



Domestic Partnership Registry Frequently Asked Questions

On November 6, 2013, the Board of County Commissioners of Sarasota County, Florida, passed and duly adopted an Ordinance creating Article XII of Chapter 62 of the Code of Ordinances, establishing a domestic partnership registry in Sarasota County. Following, you will find the information needed to register in the Sarasota County Domestic Partnership Registry.

WHAT IS A DOMESTIC PARTNER?

Sarasota County Ordinance #2013-037 states that a *Domestic Partner* means one of two individuals who are parties to a domestic partnership.

WHAT IS A DOMESTIC PARTNERSHIP?

Sarasota County Ordinance #2013-037 states that a *Domestic Partnership* means a committed domestic relationship between two individuals that meets all of the criteria described in Section 62 -337 of Article XII.

WHAT ARE THE REQUIREMENTS OF THE AFFIDAVIT OF DOMESTIC PARTNERSHIP?

Partners must complete an Affidavit of Domestic Partnership Registration. This form is available at the Clerk's office or at www.SarsaotaClerk.com. Sarasota County Ordinance #2013-037 states that an *Affidavit of Domestic Partnership* shall contain the name and address of each domestic partner, the signature of each partner, the signatures of two witnesses, and each partner shall swear or affirm under penalty of perjury that:

1. Each individual is at least eighteen (18) years old and competent to contract;
2. Neither individual is currently married under Florida Law or is a partner in a domestic partnership 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 individual 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 Domestic Partner;
5. The partners reside in a mutual residence located in Sarasota County, Florida;
6. Each individual agrees to immediately notify the Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one of the Domestic Partners wishes to terminate the Domestic Partnership;
7. Each individual 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 DO WE REGISTER?

To register, visit the Clerk of the Circuit Court and County Comptroller's office located at 2000 Main Street, Sarasota, Florida 34237, or 4000 S. Tamiami Trail, Venice, Florida 34293.

DO YOU HAVE TO REGISTER IN PERSON?

Yes, both partners, with a current form of picture identification, along with two (2) witnesses must appear in the office of the Sarasota County Clerk of the Circuit Court and County Comptroller together, in person, to register.

WHAT IS THE COST?

Affidavit of Domestic Partnership and Certificate of Registration	\$20.50	FS28.24	Document, Certificate, Attestment
Amendment to the Certificate of Registration	\$13.50	FS28.24	First Page, Attestment
Declaration of Termination of Domestic Partnership	\$13.50	FS28.24	First Page, Attestment
Proof of Service accompanying Declaration of Termination of Domestic Partnership	\$ 8.50	FS28.24	Additional Page

Fees may be paid by cash, credit card, check, or money order payable to the Sarasota County Clerk of the Circuit Court and County Comptroller. All credit card transactions are subject to a 3.5% non-refundable fee, assessed by a third-party payment processor (MyFloridaCounty.com).

WHAT WILL WE RECEIVE SHOWING THAT WE HAVE REGISTERED?

Registered partners will receive one Certificate of Registration upon submission of completed forms and payment of fees. Once recorded, a certified copy of the Affidavit of Domestic Partnership Registration can be purchased from the Clerk's Public Access Department for an additional fee.

IS OUR REGISTRATION INFORMATION PRIVATE?

No, the Affidavit of Domestic Partnership Registration and any other documents related to Ordinance #2013-037 will be open for public inspection in the Official Records of Sarasota County, Florida.

WHAT RIGHTS OF DOMESTIC PARTNERS ARE PROVIDED FOR IN THE ORDINANCE?

Sarasota County Ordinance #2013-037 provides that the rights of registered domestic partners to the extent not superseded or pre-empted by federal laws, state laws, or other Sarasota County 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 Sarasota County or under the jurisdiction of Sarasota County shall honor the Registered Domestic Partnership documentation issued pursuant to Article XII as evidence of the registered Domestic Partnership and shall allow visitation rights as provided under federal law to the Registered Domestic Partner.

(b) *Health Care Decisions.* This subsection pertains to decisions concerning both physical and mental health. Registering as a 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 Registered Domestic Partner, and shall authorize each Registered Domestic 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 individual 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 his or her incapacitated Registered Domestic Partner on whose behalf health care decisions are to be made. If any healthcare surrogate designation forms are properly executed after the Domestic Partner's Affidavit of Domestic Partnership was recorded and such forms contain conflicting designations, the later dated authorization and direction shall control.

(c) *Funeral/Burial Decisions.* Registering as Registered Domestic Partners shall be considered to be written direction by a deceased Registered Domestic Partner ("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, Florida Statutes, unless the Decedent provides conflicting, written inter vivos authorization and directions that are dated after the date the Domestic Partner's Affidavit of Domestic Partnership was recorded, 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, including, but not limited to, notification of family members in an emergency, or when permission is granted to inmates to contact family members, such notification shall include a Registered Domestic Partner.

(e) *Preneed Guardian Designation.* An individual who is a Registered Domestic Partner 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 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 Registered Domestic Partner or of his or her Registered Domestic Partner's property under the provisions of Chapter 744, Florida Statutes, to the extent that the incapacitated Registered Domestic Partner has not executed a valid preneed guardian designation, based solely upon his or her status as the Registered Domestic Partner of his or her incapacitated Registered Domestic Partner.

(f) *Correctional Facility Visitation Rights.* Any Registered Domestic Partner shall be entitled to visit his or her Registered Domestic Partner, or other family members of his or her Registered Domestic Partner, who is an inmate at a Sarasota County Correctional Facility under the same terms and conditions which such visitation is afforded to spouses, sons, daughters, and parents of inmates. Sarasota County Correctional Facilities shall honor the Registered Domestic Partner documentation issued pursuant to Article XII as evidence of Domestic Partnership.

IS THERE RECIPROCITY?

Sarasota County Ordinance #2013-037 provides all rights, privileges and benefits extended to Registered Domestic Partners pursuant to this Article shall also be extended to all individuals legally registered as a Domestic Partner under other domestic partnership ordinances within the State of Florida. ("Registered Domestic Partnership in other jurisdiction") to the extent allowed by law; provided, however the extension of such rights, privileges, and benefits shall be:

- (a) extended only for the time that such individuals are physically located within the geographical area of Sarasota County, Florida; and
- (b) limited to only those rights, privileges, and benefits provided in Article XII under section 62-340.

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

Sarasota County Ordinance #2013-037 provides that a *mutual residence* means a permanent residence located in Sarasota County, FL shared by the Registered Domestic Partners. Domestic Partners are not prohibited from owning more than one residence. Temporary relocation of one partner for education or military service does not negate the maintenance of a mutual residence provided the Domestic Partner intends to return to the residence.

HOW DOES A DOMESTIC PARTNERSHIP TERMINATE?

Sarasota County Ordinance #2013-037 provides the following:

- (a) *Obligation to notify Clerk of Court.* By filing an Affidavit of Domestic Partnership, each partner agrees to immediately notify the Clerk by filing a Declaration of Termination of Domestic Partnership, if the terms of Registered Domestic Partnership are no longer applicable or one of the Domestic Partners wishes to terminate the Domestic Partnership.
- (b) *Declaration of Termination.* Either Registered Domestic Partner may terminate a Registered Domestic Partnership by recording a Declaration of Termination with the Clerk. The person filing the Declaration of Termination shall swear and affirm, under penalty of perjury, that:
 - 1) the Registered Domestic Partnership is to be terminated; and
 - 2) if the Declaration of Termination is not signed by both Registered Domestic Partners, then a copy of the Declaration and certified mail return receipt with the signature of the other partner shall be required at the time of recording the Declaration of Termination with the Clerk.
- (c) *Effective Date of Termination.* Termination shall become effective on the date of recording of the Declaration of Termination signed by both Registered Domestic Partners, or, if the Declaration of Termination is not signed by both partners, on the date that the termination is communicated to the partner, as evidence by the recording of the Declaration along with a certified mail return receipt with the signature of the other partner.
- (d) *Automatic Termination.* A registered Domestic Partnership shall automatically terminate in the event that one of the Domestic Partners dies, marries, enters into a civil union or Registered Domestic Partnership with someone other than his or her Registered Domestic Partner. The right to direct funeral and burial decisions as set forth in Section 62-340 (c) shall survive the death of a domestic partner. Notice of termination shall be provided to the Clerk as set forth in 2-338(b) unless the partner is deceased.

For forms and recording information, visit www.SarasotaClerk.com; to register in person, visit the **Clerk of the Circuit Court and County Comptroller** Main Office (Historic Courthouse, 2000 Main Street, Sarasota, FL 34237) or the Venice Branch Office (Robert L. Anderson Administration Center, 4000 S. Tamiami Trail, Venice, FL 34293).