

Federal Court: Gay Marriages to Begin Across Florida

A federal judge in north Florida on Thursday ordered the start of gay marriages in all parts of the state after Jan. 5, when a stay expires on his earlier ruling that found the state's **same-sex marriage** ban unconstitutional.

In an emergency order, U.S. District Judge **Robert Hinkle** of Florida's Northern District in Tallahassee addressed confusion among court clerks about the reach of his Aug. 21 ruling, and whether it applied beyond Washington County and the two men named as plaintiffs in the case.

In a sharply worded four-page order, Hinkle said it's not his order that requires statewide issuance of licenses—it's the U.S. Constitution.

"The preliminary injunction now in effect thus does not require the clerk to issue licenses to other applicants," Hinkle wrote. "But as set out in the order that announced issuance of the preliminary injunction, the Constitution requires the clerk to issue such licenses."

The U.S. **Supreme Court** earlier this month declined to extend a stay on Hinkle's decision, allowing **Florida** to become the 36th state where **gay marriage** is legal.

Yet legal counsel to the clerks statewide interpreted the high court's order to apply only to Washington County.

Clerks who married gay couples elsewhere in Florida were warned they risked fines and even jail for violating the ban approved by voters in 2008.

Facing the prospect of thousands of couples seeking to tie the knot in the Washington County seat of Chipley, about 100 miles

east of Tallahassee, local officials went back to court.

In an emergency motion, they asked Hinkle whether they must wed all couples who show up, or just the two men named in the suit.

The legal maneuvering was criticized by advocates of gay marriage in Florida, who warned that clerks denying licenses after Jan. 5 faced legal action.

In his New Year's Day order, Hinkle pointedly noted that "history records no shortage of instances when state officials defied federal court orders," and bluntly warned that any counties still resisting will be on the hook for court costs and attorney fees for victorious plaintiffs.

"We look forward to Jan. 6, when couples who have waited for this day can finally be married," said Equality Florida, a Tampa-based gay advocacy group.

Last summer, Hinkle struck down a 2008 amendment to the Florida Constitution that defined marriage as the legal union of one man and one woman.

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(Editing by Barbara Goldberg and Sandra Maler)