

PROPOSED

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO DOMESTIC PARTNERSHIPS; AMENDING SECTION 16½-158 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A REGISTERED DOMESTIC PARTNER MAY MAKE HEALTH CARE DECISIONS FOR HIS OR HER PARTNER; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Broward County Board of County Commissioners ("Board") enacted the Broward County Domestic Partnership Act of 1999 (the "Act"), whereby registered domestic partners are afforded certain rights similar to those afforded spouses;

WHEREAS, pursuant to Section 16½-158(c) of the Act, a registered domestic partner has the same rights as would a spouse with respect to the making of health care decisions for the patient or resident of a health care facility; and

WHEREAS, the Board wishes to clarify the Act to ensure it is consistent with Florida law while still providing registered domestic partners the opportunity to make health care decisions for their partners,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 16½-158 of the Broward County Code of Ordinances is hereby amended to read as follows:

1 **Sec. 16¹/₂-158. Visitation to licensed facilities.**

2 . . .

3 (c) A domestic partner of a patient or resident shall have the same rights as
4 would a spouse or other family member with respect to visitation, ~~and the making of.~~ A
5 domestic partner of a patient or resident shall be authorized to make health care decisions
6 for the patient or resident; to the extent that a the patient or resident has specifically
7 granted the domestic partner the authority to act as his or her health care proxy on the
8 declaration of domestic partnership and has not executed a subsequent valid power of
9 attorney for health care or a health care surrogate designation providing otherwise.

10 . . .

11 Section 2. Severability.

12 If any portion of this Ordinance is determined by any court to be invalid, the invalid
13 portion will be stricken, and such striking will not affect the validity of the remainder of this
14 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
15 legally applied to any individual, group, entity, property, or circumstance, such
16 determination will not affect the applicability of this Ordinance to any other individual,
17 group, entity, property, or circumstance.

18 Section 3. Inclusion in the Broward County Code of Ordinances.

19 It is the intention of the Board of County Commissioners that the provisions of this
20 Ordinance become part of the Broward County Code of Ordinances as of the effective
21 date. The sections of this Ordinance may be renumbered or relettered and the word
22 "ordinance" may be changed to "section," "article," or such other appropriate word or
23 phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Adam Katzman 04/15/2020
Adam Katzman (date)
Senior Assistant County Attorney

By /s/ René D. Harrod 04/15/2020
René D. Harrod (date)
Deputy County Attorney

AMK/jl
Health Surrogate Amendment
4/15/2020
#503815.v3

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.