



## Domestic Partnership Registry

### Frequently Asked Questions

The City of Tavares Code defines “domestic partners” as two adults who are parties to a valid domestic partnership relationship and who meet the requirements of Section 1.1 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 a civil union with anyone other than the co-applicant;
3. 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;
4. The partners reside in a mutual residence; and
5. 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person agrees to immediately notify the City Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one (1) of the domestic partners wishes to terminate the domestic partnership.
6. 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.f – 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 City Council of Tavares responded to a request from citizens that there was a need for a mechanism to allow unmarried couples, both gay and straight, the ability to designate someone to make decisions on their behalf. The Registry will assist those couples in asserting some rights, to the extent not superseded by federal, state, or other city law or ordinance, or contrary to the rights conferred by contract or separate legal instrument. Within the city limits of the City of Tavares, registered Domestic Partners shall have the following rights:

(a) Health Care Facility Visitation. - All health care facilities operating within the City of Tavares 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, pursuant to Section 1.1, 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 Tavares, 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 1.1 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 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 non-biological 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 Tavares City Clerk is responsible for administering the registry. The City Clerk's office is located in Tavares City Hall, 201 E. Main Street, Tavares, Florida on the second floor.

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

The Domestic Partnership Registry was adopted on January 16, 2013 and goes into effect 90 days after adoption. Registration will begin on April 30, 2013 from 8 a.m. to 12 noon and will be available thereafter by appointment by contacting the City Clerk at (352) 742-6209.

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

Yes, both partners must come to Tavares City Hall, City Clerk's office, to register. The City's Domestic Partnership Registry Affidavit requires specific formalities with respect to being witnessed and notarized and the Clerk's office is trained to ensure that the Affidavit is completed correctly. You may print out forms from the City's web site and complete up to the point of signature.

### **WHAT IS THE COST TO REGISTER?**

The initial registration fee is \$68.50 (\$50.00 plus recording costs of \$18.50), payable to the City of Tavares and MUST be submitted at the time of registration. If your registration needs to be amended in the future, the cost to amend is \$20.00 plus \$10.00 for recording cost. The City Clerk will take the documents to be recorded at the Lake County Clerk of Courts.

### **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 such as military identification, passport, or Florida Identification card).
3. \$68.50 which includes recording costs for two pages for the initial affidavit.

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

No. We have provided the sample forms on the City Clerk's Domestic 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 TERMINATE OUR PARTNERSHIP?**

One or both partners must sign and submit a Termination of Domestic Partnership Affidavit form with the \$30.00 fee (\$10.00 recording cost) to the Tavares City Clerk. If only one partner completes the form a copy of a certified letter sent to the other partner should be provided to document that the partner has been notified. If the partner's whereabouts are unknown, the partner submitted the termination must sign an Affidavit indicating that they have made a good faith effort to contact the other partner.

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

No, the City of Tavares is a Florida Municipal Corporation and its business documents are public records under the Florida Law. There are certain exemptions identified in F.S. 119 applicable to the Registry Affidavit which will be recorded in the Lake County Clerk of Courts public records so that it may be searchable at all times in case of emergency.

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

For your registration fee, you will receive one registration certificate and two wallet-sized cards.