

PART II - PINELLAS COUNTY CODE
Chapter 70 - HUMAN RELATIONS

ARTICLE III. - DOMESTIC PARTNERSHIP REGISTRATION

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Sec. 70-236. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affidavit of domestic partnership means a sworn form, under penalty of perjury, that is created by the board of county commissioners, which certifies that two domestic partners meet the registration requirements as described in [section 70-237](#).

Affidavit of termination of domestic partnership means a sworn form, under penalty of perjury, which certifies that two domestic partners have terminated the domestic partnership and all rights and duties included therein as described in this article.

Certificate of domestic partnership means the certificate received from the clerk after registration as domestic partners under this article.

Clerk means the Clerk of the Circuit Court, Pinellas County, Florida.

Dependent is a person who resides within the household of a registered domestic partnership and is:

- (1) A biological, adopted, or foster child of a registered domestic partner; or
- (2) A dependent as defined under IRS regulations; or
- (3) A ward of a registered domestic partner as determined in a guardianship or other legal proceeding; or
- (4) A person supported in whole or in part by their partner's earnings and relies on such support.

Domestic partnership registry means a public record maintained by the clerk which includes those persons who have met the domestic partnership requirements set forth in this article and have registered with the clerk.

Health care facility includes, but is not limited to, hospitals, nursing homes, hospice care facilities, convalescent facilities, walk-in clinics, doctor's offices, mental health care facilities, and any other short-term or long-term health care facilities located within Pinellas County.

Jointly responsible means each domestic partner mutually agrees to provide for the other partner's basic needs while the domestic partnership is in effect, except that partners need not contribute equally or jointly to said basic needs such as food and shelter.

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 names. Registered domestic partners do not cease to share a mutual residence if one leaves the shared place but intends to return.

Registered domestic partners means two adults who are parties to a domestic partnership and who meet the requisites for a domestic partnership as established pursuant to the registration requirements of this article and who have registered as a domestic partnership under this article.

(Ord. No. 13-01, § 2, 1-15-13)

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Sec. 70-237. - Registration of domestic partnerships.

- (a) A domestic partnership may be registered by any two persons by filing an affidavit of domestic partnership with the clerk which affidavit shall comply with all requirements set forth in this article for establishing such domestic partnership.
- (b) Upon payment of any required fees, the clerk shall file the affidavit of domestic partnership electronically and issue a certificate of domestic partnership reflecting the registration of the domestic partnership in the county.
- (c) The clerk shall maintain a domestic partnership registry which shall be an online searchable database of the domestic partnerships which have been registered with the county.
- (d) A notarized affidavit of domestic partnership, on such form as created by the county, shall be presented to the clerk by both partners, physically present, who shall provide proof of identification; and 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 person is at least 18 years old and competent to contract;
 - (2) Neither person 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) Neither person is related by blood as defined in Florida law;
 - (4) Each person considers themselves 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 together in a mutual residence;
 - (6) Each person expressly declares their desire and intent to designate their registered domestic partner as their healthcare surrogate and as their agent to direct the disposition of their body after death;
 - (7) Each person agrees to be jointly responsible for each other's basic food and shelter;
 - (8) Each person 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.
- (e) Any partner to a domestic partnership may file an amendment with the clerk to the domestic partnership registry, on the form created by the county, to reflect a change in their legal name or address. Amendments shall be signed by both members of the registered domestic partnership under oath and must be accompanied by the applicable fee as determined by the clerk.

(Ord. No. 13-01, § 3, 1-15-13)

Sec. 70-238. - Termination of registered domestic partnership.

- (a) Either partner to a registered domestic partnership may terminate such registration by filing, in person, a notarized affidavit of termination of domestic partnership with the clerk which shall become effective on the date of filing.
- (b) The clerk shall file the affidavit of termination and update the online registry to remove the domestic partnership.
- (c) A registered domestic partnership will terminate by operation of law upon occurrence of the following events:

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- (1) One of the domestic partners marries in Florida;
 - (2) One of the domestic partners dies; or
 - (3) One of the domestic partners registers with another partner.
- (d) The marrying, surviving, or re-registering domestic partner(s) shall file an affidavit with the clerk terminating the domestic partnership within ten days of one of the occurrences listed in (c) above.
- (e) The surviving domestic partner, pursuant to subsection (c)(2) of this section, shall retain funeral and burial decision rights as provided for in [section 70-240\(c\)](#).

(Ord. No. 13-01, § 4, 1-15-13)

Sec. 70-239. - Maintenance of records; filing fees.

- (a) The county shall prepare the form of all affidavits, amendments, and certificates required to be filed under this article. The clerk shall maintain electronic copies. Domestic partnerships which have properly registered, and have not been terminated, will appear on the online registry. Records regarding a terminated registration can be requested from the clerk.
- (b) The clerk shall establish fees for the filing of any affidavits, amendments, the issuance of any certificates required by this article, or for the provision of copies of documents subject to the approval by the board of county commissioners. Any fees established under this section shall be reasonable and commensurate with the actual costs of administering the provisions of this article. A discount in the amount of the difference between the cost of municipal registration for domestic partnership and that of the county registration for domestic partnership shall be provided to those persons who are registered in a municipality located in Pinellas County prior to the date of enactment of this article.
- (c) The clerk is authorized and directed to take all actions necessary to implement the provisions of this section within 90 days after this article is enacted.

(Ord. No. 13-01, § 5, 1-15-13)

Sec. 70-240. - Legal effect of 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:

- (1) *Health care facility visitation.* All health care facilities operating within the county shall honor the registered domestic partnership documentation issued pursuant to this article as evidence of the partnership and shall allow a registered domestic partner or dependant visitation rights as provided for under [42](#) CFR 482 and 485.
- (2) *Health care decisions.* 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 for in Chapter 765, Florida Statutes. No person designated as a health care surrogate shall be denied or otherwise defeated in serving as a health care surrogate based solely upon their status as the domestic partner of the partner on whose behalf health care decisions are to be made. Any statutory form, including, but not limited to, a living will or health care surrogate designation in forms provided for in Chapter 765, Florida Statutes, that is properly executed after the date of registration which contain conflicting designations shall control over the designations made pursuant to domestic partnership registration in Pinellas County.

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- (3) *Funeral/burial decisions.* Registry as a domestic partner shall be considered to be written direction by the decedent of their intention to have their domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes, unless, prior to death, the decedent creates written authorization and direction providing conflicting terms of disposition. Where such conflict exists, the later dated document shall control.
- (4) *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, "notification of family members" shall include registered domestic partners.
- (5) *Pre-need guardian designation.* A person who is a party to a registered domestic partnership, pursuant to this article, shall have the same right as any other individual to be designated as a pre-need guardian pursuant to Chapter 744, Florida Statutes, and to serve in such capacity in the event of their domestic partner's incapacity. A domestic partner shall not be denied or otherwise be defeated in serving as the plenary guardian of their 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 pre-need guardian designation, based solely upon their status as the domestic partner of the incapacitated partner.
- (6) *Participation in education.* To the extent allowed by federal and state law, and subject to the policies of the School Board of Pinellas County, Florida, as amended from time to time, as well as any applicable court orders, agreements, or contracts, a domestic partner of a domestic partnership registered in this county shall have the same rights as the parent partner to participate in the education of a dependent of the registered domestic partnership in the county. Any right to participate in the education of a dependent of the registered domestic partnership shall be exercised consistently with applicable policies and procedures of the School Board of Pinellas County, Florida.

(Ord. No. 13-01, § 6, 1-15-13)

Sec. 70-241. - Limited effect.

- (a) Nothing in this article shall be interpreted to alter, affect, or contravene city, county, state, or federal law or to impair any court order or contractual agreement.
- (b) Nothing in this article shall be construed as recognizing or treating a registered domestic partnership as a marriage.

(Ord. No. 13-01, § 7, 1-15-13)

Sec. 70-242. - Enforcement; legal remedy; and limitation of liability.

- (a) A registered domestic partner may enforce rights provided for under this article by filing a private judicial action in the Sixth Judicial Circuit Court for declaratory relief, injunctive relief, or both, or for any other available legal remedy.
- (b) The clerk acts in a purely ministerial capacity and has no authority or responsibility for the resolution of disputes arising from the domestic partnership registry. Any disputes as to registration or legal effect under this article shall be filed with the Sixth Judicial Circuit Court.
- (c) The clerk shall not be liable for any act taken within the scope of its authority provided pursuant to this article.

(Ord. No. 13-01, § 8, 1-15-13)

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Sec. 70-243. - Reciprocity.

All rights, privileges and benefits extended to registered domestic partnerships as provided for in this article shall also be extended to all persons who can provide proof of their registration as domestic partners in any other jurisdiction. In the event of a conflict between this article and the domestic partnership laws of another jurisdiction, the provisions of this article shall prevail.

(Ord. No. 13-01, § 9, 1-15-13)