

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**JAMES DOMER BRENNER, et al.,**

**Plaintiffs,**

**Case No. 4:14-cv-107-RH-CAS**

**v.**

**RICK SCOTT, et al.,**

**Defendants.**

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**SLOAN GRIMSLEY, et al.,**

**Plaintiffs,**

**Case No. 4:14-cv-138-RH-CAS**

**v.**

**RICK SCOTT, et al.,**

**Defendants.**

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**AMICI CURIAE EQUALITY FLORIDA INSTITUTE, INC.'S RESPONSE TO  
DEFENDANTS' MOTION FOR CLARIFICATION AND NOTICE OF RELATED CASE**

## INTRODUCTION

Amicus Curiae Equality Florida Institute, Inc. (EQFL) previously filed a memorandum in the instant lawsuit. (*See* Doc. 104). EQFL now seeks leave of court to respond to Defendants' recently filed "Motion for Clarification" and to notify this Court of a pending, related lawsuit.

On August 13, 2015, after months spent urging state officials and the Attorney General's office to issue birth certificates to married same-sex couples on equal terms with married opposite-sex couples, as required by the U.S. Supreme Court's decision in *Obergefell, et al. v. Hodges, et al.*, 135 S. Ct. 2584 (2015) and by this Court's ruling in this case, EQFL and several Plaintiff couples filed a lawsuit regarding this issue. That case, *Chin, et al., v. Armstrong, et al.*, was assigned to this Court with Case No. 4:15-cv-00399-RH-CAS. Defendants have now filed a Motion for Clarification before this Court as to whether *Obergefell, et al. v. Hodges, et al.*, 135 S. Ct. 2584 (2015) requires the State of Florida to issue birth certificates to married same-sex couples just as it does married, opposite-sex couples. (Doc. 113).

EQFL files this document to respond to Defendants' Motion for Clarification, which has a direct bearing on its related lawsuit, and to urge this Court either to confirm that state officials must immediately comply with its orders and the *Obergefell* decision by issuing birth certificates to married same-sex parents on equal terms and conditions as they issue such certificates to married opposite-sex parents or, in the alternative, to resolve this issue within the context of the pending *Chin, et al. v. Armstrong, et al.* litigation.

### **PLAINTIFFS' COUNSEL'S ATTEMPTS TO RESOLVE THIS ISSUE PRIOR TO FILING THE *CHIN* LAWSUIT**

EQFL's counsel in the *Chin* case repeatedly urged state officials, including Defendants in this lawsuit, to comply with the law by issuing birth certificates to married same-sex couples on the same terms that it does married opposite-sex couples. On January, 5, 2015, more than seven

months ago, Plaintiffs' counsel sent a letter to the Attorney General's office urging her to "immediately advise all state agencies in Florida that they are required under the orders issued by Judge Zabel on July 25, 2014 and January 5, 2015, and by Judge Hinkle on August 21, 2014 and January 1, 2015 in *Brenner v. Scott*...to recognize the marriages of same sex couples." That letter notified the Attorney General that due to "urgent circumstances facing same-sex couples in Florida expecting babies just days from now, we particularly request that your office instruct the Florida Bureau of Vital Statistics to inform health care facilities that, if a child is born to married same-sex parents, both parents are entitled to be listed on the child's birth certificate." A true and correct copy of that letter is included in Appendix A.

After receiving no confirmation that the Attorney General would so advise state officials, EQFL's counsel sent a second letter on February 12, 2015 notifying state officials that there were specific same-sex couples who either already gave birth or were about to have children and who therefore needed birth certificates for their children that listed both parents. The letter specifically requested that the Bureau of Vital Statistics immediately correct the incorrect birth certificate already issued and direct that a corrected birth certificate be issued for the couple that was imminently expecting a baby. A true and correct copy of that letter is included in Appendix A.

In March and April of 2015, EQFL's counsel also communicated directly with Ken Jones and other Bureau of Vital Statistics staff members in an effort to get that office to comply with the *Brenner* and *Pareto* rulings and to treat married same-sex couples the same as married opposite-sex couples for purposes of birth certificates issued to their children. True and correct copies of emails documenting those communications are included in Appendix A. Despite those communications, the Bureau of Vital Statistics continued their discriminatory birth certificate policy.

On July 15, 2015, after the Supreme Court issued the *Obergefell* decision, EQFL's counsel sent another letter to the Attorney General's office, John Armstrong, the Surgeon General and Secretary of Health, and Ken Jones, the State Registrar of the Bureau of Vital Statistics. That letter summarized the Supreme Court's holding in *Obergefell* and once again informed Florida officials that, "[b]y refusing to issue birth certificates to the children of married same-sex couples on equal terms with the children of married opposite-sex couples, State officials are violating both [the *Pareto* and *Brenner*] orders and the Supreme Court's decision in *Obergefell*." The letter gave the State officials until July 21, 2015 to confirm that they will issue birth certificates to married same-sex couples just as they do married opposite-sex couples or that the National Center for Lesbian Rights (NCLR) would proceed with litigation on those couple's behalves. A true and correct copy of that letter is included in Appendix A.

On July 21, 2015, a Senior Assistant Attorney General responded that his office received the July 15, 2015 letter but that NCLR should "continue to work with [the Florida Secretary of Health and the State Registrar] to address your concerns." A true and correct copy of that letter is included in Appendix A. Between July 21, 2015 and August 12, 2015, the Chief of Staff for the Florida Department of Health repeatedly requested additional time to attempt to resolve this issue short of litigation. After being unable to do so, however, and still with no assurances that State Officials would protect the families of married same-sex couples, EQFL and three same-sex married couples filed the *Chin* lawsuit.

***OBERGEFELL* REQUIRES THE DEPARTMENT OF HEALTH TO ISSUE BIRTH CERTIFICATES TO MARRIED SAME-SEX COUPLES LISTING BOTH SPOUSES AS PARENTS, JUST AS IT DOES FOR MARRIED OPPOSITE-SEX COUPLES**

The Department appears to concede that the Supreme Court's decision in *Obergefell* requires it to issue birth certificates to married same-sex couples on the same terms and conditions

as married opposite-sex couples. (Doc. 113 at 2 (quoting *Obergefell*, 135 S. Ct. at 2601).) In light of that concession, it is unclear why the Department claims to be confused about its obligations. To the extent the Department believes the use of gendered terminology in Section 382.013 permits unequal treatment of same-sex spouses, the Department's obligation under *Obergefell* is clear: the Department must comply with the requirements of the Constitution as authoritatively interpreted by the Supreme Court, notwithstanding any purported conflict with provisions of Florida law that presume that only opposite-sex couples can be legally married.

*Obergefell* makes clear that States must not only permit same-sex couples to marry, but must also extend every benefit connected to marriage to those couples on equal terms with opposite-sex couples. The Supreme Court ruled that state laws refusing to recognize marriages between same-sex spouses "are now held invalid to the extent they exclude same-sex couples from civil marriage *on the same terms and conditions as opposite-sex couples*." 135 S. Ct. at 2605. The Supreme Court thus made clear that its holding relates not only to the right to marry itself, but to each and every benefit that stems from that right: "Were the Court to stay its hand to allow slower, *case-by-case determination of the required availability of specific public benefits* to same-sex couples, it still would deny gays and lesbians many rights and responsibilities intertwined with marriage." *Id.* at 2606 (emphasis added).

In particular, the Supreme Court affirmed a district court decision that ordered state officials to provide married same-sex parents with birth certificates listing both same-sex parents, see *Henry v. Himes*, 14 F.Supp.3d 1036 (S.D. Ohio 2014), and also expressly identified birth certificates as examples of marital protections that must be provided equally to married same-sex couples. As the Court explained, legally protected "aspects of marital status include: taxation; inheritance and property rights; rules of intestate succession; spousal privilege in the law of

evidence; hospital access; medical decisionmaking authority; adoption rights; the rights and benefits of survivors; *birth and death certificates*; professional ethics rules; campaign finance restrictions; workers' compensation benefits; health insurance; and child custody, support, and visitation rules." *Id.* at 2601 (emphasis added).

Moreover, the Court's decision repeatedly stressed the constitutional imperative of ensuring that the children of same-sex parents have the same rights, protections, and security as the children of opposite-sex parents.<sup>1</sup> The Court held that by depriving those children of "the recognition, stability, and predictability marriage offers," "[t]he marriage laws at issue here . . . harm and humiliate the children of same-sex couples." *Id.* at 2600-01. As a result, "[s]ame-sex couples are consigned to an instability many opposite-sex couples would deem intolerable in their own lives." *Id.* at 2601.

Under Florida law, children born to married parents have a statutory right to the issuance of a birth certificate listing both parents regardless of the circumstances of their birth, so long as a court has not determined that someone other than the birth mother's spouse is the child's other legal parent. Fla. Stat. § 382.013. By applying that protection only to children born to opposite-sex married parents, the Department is denying married same-sex couples and their children a right

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<sup>1</sup> There is no dispute that the Plaintiff couples in *Chin, et al., v. Armstrong, et al* and similarly situated married same-sex parents are legal parents. Under Florida law, a birth mother's spouse is the presumed parent of a child born during the marriage. *See, e.g., Florida Dep't of Revenue v. Cummings*, 930 So. 2d 604, 607 (Fla. 2006). That presumption applies even if both spouses are not genetically related to the child. *See Dep't of Health & Rehabilitative Servs. v. Privette*, 617 So. 2d 305, 308 (Fla. 1993) (holding that the "presumption and its related policies are so weighty that they can defeat even the claim of a man proven beyond all doubt to be the biological father"). Additionally, Florida law establishes that both spouses are the legal parents of a child born to one of them using assisted reproductive technology. *See Fla. Stat. § 742.11* (providing that any child born within a marriage who has been conceived by the means of artificial or in vitro insemination with the written consent of both spouses is the child of the marriage).

“intertwined with marriage.” *Id.* at 2606. The use of gendered terms such as “husband” in Section 382.013 does not alter this conclusion. *Obergefell* holds that states may not, consistent with the Fourteenth Amendment, provide rights, obligations, conditions, or benefits of marriage that differ depending on the sex of the spouses. *See Obergefell*, 135 S. Ct. 2584. Just as *Obergefell* requires the issuance of marriage licenses to same-sex couples notwithstanding the use of gendered terms such as “husband” and “wife” or “man” and “woman” in state laws concerning marriage licenses, so also it requires Florida to provide married same-sex couples and their children with the same rights and protections provided to married opposite-sex couples and their children, notwithstanding the use of gendered language in Section 382.013. As *Obergefell* makes plain, any time the use of a gendered term in state law would result in the denial of equal marital benefits to same-sex couples, the gendered restriction has already been held to be unconstitutional, and continuing to apply it violates the Supreme Court’s ruling.

Were that not the case, *Obergefell*’s mandate of equality for married same-sex couples and their families would be hollow, as many state law protections related to marriage use gendered terms. For example, if Defendants’ argument that statutes using gendered terms such as “husband” and “wife” may not be applied to same-sex spouses, then married same-sex couples in Florida would be excluded from critical legal protections, including, among others: the spousal privilege, § 90.504 (“protecting communications which were intended to be made in confidence between the spouses while they were husband and wife”); many laws protecting the property rights of married couples, see, e.g. § 689.115 (referring to “any mortgage . . . made to two persons who are husband and wife”); laws protecting the property rights of divorced spouses, see, e.g., § 736.1105 (providing for the revocation upon divorce of a revocable trust “executed by a husband or wife as settlor prior to annulment of the marriage”); laws protecting spouses in tort actions, see, e.g., §

46.031 (referring to “any action brought by a husband and his wife”); protections for children born to married couples through assisted reproduction, § 742.11 (providing that such children are “irrebuttably presumed to be the child[ren] of the husband and wife”); the right to adopt jointly as a married couple, § 63.042(2)(a) (providing that “a husband and wife jointly” may adopt); and protections against marriage by fraud, duress or undue influence, § 732.805 (referring to voluntary cohabitation “as husband and wife”).

Excluding married same-sex couples from these protections would relegate them to a “second-tier” status—the very injury that the Supreme Court in both *United v. Windsor*, 133 S. Ct. 2675 (2014), and *Obergefell* held to be constitutionally impermissible. *See Windsor*, 133 S. Ct. at 2694 (holding that the federal Defense of Marriage Act impermissibly placed married same-sex couples “in an unstable position of being in a second-tier marriage”); *Obergefell*, 135 S. Ct. at 2604 (holding that same-sex couples may not be “denied all the benefits afforded to opposite-sex couples”). *Obergefell* requires that Florida and other states must apply their marriage laws equally to same-sex spouses, even where particular statutes use gendered terms.<sup>2</sup>

In light of *Obergefell*, Florida’s obligation to cease enforcing the provisions of its laws that treat opposite-sex and same-sex married couples differently is plain. Other states across the country are complying with this mandate and issuing birth certificates to children born to married same-sex parents that list both parents, just as they do for children born to married opposite-sex parents. Florida is constitutionally required to do the same. *See, e.g., Order, De Leon v. Abbott*, SA-13-CA-00982-OLG (Aug. 11, 2015) (ECF No. 113) (“[T]he Court ORDERS Defendants to

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<sup>2</sup> Moreover, in addition to the constitutional requirement that these statutes be applied gender neutrally, the Florida statutes themselves provide that “[i]n construing these statutes and each and every word, phrase, or part hereof, where the context will permit: . . . Gender-specific language includes the other gender and neuter.” Fla. Stat. Ann. § 1.01 (West).

submit an advisory to the Court, no later than Monday August 24, 2015: (1) notifying the Court they have created, issued, and implemented policy guidelines recognizing same-sex marriage in death and birth certificates issued in the State of Texas, and (2) assuring the Court that the Department of State Health Services has granted all pending applications for death and birth certificates involving same-sex couples, assuming the applications are otherwise complete and qualify for approval.”); *Roe v. Patton*, No. 2:15-cv-00253-DB, 2015 WL 4476734, at \*1 (D. Utah July 22, 2015) (granting preliminary injunction requiring issuance of birth certificates to same-sex spouses on same terms and conditions as opposite-sex spouses).

Moreover, there is no basis for the Department’s suggestion that it needs time to undergo a rulemaking process to implement the Supreme Court’s ruling. (Doc. 113 at 2.) The Department has been under an order from this Court to cease enforcement of Florida’s marriage ban since the stay was lifted in January, and the Supreme Court’s decision has been in effect for seven weeks. The Department must comply with those orders *now*, not at some undefined future point in time. As the Department concedes, it is already using gender-neutral birth certificate forms for children adopted by same-sex couples. It offers no reason why it cannot immediately begin using those same forms for children born to married same-sex couples.

### **CONCLUSION**

In light of the above, EQFL respectfully urges this Court to issue an order confirming that Defendants must provide Florida’s marital protections equally to same-sex spouses and directing Defendants, their agents, servants, employees, attorneys, and all persons in active concert and participation with Defendants, including specifically Ken Jones, the Registrar for the Office of Vital Statistics, to (1) immediately issue accurate birth certificates to married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions they do to married opposite-

sex couples, including the issuance of birth certificates listing both spouses as the parents of children born during the marriage, and (2) immediately issue corrected birth certificates listing both spouses as parents pursuant to Section 382.013(2)(a) to the Plaintiff couples in the *Chin* lawsuit and, upon request, to other married same-sex couples in which one of the spouses gave birth in Florida during their marriage and who were not provided with a birth certificate listing both parents as required by Section 382.013(2)(a), without charging such couples any fees that would otherwise apply to issuance of a corrected birth certificate.

In the alternative, if this Court is not inclined to issue such an order in this case, EQFL urges this Court to resolve this matter within the context of the *Chin* lawsuit. If necessary, Plaintiffs' counsel in *Chin* intend to file a motion for preliminary injunction within the next week seeking the relief requested here.

DATED: August 14, 2015

Respectfully submitted,

/s/ Mary B. Meeks  
Mary B. Meeks (Fla. Bar No. 769533)  
Mary Meeks, P.A.  
P.O. Box 536758  
Orlando, Florida 32853  
Telephone: (407) 362-7879  
Facsimile: (407) 574-7912  
Email: marybmeeks@aol.com

*Counsel for Amici Curiae Equality Florida  
Institute, Inc. and for the Plaintiffs in Chin, et al. v.  
Armstrong, et al.*

# APPENDIX A



NATIONAL CENTER FOR LESBIAN RIGHTS

NATIONAL OFFICE  
870 Market St Suite 370  
San Francisco CA 94102  
tel 415 392 6257  
fax 415 392 8442  
info@nclrights.org  
www.nclrights.org

January 5, 2015

**VIA FACSIMILE**

The Honorable Pam Bondi  
Attorney General of the State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
Fax: (850) 410-2672

**VIA EMAIL**

Adam S. Tanenbaum, Esq.  
Charles Fahlbusch, Esq.  
Office of the Attorney General  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
[Adam.Tanenbaum@myfloridalegal.com](mailto:Adam.Tanenbaum@myfloridalegal.com)  
[Charles.Fahlbusch@myfloridalegal.com](mailto:Charles.Fahlbusch@myfloridalegal.com)

**Re: Requirement that Marriages of Same-Sex Couples Be Recognized by All Florida Agencies**

Dear Attorney General Bondi and Messrs. Tanenbaum and Fahlbusch:

As counsel for the Plaintiffs in *Pareto v. Ruvin* (11th Jud. Cir. Case No. 14-1661 CA 24), we write to request that your office immediately advise all state agencies in Florida that they are required under the orders issued by Judge Zabel on July 25, 2014 and January 5, 2015, and by Judge Hinkle on August 21, 2015 and January 1, 2015 in *Brenner v. Scott* (N.D. Fla. Case No. 4:14-cv-138-RH-CAS), to recognize the marriages of same-sex couples.

The State of Florida, represented by your office, intervened as a defendant in trial court proceedings in *Pareto v. Ruvin* and is therefore bound by Judge Zabel's orders. Indeed, Judge Zabel's July 25, 2014 Order Granting Plaintiffs' Motion for Summary Judgment ("July 25, 2014 Order") states:

The State of Florida intervened in this case approximately one week prior to hearing on the instant motion for summary judgment. The State fully participated in the argument before this Court, presenting both a written response to the motion and an oral argument.

July 25, 2014 Order at 3. Furthermore, in *Brenner*, Judge Hinkle's August 21, 2015 order stated, on page 13, that, "[a]s the state defendants acknowledge, an order directed to the Secretary [of Public Health] . . . will be sufficient to provide complete relief."

Judge Zabel's July 25, 2014 Order declared that the prohibition on recognizing marriages of same-sex couples entered into in Florida that is contained in section 741.212, Florida Statutes, is



“**void and unenforceable.**” *Id.* at 34 (emphasis in original). In that same order, Judge Zabel also ruled that Article 1, section 27 of Florida’s Constitution is **void and unenforceable.**” *Id.* (emphasis in original).

As a result of Judge Zabel’s declarations and today’s order lifting the previously entered stay, all agencies of the State of Florida are immediately required to recognize the marriages of same-sex couples entered into in Florida. In addition, because of Judge Hinkle’s preliminary injunction in *Brenner*, Florida officials must recognize the out-of-state marriages of same-sex couples beginning January 6, 2015.

We urge your office immediately to advise all state agencies of these requirements. We also urge you to issue a public statement making clear that, as of today, the State of Florida will recognize for all purposes the marriages of same-sex couples. Because of urgent circumstances facing same-sex couples in Florida who are expecting babies just days from now, we particularly request that your office instruct the Florida Bureau of Vital Statistics to inform health care facilities that, if a child is born to married same-sex parents, both parents are entitled to be listed on the child’s birth certificate.

This is a matter of extreme urgency and constitutional imperative, and we urge your office to act expeditiously on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon Minter", is positioned below the word "Sincerely,".

Shannon Minter, Legal Director  
National Center for Lesbian Rights

cc: Allen Windsor, Solicitor General (via email only to [Allen.Windsor@myfloridalegal.com](mailto:Allen.Windsor@myfloridalegal.com))  
Nadine Smith, Executive Director, Equality Florida (via email only)



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February 12, 2015

**VIA FACSIMILE**

The Honorable Pam Bondi  
Attorney General of the State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
Fax: (850) 410-2672

**VIA EMAIL**

Adam S. Tanenbaum, Esq.  
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[Charles.Fahlbusch@myfloridalegal.com](mailto:Charles.Fahlbusch@myfloridalegal.com)

**Re: Requirement that Marriages of Same-Sex Couples Be Recognized by All Florida Agencies, Including the Bureau of Vital Statistics in the Creation and Correction of Birth Certificates of the Children of Same-Sex Couples**

Dear Attorney General Bondi, and Messrs. Tanenbaum and Fahlbusch:

On January 5, 2015, we sent you a letter urging the Attorney General's office to advise all state agencies in Florida that they are required to recognize the marriages of same-sex couples. A copy of that letter is enclosed for your convenience.

As we referenced in that letter, two same-sex couples who were about to have children were struggling to obtain confirmations from their hospital, Bayfront Hospital in St. Petersburg, or the Bureau of Vital Statistics that both parents'/spouses' names would appear on their children's birth certificates, as would occur automatically for married opposite-sex couples. That situation has been causing terrible stress and anxiety for the couples, who want nothing more than to ensure that legal documents accurately reflect their families and protect their children.

Since we sent that letter, one couple gave birth on January 26, 2015 at Bayfront Hospital. The hospital staff did not put both women on the birth certificate, informing the couple that the hospital could only do so pursuant to instructions by the Bureau of Vital Statistics or the Attorney General. The other couple is due to give birth tomorrow, February 13, 2015, also at Bayfront Hospital. They have repeatedly contacted both the Attorney General's office and the Bureau of Vital Statistics in an attempt to have both spouses listed on their child's birth certificate. In an e-mail dated February 9, Gerry Hammond, Senior Assistant Attorney General, responded to the women at the request of Attorney General Bondi. In that email, Mr. Hammond asserted that the Attorney General "has no



authority to direct the State Registrar or the Bureau of Vital Statistics to accomplish this task in a particular way.”

In fact, the Secretary of the Department of Health, State Surgeon General Dr. John H. Armstrong, is a named defendant in *Brenner v. Scott*, and is therefore bound by Judge Hinkle’s orders. As counsel for Dr. Armstrong, the Attorney General also has a duty to instruct Dr. Armstrong and his agency to comply with existing court orders.

Accordingly, we request that the Bureau of Vital Statistics immediately correct the birth certificate issued for the January 26 birth and waive any applicable fees that would otherwise apply to such a correction. That certificate should list both women as parents and should recognize their marital status. We also request that you immediately direct staff at Bayfront Hospital to do the same for the couple whose baby is due at any moment.

Please let us know by 5:00 EST on Friday, February 13, 2015, whether you will comply with these requests. Again, this situation is causing terrible stress and anxiety for these couples and their families.

Sincerely,

A handwritten signature in blue ink, which appears to read "Shannon Minter", is positioned below the word "Sincerely,".

Shannon Minter, Legal Director  
National Center for Lesbian Rights

cc: Allen Winsor, Solicitor General (via email only to [Allen.Winsor@myfloridalegal.com](mailto:Allen.Winsor@myfloridalegal.com))  
Nadine Smith, Executive Director, Equality Florida (via email only)

Encl. (1/5/15 Letter)

## Amy Whelan

---

**From:** Amy Whelan  
**Sent:** Tuesday, April 7, 2015 10:53 AM  
**To:** ken.jones@flhealth.gov  
**Cc:** Shannon Minter; Cathy Sakimura  
**Subject:** RE: From the Florida Attorney General's Office

Mr. Jones,

Please let us know when we can set up a call to discuss these important issues related to birth certificates for same-sex couples having children in Florida (see my original email below). If you are not able to do this, please also let us know who we should contact.

Sincerely,

**Amy Whelan** | Senior Staff Attorney

**National Center for Lesbian Rights** | [www.nclrights.org](http://www.nclrights.org)  
870 Market Street, Suite 370, San Francisco, CA 94102  
415.365.1338 t / 415.392.8442 f  
[awhelan@nclrights.org](mailto:awhelan@nclrights.org)

*The audacity to fight for justice. The perseverance to win.*

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**From:** Amy Whelan  
**Sent:** Tuesday, March 24, 2015 1:48 PM  
**To:** ken.jones@flhealth.gov  
**Cc:** Shannon Minter; Cathy Sakimura  
**Subject:** FW: From the Florida Attorney General's Office

Mr. Jones,

Are you available for a telephone call to discuss the issuance of birth certificates to children of married same-sex couples? We have been contacted by several couples who recently had or will be having children. We would love to discuss this issue with you in order to understand how birth certificates will be issued to these families. Please let us know times when you are available and we will then circulate a call-in number. We look forward to hearing from you.

Sincerely,

**Amy Whelan** | Senior Staff Attorney

**National Center for Lesbian Rights** | [www.nclrights.org](http://www.nclrights.org)  
870 Market Street, Suite 370, San Francisco, CA 94102  
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*The audacity to fight for justice. The perseverance to win.*

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**From:** Becky Kring [<mailto:Becky.Kring@myfloridalegal.com>]  
**Sent:** Monday, March 23, 2015 7:47 AM  
**To:** Amy Whelan  
**Subject:** RE: From the Florida Attorney General's Office

Please feel free to contact them directly. Thank you.

Becky Kring, Deputy Director  
Office of Citizen Services  
Florida Attorney General's Office  
PL01 The Capitol  
Tallahassee, Florida 32399-1050  
Toll-free in FL: (866) 966-7226  
Outside Florida: (850) 414-3990  
Website: <http://myfloridalegal.com>

*\*Florida has a broad public records law. All correspondence to and from me may be subject to disclosure .\**

▼ Amy Whelan ---03/19/2015 07:11:58 PM---Ms. Kring, Thank you for your response. We would very much like to set up a meeting or phone call t

From: Amy Whelan <[AWhelan@nclrights.org](mailto:AWhelan@nclrights.org)>  
To: Becky Kring <[Becky.Kring@myfloridalegal.com](mailto:Becky.Kring@myfloridalegal.com)>  
Cc: "[john.armstrong@flhealth.gov](mailto:john.armstrong@flhealth.gov)" <[john.armstrong@flhealth.gov](mailto:john.armstrong@flhealth.gov)>, "[ken.jones@flhealth.gov](mailto:ken.jones@flhealth.gov)" <[ken.jones@flhealth.gov](mailto:ken.jones@flhealth.gov)>, Shannon Minter <[SMinter@nclrights.org](mailto:SMinter@nclrights.org)>, Cathy Sakimura <[CSakimura@nclrights.org](mailto:CSakimura@nclrights.org)>  
Date: 03/19/2015 07:11 PM  
Subject: RE: From the Florida Attorney General's Office

---

Ms. Kring,

Thank you for your response. We would very much like to set up a meeting or phone call to discuss these issues directly with Mr. Jones and/or Dr. Armstrong, but we want to make sure we have the Attorney General's consent to do so. Please let us know if your office consents to us moving forward with setting up such a call. I look forward to hearing from you soon.

Sincerely,

**Amy Whelan** | Senior Staff Attorney

**National Center for Lesbian Rights** | [www.nclrights.org](http://www.nclrights.org)  
870 Market Street, Suite 370, San Francisco, CA 94102  
415.365.1338 t / 415.392.8442 f  
[awhelan@nclrights.org](mailto:awhelan@nclrights.org)

*The audacity to fight for justice. The perseverance to win.*

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**From:** Becky Kring [<mailto:Becky.Kring@myfloridalegal.com>]  
**Sent:** Friday, February 13, 2015 2:39 PM  
**To:** Amy Whelan  
**Cc:** [john.armstrong@flhealth.gov](mailto:john.armstrong@flhealth.gov);  
**Subject:** From the Florida Attorney General's Office

To: Amy Whelan  
Senior Staff Attorney  
National Center for Lesbian Rights

Dear Ms. Whelan,

Thank you for again contacting the Office of the Attorney General.

We have forwarded your letter to the Florida Department of Health for that agency's direct consideration. Additionally, we have attached the previous response our office sent to Kari Chin.

Sincerely,

Becky Kring, Deputy Director  
Office of Citizen Services  
Florida Attorney General's Office  
PL01 The Capitol  
Tallahassee, Florida 32399-1050  
Toll-free in FL: (866) 966-7226  
Outside Florida: (850) 414-3990  
Website: <http://myfloridalegal.com>

cc: Florida Department of Health  
4052 Bald Cypress Way, Bin C75  
Tallahassee, Florida 32399-3275

---

**From:** "Amy Whelan" <[AWhelan@nclrights.org](mailto:AWhelan@nclrights.org)>  
**Date:** February 12, 2015 at 5:58:16 PM EST  
**To:** "[Adam.Tanenbaum@myfloridalegal.com](mailto:Adam.Tanenbaum@myfloridalegal.com)" <[Adam.Tanenbaum@myfloridalegal.com](mailto:Adam.Tanenbaum@myfloridalegal.com)>, "[Charles.Fahlbusch@myfloridalegal.com](mailto:Charles.Fahlbusch@myfloridalegal.com)" <[Charles.Fahlbusch@myfloridalegal.com](mailto:Charles.Fahlbusch@myfloridalegal.com)>, "[allen.winsor@myfloridalegal.com](mailto:allen.winsor@myfloridalegal.com)" <[allen.winsor@myfloridalegal.com](mailto:allen.winsor@myfloridalegal.com)>  
**Cc:** "Shannon Minter" <[SMinter@nclrights.org](mailto:SMinter@nclrights.org)>, "Nadine Smith" <[nadine@eqfl.org](mailto:nadine@eqfl.org)>, "David Codell" <[DCodell@nclrights.org](mailto:DCodell@nclrights.org)>, "Chris Stoll" <[CStoll@nclrights.org](mailto:CStoll@nclrights.org)>  
**Subject:** Birth Certificates for Children of Same-Sex Couples in Florida

Dear Mr. Tanenbaum, Mr. Fahlbusch, and Mr. Winsor,

Please find attached a letter from NCLR's Legal Director, Shannon Minter, regarding Florida birth

certificates. We are also faxing this letter to Attorney General Bondi, but we would appreciate if you would bring it to her attention as well. As noted in the letter, given the urgency of these issues and the stress the situation is causing the two families involved, we request a response by 5:00 PST tomorrow, February 13, 2015.

Sincerely,

Amy Whelan | Senior Staff Attorney

National Center for Lesbian Rights | [www.nclrights.org](http://www.nclrights.org)  
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The audacity to fight for justice. The perseverance to win.

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*(See attached file: Minter-Bondi re Birth Certificates, 2-12-15.pdf)*

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From: [attorney.general@myfloridalegal.com](mailto:attorney.general@myfloridalegal.com)  
To: [REDACTED]  
Subject: From Attorney General Pam Bondi  
Date: 02/09/2015 06:07:11 PM

Thank you for contacting the Florida Attorney General's Office regarding birth certificates for children of Florida married same-sex couples. Attorney General Bondi has asked me to respond to your email.

The Florida Statutes make provision for the information to be included on birth registration certificates. I attach a copy of section 382.013, Florida Statutes, below. The statute also recognizes the authority of the Office of Vital Statistics to "[approve all forms used in registering, recording, certifying, and preserving vital records, or in otherwise carrying out the purposes of this chapter[.]" See, s. 382.003(7), Fla. Stat. This office has no authority to direct the State Registrar or the Office of Vital Statistics to accomplish this task in a particular way. It appears from your correspondence that you have been in touch with the Office of Vital Statistics and that that office is currently working to facilitate these changes in the law. Please continue to work with the Office of Vital Statistics to find a way to satisfactorily address your concerns.

Gerry Hammond  
Senior Assistant Attorney General

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The 2014 Florida Statutes

Title XXIX  
PUBLIC HEALTH

Chapter 382  
VITAL STATISTICS

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in accordance with this chapter and adopted rules. The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.

(1) FILING.—

- (a) If a birth occurs in a hospital, birth center, or other health care facility, or en route thereto, the person in charge of the facility shall be responsible for preparing the certificate, certifying the facts of the birth, and filing the certificate with the local registrar. Within 48 hours after the birth, the physician, midwife, or person in attendance during or immediately after the delivery shall provide the facility with the medical information required by the birth certificate.
- (b) If a birth occurs outside a facility and a physician licensed in this state, a certified nurse midwife, a midwife licensed in this state, or a public health nurse employed by the department was in attendance during or immediately after the delivery, that person shall prepare and file the certificate.
- (c) If a birth occurs outside a facility and the delivery is not attended by one of the persons described in paragraph (b), the person in attendance, the mother, or the father shall report the birth to the registrar and provide proof of the facts of birth. The department may require such documents to be presented and such proof to be filed as it deems necessary and sufficient to establish the truth of the facts to be recorded by the certificate and may withhold registering the birth until its requirements are met.
- (d) If a birth occurs in a moving conveyance and the child is first removed from the conveyance in this state, the birth shall be filed and registered in this state and the place to which the child is first removed shall be considered the place of birth.
- (e) The mother or the father of the child shall attest to the accuracy of the personal data entered on the certificate in time to permit the timely registration of the certificate.
- (f) If a certificate of live birth is incomplete, the local registrar shall immediately notify the health care facility or person filing the certificate and shall require the completion of the missing items of information if they can be obtained prior to issuing certified copies of the birth certificate.
- (g) Regardless of any plan to place a child for adoption after birth, the information on the birth certificate as required by this section must be as to the child's birth parents unless and until an application for a new birth record is made under s. 63.152.
- (h) The State Registrar may receive electronically a birth certificate for each live birth which is required to be filed with the registrar under this chapter through facsimile or other electronic transfer for the purpose of filing the birth certificate. The receipt of a birth certificate by electronic transfer constitutes delivery to the State Registrar as required by law.
- (2) PATERNITY.—
- (a) If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.
- (b) Notwithstanding paragraph (a), if the husband of the mother dies while the mother is pregnant but before the birth of the child, the name of the deceased husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.
- (c) If the mother is not married at the time of the birth, the name of the father may not be entered on the birth certificate without the execution of an affidavit signed by both the mother and the person to be named as the father. The facility shall give notice orally or through the use of video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from signing an acknowledgment of paternity, as well as information provided by the Title IV-D agency established pursuant to s. 409.2557, regarding the benefits of voluntary establishment of paternity. Upon request of the mother and the person to be named as the father, the facility shall assist in the execution of the affidavit, a notarized voluntary acknowledgment of paternity, or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2).
- (d) If the paternity of the child is determined by a court of competent jurisdiction as provided under s. 382.015 or there is a final judgment of dissolution of marriage which requires the former husband to pay child support for the child, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the court. If the court fails to specify a surname for the child, the surname shall be entered in accordance with subsection (3).
- (e) If the paternity of the child is determined pursuant to s. 409.256, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the Department of Revenue.

(f) If the mother and father marry each other at any time after the child's birth, upon receipt of a marriage license that identifies any such child, the department shall amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth.

(g) If the father is not named on the certificate, no other information about the father shall be entered on the certificate.

(3) NAME OF CHILD.—

(a) If the mother is married at the time of birth, the mother and father whose names are entered on the birth certificate shall select the given names and surname of the child if both parents have custody of the child, otherwise the parent who has custody shall select the child's name.

(b) If the mother and father whose names are entered on the birth certificate disagree on the surname of the child and both parents have custody of the child, the surname selected by the father and the surname selected by the mother shall both be entered on the birth certificate, separated by a hyphen, with the selected names entered in alphabetical order. If the parents disagree on the selection of a given name, the given name may not be entered on the certificate until a joint agreement that lists the agreed upon given name and is notarized by both parents is submitted to the department, or until a given name is selected by a court.

(c) If the mother is not married at the time of birth, the parent who will have custody of the child shall select the child's given name and surname.

(d) If multiple names of the child exceed the space provided on the face of the birth certificate they shall be listed on the back of the certificate. Names listed on the back of the certificate shall be part of the official record.

(4) UNDETERMINED PARENTAGE.—The person having custody of a child of undetermined parentage shall register a birth certificate showing all known or approximate facts relating to the birth. To assist in later determination, information concerning the place and circumstances under which the child was found shall be included on the portion of the birth certificate relating to marital status and medical details. In the event the child is later identified, a new birth certificate shall be prepared which shall bear the same number as the original birth certificate, and the original certificate shall be sealed and filed, shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be opened to inspection by, nor shall certified copies of the same be issued except by court order to, any person other than the registrant if of legal age.

(5) DISCLOSURE.—The original certificate of live birth shall contain all the information required by the department for legal, social, and health research purposes. However, all information concerning parentage, marital status, and medical details shall be confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department, nor shall copies of the same be issued except as provided in s. 382.025.

History.—s. 13, ch. 6892, 1915; RGS 2083; CGL 3283; s. 1, ch. 77-319; s. 150, ch. 79-400; s. 11, ch. 87-387; s. 3, ch. 94-318; s. 1036, ch. 95-148; s. 43, ch. 97-170; s. 96, ch. 97-237; ss. 19, 46, ch. 98-397; s. 17, ch. 99-397; s. 10, ch. 2001-53; s. 8, ch. 2004-334; s. 15, ch. 2005-39; s. 5, ch. 2006-118; s. 3, ch. 2010-187.

Note.—Former s. 382.16.

## Amy Whelan

---

**From:** Amy Whelan  
**Sent:** Wednesday, April 22, 2015 4:54 PM  
**To:** amanda.bush@flhealth.gov  
**Cc:** Shannon Minter; Cathy Sakimura  
**Subject:** Letters from NCLR  
**Attachments:** Minter-Bondi re Birth Certificates, 2-12-15.pdf; 2015.01.05. SPM to Bondi re Recognition of Marriages.pdf; RE: From the Florida Attorney General's Office

Amanda,

Thanks again for talking today. Attached are copies of the two letters we previously sent to the Attorney General and others about compliance with the marriage orders, including regarding the birth certificate issue. I'm also attaching my email correspondence with Ken Jones. Please let me know who else I may be able to speak with in your office.

Take care,

**Amy Whelan** | Senior Staff Attorney

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*The audacity to fight for justice. The perseverance to win.*

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July 15, 2015

**VIA FACSIMILE**

The Honorable Pam Bondi  
Attorney General of the State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
Fax: (850) 410-2672

**VIA U.S. MAIL AND EMAIL**

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Jacksonville, FL 32202  
[Ken.jones@flhealth.gov](mailto:Ken.jones@flhealth.gov)

**Re: Requirement that Marriages of Same-Sex Couples Be Recognized by All Florida Agencies**

Dear Attorney General Bondi, Dr. Armstrong, and Messrs. Tanenbaum, Fahlbusch and Jones:

We are counsel for the Plaintiffs in *Pareto v. Ruvin* (11th Jud. Cir. Case No. 14-1661 CA 24). On January 5 and February 12, 2015, we sent letters to the Attorney General and various state officials and counsel urging all state agencies in Florida to comply with existing state and federal court decisions prohibiting enforcement of Florida's unconstitutional laws barring same-sex couples from marriage and refusing to recognize their valid marriages. Both of those letters specifically mentioned the Bureau of Vital Statistics' failure to comply with those decisions by refusing to treat married same-sex couples who have a child equally to opposite-sex couples who have a child with respect to the issuance of birth certificates that list both spouses as the child's parents.

On June 26, 2015, the U.S. Supreme Court confirmed the holdings in those decisions and held that state marriage bans violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment. *Obergefell v. Hodges*, No. 14-556, 2015 WL 2473451 (U.S. June 26, 2015). The Bureau's continuing refusal to treat the children of married same-sex parents equally to the children



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of married opposite-sex parents directly violates that decision and is inflicting serious, continuing, and blatantly unconstitutional harms on same-sex married couples and their families across this state.

Given the urgency of this situation, we request a response to this letter no later than **5:00 EST on July 21, 2015**. If we do not receive confirmation that the state will issue birth certificates to married same-sex parents just as they do to married opposite-sex parents, and that the state will immediately correct the birth certificates that have already been issued, we will proceed with litigation. We remain hopeful that the state will resolve this issue without the need for costly litigation on behalf of the couples who are being harmed by the continuation of this unconstitutional policy.

The Bureau's refusal to comply with the law is inflicting serious harms on same-sex couples and their children. Having an accurate birth certificate is essential to obtaining vitally important benefits and protections for children. Parents use birth certificates, for instance, to obtain medical insurance for their children, to register them for school, to obtain passports, and to prove that they have legal authority to make key decisions for their children, including regarding their schooling, medical issues, and even who can visit them in daycare or other settings. Indeed, by denying accurate birth certificates to same-sex married couples, Florida is placing the children of these couples in potentially life-threatening situations whereby essential medical decisions may not be made if the biological parent is unavailable. In addition, these families are suffering the profound dignitary harm of not being recognized as a parent when their children are born, and being singled out and treated differently than other married parents. There is simply no justification for putting families and their children at risk in this way.

As we detailed in our previous letters, the prior orders issued by Judge Zabel in *Pareto* and Judge Hinkle in *Brenner v. Scott* voided the discriminatory provisions of Florida's marriage laws. Indeed, Judge Hinkle's August 21, 2014 Order mandated that "the defendant Florida Surgeon General must take no steps to enforce or apply these Florida provisions on same-sex marriage: Florida Constitution, Article I, § 27; Florida Statutes § 741.212; and Florida Statutes § 741.04(1)."

By refusing to issue birth certificates to the children of married same-sex couples on equal terms with the children of married opposite-sex couples, State officials are violating both these orders and the Supreme Court's decision in *Obergefell*.

When we and others have contacted staff at the Bureau of Vital Statistics, it has been suggested that the Bureau has concerns about the use of the gendered terms "father" and "husband" in the Florida Vital Statistics Act. *See* Fla. Stat. § 382.013(2)(a) ("[i]f the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.").

The U.S. Supreme Court's June 26, 2015 decision in *Obergefell v. Hodges* makes clear, however, that States must not only permit same-sex couples to marry, but must also extend every benefit connected to marriage to those couples on equal terms with opposite-sex couples. In *Obergefell*, the Supreme Court reviewed state marriage prohibitions and concluded that "the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived



of that right and that liberty.” No. 14-556, 2015 WL 2473451, at \*19 (U.S. June 26, 2015). The Supreme Court ruled that state laws refusing to recognize marriages between same-sex spouses “are now held invalid to the extent they exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples.” *Id.*

The Supreme Court thus made clear that its holding relates not only to the right to marry itself, but to each and every benefit that stems from that right: “Were the Court to stay its hand to allow slower, *case-by-case determination of the required availability of specific public benefits* to same-sex couples, it still would deny gays and lesbians many rights and responsibilities intertwined with marriage.” *Id.* at \*21 (emphasis added).

In particular, the Supreme Court expressly identified birth certificates as examples of marital protections that must be provided equally to married same-sex couples. As the Court explained, legally protected “aspects of marital status include: taxation; inheritance and property rights; rules of intestate succession; spousal privilege in the law of evidence; hospital access; medical decisionmaking authority; adoption rights; the rights and benefits of survivors; *birth and death certificates*; professional ethics rules; campaign finance restrictions; workers’ compensation benefits; health insurance; and child custody, support, and visitation rules.” *Id.* at \*15 (emphasis added).

Moreover, the Court’s decision repeatedly stressed the constitutional imperative of ensuring that the children of same-sex parents have the same rights, protections, and security as the children of opposite-sex parents. The Court held that by depriving those children of “the recognition, stability, and predictability marriage offers,” “[t]he marriage laws at issue here . . . harm and humiliate the children of same-sex couples.” *Id.* As a result, “[s]ame-sex couples are consigned to an instability many opposite-sex couples would deem intolerable in their own lives.” *Id.*

By refusing to provide birth certificates to married same-sex couples just as it does married opposite-sex couples, the Bureau is directly violating the binding state and federal court orders in *Pareto* and *Brenner* and inflicting the very harms that the U.S. Supreme Court held to be unconstitutional in *Obergefell*. Under Florida law, children born to married parents have a statutory right to the issuance of a birth certificate listing both parents. By applying that protection only to children born to opposite-sex married parents, the Bureau is denying married same-sex couples and their children a right “intertwined with marriage.” *Id.* at \*21. As *Obergefell* makes clear, “the imposition of this disability on gays and lesbians serves to disrespect and subordinate them. And the Equal Protection Clause, like the Due Process Clause, prohibits this unjustified infringement of the fundamental right to marry.” *Id.* at \*19. It would be a hollow right indeed if a same-sex couple could marry in name only, with States refusing to accord same-sex married couples the same benefits and responsibilities accorded their married, opposite-sex counterparts.

In short, *Obergefell* held that it is unconstitutional for a State to have terms, conditions, rights, or benefits of marriage that differ depending on the sex of the two spouses.<sup>1</sup> Any time the use of a

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<sup>1</sup> Florida law also mandates that the State interpret statutes in gender-neutral terms. Fla. Stat. Ann. § 1.01 (“In construing these statutes and each and every word, phrase, or part hereof, where the context will permit: . . . Gender-specific language includes the other gender and neuter.”). This requirement is also consistent with the Department of Health’s obligation under state law to “[u]niformly enforce



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gendered term would result in the denial of a marital benefit, the gendered restriction has already been held to be unconstitutional and continuing to apply it directly violates the court's ruling.<sup>2</sup>

Across the country, courts have uniformly held that States must interpret statutes that confer marital rights and responsibilities in gender-neutral terms to avoid violating the constitutional rights of same-sex couples and their children. *See e.g., Gartner v. Iowa Department of Public Health*, 830 N.W.2d 335 (Iowa 2013) (holding that Iowa's law governing birth certificates must be applied equally to same-sex couples by placing the names of both mothers on the birth certificate, even though the statute used the word "husband"); *Della Corte v. Ramirez*, 961 N.E.2d 601 (Mass. Ct. App. 2012) (holding that the former same-sex spouse of child's mother was a legal parent of the child pursuant to statute regarding children born to married women as a result of artificial insemination despite the statute's use of the term "husband"); *Miller-Jenkins v. Miller-Jenkins*, 912 A.2d 951, 970 (Vt. 2006) (extending the state's marital presumption to the female civil union partner of a birth mother despite the use of the words "husband and wife" in the statute).

Especially in light of the Supreme Court's ruling in *Obergefell*, Florida's obligation to cease enforcing the provisions of its laws that treat opposite-sex and same-sex couples differently is equally plain. Other states across the country are complying with this mandate and issuing birth certificates to children born to married same-sex parents that list both parents, just as they do for children born to married opposite-sex parents. Florida is constitutionally required to do the same.

If we do not receive confirmation by **5:00 EST on July 21, 2015** that the Bureau of Vital Statistics will issue birth certificates to married same-sex couples just as it does to married opposite-sex couples, we will proceed with litigation. For birth certificates that have already been issued incorrectly, please also confirm that the Bureau will waive any applicable fees that would otherwise apply to a correction. I can be reached by telephone at (415) 624-6071 or [sminter@nclrights.org](mailto:sminter@nclrights.org). You can also contact my colleague, Cathy Sakimura, at (415) 365-1329 or [csakimura@nclrights.org](mailto:csakimura@nclrights.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon Minter", is written over a light blue horizontal line.

Shannon Minter, Legal Director  
National Center for Lesbian Rights

cc: Allen Winsor, Solicitor General (via email only to [Allen.Winsor@myfloridalegal.com](mailto:Allen.Winsor@myfloridalegal.com))  
Daniel Hernandez, Esq. (via email only to [daniel.hernandez@flhealth.gov](mailto:daniel.hernandez@flhealth.gov))  
Nadine Smith, Executive Director, Equality Florida (via email only)

---

the law throughout the state." Fla. Stat. § 382.003(3). Such uniform enforcement is impossible if married same-sex couples are denied the same rights related to the birth certificates of their children as married opposite-sex couples.



**FAX**

**DATE** July 15, 2015

**TO** The Honorable Pam Bondi

**FAX #** (850) 410-2672

**FROM** Shannon Minter, Esq.

**FAX #** (415) 392-8442

**PHONE #** (415) 392-6257

**PAGES** (including cover sheet) 5

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**FAX**

**DATE** July 15, 2015

**TO** The Honorable Pam Bondi

**FAX #** (850) 410-2672

**FROM** Shannon Minter, Esq.

**FAX #** (415) 392-8442

**PHONE #** (415) 392-6257

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