

Florida's Same-Sex Marriage Ban Ruled Unconstitutional; Clerks Begin Issuing Licenses

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Ordering Florida court clerks to issue marriage licenses to same-sex couples, U.S. District Judge Robert L. Hinkle, in Tallahassee, has announced that his August 2014 decision finding Florida's 2008 same-sex marriage ban violated the U.S. Constitution applied to all marriage-license applicants, not only to the couples named in the lawsuit. In his August ruling, Judge Hinkle wrote, "The Florida provisions that prohibit the recognition of same-sex marriages lawfully entered elsewhere, like the federal provision, are unconstitutional. So is the Florida ban on entering same-sex marriages." *Brenner et al. v. Scott*, 999 F. Supp. 2d 1278 (N.D. Fla. 2014).

This ruling has far-reaching implications for employers in Florida in terms of employee benefits, permitted reasons for leave, and possible discrimination claims, among other things. Employers must ensure compliance by uniformly applying their policies and procedures to both same-gender and opposite-gender married couples.

Judge Hinkle had stayed his August ruling through January 5, 2015, to give the state time to appeal as far as the U.S. Supreme Court. Florida's appeal to the High Court was unsuccessful and court clerks across the state began issuing marriage licenses to same-sex couples on January 6.

Please contact your Jackson Lewis attorney if you have any questions about or require assistance with this or other workplace issues.

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