

# **Pinellas County**

## **Domestic Partnership Registry Information**

**§ 70-236 et. seq.**

### **What is a Domestic Partnership?**

A *Registered Domestic partnership* means the entity formed by two persons who have met the criteria listed in Section 70-237, Pinellas County Code and filed an Affidavit of Domestic Partnership with the Clerk. The requirements are as follows:

- Each person is at least eighteen (18) years of age and competent to contract;
- Neither person is married, nor is a partner in a domestic partnership relationship or a member of a 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 co-applicant and jointly responsible for the maintenance and support of the domestic partnership;
- Applicants reside together in a mutual residence;
- Each person declares the co-applicant to act as his/her healthcare surrogate as provided in Chapter 765, Florida Statutes and, if determined incompetent, to act as their preneed guardian pursuant to Chapter 744, Florida Statute; and
- Each person declares the co-applicant as his/her agent to direct the disposition of their body after death;
- Each person agrees to be jointly responsible for each other's basic food and shelter;.
- Each person agrees to immediately notify the Clerk's Office in writing, by filing an Affidavit of Termination, if the terms of the Registered Domestic Partnership are no longer applicable or if one of the domestic partners wishes to terminate the domestic partnership.

### **Where and how to register:**

Domestic Partner Registration will begin on April 15, 2013, at 8:00 a.m. and will be available thereafter on all days and times provided for by the Pinellas County Clerk of the Courts. Domestic Partnership forms are available on the Clerk's website at: [www.mypinellasclerk.org](http://www.mypinellasclerk.org). The Clerk's Office Hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding holidays, at the following locations:

- **Clearwater Courthouse** - 315 Court St., Room 150, Clearwater, FL 33756;
- **North County Branch Office** - 29582 U.S. 19 N., Room 101, Clearwater, FL 33761
- **St Petersburg Branch Office** - 545 First Ave. N., Room 153, St Petersburg, FL 33701
- **Clerk's Tyrone Branch Office** - 1800 66th St. N., St Petersburg, FL 33710

Registration must be done in person at one of the above locations by both partners with proof of identification.

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The declaration of registered domestic partnership is required to be signed by both domestic partners under the pains and penalties of perjury, signed by two (2) witnesses and notarized.

The Clerk of the Court has set the registration fee at \$50.00 which must be submitted at the time of registration. A reduced fee may apply for those applicants who registered the domestic partnership in a municipality located in Pinellas County prior to April 15, 2013.

**What will we receive showing that we have registered?**

Upon registration with the Clerk, you will be issued a Certificate of Domestic Partnership reflecting the registration of the domestic partnership in the County. Such Certificate will include the assigned Domestic Partnership Registry number.

**Rights and 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:

(a) Health Care Facility Visitation. All health care facilities operating within the County shall honor the Registered Domestic Partnership documentation issued pursuant to the Pinellas County Code 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.

(b) 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.

(c) 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.

(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, "notification of family members" shall include Registered Domestic Partners.

(e) Pre-need Guardian Designation. A person who is a party to a Registered Domestic Partnership, pursuant to the Pinellas County Code, 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.

(f) **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.

**Is my Affidavit of Domestic Partnership, or other documents filed related thereto, a public record once filed with the Clerk of Court?**

Consistent with the Florida Public Records Law, Section 119.01, et. seq., Florida Statutes, all records received relating to the Domestic Partnership Registry are public records unless otherwise exempted by law. If you believe that you are entitled to an exemption as to these records, it is your obligation to request the maintenance of such exemption in writing from the Clerk. A form for this purpose is available from the Clerk upon request or on the Clerk's website. Only that information to which an applicant is clearly entitled to an exemption can be withheld from the public record.

**Can I amend my registration if a name or address changes after the initial registration Affidavit is filed?**

Yes, you can file an Amendment of Domestic Partnership with the Clerk to update your registration to reflect a change in legal address of the Registered Domestic Partners; a legal name change of a domestic partner; or to update the list of dependents of the domestic partnership. A \$25 fee must be submitted at the time of filing an Amendment.

**What happens if my domestic partner and I break up/our partnership ends?**

One or both partners must sign and submit an Affidavit of Termination of Domestic Partnership to the Clerk upon voluntary termination of the partnership. This form is available on-line at [www.mypinellasclerk.org](http://www.mypinellasclerk.org). Additionally, under the Pinellas County Code a domestic partnership will terminate by operation of law upon the occurrence of certain events. However, even with the occurrence of an event resulting in automatic termination, it is a domestic partner's obligation to file an Affidavit of Termination with the Clerk within 10 days of the occurrence. The partner filing an Affidavit of Termination shall provide a copy of the termination to the former domestic partner at their last known address. There is no fee for the filing of an Affidavit of Termination.