



DOMESTIC PARTNERSHIP REGISTRY FREQUENTLY ASKED QUESTIONS

INTRODUCTION

The City of Sarasota values diversity. The establishment of a Domestic Partnership Registry embodies our diversity as we strive to respect everyone's rights regardless of race, ethnicity, gender, creed, orientation or marital status. This effort will make the City of Sarasota a more inclusive place for everybody and will also serve as an additional economic development tool as our community looks to attract new employers and create jobs for all our residents.

Following you will find the information you will need if you wish to enroll in the City's Domestic Partnership Registry.

WHAT ARE DOMESTIC PARTNERS?

The City of Sarasota defines *Domestic Partners* as two adults who are parties to a valid domestic partnership relationship and who meet the requisites for a valid domestic partnership relationship.

WHAT IS THE PURPOSE OF THE DOMESTIC PARTNERSHIP REGISTRY?

The City Commission of the City of Sarasota found that a significant number of City of Sarasota residents establish and maintain important personal, emotional, and economic relationships with persons to whom they are not married under Florida law. The Domestic Partnership Registry will assist those couples in asserting some rights.

WHAT IS A DOMESTIC PARTNERSHIP?

Domestic partnership means the entity formed by two persons who have met the criteria listed in the definition for *Registration of Domestic Partnerships* and who file an affidavit of domestic partnership registration and are issued a certificate and cards evidencing the registration. The requirements are as follows:

- Each person is at least eighteen (18) years of age and competent to contract;
- 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;
- They are not related by blood as defined in Florida Law;
- Each person considers himself or herself to be a member of the immediate family of the other applicant and to be jointly responsible for maintaining and supporting the Registered Domestic Partnership;

- The partners reside in a mutual residence; and
- Each person agrees to immediately notify the City Auditor and Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one (1) of the domestic partners wishes to terminate the domestic partnership.
- 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.

WHERE AND HOW DO WE REGISTER?

If the process is approved by the City Commission at its November 5, 2012, Regular meeting, the Domestic Partnership Registry Program will be implemented beginning at 9:00 a.m. on November 6, 2012. During the initial period of implementation, partners will be able to register their Domestic Partnership on Tuesdays, Wednesdays, and Thursday from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. in the SRQ Media Studio located on the first floor of the City Hall Annex, City Hall, 1565 First Street, Sarasota, Florida.

In order to register a domestic partnership, the following is required:

- Both partners must appear in-person,
- A form of picture identification must be provided for each partner,
- Partners must complete an Affidavit of Domestic Partnership, and
- A fee of \$30 per registration must be received in cash or check made payable to the City of Sarasota.

After the initial period of implementation, partners may register their Domestic Partnership on Tuesdays, Wednesdays, and Thursdays from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. at the Office of the City Auditor and Clerk, Room 110, City Hall. Following the initial implementation period, applicants are encouraged to call the Office of the City Auditor and Clerk at (941) 954-4160 in advance to schedule an appointment to avoid waiting time.

Domestic Partnerships will be recorded with the Sarasota Clerk of Circuit Court.

IS OUR REGISTRATION INFORMATION PRIVATE?

No, the Affidavit of Domestic Partnership Registration Form will be open for public inspection under Florida Law.

WHAT WILL WE RECEIVE SHOWING THAT WE HAVE REGISTERED?

You will receive one sealed registration certificate and two wallet-sized registration cards. A certified copy of the Affidavit of Domestic Partnership Registration may be obtained from the Sarasota Clerk of Circuit Court.

WHAT ARE THE RIGHTS AND LEGAL EFFECT OF A REGISTERED DOMESTIC PARTNERSHIP?

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, registered domestic partners shall have the following rights:

(a) Health Care Facility Visitation. All health care facilities operating within the City of Sarasota 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.

(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 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 Sarasota, 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, pursuant to Section 8-53 of Ordinance No. 12-5019 above, 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 provision 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 of Sarasota. However, if a biological parent of a minor dependent, whose parental rights have not been terminated, objects to the participation of a non-biological registered domestic partner in education conferences or other dissemination of educational information, only the participation of the biological parents shall be allowed.

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

The Ordinance defines "mutual residence" as 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.

DO YOU HAVE TO REGISTER IN PERSON? WHY?

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

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 \$20 fee in cash or check made payable to the City of Sarasota.

WHAT IS THE COST OF REGISTERING?

The initial registration fee is \$30. This is payable in cash or a check made payable to the City of Sarasota and must be submitted at the time of registration. If your registration is to be amended in the future, the cost to amend the registration is \$10. The cost of terminating the domestic partnership is \$20.

For information, visit the City's webpage for Domestic Partnership Registration at:

<http://www.sarasotagov.com/DPR>

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