



DOMESTIC PARTNERSHIP REGISTRY

FREQUENTLY ASKED QUESTIONS

INTRODUCTION

The City of North Port 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 North Port 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 North Port defines *Domestic Partners* as two natural persons who are parties to a valid domestic partnership and who meet the requisites for a valid domestic partnership.

WHAT IS THE PURPOSE OF THE DOMESTIC PARTNERSHIP REGISTRY?

The City Commission of the City of North Port found that a significant number of North Port 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 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 Domestic Partner and to be jointly responsible for maintaining and supporting the Domestic Partner;
- The Domestic Partners reside in a mutual residence; and

- 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person agrees to immediately notify the City Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one of the domestic partners wishes to terminate the domestic partnership. All identification cards must be surrendered to the City Clerk upon the termination of 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?

The Domestic Partnership Registry Program will be implemented by the City Clerk's Office at 4970 City Hall Boulevard, North Port, Florida between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Domestic Partnerships will be recorded with the Sarasota Clerk of Circuit Court. Applicants are encouraged to call the Office of the City Clerk at (941) 429-7270 in advance to schedule an appointment to avoid waiting time.

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 by credit card, cash or check made payable to the City of North Port.

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 signed and 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 shall honor the registered domestic partnership documentation issued pursuant to city code as evidence of the partnership 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. Registration as a Registered Domestic Partner shall be considered to be written direction

by each Registered Domestic Partner designating the other to make health care decisions for their incapacitated Domestic Partner, and shall authorize each partner to act as the other's healthcare surrogate as provided in Ch. 765, F.S., 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 Registered Domestic Partner of the person on whose behalf health care decisions are to be made. If any healthcare surrogate designation forms are properly executed after the recording of the Registered Domestic Partnership certificate, and such forms contain conflicting designations, the later dated authorization and direction shall control.

- (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 Registered Domestic Partner direct the disposition of the decedent's body for funeral and burial purposes as provided in chapter 497, F.S., unless the decedent leaves 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) Notification of family members. In any situation providing for mandatory or permissible notification of family members, such notification shall include the Registered Domestic Partner.
- (e) Preneed guardian designation. Any person who is a Registered Domestic Partner in a Registered Domestic Partnership, pursuant to Sec. 15-1, shall have the same right as any other individual to be designated as a preneed guardian pursuant to Ch. 744, F.S., and to serve in such capacity in the event of his or her Registered Domestic Partner's incapacity. A Registered Domestic Partner shall not be denied or otherwise be defeated in serving as the plenary guardian of his or her domestic partner or of the partner's property under the provisions of Ch. 744, F.S., to the extent that the incapacitated partner has not executed a valid preneed guardian designation, based solely upon his or her status as the Registered Domestic Partner of the incapacitated partner.
- (f) 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 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 North Port 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 Clerk is trained to ensure that the Affidavit is completed correctly.

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

One or both partners must sign and submit a Termination of Domestic Partnership Affidavit form with the \$30 fee by credit card, cash or check made payable to the City of North Port. All identification cards must be surrendered to the City Clerk upon the termination of the Domestic Partnership.

WHAT IS THE COST OF REGISTERING?

The initial registration fee is \$30. This is payable by credit card, cash or a check made payable to the City of North Port 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 \$30. The cost of terminating the domestic partnership is \$30.