

ARTICLE I. - DOMESTIC PARTNERSHIPS AND BENEFITS

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Sec. 25-1. - Legislative findings and purpose.

(a) The city recognizes that a significant number of city employees establish and maintain important personal, emotional, and economic relationships with persons to whom they are not married; that individuals forming such domestic partnerships live in a committed family relationship; and that city employees in domestic partner relationships should be granted employment benefits through a system for the city to provide benefits to domestic partners of city employees.

(b) The implementation of the provisions of this article shall be liberally construed to accomplish the policies and purposes of the article. However, no construction of this article shall supersede any federal, state, or city laws or regulations, nor be interpreted in a manner as to bring it into conflict with federal, state, or other city laws. Nothing in this article shall be construed as recognizing or treating a domestic partnership as a marriage or the substantial equivalent of a marriage.

(Ord. No. 13073, § 2, 6-11-09)

Sec. 25-2. - Definitions.

For the purpose of this article:

City employee means any employee of the City of Miami.

Domestic partners means:

- (1) Adults who have registered their domestic partnership pursuant to Miami-Dade City Code section 11A-72, or
- (2) Adults whose relationship has been formalized in another locality, state, or county through a marriage, civil union, domestic partnership, or the like, that is authorized by law in that jurisdiction but that is not recognized under state law.

(Ord. No. 13073, § 2, 6-11-09)

Sec. 25-3. - Extension of benefits to domestic partners of city employees.

(a) Any city employee who has a domestic partner shall be entitled to elect insurance coverage for his or her domestic partner or the children of such domestic partner in the same way any city employee may elect insurance coverage for his or her spouse or children. A city employee's right to elect insurance coverage for his or her domestic partner, or the partner's children, shall extend to all forms of insurance provided to the spouses and children of city employees, unless such coverage is prohibited

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by state or federal law or the terms of a collective bargaining agreement. All elections of coverage shall be made in accordance with the requirements of applicable city ordinances, administrative rules, city policies and applicable collective bargaining agreements. However, in no event may an employee make an election for coverage of a domestic partner more than two times in a plan year.

(b) Any city employee who has a domestic partner shall be entitled to use all forms of leave provided by the city including, but not limited to, sick leave, annual leave, funeral leave and family leave to care for his or her domestic partner or the children or parents of the domestic partner, as applicable. The use of leave authorized in this section shall be consistent with the applicable requirements in city ordinances, administrative rules, and collective bargaining agreements.

(c) Unless prohibited by state or federal law or the terms of a collective bargaining agreement, all other benefits available to the spouses and children of city employees shall be made available on the same basis to the domestic partner, or child of such domestic partner, of a city employee who has a domestic partner.

(d) Notwithstanding the benefits provided for in this article, all non-inconsistent provisions of applicable state, federal or other laws or policies shall apply.

(e) Any city employee who obtains or attempts to obtain benefits fraudulently or who fails to notify the city of any termination of the domestic partnership under this provision shall be subject to:

- (1) Recovery of any benefits improperly paid, and
- (2) Disciplinary action which may include termination.

Further, the city may bring a civil action against either or both of the parties to the domestic partnership to recover any losses, including attorneys fees, borne by the city as a result of fraudulent request for domestic partnership benefits or because of failure to notify of the termination of the domestic partnership.

(Ord. No. 13073, § 2, 6-11-09)

Chapter 19 - DOMESTIC PARTNERSHIPS

Sec. 19-1. - Definitions.

Sec. 19-2. - Registration of domestic partnerships.

Sec. 19-3. - Termination of registered domestic partnership relationship.

Sec. 19-4. - Maintenance of records; filing fees.

Sec. 19-5. - Extension of benefits to domestic partners of city employees.

Sec. 19-6. - Health care facility visitation rights.

Sec. 19-1. - Definitions.

For purposes of this chapter:

(a) *City employee* means any employee of the City of South Miami, Florida, including employees of the South Miami Community Redevelopment Agency and all other agencies and instrumentalities of the city.

(b) *Domestic partners* means only two (2) adults who are parties to a valid domestic partnership relationship and who meet the requisites for a valid domestic partnership relationship as established pursuant to section 19-2

(c) *Declaration of domestic partnership* means a sworn form under penalty of perjury, which certifies that two (2) domestic partners meet the requirements of a domestic partnership relationship as described in section 19-2

(d) *Jointly responsible* means each domestic partner mutually agrees to provide for the other partner's basic food and shelter living expenses while the domestic partnership relationship is in effect, except that partners need not contribute equally or jointly to said basic food and shelter.

(e) *Health care facility* means any hospital, convalescent facility, walk-in clinic, doctor's office, mental health care facility and any other short- or long-term health care facility located within the City of South Miami.

(Ord. No. 2026, § 1, 1-14-10)

Sec. 19-2. - Registration of domestic partnerships.

(a) A valid domestic partnership relationship may be registered by any two (2) persons by filing a declaration of domestic partnership with the Miami-Dade Consumer Services Department, which declaration shall comply with all requirements set forth in this chapter for establishing such domestic partnership. Upon payment of any required fee, the Miami-Dade Consumer Services Department shall file the declaration of domestic partnership and issue a certificate reflecting the registration of the domestic partnership relationship.

(b) A declaration of domestic partnership shall contain the name and address of each domestic partner, the signature of each partner, and each partner shall swear or affirm under penalty of perjury

that:

- (1) Each person is at least eighteen (18) years old and competent to contract;
- (2) Neither person is married, a partner to another domestic partnership relationship or a member of another civil union;
- (3) They are not related by blood;
- (4) 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.
- (5) Each person agrees to immediately notify the Miami-Dade Consumer Services Department, 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.

(c) Any partner to a domestic partnership may file an amendment to the domestic partnership certificate issued by the Miami-Dade Consumer Services Department to reflect a change in his or her legal name or address, or to add or delete children.

(Ord. No. 2026, § 1, 1-14-10)

Sec. 19-3. - Termination of registered domestic partnership relationship.

(a) Either partner to a registered domestic partnership relationship may terminate such relationship by filing a notarized declaration of termination of domestic partnership relationship with the Miami-Dade Consumer Services Department. Upon the payment of the required fee, the Miami-Dade Consumer Services Department shall file the declaration and issue a certificate of termination of domestic partnership relationship to each partner of the former relationship. The termination shall become effective thirty (30) days from the date the certificate of termination is issued.

(b) If any partner to a domestic partnership relationship enters into a legal marriage, the domestic partnership relationship shall terminate automatically, and all rights, benefits, and entitlements there under shall cease as of the effective date of the marriage. The marrying domestic partner shall file a declaration terminating the domestic partnership relationship within ten (10) days after entering into a legal marriage.

(c) The death of either domestic partner shall automatically terminate the domestic partner relationship.

(d) If either member of the domestic partnership ceases to be responsible for the other's basic food and shelter, the domestic partnership shall be considered terminated.

(Ord. No. 2026, § 1, 1-14-10)

Sec. 19-4. - Maintenance of records; filing fees.

(a) The Miami-Dade Consumer Services Department shall prescribe the form of all declarations, amendments, and certificates required to be filed under this chapter and shall maintain a record of all declarations, amendments, and certificates filed pursuant to this chapter.

(b) *Filing fees.* The department of consumer services shall establish fees for the filing of any declarations, amendments, and the issuance of any certificates required by this act, commensurate with any such fees charged for the provision of similar services it provides under Miami-Dade County's Domestic Partnership Ordinance.

(Ord. No. 2026, § 1, 1-14-10)

Sec. 19-5. - Extension of benefits to domestic partners of city employees.

(a) Any city employee who is a party to a registered domestic partnership relationship under this chapter shall be entitled to elect insurance coverage for his or her domestic partner or the children of such domestic partner on the same basis in which any city employee may elect insurance coverage for his or her spouse or children. A city employee's right to elect insurance coverage for his or her domestic partner, or the partner's children, shall extend to all forms of insurance provided by the city to the spouses and children of city employees, unless such coverage is prohibited by state or federal law, the terms of a collective bargaining agreement or by the insurer. All elections of coverage shall be made in accordance with the requirements of applicable city ordinances, rules, policies and applicable collective bargaining agreements.

(b) Any city employee who is a party to a registered domestic partnership relationship under this chapter shall be entitled to use all forms of leave provided by the city including, but not limited to, sick leave, annual leave, funeral leave and family leave to care for his or her domestic partner or the children or parents of the domestic partner as applicable. The use of leave authorized in this section shall be consistent with the applicable requirements in city ordinances, rules, policies, and collective bargaining agreements.

(c) Unless prohibited by state or federal law or the terms of a collective bargaining agreement or by an insurer, all other benefits available to the spouses and children of city employees shall be made available on the same basis to the domestic partner, or child of such domestic partner, of a city employee who is a party to a registered domestic partnership relationship pursuant to this chapter.

(d) Any city employee who obtains or attempts to obtain benefits under this provision fraudulently shall be subject to discipline, up to and including termination.

(e) The city manager and the Miami-Dade Consumer Services Department are hereby authorized to take all actions necessary to implement the provisions of this chapter.

(Ord. No. 2026, § 1, 1-14-10)

Sec. 19-6. - Health care facility visitation rights.

Whenever a domestic partner is a patient in a health care facility in the City of South Miami, the health care facility shall afford:

(a) The domestic partner of the patient the same right to visit the patient as the facility would provide to the spouse of a patient.

(b) The parent of the domestic partner of the patient the same right to visit the patient as the facility would provide to the parent of a spouse of a patient.

(c) The children of a domestic partner of the patient the same right to visit the patient as the facility would provide to the children of a spouse of a patient.

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(Ord. No. 2026, § 1, 1-14-10)