

Federal judge strikes down Florida's gay marriage ban, stays ruling

(Reuters) - A federal judge in north Florida on Thursday struck down the state's gay marriage ban as unconstitutional, but stayed the ruling, leaving same-sex couples still unable to marry in the state.

U.S. District Judge Robert L. Hinkle of Florida's Northern District in Tallahassee is the fifth judge in the state to rule against a same-sex marriage ban approved by voters in 2008, but the first federal judge to do so.

"The institution of marriage survived when bans on interracial marriage were struck down, and the institution will survive when bans on same-sex marriage are struck down," Hinkle wrote. "Liberty, tolerance, and respect are not zero-sum concepts," he added.

Hinkle found the same-sex marriage ban violated equal protection and due process protections under the U.S. Constitution.

The ruling addressed two lawsuits involving 10 same-sex couples, mostly married in other states and seeking recognition in Florida. The plaintiffs also included a woman, Arlene Goldberg, whose wife had recently passed away.

In an exception to the stay, the judge ordered the death certificate for Goldberg's wife to be corrected to reflect her marriage to her partner of 47 years.

"There is no good reason to further deny Ms. Goldberg the simple human dignity of being listed on her spouse's death certificate," Hinkle wrote.

While stayed, Thursday's federal court ruling applies more broadly than previous rulings in state courts with limited jurisdiction in several south Florida counties, said Stephen Rosenthal, lead attorney in the case involving the American Civil Liberties Union of Florida and SAVE, a gay-rights organization in South Florida.

The federal court ruling should speed up the process of bringing Florida's cases to the U.S. Supreme Court, added David Weinstein, a former state prosecutor in Miami now in private practice.

Florida Attorney General Pam Bondi appealed the earlier rulings, arguing the issue should be decided by the Supreme Court. A spokeswoman said Bondi is reviewing Thursday's ruling.

In all cases, marriage for same-sex couples in Florida remains on hold.

Since a June 2013 Supreme Court ruling struck down a federal law defining marriage as between one man and one woman, nearly 30 federal and state courts have ruled against state bans on same-sex marriage.

The Supreme Court is expected to take up the issue in its coming term, which starts in October and ends in June. It will likely be the most momentous civil rights case in years.