



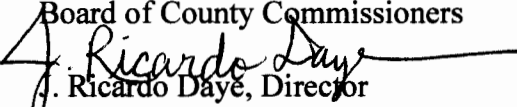
APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 20 2015 JKS

Memorandum

October 7, 2015

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: 
Ricardo Daye, Director
Human Resources Division

SUBJECT: **BCC Consent Agenda – October 20, 2015
Domestic Partner Benefits Program**

In April 2011, the Board approved the Domestic Partner Benefits Program to offer medical and other benefits to same-sex domestic partners. The intent of the program was to ensure parity for same sex couples who did not have the option to marry in the State of Florida. Benefits were effective January 1, 2012. The program was not available to opposite sex couples because they have always had the right to marry in the State of Florida.

The following state and national developments over the past three years have nullified the need for this program

- In 2013, the Internal Revenue Service (IRS) issued Revenue Ruling 2013-17 validating marriage of same-sex individuals entered into in a state whose laws authorize the marriage of two individuals of the same sex even if the state in which they are domiciled does not recognize the validity of same-sex marriages.
- August 21, 2014 – U.S. District Court for the Northern District of Florida found Florida's statutory and constitutional bans on same-sex marriage unconstitutional. The ruling was stayed until 91 days after action from the U.S. Supreme Court.
- October 6, 2014 – The U.S. Supreme Court denied *certiorari* in five federal marriage cases; the countdown to the stay expiration began.
- On January 5, 2015 – The Judicial stay expired. This made Florida the 36th state to allow legal marriages between same sex couples.
- On June 26, 2015 – U.S. Supreme Court ruled that the Constitution of the United States guarantees a right to same sex marriage. This ruling gives same sex couples equal access to spousal benefits via marriage.

Action Requested:

- **Approval of 1) the repeal of the Domestic Partner Benefit Program effective January 1, 2016; for employees enrolled in the program before January 1, 2016, allow a one year grace period through December 31, 2016, and 2) approval to revise Orange County Policy 308.1, Bereavement Leave, to remove the provision for eligible same-sex domestic partners effective December 31, 2016.**

cc: Ajit Lalchandani, County Administrator
Eric Gassman, Chief Accountability Officer
Patrick Peters, HR Administrator