

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Case Nos. 14-14061-AA, 14-14066-AA

JAMES DOMER BRENNER, et al.,

SLOAN GRIMSLEY, et al.,

Plaintiffs-Appellees,

Plaintiffs-Appellees,

v.

v.

JOHN ARMSTRONG, et al.,

JOHN ARMSTRONG, et al.,

Defendants-Appellants.

Defendants-Appellants.

Appeals from the United States District Court for the Northern District of Florida

**SUPPLEMENTAL APPENDIX
OF
GRIMSLEY PLAINTIFFS-APPELLEES**

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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.,

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SLOAN GRIMSLEY, et al.,

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Case No. 4:14-cv-00138-RH-CAS

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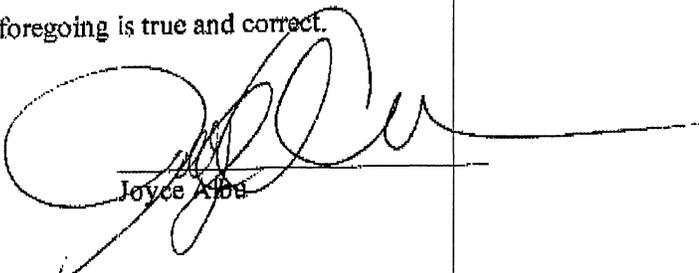
DECLARATION OF JOYCE ALBU

I, Joyce Albu, state as follows:

1. My wife, Sloan Grimsley, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Sloan's declaration. That declaration is accurate, and I agree with Sloan's statements in her declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.


Joyce Albu

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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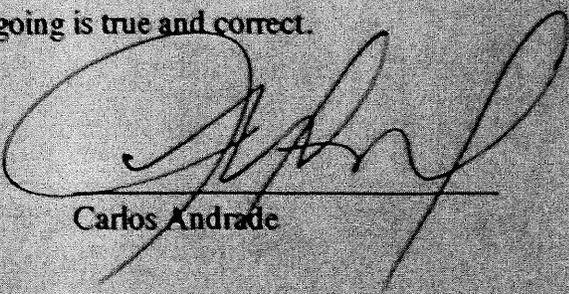
DECLARATION OF CARLOS ANDRADE

I, Carlos Andrade, state as follows:

1. My husband, Christian Ulvert, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Christian's declaration. That declaration is accurate, and I agree with Christian's statements in his declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Carlos Andrade

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

Plaintiffs,

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v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF BOB COLLIER

I, Bob Collier, state as follows:

1. My husband, Chuck Hunziker, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Chuck and I live in Fort Lauderdale, Florida. We met during the Eisenhower Administration, and we have lived together in a committed relationship for over 50 years. We were finally married in New York in July 2013.
3. I am 79 years old. Chuck is 81 years old.

4. I served as a Captain in the U.S. Army in the medical corps in the 82nd Airborne Division and Special Forces during the Vietnam War. Chuck is a disabled veteran; he served as an enlisted man in the Navy during the Korean War and spent 18 months in Naval and VA hospitals.
5. Chuck and I worked in New York for most of our professional lives. Chuck worked for Mobil Corporation, and I worked for MetLife, Inc.
6. Having retired in Florida, we are now involved in local charities, including Tuesday's Angels (which provides emergency assistance to individuals living with HIV/AIDS).
7. Before we legally married, we registered as domestic partners in Broward County, but that provides only a fraction of the protections that marriage recognition would bring.
8. We are getting older and it is upsetting to know that when one of us dies, the other will not be recognized as the surviving spouse on the death certificate and that our marriage will be effectively erased because Florida doesn't recognize our marriage.
9. Florida's non-recognition of our marriage tells our community and our family that our marriage does not mean as much as a heterosexual couple's marriage. It says that our marriage is worth less than "real" marriage, and that's hurtful.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.



Bob Collier

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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v.

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Defendants.

DECLARATION OF JUAN DEL HIERRO

I, Juan del Hierro, state as follows:

1. My husband, Thomas Gantt, Jr., and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. We have been together for 6 years and currently live in North Miami Beach, Florida with our son L.dH. We recently bought a house together so that we can build a home and a family. Tom and I are looking forward to growing old together and to raising L.dH. in a loving, happy home.

3. Tom and I were married in Washington, D.C., in December 2010. Before that, we held a symbolic ceremony before friends and family in Miami in July 2010.
4. I am the Director of Ministry Empowerment for Unity on the Bay, a spiritual community in Miami.
5. Tom teaches science at a virtual school, having taught for more than a decade in both public and private schools. He is vested with the Florida Retirement System, and I am his beneficiary. Although I am his designated beneficiary, I am not—and because Florida does not recognize our marriage, could not be—a “joint annuitant,” and thus I have fewer rights under the plan. Tom would like the option of me being able to receive his pension benefit as a “joint annuitant” if he dies before me, but he does not have that option. A spouse is a “joint annuitant,” but Florida does not recognize my marriage.
6. Our son L.dH., whom we adopted, is sixteen and a half months old.
7. We hope that our marriage will be recognized before our son is old enough to understand that his family is not considered worthy of the same respect as families headed by married heterosexual couples.
8. Because our marriage is not recognized, we are afraid that, should the need arise, I will not be able to make emergency healthcare decisions for Tom, and vice versa. And it denigrates our relationship to know that neither of us could be listed as the surviving spouse on the other’s death certificate.
9. Apart from the lack of specific protections, Florida’s refusal to recognize my marriage stigmatizes my relationship with Tom and with my family generally. We

are grateful for what we have, but it is frustrating to be reminded so often of

Florida's lack of recognition of our marriage.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.



Juan del Hierro

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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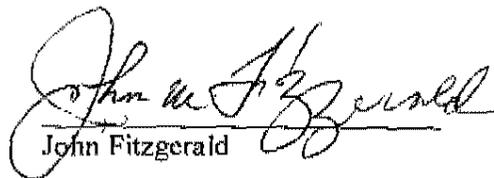
DECLARATION OF JOHN FITZGERALD

I, John Fitzgerald, state as follows:

1. My husband, Robert Loupo, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Robert's declaration. That declaration is accurate, and I agree with Robert's statements in his declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


John Fitzgerald

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
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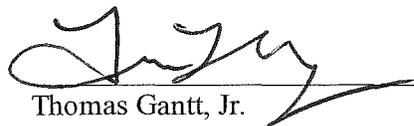
DECLARATION OF THOMAS GANTT, JR.

I, Thomas Gantt, Jr., state as follows:

1. My husband, Juan del Hierro, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Juan's declaration. That declaration is accurate, and I agree with Juan's statements in his declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.


Thomas Gantt, Jr.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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DECLARATION OF ARLENE GOLDBERG

I, Arlene Goldberg, state as follows:

1. I am a Plaintiff in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I was in a committed relationship with my wife, Carol Goldwasser, for 47 years. We were born in the same hospital in the Bronx and were high school sweethearts. We shared not just a home but a life together. Carol was very sick for the two years before her death, and I cared for her until her death on March 13,

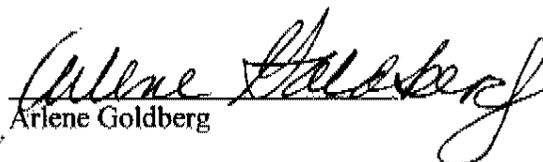
2014. I continue to live in the home we shared together in Fort Myers, Florida, with Carol's parents, who have lived with us for approximately 9 years.

3. Carol and I were married in New York in October 2011.
4. Carol was the toll facilities director for Lee County, Florida for 17 years.
5. I am retired from my previous position as a facilities manager for a call center and currently work part time at Target.
6. My primary income is my Social Security payment.
7. Carol had been receiving a higher Social Security payment. Because Florida does not recognize my marriage to Carol, I cannot receive her higher monthly payment, which was \$700 larger than mine. I am now more financially vulnerable and am concerned that I will not be able to properly care for myself or Carol's parents, who are now 89 and 92 and have been depending on Carol and me for some of their financial support.
8. Just after my wife passed away, it was very painful to be told by the funeral parlor director that I could not authorize Carol's cremation. It was hurtful that Carol and I were together for 47 years but that I couldn't authorize her cremation; instead, her parents had to sign the authorization. I thought about how if one of them had died, the surviving spouse would not have been treated like this.
9. It was also upsetting to see Carol's death certificate, which does not recognize me as her wife. For marital status, the death certificate states, "NEVER-MARRIED." For spouse, it says "NONE." I would like to amend the death certificate so that it accurately reflects that Carol was married to me, but I cannot because Florida

does not recognize my marriage. It is important to me to change her death certificate because I want the world to remember that she was my wife.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.


Arlene Goldberg

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF SLOAN GRIMSLEY

I, Sloan Grimsley, state as follows:

1. My wife, Joyce Albu, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Joyce and I have lived together in a committed relationship for 9 years and currently live in Palm Beach Gardens, Florida. We have built a life together—we have a home, share our finances, and are raising a wonderful family. Joyce and I hope to grow old together.

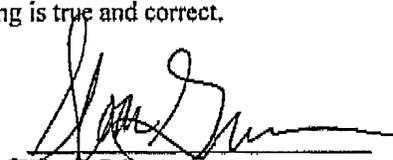
3. Joyce and I were married in New York in August 2011.
4. Joyce and I have two young daughters, ages 3 and 5, whom we adopted. Joyce also has two grown sons.
5. I am a firefighter and paramedic for the City of Palm Beach Gardens.
6. Joyce is a consultant for children living with autism, Asperger's Syndrome, ADHD, and other neurodevelopmental disorders. Joyce and I also own a farm where families in which some members are living with neurodevelopmental disorders can engage in a variety of therapeutic activities.
7. Joyce and I are concerned that if something were to ever happen to me in the line of duty, Joyce would not receive the same support provided by the State to surviving spouses of first responders who might be killed in the line of duty.
8. Because our marriage is not recognized in Florida, we have struggled to make sure that our family is protected. We once received a loan as a single-income family because our marriage is not recognized. We have had questions that even professionals such as a CPA did not know how to answer. We have updated our wills several times to make sure that we are protected. Although Joyce and I have paid an attorney for various legal documents, we will never feel completely secure until our marriage is recognized. At a critical time, who knows whether we will have the relevant documents with us, or whether they will be respected. And when one of us passes away, we would like the security of knowing that the other will be recognized as a surviving spouse on the death certificate.
9. Apart from the lack of specific protections, Florida's refusal to recognize my marriage stigmatizes and denigrates my relationship with Joyce and my family

generally. It is frustrating that when people ask whether we are married, we can never simply say "yes." Instead, we have to explain that we are married but that our marriage is not legally recognized in Florida.

10. This problem is not limited to interactions with others but has affected our own children. Once, about a year after getting married, Joyce and I were discussing holding another wedding ceremony when Florida law finally changes. One of our children overheard this and asked why we would do that. When we explained that Florida did not recognize our marriage, our child said, "So your marriage actually really means nothing?" This was very upsetting; it was and is hurtful that the State has made our children feel this way. We had to explain that our marriage means everything, that we are united as a couple and as a family. I don't ever want to have that conversation with our babies; we hope our marriage is recognized before our younger children are old enough to understand and feel this insecurity about our family.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.



Sloan Grimsley

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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SLOAN GRIMSLEY, et al.,

Plaintiffs,

Case No. 4:14-cv-00138-RH-CAS

v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF ERIC HANKIN

I, Eric Hankin, state as follows:

1. My husband, Richard Milstein, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Richard's declaration. That declaration is accurate, and I agree with Richard's statements in his declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Eric Hankin

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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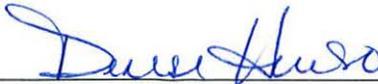
DECLARATION OF DENISE HUESO

I, Denise Hueso, state as follows:

1. My wife, Sandra Newson, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Sandra's declaration. That declaration is accurate, and I agree with Sandra's statements in her declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 25, 2014.


Denise Hueso

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

Plaintiffs,

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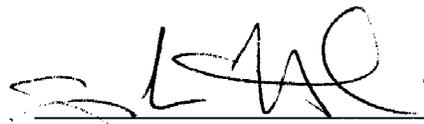
DECLARATION OF SARAH HUMLIE

I, Sarah Humlie, state as follows:

1. My wife, Lindsay Myers, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Lindsay's declaration. That declaration is accurate, and I agree with Lindsay's statements in her declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Sarah Humlie

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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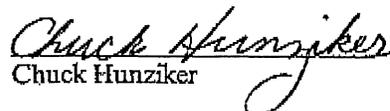
DECLARATION OF CHUCK HUNZIKER

I, Chuck Hunziker, state as follows:

1. My husband, Bob Collier, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. I have reviewed Bob's declaration. That declaration is accurate, and I agree with Bob's statements in his declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Chuck Hunziker

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
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JAMES DOMER BRENNER, et al.,

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DECLARATION OF TONY LIMA

I, Tony Lima, state as follows:

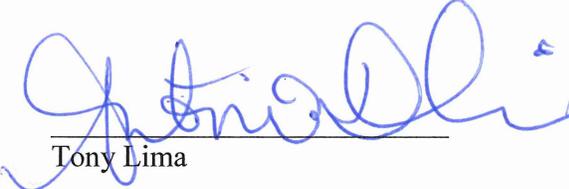
1. I am the Executive Director of SAVE Foundation, Inc., a plaintiff in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. SAVE Foundation is one of the leading organizations in Florida dedicated to promoting, protecting, and defending equality for people who are lesbian, gay, bisexual, and transgender. Established in 1993, SAVE Foundation accomplishes this mission through education initiatives, outreach, grassroots organizing, and

advocacy. Starting with the landmark passage of Miami's Human Rights Ordinance in 1998 to recent enactments of domestic partner benefit policies, SAVE Foundation continues to fight for LGBT equality through grassroots action.

3. SAVE Foundation has many members who are same-sex couples who have entered into lawful marriages outside of Florida.
4. Because SAVE Foundation's members who are in same-sex marriages are denied recognition of their marriages in Florida, they are denied the many protections afforded to married couples under state law and some federal protections afforded to spouses. I hear from my members all the time about the harms that Florida's lack of recognition brings to them, whether it affects their pensions, their access to healthcare, or any number of other rights they should receive as married couples. I also hear about how they feel stigmatized by the law's treatment of their relationships and families as second-class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 24, 2014.



Tony Lima

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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Plaintiffs,

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v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF ROBERT LOUPO

I, Robert Loupo, state as follows:

1. My husband, John Fitzgerald, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. John and I have been together for 12 years and currently live in Miami, Florida with our rescued dog Carolina. We have built a life together and were married in New York in November 2013.

3. I have been a school counselor for Miami-Dade County Public Schools for approximately fourteen years and served before that for fourteen years as a high school English teacher.
4. John is retired and worked previously in customer service for Delta Airlines and in the Administrative Office of the Courts for Miami-Dade County in the Traffic Division.
5. Apart from all the legal protections we don't automatically get because our marriage is not recognized, what really hurts us is the stigma that Florida attaches to our relationship by prohibiting our marriage from being recognized. I am in the process of retiring, and it was upsetting not to have the option of giving John a continuing benefit following my death as a "joint annuitant." If Florida recognized our marriage, I would have that option, but Florida says our marriage is meaningless. I have served the public school system for decades and have worked just as long and hard as my colleagues in different-sex marriages, and it's painful to think that John isn't my "real" husband in the State's eyes. When Florida says John is not my husband, it's a slap in the face.
6. In addition to having all of the other legal protections that come with marriage, it is important to me that when one of us dies that our marriage be recognized on the death certificate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Robert Loupo

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES DOMER BRENNER, et al.,

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RICK SCOTT, et al.,

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SLOAN GRIMSLEY, et al.,

Plaintiffs,

Case No. 4:14-cv-00138-RH-CAS

v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF RICHARD MILSTEIN

I, Richard Milstein, state as follows:

1. My husband, Eric Hankin, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Eric and I have been in a committed relationship together for 12 years and currently live in Miami Beach, Florida. We share a home, and having both lived in Miami-Dade County for decades, we look forward to growing old together here.

3. Eric and I were married in Iowa in March 2010.
4. I am an attorney who specializes in trusts, estates, and family services, with a particular focus on vulnerable adults and children.
5. I have been an active leader in the Florida and Dade County Bars and in the Miami-Dade community for decades, volunteering numerous hours to a variety of civic causes.
6. Eric is an architect who currently teaches architecture and design in a nationally recognized magnet public school in Miami.
7. As an attorney, I know the importance of having the necessary legal documents to care for one's family. But even though we have done everything we can to mimic some of the protections of marriage (creating last wills and testaments, powers of attorney, living wills, HIPPA authorizations, authorizations for final rites, health care surrogate designations, and pre-need guardian designations), these documents only provide a fraction of what marriage provides. Moreover, because we cannot carry these documents with us wherever we go, we can never be certain that in case of an emergency, our wishes to have one another take charge of medical decision-making if necessary will be recognized. Further, even with all the documents we have, I know that because Florida does not recognize my marriage with Eric, there are numerous protections afforded to spouses under state law and some federal spousal protections that only apply if a couple lives in a state that recognizes their marriage. For example, neither of us could be listed on the other's death certificate as a surviving spouse. The thought of having our marriage erased on a death certificate pains us.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.

A handwritten signature in black ink, consisting of a stylized 'R' followed by a series of loops and a horizontal line.

Richard Milstein

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
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Plaintiffs,

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DECLARATION OF LINDSAY MYERS

I, Lindsay Myers, state as follows:

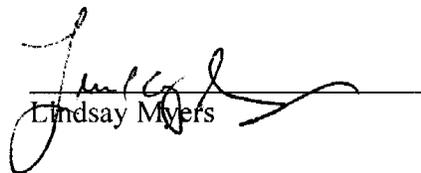
1. My wife, Sarah Humlie, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Sarah and I were married in Washington, D.C., in December 2012. We have been together for 3 ½ years and currently live in Pensacola.

3. I have a master's degree in theology and currently work for the University of West Florida as a digital content producer for WUWF, a university-licensed NPR affiliate.
4. Sarah is the Executive Director of the Pensacola Humane Society. Sarah does not receive health insurance through her employer.
5. After I vest in the Florida Retirement System later this year, I would like the option of having Sarah be able to receive my pension benefit as a "joint annuitant" after I die, but I will not have the option of making that designation: a spouse is a "joint annuitant," but Florida does not recognize my marriage.
6. Because state law prohibits public employers from providing insurance for same-sex spouses of employees, I cannot get coverage for Sarah on my health insurance plan. As a result, we must pay hundreds of dollars per month for private health insurance for Sarah.
7. One of our fears is the potential that we would not be able to make medical decisions for one another in the event of incapacity. We have heard stories about relationships not being recognized in healthcare settings.
8. We also realize that even though we are registered domestic partners, when one of us passes away, the other will not be recognized as a surviving spouse on the death certificate. It pains us to know that there is no legal document that we can sign that will give us that right—our marriage simply isn't good enough in the eyes of Florida.
9. Apart from our concerns about the lack of specific legal rights that result from Florida's refusal to recognize our marriage, Florida's refusal to recognize our

marriage stigmatizes and denigrates my relationship with my wife. Pensacola recently decided to finally provide a domestic partnership registry. Although we are excited to register so that we have at least some recognition of our relationship, it hurts to know that we will only be acknowledged by this separate and lesser status; our marriage doesn't count. We plan to have a child one day, and we want our future child to grow up knowing that his or her family is respected the same as other families. Only full recognition of our marriage by Florida can provide this.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April __, 2014.


Lindsay Myers

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.

SLOAN GRIMSLEY, et al.,

Plaintiffs,

Case No. 4:14-cv-00138-RH-CAS

v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF SANDRA NEWSON

I, Sandra Newson, state as follows:

1. My wife, Denise Hueso, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Denise and I have been together for 17 years. We currently live in Miami, Florida.
3. Denise and I were married in Massachusetts in August 2009.
4. Denise is the lead clinical care coordinator for the Alliance for GLBTQ Youth, which offers support services for LGBT youth.

5. I am the Vice President of Residence Services at Carrfour Supportive Housing, an organization that confronts homelessness by developing affordable housing and providing supportive services as a pathway to self-sufficiency.
6. Denise and I have a 15-year-old son whom we have cared for since he was 10 years old, first as foster parents and then adoptive parents.
7. We lived in Massachusetts for four years, where we adopted our son and got married. When we lived in Massachusetts, we were recognized as the married couple that we are. We took comfort in knowing that, had it been necessary, either one of us could have made critical healthcare decisions on the other's behalf, and that we did not need to pay an attorney for a will or power of attorney in order to be protected.
8. In 2011, we moved to Florida to be closer to family to help care for our son, who is disabled.
9. When we returned to Florida, it was as if we were divorced against our wishes because our marriage is not recognized for any purpose under Florida law. It makes us feel like second-class citizens, and it has impacted us in numerous ways. For example, upon moving back to Florida, our car insurance provider, Geico, told us that we were now ineligible for the marriage discount because Florida does not recognize our marriage. While we weren't happy about the effect on our checkbook, it was much more upsetting to have our marriage disregarded in this way.
10. In addition, since returning to Florida, we have encountered several problems when taking our son—who requires numerous medical appointments—to Miami

Children's Hospital. In registering him, we were required to demonstrate several times to several individuals that we both were the legal parents of our son. And when we registered ourselves, we had to debate with the registration clerk whether we could list each other as a spouse.

11. On one occasion, Denise was alone and took our son, who had fallen and was bleeding near his eye, to the emergency room. In filling out the registration information, Denise put both our names down as his parents. The nurse refused to register our son, who was bleeding, until Denise provided documentation that we were both his parents. After much discussion, she finally agreed to register him only on the condition that when we returned for him to get his stitches out, we would provide her with his birth certificate. If Florida recognized the marriages of same-sex couples, I don't think we would face such difficulty being recognized as a family.
12. Perhaps most hurtful is how Florida's lack of recognition of our marriage affects our son. Our son has asked questions about why our marriage is illegal in Florida and hopes that that will end soon so that we can be accepted just like other families.
13. Because our marriage is not recognized, we are denied the security of knowing that, should the need arise, I will be able to make critical healthcare decisions on Denise's behalf, that I will be able to dispose of her remains and make decisions about the estate, and that I will be recognized on her death certificate as her surviving spouse (or vice versa). Recognition of our marriage would alleviate this insecurity.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 25, 2014.



Sandra Newson

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.

SLOAN GRIMSLEY, et al.,

Plaintiffs,

Case No. 4:14-cv-00138-RH-CAS

v.

RICK SCOTT, et al.,

Defendants.

DECLARATION OF CHRISTIAN ULVERT

I, Christian Ulvert, state as follows:

1. My husband, Carlos Andrade, and I are Plaintiffs in this case. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration, which I make based upon my personal knowledge.
2. Carlos and I have been together in a committed relationship for four years and currently live in Miami, Florida. We share finances and are in the process of purchasing a home. We are building a life together, and we would like to build a family by adopting a child.

3. Carlos and I were married in Washington, D.C., in July 2013.
4. I worked previously in the state legislature and now work as a political consultant.
5. Carlos is the new media director of EDGE Communications and also owns an online jewelry store.
6. I am vested in the Florida Retirement System. I would like Carlos to receive my pension benefit as a “joint annuitant” after I die, but I cannot currently make that designation: a spouse is a “joint annuitant,” but Florida does not recognize my marriage.
7. Florida’s failure to recognize our marriage also affects us in other ways. For the purposes of securing insurance, we were told by State Farm that Carlos would be listed as my roommate because we are not married in the eyes of Florida. Carlos is my husband, not my roommate, and it is hurtful to be seen in this way because of the marriage recognition ban.
8. Carlos and I plan on hiring an attorney to obtain wills and healthcare proxies, but even with a healthcare proxy, we fear this will not fully protect us, for example if we do not have the document with us during a medical emergency. If our marriage were recognized, this would not be a concern because we would automatically be entitled to make medical decisions for one another.
9. Carlos and I are aware that because our marriage is not recognized, when one of us passes away, the other will not be able to be listed on the death certificate as a surviving spouse, and the certificate will say we were never married. We don’t want that to happen to us.

10. We are deeply involved in our community, and we want to be able to build a life together without having the State bring harm to our marriage. Florida's law empowers those who want to treat us differently with tools that they can use against us, and we want to make sure that our family is protected.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 23, 2014.


Christian Ulvert

B

STORAGE NAME: h0147s1z.g0

Case: 14-19066

Date Filed: 12/19/2014

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****AS PASSED BY THE LEGISLATURE****

DATE: June 5, 1997

CHAPTER #: 97-267, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL OPERATIONS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 147

RELATING TO: Same Sex Marriages

SPONSOR(S): Committee on Governmental Operations and Representatives Byrd & others

STATUTE(S) AFFECTED: Creates Unnumbered Section

COMPANION BILL(S): SB 272(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (2)
- (3)
- (4)
- (5)

C O P Y

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I. SUMMARY:

In 1996 the United States Congress passed the "Defense of Marriage Act." This Act provides that no state is required to give effect to a relationship between persons of the same sex that is treated as a marriage under the laws of another state.

A recent court case in Hawaii, *Baehr v. Lewin*, has raised the possibility that same-sex marriages will become legally recognized in that state. This has placed other states in the position of having to decide whether to recognize same-sex marriages from other states, or whether to exercise the option afforded by the Defense of Marriage Act and not recognize such marriages. Constitutional issues of privacy, equal protection, and due process surround the debate concerning this issue.

CS/HB 147 provides that this state, its agencies, and its political subdivisions may not give effect to any public act, record, or judicial proceeding of any jurisdiction within, or outside the state of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location respecting either a same-sex marriage or a same-sex relationship treated as a marriage. Furthermore, this bill defines "marriage" to mean only a legal union between one man and one woman as husband and wife, and this bill provides that the term "spouse" applies only to a member of such a union.

The fiscal impact of this bill is indeterminate (See Section III, Fiscal Analysis & Economic Impact Statement, of this bill analysis).

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Florida Constitution and Statutes

The Florida Constitution provides a basic set of rights for all Florida citizens, but it does not directly address the issue of same-sex marriage. For example, Art. I, Sec. 2, Florida Constitution, provides that “[a]ll natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, ...” and that “[n]o person shall be deprived of any right because of race, religion or physical handicap.” Article I, Section 9, Florida Constitution, provides that “[n]o person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself.” Finally, Article I, Section 23, provides a privacy right in that “[e]very natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein....”

Current Florida statutes describe and limit legal marriage to a union of one man and one woman, but do not specifically proscribe or endorse same-sex marriages entered into in other states or jurisdictions. Section 741.04, F.S., provides that a county court judge or clerk of the circuit court shall not issue a marriage license to otherwise qualified parties unless one of the parties is a female, and the other party is a male. In fact, the House Judiciary Committee Report on The Defense of Marriage Act, Page 3, July 9, 1996 (hereinafter “Judiciary Committee Report”), says that “[w]hile the laws of various states may differ in some particulars -- for example, with regard to minimum age requirements or the degree of consanguinity, and the like -- the uniform and unbroken rule has been that only opposite-sex couples can marry. No state now or at any time in American history has permitted same-sex couples to enter into the institution of marriage.”

Although s. 741.04, F.S., does not mention sexual orientation, the statute appears to implicitly restrict homosexual couples from marrying. Other statutes restrict activities of homosexual persons. For example, s. 63.042(3), F.S., provides that no person eligible to adopt may adopt if that person is a homosexual. The constitutionality of this statute was challenged in *Cox v. State of Florida, Dept. of Health and Rehabilitative Services*, 656 So.2d 902 (Fla. 1995). The Florida Supreme Court upheld a district court finding that s. 63.042(3), F.S., was constitutionally sound (although the court remanded the case to complete the factual record with regard to an equal protection issue).

Developments in Hawaii concerning same-sex marriages

In 1990, two female homosexual couples and one male homosexual couple filed applications for marriage in Hawaii. The state denied their applications and the couples filed suit in state court challenging the denial as a violation of the Hawaii Constitution (see *Baehr v. Lewin*, later styled as *Baehr v. Miike*, 852 P.2d 44 (Haw. 1993)). After receiving an unfavorable judgement in the case, the couples appealed to the Hawaii Supreme Court.

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DATE: June 5, 1997 Case: 14-14066 Date Filed: 12/19/2014 Page: 43 of 58

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In May, 1993, the Hawaii Supreme Court issued an opinion that the state's refusal to issue the marriage license violated the Equal Protection clause of the Hawaii Constitution which prohibits discrimination based on sex (the court interpreted the term "sex" as being synonymous with sexual orientation). The Hawaii Supreme Court remanded the case to the trial court for an evidentiary hearing, at which the state must prove that it has a compelling interest for restricting marital status, and the benefits and protections attendant to that status, to unions consisting of one man and one woman.

Certain publications reported that large numbers of homosexual couples are preparing to travel to Hawaii to marry, and homosexual rights organizations are preparing to assist in the endeavor. These couples plan to return to their home states, where their marriages would be recognized as legal unions, assuming that courts render favorable interpretations of the Full Faith and Credit Clause of the U.S. Constitution (Lambda Briefing, Apr 19, 1996, page 2,3, and Judiciary Committee Report, page 7, note 20).

The U.S. Constitutional Full Faith And Credit Clause and the Defense of Marriage Act

The Full Faith and Credit Clause of the United States Constitution provides that "[f]ull Faith and Credit shall be given in each State to the public acts, records and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof" (Article IV, Sec. 1, U.S. Constitution).

In 1996, Congress passed the Defense of Marriage Act, which was signed into law by President Clinton (HR 3396 and SB 1999, amends Chapter 115 of title 28, U.S.C. adding section 1738C). It provides that "[n]o State, Territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship." The act also provides that "[i]n determining the meaning of any Act of Congress, or of any ruling, regulations, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or wife." Congress passed the Defense of Marriage Act in order to assist states in maintaining the institution of traditional marriage and to prevent an interstate legal "morass" which would result from conflicting state laws regarding the recognition of same-sex marriages (see Judiciary Committee Report, pp. 12-18).

Congress, during its Defense of Marriage Act deliberations, asserted that States currently possess the ability to recognize same-sex marriage licenses issued in other States, but Congress also noted the evident disquiet in the various States as a result of the Hawaii situation. At a time of conflicting, and sometimes surprising judicial findings relative to related constitutional issues, and with leading homosexual rights organizations stating their intentions to press state-by-state litigation to nationalize same-sex marriage, many states have attempted, through legislation, to outline their own public policy regarding traditional, heterosexual marriages (see Lambda Memorandum, "Lambda will argue that there can be no 'public policy' exception to the claim that other States must give effect to the Hawaiian 'marriage licenses'"; see also Judiciary Committee Report, p. 9).

Under current Florida law, a same-sex marriage legally celebrated in another state may be legally enforceable in Florida. The general rule in Florida is that a marriage that is valid where contracted or celebrated is valid everywhere, unless such a marriage is contrary to the statutes or public policy of the forum (see *Whittington v. McCaskill*, 61 So. 236 (1913)). Although s. 741.04, F.S., clearly provides that only a man and woman may enter into marriage in Florida, this statute by itself does not appear to indicate that same-sex marriages legally contracted or celebrated in another state will be automatically void in Florida. A statute will not be construed to invalidate a marriage from another state unless the legislative intent to such an effect is clear and unequivocal (see *State ex rel. Foster v. Anders*, 184 So. 515, *reh den.*, 185 So. 321 (1938)). Section 741.04, F.S., does not explicitly address the validity or invalidity of a same-sex marriage which was legally entered into in another state, thus the statute does not appear to make an out-of-state same-sex marriage invalid in Florida.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 147 establishes a clear policy of non-recognition of same-sex marriages in Florida.

This bill provides that same-sex marriages or same-sex relationships treated as marriages in any jurisdiction, regardless of their location, are not recognized in Florida. This bill also provides that the state, its agencies, and its political subdivisions may not give effect to any public act, record, or judicial proceeding of any jurisdiction respecting a same-sex marriage or same-sex relationship treated as marriage, or a claim arising from such a marriage or relationship. Finally, CS/HB 147 also defines the term "marriage" to mean the legal union between one man and one woman only. This bill states that the term "spouse" may only apply to a member of such a union.

Opponents of this bill echo opponents of the Defense of Marriage Act in arguing that prohibiting same-sex marriage unfairly and unconstitutionally discriminates against homosexuals (see, e.g., oral testimony of Larry Spalding, Director, Florida American Civil Liberties Union, Committee on Governmental Operations meeting, Mar. 5, 1997). They assert that homosexuals are homosexual due to no choice of their own, and deserve the same opportunity as heterosexuals to be legally married (see, e.g., oral testimony of Joe Archer, Committee on Governmental Operations meeting, Mar. 5, 1997). They claim a broader right of privacy or intimate association; that the essence of this right is the private, intimate association of consenting adults who want to share their lives and commitment with each other; that same-sex couples have just as much intimacy and need for marital privacy as heterosexual couples; that laws which allow heterosexual, but not same-sex couples to marry infringe upon and discriminate against this or any related fundamental right. They assert that any legislation limiting homosexual activity in fact leads to a persistent, illogical fear of homosexuals ("homophobia"), even more discrimination, and persecution (See, e.g., Constitution Subcommittee Hearings, pp.136-37, 188-213; see also Judiciary Committee Report, Dissenting Views, p. 40). Advocates of same-sex marriage argue that courts should compel states to allow same-sex marriage just as the Supreme Court compelled states to allow interracial marriage in *Loving v. Virginia*, 87 U.S. 1817, 1824 (1967).

Proponents of this bill may argue that a reasonable, "plain meaning" reading of the Florida and U.S. Constitutions reveals that this bill will not result in a deprivation of life, liberty, or a reasonable pursuit of happiness (see Judiciary Committee Report, pages 24

- 33). They assert a belief that stability in a civilization is tied to the family unit, especially family units with both mother and father present (see oral testimony, David Caden, State Director, American Family Association, Committee on Governmental Operations meeting, Mar. 5, 1997). They maintain that this bill reinforces this overarching public policy by maintaining the traditional marriage unit (see Judiciary Committee Report, pages 24 - 33).

Proponents of this bill also refute its constitutional challenges by asserting that homosexuality is a behavior rather than a condition, such as race or gender (see oral testimony, David Caden, State Director, American Family Association, Committee on Governmental Operations meeting, Mar. 5, 1997). They point out that neither the Florida nor the Federal Constitutions grant civil rights to groups based on sexual behavior (see *Id.*). For example, Section 63.042(3), F.S., which prohibits homosexuals from adopting, survived constitutional scrutiny before the Florida Supreme Court (see *Cox v. State of Florida, Dept. of Health and Rehabilitative Services*, 656 So.2d 902 (Fla. 1995)). Furthermore, they reiterate that this bill only preserves the status quo of marriage instead of abrogating existing rights or creating new ones (see *Id.*). Not one jurisdiction in the United States has ever (pending the resolution of the Hawaiian situation) acknowledged same-sex marriage (see, e.g., Constitution Subcommittee Hearings, p. 128-131).

Proponents of CS/HB 147 believe that clear and unambiguous legislation is necessary to preserve the traditional marriage, and thus the traditional family in Florida.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No. However, failure to pass this bill may have increased the obligation of government to provide services or benefits to individuals in same-sex marriages if other states legalize same-sex marriages and if legally married same-sex persons assert their rights as married persons in Florida.

(3) any entitlement to a government service or benefit?

No. However, failure to pass this bill may have resulted in increased entitlements to government services for same-sex married persons where the services and benefits were previously reserved for married persons of opposite sexes.

- b. If an agency or program is eliminated or reduced:

This bill does not eliminate or reduce an agency or program.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Indirectly, yes. This bill appears to prevent same-sex married persons from receiving government services and/or subsidies which are currently reserved for married persons of opposite sexes.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Not any presently lawful activity, but depending on court decisions in other jurisdictions concerning the constitutionality of same-sex marriages, and the possible litigation in Florida, this bill may eventually create governmental interference with marriages legally contracted or celebrated in other states.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

If other states legalize same-sex marriages, CS/HB 147 would render those marriages invalid in Florida.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

Section 1. Provides that marriages between persons of the same sex entered into in other jurisdictions or relationships between persons of the same sex which are treated as marriages in other jurisdictions will not be recognized in Florida for any purpose; further provides that Florida, its agencies and political subdivisions may not give effect to any public act, record, or judicial proceeding of any jurisdiction in Florida, the United States, or any other domestic or foreign jurisdiction, in any place or location, if such acts acknowledge same-sex marriages or treat such relationships as marriages; and further provides that the only acceptable "marriage" for purposes of interpreting any state statute or rule, is defined to be only a legal union between one man and one woman as husband and wife, and that the term "spouse" is defined as one member of the described "one man and one woman" union.

Section 2. Provides that the act shall take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

- 1. Non-recurring Effects:

See "Fiscal Comments"

2. Recurring Effects:

See "Fiscal Comments"

3. Long Run Effects Other Than Normal Growth:

See "Fiscal Comments"

4. Total Revenues and Expenditures:

See "Fiscal Comments"

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See "Fiscal Comments"

2. Recurring Effects:

See "Fiscal Comments"

3. Long Run Effects Other Than Normal Growth:

See "Fiscal Comments"

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See "Fiscal Comments"

2. Direct Private Sector Benefits:

See "Fiscal Comments"

3. Effects on Competition, Private Enterprise and Employment Markets:

See "Fiscal Comments"

D. FISCAL COMMENTS:

The fiscal impact of CS/HB 147 is difficult to assess with accuracy. If this bill had not become law, and if same-sex marriages became legal in other states, and if persons went to those other states to celebrate same-sex marriages, and if same-sex married persons successfully asserted their rights as married persons in Florida, then this bill appears to prevent a fiscal impact on Florida. If numerous same-sex marriages were recognized in Florida, the same government services and benefits currently available to traditional families and spouses would become available to same-sex families and spouses. However, staff could find no reliable data to assess the percentage of the population which would avail itself of same-sex married status if such status were to

become legal; nor could staff accurately assess the additional demand on particular programs that newly legalized same-sex married persons would generate.

Proponents of this bill maintain that any material financial impact caused by recognition of same-sex marriage may unduly strain increasingly limited state resources.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 5, 1997, the House Committee on Governmental Operations adopted two amendments. The amendments clarified that Florida would not recognize any same-sex relationships entered into in any jurisdiction, place or location, which are treated as marriages. The committee voted to make the bill a committee substitute.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

Russell J. Cyphers, Jr. / Jason W. Owsley

Jimmy O. Helms

STORAGE NAME: h0147s1z.go

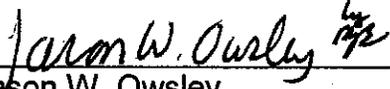
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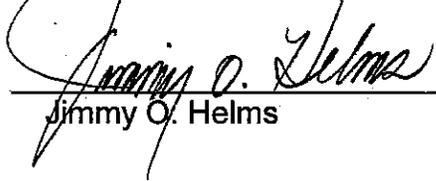
FINAL RESEARCH PREPARED BY COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:



Jason W. Owsley



Jimmy O. Helms

C

NewsRoom

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March 27, 1997

Section: LOCAL & STATE

HOUSE OKS GAY MARRIAGE BAN

Associated Press

Florida lawmakers overrode Democrats' pleas to follow the Constitution and avoid homophobia Wednesday as the House easily approved a proposal to bar recognition of gay marriages.

The bill, sponsored by Rep. Johnnie Byrd, R-Plant City, was passed 97-19 over the objections of Democrats who said it was unconstitutional and mean-spirited.

A similar Senate bill (SB 272) has cleared the Judiciary Committee and is now before the Senate Children, Families and Seniors Committee.

Rep. Suzanne Jacobs, D-Delray Beach, questioned the motives behind the bill.

"I have the feeling you are afraid that roving bands of gays and lesbians are going to snatch you up and do things that you don't want them to do," Jacobs said. "Let's be honest. Let's say we're homophobic."

But Byrd said the bill, HB 147, is necessary because gays were "picking a fight" by insisting on being allowed to marry.

Four years ago, Hawaii's Supreme Court ruled that state's refusal to issue a marriage license to gay partners violated Hawaii's constitution. The court is expected to follow that ruling with a decision declaring same-sex marriages legal.

---- Index References ----

News Subject: (Legal (1LE33); Social Issues (1SO05); Gay & Lesbian Issues (1GA65); Health & Family (1HE30); Human Sexuality (1HU27))

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CFC

Questions and Answers Florida Marriage Amendment



1. What is Amendment 2?

Amendment 2 is a constitutional amendment that will protect and define marriage in the state of Florida as the union of one man, one woman.

2. Don't we already have a state law that protects marriage in Florida?

Yes we do. In 1997, the Florida legislature adopted the Florida Defense of Marriage Act, also known as D.O.M.A., under then Democratic Governor Lawton Chiles.

3. If we already have a state law then why do we need a constitutional amendment?

The Florida Marriage Amendment does only one thing, it puts the existing state law that protects marriage as one man, one woman into the Constitution, protecting it from frivolous lawsuits. Remember, when we began to collect signatures on February 14th, 2005, there were lawsuits in our state at the same time; they were all trying to strike down Florida's Defense of Marriage Act. Lawsuits were filed in Key West, Miami-Dade, Broward, Palm Beach, Tampa, Orlando and Jacksonville. Since this time, all lawsuits were dropped.

4. What happened in Massachusetts and California, didn't they already have state laws and constitutional amendments protecting marriage?

No. In 2004, when the Massachusetts Supreme Judicial Court legalized homosexual *marriage*, there was not a single state law --- much less a constitutional amendment --- in place to protect marriage as one man, one woman. Furthermore, in June 2008, when the California Supreme Court legalized homosexual *marriage*, there was a state law and a referendum which had been approved by voters by a 61% margin in 2000 upholding one man, one woman marriage, but not a constitutional amendment. (California voters will be deciding on a constitutional amendment to protect one man, one woman marriage this November)

5. Can a state judge, an appeals court, or even the Florida Supreme Court still legalize homosexual *marriage*?

No. If Amendment 2 is approved by voters, no state court in Florida will be able to legalize homosexual marriage or civil unions.

6. What percentage do we need to approve the Florida Marriage Amendment?

Sixty-percent (60%). Currently, polls in Florida have the amendment at between 55-58% support.

7. How many states currently have laws protecting marriage?

Forty-five (45) states currently have laws protecting marriage, of these, 27 (twenty-seven) states already have constitutional amendments. In 2008, three (3) states, California, Arizona, and Florida will be voting to amend their state constitutions.

8. Will the Social Security benefits of seniors be protected?

YES. There is no connection between the Florida constitution and Federal Social Security law. Your Social Security benefits are completely safe.

9. Will benefits which seniors and unmarried couples receive from employers be protected?

YES. Contracts between private parties are allowed regardless of whether you are single or married.

10. Will seniors and unmarried couples be able to make out wills together?

YES. The nature of one's relationship is not relevant to property distribution in Florida.

11. Will powers of attorney still be allowed for seniors and unmarried couples?

YES. Marital status is irrelevant to a power of attorney relationship.

12. Will seniors and unmarried couples be allowed to make contracts, like owning a home or a business or other joint property together?

YES. Marital status does not affect ownership rights.

13. Will seniors and unmarried couples still have rights like hospital visitation, making medical decisions, and funeral arrangements for one another?

YES. Of course, visiting a loved one in the hospital is unaffected by marital status. Other legal rights are already available with proper legal

contracts.

The Consequences of Not Approving the Marriage Amendment:

1. Schools will be required to teach children that homosexual behavior is healthy: National Public Radio recently interviewed Deb Allen, an eighth-grade teacher in Brookline, MA, who has models, diagrams and sex toys to teach her class how homosexuals share intimacy. The NPR report said that Allen felt "emboldened" since the high court legalized homosexual *marriage*, and she said that if someone wanted to challenge her, she would say, "Give me a break. It's legal now."

2. Faith-based adoption agencies required to hand-over orphans to homosexuals:
[\(See attached article\) Click Here](#)

3. Pastor sanctioned by government for speaking out against homosexuality:
[\(See attached article\) Click Here](#)

4. Christian businesses will be forced to surrender their moral beliefs:
[\(See attached article\) Click Here](#)

5. States will ban use of the word *bride* and *groom*.
[\(See attached article\) Click Here](#)

Category: **Legislation**

Tags: **Amendment 2 Marriage**

Certificate of Service

Today, December 19, 2014, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves all counsel of record via electronic transmission of Notices of Docket Activity generated by CM/ECF. I am also serving counsel for the *Brenner* plaintiffs and the following counsel for *amici* by e-mail:

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