

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 9 ENTITLED "HUMAN RIGHTS" OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ENACTING A NEW ARTICLE V ENTITLED "DOMESTIC PARTNERSHIP" PROVIDING FOR THE ESTABLISHMENT OF A DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR REGISTRATION OF A DOMESTIC PARTNERSHIP; PROVIDING FOR TERMINATION OF A REGISTERED DOMESTIC PARTNERSHIP; PROVIDING FOR ADMINISTRATION OF THE DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of Leon County to treat all persons fairly and equitably; and,

WHEREAS, the Board of County Commissioners recognizes that long-term committed domestic relationships result in strong emotional and psychological bonds; and,

WHEREAS, the Board of County Commissioners has determined that the establishment of a domestic partnership registry will serve the needs of persons living in committed domestic relationships.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEON COUNTY, FLORIDA, that:

Section 1. Chapter 9, Article V entitled "Domestic Partnership Registry" of the Leon County Code of Laws is hereby created to read as follows:

ARTICLE V. DOMESTIC PARTNERSHIP REGISTRY.

Sec. 9-56. Authority; Applicability; Purpose and Intent.

1 (a) This article is adopted pursuant to Article VIII, Section 1(g), Florida
2 Constitution, F.S. ch. 125, as amended, and the county Home Rule Charter
3 (Laws of Fla. Ch. 70-966, as amended).

4 (b) *Applicability.* This article shall apply throughout the county, both within
5 incorporated municipalities and the unincorporated area.

6 (c) *Purpose and Intent.*

7 (1) The county council finds that there are many individuals who
8 establish and maintain a significant personal and economic
9 relationship with another individual. Individuals forming such
10 domestic partnership often live in a committed domestic relationship.
11 Domestic partners are often denied certain benefits and rights
12 because there is no established system for such relationships to be
13 registered or recognized.

14 (2) The provisions of this article shall be liberally construed to promote
15 the public safety, health and general welfare of the residents of the
16 county and to further the general policies and purposes stated herein.
17 However, this article shall not be construed to supersede, alter,
18 affect, or contravene any federal or state laws or regulations.
19 Nothing in this article shall be construed as recognizing or treating a
20 registered domestic partnership as a marriage.

21

1 **Sec. 9-57. Definitions.**

2 *Affidavit of domestic partnership* means a sworn affidavit under penalty of
3 perjury, which certifies that said individuals meet the requirements of a registered
4 domestic partnership as provided in this article.

5 *Competent to contract* means the two domestic partners are mentally competent to
6 contract.

7 *Correctional facility* means holding cells, jails, and juvenile correction centers of
8 any kind, located within or under the jurisdiction of Leon County.

9 *County Clerk* means the Clerk of the Court of Leon County, or his or her
10 designee.

11 *Dependent* means a person who resides within the household of a registered
12 domestic partnership and is:

13 (1) A biological, adopted or foster child of a registered domestic partner; or

14 (2) A dependent as defined under IRS regulations; or

15 (3) A ward of a registered domestic partnership as determined in a guardianship
16 or other legal proceeding.

17 *Domestic partners* means two adults who are parties to a committed domestic
18 relationship and who meet the requisites for a valid domestic partnership relationship as
19 established in this article.

20 *Domestic relationship* means a relationship intended to be of indefinite duration
21 between two individuals.

22 *Healthcare facility* includes, but is not limited to, hospitals, convalescent
23 facilities, nursing homes, walk-in clinics, doctor's offices, mental health care facilities

1 and other short and long-term facilities located within or under the jurisdiction of Leon
2 County.

3 *Jointly responsible* means each domestic partner mutually agrees to provide for
4 the other partners basic food, shelter, and common necessities of life while the domestic
5 partnership is in effect, but does not require that partners contribute equally to said basic
6 food, shelter and common necessities of life.

7 *Registered domestic partnership* means a committed relationship between two
8 persons in a domestic relationship who have registered their domestic partnership with
9 the Clerk of the Court in accordance with the provisions of this article.

10 **Sec. 9-58. Establishment of domestic partnership registry.**

11 There is hereby created in the Leon County a domestic partnership registry, which
12 shall be maintained by the Clerk of the Court.

13 **Sec. 9-59. Registration of domestic partnership.**

14 (a) *Registration.* A valid domestic partnership may be registered by two persons
15 in a committed domestic relationship by filing an affidavit of domestic
16 partnership with the Clerk of the Court's office. The affidavit must be signed
17 under oath and notarized in the presence of the Clerk of the Court or his or her
18 designee. The affidavit shall comply with all requirements for establishing a
19 domestic partnership as described in this article. Upon payment of any
20 required fees, the county clerk's office shall file the affidavit of domestic
21 partnership and issue a certificate and laminated card reflecting the
22 registration of the affidavit in the county registry.

1 (b) *Affidavit.* An affidavit of domestic partnership shall contain the name and
2 address of each domestic partner, the signature of each partner, the signatures
3 of two witnesses, and each partner shall swear or affirm under penalty of
4 perjury that each partner:

5 (1) Is at least 18 years old and competent to contact;

6 (2) Is not married;

7 (3) Is the sole domestic partner of the other person as the term domestic
8 partner is defined in this article;

9 (4) Is not related by blood to the other partner as defined in Florida law;

10 (5) Consents to the domestic partnership without force, duress, or fraud;

11 (6) Agrees to be jointly responsible in the support of a domestic
12 partnership as defined in this article;

13 (7) Designates his or her domestic partner as his or her healthcare
14 surrogate, his or her agent to direct the position of remains for funeral,
15 cremation or burial, and his or her pre-need guardian, by initialing the
16 face of the affidavit in the specified location;

17 (8) Considers himself or herself to be in a committed domestic
18 relationship with the other partner, under circumstances satisfying the
19 definition of domestic relationship as defined in this chapter;

20 (c) *Documentation.* As evidence of identity, one of the following documents
21 must be presented by both partners for review by the Clerk of the Court along
22 with the affidavit of domestic partnership: a Florida driver's license, a Florida

1 Identification Card, a United States Passport, or any other document listed in
2 the Governor's Reference Manual for Notaries as satisfactory evidence.

3 (d) *Amendment.* Partners in a domestic partnership may file an amendment to the
4 domestic partnership certificate and laminated card issued by the Clerk of the
5 Court to reflect a change in either partner's legal name. Amendments shall be
6 signed by both domestic partners under oath and notarized in the presence of
7 the Clerk of the Court or his or her designee.

8 **Sec. 9-60. Termination of registered domestic partnership.**

9 (a) *Obligation to notify Clerk of the Court.* Domestic partners shall be required to
10 immediately notify the Clerk of the Court's office, by filing an affidavit of
11 termination of domestic partnership, if the terms of the registered domestic
12 partnership are no longer applicable or one of the domestic partners wishes to
13 terminate the domestic partnership.

14 (b) *Affidavit of termination.* Either registered domestic partner may terminate a
15 registered domestic partnership by filing an affidavit of termination with the
16 office of the Clerk of the Court. Affidavits of termination of domestic
17 partnership shall be signed under oath and notarized. The person filing the
18 affidavit of termination shall swear and affirm, under penalty of perjury, that:

19 (1) The registered domestic partnership is to be terminated; and,

20 (2) If the affidavit of termination is not signed by both registered domestic
21 partners, then the affidavit of notification must be executed at the time
22 of filing the termination with the Clerk of the Court, affirming that a

1 copy of the affidavit of termination was sent to the absent partner via
2 certified U.S. Mail.

3 (c) *Effective date of termination.* The termination shall become effective on the
4 date of filing the affidavit of termination and, as applicable, the affidavit of
5 notification.

6 (d) *Automatic termination.* A registered domestic partnership shall automatically
7 terminate in the event that one of the domestic partners dies, marries, or enters
8 into a civil union or registered domestic partnership with someone other than
9 his or her registered domestic partner. It shall not be the duty of the Clerk of
10 the Court or any agent or employee of Leon County to monitor or verify the
11 continuing legal validity of a registered domestic partnership.

12 **Sec. 9-61. Administration of the domestic partnership registry.**

13 (a) The Clerk of the Court shall collect a fee for filing and administering the
14 affidavits of domestic partnership in the amount of fifty dollars (\$50.00).
15 There will be no charge for filing an affidavit of termination of domestic
16 partnership. Amendments to the domestic partnership registration affidavit
17 will be free for the first amendment and any amendments thereafter will be
18 twenty dollars (\$20.00). The filing fee may be adjusted by resolution of the
19 Board of County Commissioners.

20 (b) The Clerk of the Court shall collect a fee in the amount of the Board of
21 County Commissioners has established pursuant to state public records law
22 for copies of the original domestic partnership documents.

1 (c) The Clerk of the Court shall keep a record of all affidavits of domestic
2 partnership, amendments and affidavits of terminations of domestic
3 partnership. The Clerk of the Court shall post a list of domestic partners on
4 the County's website and shall update this list every thirty (30) days, except
5 that if the thirtieth date falls on a weekend of a recognized holiday, the update
6 shall occur on the next business day. Residential addresses shall not be
7 included as part of the posted domestic partner list.

8 (d) The Clerk of the Court shall identify on the face of the affidavit of domestic
9 partnerships what types of documents were presented for further
10 documentation. Such documents shall not be kept on file with the Clerk of the
11 Court.

12 (e) Upon receipt of an affidavit of domestic partnership signed by both domestic
13 partners and the requisite filing fee, the Clerk of the Court shall issue a
14 certificate of domestic partnership and a laminated card to each partner
15 evidencing the registered domestic partnership.

16 (f) The Clerk of the Court shall provide the domestic partnership affidavit form to
17 persons requesting it. This provision may be satisfied by posting the affidavit
18 online in a printable format.

1 **Section 2. Conflicts.**

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3 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are
4 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the
5 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail
6 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
7 Comprehensive Plan.

8
9 **Section 3. Severability.**

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11 If any provisions or portion of this Ordinance is declared by any court of competent
12 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
13 portions of this Ordinance shall remain in full force and effect.

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15 **Section 4. Effective Date.**

16
17 This ordinance shall have effect upon becoming law.

18 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
19 County, Florida this _____ day of _____, 2013.

20
21 LEON COUNTY, FLORIDA

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23
24 By: _____
25 Nicholas Maddox, Chairman
26 Board of County Commissioners
27

28
29 ATTESTED BY:
30 BOB INZER, CLERK OF THE COURT
31 LEON COUNTY, FLORIDA

32 APPROVED AS TO FORM:
33 COUNTY ATTORNEY'S OFFICE
34 LEON COUNTY, FLORIDA

35 By: _____
36 Bob Inzer, Clerk of Court
Leon County, Florida

35 By: _____
36 Herbert W. A. Thiele, Esq.
County Attorney