege, immunity, right, benefit, or
576 responsibility granted or imposed by statute, administrative or
577 court rule, policy, common law, or any other law to or on a
578 former or surviving spouse with respect to a child of either of
579 the spouses is granted to or imposed on equivalent terms,
580 substantive and procedural, on a former or surviving partner
581 with respect to a child of either of the partners.

582 (5) For purposes of administering the tax laws of this
583 state, partners in a domestic partnership, surviving partners of
584 a domestic partnership, and the children of partners in a
585 domestic partnership have the same privileges, immunities,
586 rights, benefits, and responsibilities as are granted to or
587 imposed on spouses in a marriage, surviving spouses, and their
588 children.

589 (6) Many of the laws of this state are intertwined with
590 federal law, and the Legislature recognizes that it does not
591 have the jurisdiction to control or implement federal laws or
592 the privileges, immunities, rights, benefits, and
593 responsibilities related to federal laws.

594 (7) Sections 741.502-741.511 do not require or permit the
595 extension of any benefit under any retirement, deferred
596 compensation, or other employee benefit plan, if the plan
597 administrator reasonably concludes that the extension of
598 benefits would conflict with a condition for the tax
599 qualification of the plan, or a condition for other favorable
600 tax treatment of the plan, under the Internal Revenue Code or
601 adopted regulations.

602 (8) Sections 741.502-741.511 do not require the extension
603 of any benefit under any employee benefit plan that is subject
604 to federal regulation under the Employee Retirement Income
605 Security Act of 1974.

606 Section 21. Section 741.508, Florida Statutes, is created
607 to read:

608 741.508 Domestic partnerships prohibited and void.—

609 (1) The following domestic partnerships are prohibited and
610 void if:

611 (a) Either party to the domestic partnership currently has
612 a different partner, or a wife or husband recognized by this
613 state, living at the time of entering into the domestic
614 partnership.

615 (b) The parties to the domestic partnership are related by
616 lineal consanguinity or are siblings, or if one party is the

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617 niece or nephew of the other party.

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

621 (2) If the consent of either party is obtained by force or
622 fraud, the domestic partnership is void from the time it is so
623 declared by a judgment of a court having jurisdiction of the
624 domestic partnership.

625 (3) An individual who has filed a Declaration of Domestic
626 Partnership form may not file a new Declaration of Domestic
627 Partnership form or enter a marriage recognized in this state
628 with someone other than the individual's registered partner
629 unless a judgment of dissolution or annulment of the most recent
630 domestic partnership has been entered. This prohibition does not
631 apply if the previous domestic partnership ended because one of
632 the partners died.

633 Section 22. Section 741.509, Florida Statutes, is created
634 to read:

635 741.509 Fees.—

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

640 (a) A fee of \$25 shall be collected and deposited in the
641 Domestic Violence Trust Fund for the purposes provided in s.
642 741.01(2).

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

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

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

650 (2) An applicant for a Certificate of Registered Domestic
651 Partnership who is unable to pay the fees required under
652 subsection (1) in a lump sum may make payment in not more than
653 three installments over a period of 90 days. The clerk shall
654 accept installment payments upon receipt of an affidavit that
655 the applicant is unable to pay the fees in a lump-sum payment.
656 Upon receipt of the third or final installment payment, the
657 Declaration of Domestic Partnership shall be deemed filed, and
658 the clerk shall issue the Certificate of Registered Domestic
659 Partnership and distribute the fees as appropriate. If the fee
660 is paid in installments, the clerk shall retain \$1 from the
661 additional fee imposed pursuant to paragraph (1)(c) as a
662 processing fee.

663 Section 23. Section 741.510, Florida Statutes, is created
664 to read:

665 741.510 Proof domestic partnership where certificate is
666 not available.—If a Declaration of Domestic Partnership has been
667 received in accordance with s. 741.505 and the clerk has not
668 registered such declaration as required by that section, if a
669 Certificate of Registered Domestic Partnership has been lost, or
670 if by reason of death or other cause the certificate cannot be
671 obtained, the domestic partnership may be proved by affidavit
672 before any officer authorized to administer oaths made by two

673 competent witnesses who were present and saw the Declaration of
674 Domestic Partnership executed under s. 741.505, which affidavit
675 may be filed and recorded in the office of clerk of the circuit
676 in which the Declaration of Domestic Partnership was registered,
677 with the same force and effect as if the proper certificate has
678 been made, returned, and recorded.

679 Section 24. Section 741.511, Florida Statutes, is created
680 to read:

681 741.511 Termination of partnership.—

682 (1) (a) A party to a state-registered domestic partnership
683 may terminate the relationship by filing a notice of termination
684 of the state-registered domestic partnership with the department
685 and paying the filing fee established under subsection (5). The
686 notice must be signed by one or both parties and notarized. If
687 the notice is not signed by both parties, the party seeking
688 termination must also file with the department an affidavit
689 stating either that the other party has been served in writing
690 in the manner prescribed for the service of summons in a civil
691 action, that a notice of termination is being filed, or that the
692 party seeking termination has not been able to find the other
693 party after reasonable effort and that notice has been made by
694 publication pursuant to paragraph (b).

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

700 (2) The state-registered domestic partnership shall be

701 terminated effective 90 days after the date of filing the notice
702 of termination and payment of the filing fee.

703 (3) Upon receipt of a signed, notarized notice of
704 termination, affidavit, if required, and the filing fee, the
705 department shall register the notice of termination and provide
706 a certificate of termination of the state-registered domestic
707 partnership to each party named on the notice. The department
708 shall maintain a record of each notice of termination filed with
709 it and each certificate of termination issued by it. The
710 department shall maintain records of terminations of state-
711 registered domestic partnerships, except for those state-
712 registered domestic partnerships terminated under subsection
713 (4).

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

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

724 Section 25. For the purpose of incorporating the amendment
725 made by this act to section 741.28, Florida Statutes, in a
726 reference thereto, paragraph (b) of subsection (1) of section
727 921.0024, Florida Statutes, is reenacted to read:

728 921.0024 Criminal Punishment Code; worksheet computations;

729 | scoresheets.—

730 | (1)

731 | (b) WORKSHEET KEY:

732 |

733 | Legal status points are assessed when any form of legal status
 734 | existed at the time the offender committed an offense before the
 735 | court for sentencing. Four (4) sentence points are assessed for
 736 | an offender's legal status.

737 |

738 | Community sanction violation points are assessed when a
 739 | community sanction violation is before the court for sentencing.
 740 | Six (6) sentence points are assessed for each community sanction
 741 | violation and each successive community sanction violation,
 742 | unless any of the following apply:

743 | 1. If the community sanction violation includes a new
 744 | felony conviction before the sentencing court, twelve (12)
 745 | community sanction violation points are assessed for the
 746 | violation, and for each successive community sanction violation
 747 | involving a new felony conviction.

748 | 2. If the community sanction violation is committed by a
 749 | violent felony offender of special concern as defined in s.
 750 | 948.06:

751 | a. Twelve (12) community sanction violation points are
 752 | assessed for the violation and for each successive violation of
 753 | felony probation or community control where:

754 | (I) The violation does not include a new felony
 755 | conviction; and

756 | (II) The community sanction violation is not based solely

757 on the probationer or offender's failure to pay costs or fines
758 or make restitution payments.

759 b. Twenty-four (24) community sanction violation points
760 are assessed for the violation and for each successive violation
761 of felony probation or community control where the violation
762 includes a new felony conviction.

763

764 Multiple counts of community sanction violations before the
765 sentencing court shall not be a basis for multiplying the
766 assessment of community sanction violation points.

767

768 Prior serious felony points: If the offender has a primary
769 offense or any additional offense ranked in level 8, level 9, or
770 level 10, and one or more prior serious felonies, a single
771 assessment of thirty (30) points shall be added. For purposes of
772 this section, a prior serious felony is an offense in the
773 offender's prior record that is ranked in level 8, level 9, or
774 level 10 under s. 921.0022 or s. 921.0023 and for which the
775 offender is serving a sentence of confinement, supervision, or
776 other sanction or for which the offender's date of release from
777 confinement, supervision, or other sanction, whichever is later,
778 is within 3 years before the date the primary offense or any
779 additional offense was committed.

780

781 Prior capital felony points: If the offender has one or more
782 prior capital felonies in the offender's criminal record, points
783 shall be added to the subtotal sentence points of the offender
784 equal to twice the number of points the offender receives for

785 the primary offense and any additional offense. A prior capital
786 felony in the offender's criminal record is a previous capital
787 felony offense for which the offender has entered a plea of nolo
788 contendere or guilty or has been found guilty; or a felony in
789 another jurisdiction which is a capital felony in that
790 jurisdiction, or would be a capital felony if the offense were
791 committed in this state.

792

793 Possession of a firearm, semiautomatic firearm, or machine gun:
794 If the offender is convicted of committing or attempting to
795 commit any felony other than those enumerated in s. 775.087(2)
796 while having in his or her possession: a firearm as defined in
797 s. 790.001(6), an additional eighteen (18) sentence points are
798 assessed; or if the offender is convicted of committing or
799 attempting to commit any felony other than those enumerated in
800 s. 775.087(3) while having in his or her possession a
801 semiautomatic firearm as defined in s. 775.087(3) or a machine
802 gun as defined in s. 790.001(9), an additional twenty-five (25)
803 sentence points are assessed.

804

805 Sentencing multipliers:

806

807 Drug trafficking: If the primary offense is drug trafficking
808 under s. 893.135, the subtotal sentence points are multiplied,
809 at the discretion of the court, for a level 7 or level 8
810 offense, by 1.5. The state attorney may move the sentencing
811 court to reduce or suspend the sentence of a person convicted of
812 a level 7 or level 8 offense, if the offender provides

813 | substantial assistance as described in s. 893.135(4).

814 |

815 | Law enforcement protection: If the primary offense is a
 816 | violation of the Law Enforcement Protection Act under s.
 817 | 775.0823(2), (3), or (4), the subtotal sentence points are
 818 | multiplied by 2.5. If the primary offense is a violation of s.
 819 | 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 820 | are multiplied by 2.0. If the primary offense is a violation of
 821 | s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 822 | Protection Act under s. 775.0823(10) or (11), the subtotal
 823 | sentence points are multiplied by 1.5.

824 |

825 | Grand theft of a motor vehicle: If the primary offense is grand
 826 | theft of the third degree involving a motor vehicle and in the
 827 | offender's prior record, there are three or more grand thefts of
 828 | the third degree involving a motor vehicle, the subtotal
 829 | sentence points are multiplied by 1.5.

830 |

831 | Offense related to a criminal gang: If the offender is convicted
 832 | of the primary offense and committed that offense for the
 833 | purpose of benefiting, promoting, or furthering the interests of
 834 | a criminal gang as prohibited under s. 874.04, the subtotal
 835 | sentence points are multiplied by 1.5.

836 |

837 | Domestic violence in the presence of a child: If the offender is
 838 | convicted of the primary offense and the primary offense is a
 839 | crime of domestic violence, as defined in s. 741.28, which was
 840 | committed in the presence of a child under 16 years of age who

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841 is a family or household member as defined in s. 741.28(3) with
842 the victim or perpetrator, the subtotal sentence points are
843 multiplied by 1.5.

844 Section 26. For the purpose of incorporating the amendment
845 made by this act to section 741.28, Florida Statutes, in a
846 reference thereto, paragraph (b) of subsection (2) of section
847 943.171, Florida Statutes, is reenacted to read:

848 943.171 Basic skills training in handling domestic
849 violence cases.—

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

851 (b) "Household member" has the meaning set forth in s.
852 741.28(3).

853 Section 27. This act shall take effect July 1, 2013.