

## **WHAT ARE DOMESTIC PARTNERS?**

The Orlando City Code defines “domestic partners” as two adults who are parties to a valid domestic partnership relationship and who meet the requirements set out in Sec. 57.81 of the Code. Those requirements are:

1. Each person is at least eighteen (18) years old and competent to contract;
2. Neither person is currently married under Florida law or is a partner in a domestic partnership relationship or a member of civil union with anyone other than the co-applicant;
3. They are not related by blood as defined in Florida law;
4. Each person considers himself or herself to be a member of the immediate family of the other partner and to be jointly responsible for maintaining and supporting the registered domestic partnership;
5. The partners reside in a mutual residence; and
6. Each person agrees to immediately notify the City Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one (1) of the domestic partners wishes to terminate the domestic partnership.
7. Each person expressly declares their desire and intent to designate their domestic partner as their healthcare surrogate and as their agent to direct the disposition of their body for funeral and burial.

## **WHAT DOES "MUTUAL RESIDENCE" MEAN? WHAT IF WE OWN MORE THAN ONE HOUSE?**

The City Code broadly defines "mutual residence" (excerpted below) and does not require that the couple only own one home.

1. Mutual residence means a residence shared by the Registered Domestic Partners; it is not necessary that the legal right to possess the place of residence be in both of their names. Two people may share a mutual residence even if one or both have additional places to live. Registered Domestic Partners do not cease to share a mutual residence if one leaves the shared place but intends to return.

## **WHAT IS THE PURPOSE OF THE DOMESTIC PARTNERSHIP REGISTRY?**

The Orlando City Council found that the number of its citizens, both gay and straight, living in domestic partnership arrangements had increased significantly. The registry will assist those couples in asserting some rights. To the extent not superseded by federal, state, or other city law or ordinance, or contrary to rights conferred by contract or separate legal instrument, within the City limits of the City of Orlando, registered Domestic Partners shall have the following rights:

- a) Health Care Facility Visitation. All health care facilities operating within the City of Orlando shall honor the registered Domestic Partnership documentation issued pursuant to this code as evidence of the relationship and shall allow a Registered Domestic Partner visitation as provided under federal law. A Dependent of a Registered Domestic Partner shall have the same visitation rights as a patient’s child.
- b) Health Care Decisions. This section pertains to decisions concerning both physical and mental health. Registry as a Domestic Partner shall be considered to be written direction by each partner designating the other to make health care decisions for their incapacitated partner, and shall authorize each partner to act as the other’s healthcare surrogate as provided in Chapter 765, Florida Statutes, and otherwise as provided by federal law. Further, no person designated as a health care surrogate shall be denied or otherwise defeated in serving as a health care surrogate based solely upon his or her status as the domestic partner of the partner on whose behalf health care decisions are to be made. Upon request, the City Clerk shall also assist the registrants by providing them with any desired statutory forms such as living wills or health care surrogate designation in the forms prescribed by Chapter 765, Florida Statutes. The City Clerk shall not give advice relating to these forms, but shall simply assist by

providing and, if necessary, notarizing the forms upon request. Any such forms properly executed after the date of registration which contain conflicting designations shall control over the designations by virtue of the registration.

- c) Funeral/burial Decisions. Registry as a domestic partner shall be considered to be written direction by the decedent of his or her intention to have his or her domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes, unless the decedent provides conflicting, written inter vivos authorization and directions that are dated after the date of the registration, in which case the later dated authorization and directions shall control.
- d) Correctional Facility Visitation Rights. Any person who is a party to a registered domestic partnership relationship, pursuant to Section 57.81, shall be entitled to visit his or her domestic partner, or other family member of the domestic partner, who is an inmate at a correctional facility located within the City of Orlando, upon the same terms and conditions under which visitation is afforded to spouses, dependents, or parents of inmates. Visitation rights provided by this section shall extend to any children of the domestic partners, and the domestic partners of an inmate's parents or children.
- e) Notification of Family Members. In any situation providing for mandatory or permissible notification of family members, including but not limited to notification of family members in an emergency, or when permission is granted to correctional facility inmates to contact family members, "notification of family" shall include registered Domestic Partners.
- f) Preneed guardian designation. A person who is a party to a registered Domestic Partnership relationship shall have the same right as any other individual to be designated as a preneed guardian pursuant to Chapter 744, Florida Statutes and to serve in such capacity in the event of his or her Domestic Partner's incapacity. A Domestic Partner shall not be denied or otherwise be defeated in serving as the plenary guardian or his or her Domestic Partner or the partner's property under the provisions of Chapter 744, Florida Statutes, to the extent that the incapacitated partner has not executed a valid preneed guardian designation, based solely upon his or her status as the Domestic Partner of the incapacitated partner.
- g) Participation in Education. To the extent allowed by federal and state law, a registered Domestic Partner shall have the same rights to participate in the education of a dependent of the registered Domestic Partnership as a biological parent to participate in the education of their child, in all educational facilities located within or under the jurisdiction of the City. However, if a biological parent of a minor dependent, whose parental rights have not been terminated, objects to the participation of a nonbiological registered Domestic Partner in education conferences or other dissemination of educational information, only the participation of the biological parents shall be allowed.

## **WHERE DO WE GO TO REGISTER?**

The Orlando City Clerk is responsible for administering the registry. The City Clerk's Office is located in Orlando City Hall, 400 S. Orange Avenue, Orlando, FL 32801 on the second floor. Parking is available in the garage directly west of City Hall with its main entrance off Boone Avenue.

## **WHEN CAN WE COME TO REGISTER?**

The Domestic Partnership Registry ordinance was adopted on December 12, 2011 and went into effect on January 12, 2012. Registration is available Monday-Friday from 8:30 a.m.-4:00 p.m. Registrations are performed on a first-come, first-served walk-in basis only.

## **DO YOU HAVE TO REGISTER IN PERSON? WHY?**

Yes, both partners must come to Orlando City Hall, City Clerk's office together in person to register. The City's Domestic Partnership Registry Affidavit requires specific formalities with respect to being witnessed and notarized and the Clerk's staff is trained to ensure that the Affidavit is completed correctly.

## **WHAT IS THE COST OF REGISTERING?**

City Council set the initial registration fee at \$30. This is payable in cash or a check payable to the City of Orlando and MUST be submitted at the time of registration. If your registration needs to be amended in the future, the cost to amend the registration is \$10. The cost of terminating the domestic partnership is also \$10.

## **WHAT DO I NEED TO BRING WITH ME TO THE CLERK'S OFFICE TO REGISTER?**

- 1) Your partner
- 2) Photo identification (Driver's license or other Class 1 ID)
- 3) 3) \$30 in cash or check payable to the City of Orlando

## **DO WE NEED TO COMPLETE THE DOMESTIC PARTNERSHIP REGISTRY AFFIDAVIT BEFORE COMING TO THE CITY CLERK'S OFFICE?**

No. We have provided the sample form on the City Clerk's Domestic Partnership Registry page for your review, but it should not be signed until you and your partner come to the City Clerk's office in person.

## **WHAT HAPPENS IF MY DOMESTIC PARTNER AND I BREAK UP/OUR PARTNERSHIP ENDS?**

One or both partners must sign and submit a Termination of Domestic Partnership Affidavit form with the \$10 fee to the Orlando City Clerk. The form is available on-line from the City Clerk's Domestic Partnership Registry webpage or at the City Clerk's Office.

## **CAN I KEEP MY REGISTRATION INFORMATION PRIVATE?**

No, the City of Orlando is a Florida municipal corporation and its business documents are public records under Florida law. There are no exemptions applicable to the Registry Affidavit which will be recorded in the Orange County public records so that it may be searchable on-line at all times in case of an emergency.

## **WHAT PROOF WILL WE RECEIVE SHOWING THAT WE HAVE REGISTERED?**

For your \$30 registration fee, you will receive one registration certificate (extras are available for an additional \$5) and two wallet-sized laminated cards. Your registration affidavit will be recorded in the Orange County public records