

What are Domestic Partners?

Domestic Partners are two persons in a committed relationship who consider themselves to be members of each other's immediate family and who have registered their partnership and meet the following requirements of **Chapter 28 of the City of Cape Coral Code**.

1. At least 18 years old and competent to contract;
2. Not married, or a member of another registered domestic partnership or civil union with anyone other than the co-applicant;
3. Agrees to share the common necessities of life and be responsible for each other's welfare;
4. Shares his or her primary residence with the other;
5. Considers himself or herself to be a member of the immediate family of the other partner;
6. Agrees to immediately notify the City Clerk's Office, in writing, of any change in the status of the registered domestic partnership; and,
7. Agrees to mutually support the other by contributing in some fashion, not necessarily equally, to maintain and support the registered domestic partnership.

What does "Mutual Residence" Mean? What if we own more than one house?

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 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?

Cape Coral City Council finds that a significant number of Cape Coral residents establish and maintain important personal, emotional, and economic relationships with persons to whom they are not married under Florida law. Individuals forming such domestic partnerships often live in a committed family relationship, yet domestic partners and their dependents may be denied certain rights for lack of the

system that establishes recognition of such partnerships. To the extent not superseded by federal, state, or other city law or ordinance, or contrary to rights conferred by contract or separate legal instrument registered domestic partners shall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.* The term "health care facility" includes, but is not limited to, hospitals, convalescent facilities, walk-in clinics, doctor's offices, mental health care facilities, and other short and long term facilities located within, or under the jurisdiction of, the City of Cape Coral. All health care facilities operating within the City of Cape Coral shall allow a registered domestic partner the same visitation rights as a spouse (or parent, if the patient is a dependent of the registered domestic partnership) of the patient. A dependent of a registered domestic partner shall have the same visitation rights as a patient's child.
- b. *Correctional facility visitation rights.* The term "correctional facility" includes, but is not limited to, holding cells, jails, and juvenile correction centers of any kind, located within or under the jurisdiction of the City of Cape Coral. A registered domestic partner shall have the same visitation rights at all correctional facilities operating within the City of Cape Coral as a spouse (or parent, if the person in custody is a dependent of the registered domestic partnership) of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
- c. *Health care decisions.* This section pertains to decisions concerning both physical and mental health. If a patient lacks the capacity to make a health care decision, this patient's registered domestic partner shall have the same authority as a spouse to make a health care decision for the incapacitated party. If the patient is a dependent of the registered domestic partnership, the registered domestic partners shall have same authority to make health care decisions as a parent; however, if a biological parent of a minor dependent, whose parental rights have not been terminated, is available, willing, and competent to make the health care decision, the biological parents' authority to make health care decisions on behalf of the minor shall supersede that of a registered domestic partner who is not the biological parent of the minor dependent.
- d. *Participation in education.* A registered domestic partner shall have the same rights to participate in the education of a dependent of the registered domestic partnership as a parent to participate in the education of their child, in all educational facilities located within or under the jurisdiction of the City of Cape Coral. This includes the right of a registered domestic partner to participate in the home schooling of a dependent in accordance with Florida law.
- e. *Funeral/burial decisions.* Following the death of a registered domestic partner, the surviving partner shall have the same rights to make decisions

with regard to funeral/burial decisions and disposition of the decedent's body as a surviving spouse.

- f. *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, "notification of family" shall include registered domestic partners.
- g. *Preneed guardian designation.* Any person who is registered as a registered domestic partner pursuant to this article shall have the same right as any other individual to be designated as a preneed guardian pursuant to F.S. § 744.3045, and to serve in such capacity in the event of his or her declarant 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 the partner's property, under the provisions of F.S. Ch. 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.

Where do we go to register as Domestic Partners?

The City Clerk's Office is responsible for administering the Domestic Partnership Registry. The City Clerk's Office is located in City Hall, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. Our telephone number is (239) 574-0411.

When can we come to register?

The Domestic Partnership Registry Ordinance, Ordinance No. 35-14, was adopted by the Cape Coral City Council and went into effect on November 3, 2014. Registration will begin on November 10, 2014.

Do we have to register in person? Why?

The City of Cape Coral's Domestic Partnership Registry Affidavit ("Affidavit") requires the Affidavit to be signed and witnessed in the presence of a Notary Public.

Yes. Both partners must be present to register **if notarization is needed.**

No. If affidavit **is already notarized**, the City Clerk's office only requires that one person be present to register the **original** affidavit.

Do we need to complete the Domestic Partnership Registry Affidavit before coming to the Office of the City Clerk?

No. You can complete the forms when you come to the City Clerk's Office at City Hall and use our notarization services – please do not sign until you are in our presence.

Yes. You may also choose to bring in the original registration already notarized, in which we have provided the forms on the City Clerk's web page for downloading.

What is the cost of registering?

The City Clerk of the City of Cape Coral is authorized to establish fees for the filing of any affidavits, amendments, and the issuance of any certificates required by this ordinance, subject to the approval of the Cape Coral City Council. Any fees established shall be reasonable and commensurate with the actual costs of administering the provisions of the Domestic Partnership Registry Ordinance.

Initial Fee: \$50, which must be submitted at the time of registration.

Payable: Cash, Credit or Debit

Amendments/Terminations: \$25, if the Domestic Partnership Registry Affidavit needs to be terminated.

What do you need to bring to the Office of the City Clerk to register?

- **Your partner**
- **Photo Identification** (Driver's license or other Class 1 ID)
- **\$50** payable by cash, credit or debit

What proof will we receive showing that we have registered?

You will receive one original registration certificate and two wallet cards.

What happens if my Domestic Partner and I break up/our Partnership ends?

Either partner to a registered domestic partnership may terminate the registered domestic partnership by filing a termination statement with the City Clerk's Office.

The person filing the termination statement shall swear or affirm under penalty of perjury that: a) The registered domestic partnership is to be terminated; and b) If the terminations statement is not signed by both registered domestic partners, a copy of the termination statement shall be served by certified or registered mail, on the other registered domestic partner, and proof of service shall be filed with the City Clerk's Office. The termination shall become effective on the date of filing of the termination statement signed by both registered domestic partners or if the termination is not signed by both parties, on the date proof of service is filed with the City Clerk's Office.

A registered domestic partnership will automatically terminate in the event that one of the domestic partners dies, marries, or enters into a civil union with someone other than his or her registered domestic partner.

Can I keep my registration information private?

In general, no. The City of Cape Coral is a Florida municipal corporation and its business documents are public records under Florida law. With the exception of specific exempted information provisions under Chapter 119.071(4), all information contained in the Registry Affidavit is considered public record.