

# THE EXPRESS

**This Above All... To Thine Own Self Be True.**

**Broward/Dade County's Independent  
Gay and Lesbian Community Newspaper**

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## **Broward Domestic Partnership Survives Legal Challenge**

*Supreme Court of the State of Florida Rules in Favor of Gay Rights Advocates*

**By Norm Kent**

Late Friday afternoon, the Supreme Court of the State of Florida upheld the constitutionality of the 1999 Broward County ordinance that allows couples to register as domestic partners. Since its inception, over 1,000 county residents have done so.

A conservative legal group seeking a ruling that the law violated the provisions of the State of Florida's Defense of Marriage Act had challenged the ordinance. But from the outset, their battle was difficult.

First, Circuit Judge Robert Lance Andrews had ruled that the law was constitutional, declaring that the County Commissioners had acted properly, and within their power, in passing a law "which treated people equally regardless of their race, creed, color, or sexual orientation."

But Wally Lowe, a Plantation broker who filed the suit challenging the law, then appealed to the Fourth District Court of Appeals in West Palm Beach, asserting that Judge Andrews had erred in his decision. The appellate court disagreed, concluding that Andrews, a one-time Federal Prosecutor who has been on the Broward County bench for over twenty years, was correct. They upheld the law.

The Supreme Court on Friday declined to hear the case, which, legally, means that the Fourth District Court of Appeals decision

affirming the constitutionality of the ordinance stands. In a simple, one paragraph ruling, the court wrote that it "determined that it should decline to exercise jurisdiction."

The appeal to the state Supreme Court was apparently Lowe's last-ditch effort. Reached on Saturday morning, Lowe said he will not pursue his challenge to the U.S. Supreme Court, but will instead lobby the conservative Florida Legislature, dominated by Republicans, to outlaw domestic partnership ordinances statewide.

Advocates of the ordinance were pleasantly thrilled with the ruling by the Florida Supreme Court. One of the chief architects of the law, Wilton Manors attorney Dean Trantalis stated that he hopes the decision "will resonate throughout the country that equal rights must be afforded to all people, regardless of their sexual orientation."

County Commissioner Lori Parrish, one of the main proponents of the statute, and a consistent advocate for gay rights protections, stated that "We must recognize that families today look different than they used to. But this decision validates our decision and the law. It was the right thing to do then and still is."

The ordinance was passed by the Broward County Commission in 1999, by a 6-1 vote, after a heated meeting in which

religious groups and gay rights organizations battled each other. It provides that registered domestic partners of county employees may have the same rights as spouses, without regard to gender.

The law also provides for registered domestic partners to make health care decisions for each other, and serve as their guardians if legally incapacitated. Additionally, businesses seeking county commission contracts, which afford their employees similar benefits, are given extra consideration in purchasing.

The law only affects county employees though, and that has caused some confusion. Thus, as reported in the story below, the ordinance does not cover a city of Fort Lauderdale detention officer.

Similarly, the law extending domestic partnership benefits to county employees is distinct from the County's law that bans discrimination against gays and lesbians in employment and housing. Thus, as reported in another story in today's *Express*, conservative activists seeking to overturn this law have started a petition drive to place the issue on a ballot for public recall of the law.

The registration process is relatively simple and available online at the Broward County government site, [www.co.broward.fl.us](http://www.co.broward.fl.us) The *Express* also featured Domestic Partnership arrangements



Dean Trantalis

in volume 1, issue 2, available online at [www.expressgaynews.com](http://www.expressgaynews.com).

Meanwhile, a story published in Saturday's *Miami Herald* revealed that the leader of the group seeking to repeal the Broward County gay rights ordinance was charged in 1999 with sexually abusing a 15-year-old girl in Maryland.

The individual in question, 33 year old Joel Hawksley, is the Director of the group entitled 'Equal Rights, Not Special Rights.' The *Herald* story, by reporter Beth Reinhard, indicated that the charges against Hawksley were dropped last year.

## **Corrections Officer Denied Domestic Partnership Benefits**



**By Mary Damiano**

If you work for the City of Fort Lauderdale, filing a domestic partnership with Broward County only means something if your employer says it means something. Laurie Arthur found that out the hard way.

Arthur, a corrections officer at the Fort Lauderdale City Jail, received a phone call at work February 24. Her partner, Samantha Miller, called to say that she was very ill. Arthur left work ninety minutes early to care for her.

"She was really sick. She didn't know if she was going to pass out or not," Arthur says. "I called my lieutenant. I said, 'I'm not staying here if she's feeling that horrible.'"

Four days later, Arthur filed a standard family leave form for the ninety minutes she was out. She got a form back asking her to clarify the relationship. Arthur did not think that was unusual knowing that coworkers had been asked to make the same clarification. She put down 'lover' and returned the form. She then received a little pink form in her mailbox at work stating that her family leave request was being changed to vacation time, because Personnel does not recognize domestic partners as family.

"I make out in the deal by taking it out of my vacation instead of my sick because it's not held against me in my performance," Arthur says. "But the point is, what happens, God forbid, if something really bad happens

to her, or her mom and dad? They expect me to go to work and not be there for her. That's not right. If I'm in a gay relationship or a straight relationship, it should be the same. This is the person I love and want to be with."

Arthur carefully documented the calls she made to get some resolution, calls to payroll, her union representative, and the city attorney. She was always told the same thing, that her union contract does not recognize domestic partnerships, even if they are filed with the county.

Arthur and her partner, who have been together for fifteen months, filed for domestic partnership with Broward County in January of this year. While Broward County offers its employees benefits for domestic partners, individual cities in Broward do not.

According to the Human Rights Campaign (HRC), a bipartisan organization

working to end discrimination based on orientation and gender, only three cities in Florida offer benefits to domestic partners, Gainesville, Key West, and West Palm Beach. Broward and Monroe are the only counties in Florida that extend such benefits.

Benefits for domestic partners has been a hot issue, with more and more companies extending them for both same and opposite sex couples. According to the HRC, about one quarter of Fortune 500 companies now offer health benefits, while less than 100 state and local governments offer such benefits.

Hattie Platt, the president of the American Federated State County Municipal Employees Union (AFSCME), which represents all Fort Lauderdale municipal workers except for police and firefighters, says the union tried including domestic partner benefits when the contract was being negotiated. *(continued on page 5)*

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