

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

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

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

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

HB 139

2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 Charges

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

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

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

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

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

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

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

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

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

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

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



HB 139

2012

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

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

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

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

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

HB 139

2012

253 Statutes, is amended to read:

254 382.0085 Stillbirth registration.—

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

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

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

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

280 382.022 Marriage application; registration of domestic

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

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

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

HB 139

2012

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

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

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

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

325 1. To the registrant, if of legal age;

326 2. To the registrant's parent or guardian or other legal  
327 representative;

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

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

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

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

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

338 (2) OTHER RECORDS.—

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

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

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

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

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

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

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

371 382.0255 Fees.—

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

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

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

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

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

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

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

397 (5) DISPLACED HOME MAKER TRUST FUND.—

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

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

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

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

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

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

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

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

HB 139

2012

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

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

429 741.501 Legislative findings.—The Legislature finds that:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

492 741.503 Forms.—

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

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

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

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

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

HB 139

2012

505 741.504 Court jurisdiction and duties; registry.—

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

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

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

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

518 741.505 Domestic partnership requirements.—

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

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

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

532 (c) Each individual's mailing address.

HB 139

2012

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

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

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

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

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

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

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

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

HB 139

2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

627 741.508 Domestic partnerships prohibited and void.—

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

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

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

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

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

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

HB 139

2012

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

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

654 741.509 Fees.—

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

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

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

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

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

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



HB 139

2012

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

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

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

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

700 741.511 Termination of partnership.—

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

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

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

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

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

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

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

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

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

749 (1)

750 (b) WORKSHEET KEY:

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

756

HB 139

2012

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

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

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

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

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

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

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

782

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

HB 139

2012

785 assessment of community sanction violation points.

786

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

799

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

811

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

HB 139

2012

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

823

824 Sentencing multipliers:

825

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

833

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

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

843  
 844 Grand theft of a motor vehicle: If the primary offense is grand  
 845 theft of the third degree involving a motor vehicle and in the  
 846 offender's prior record, there are three or more grand thefts of  
 847 the third degree involving a motor vehicle, the subtotal  
 848 sentence points are multiplied by 1.5.

849  
 850 Offense related to a criminal gang: If the offender is convicted  
 851 of the primary offense and committed that offense for the  
 852 purpose of benefiting, promoting, or furthering the interests of  
 853 a criminal gang as prohibited under s. 874.04, the subtotal  
 854 sentence points are multiplied by 1.5.

855  
 856 Domestic violence in the presence of a child: If the offender is  
 857 convicted of the primary offense and the primary offense is a  
 858 crime of domestic violence, as defined in s. 741.28, which was  
 859 committed in the presence of a child under 16 years of age who  
 860 is a family or household member as defined in s. 741.28(3) with  
 861 the victim or perpetrator, the subtotal sentence points are  
 862 multiplied by 1.5.

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

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

HB 139

2012

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

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

871 741.28(3).

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