

Florida Same Sex Marriage - Can you dissolve the marriage?

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Same-sex marriage in Florida is not recognized. The State of Florida originally initiated a [statute](#) defining that same-sex marriage would not be considered legally authorized or recognized in the state of Florida. That, not being enough, in 2008, Floridians voted by 62% to institute Amendment 2 to the Constitution, which gave us the language of [Article I, Section 2](#), defining marriage as, "the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized."

As other states, like Vermont, have enacted the right for same-sex couples to forge in the bonds of matrimony, that marriage is not given full faith and credit in states like Florida. In accordance with Florida Statute 741.212, such marriages that are valid elsewhere are not considered valid if the couple decides to reside in Florida. Therefore, a legal marriage is not legally dissolved in Florida. This leaves a great deal of difficulty for same-sex couples and could potentially be construed as unconstitutional and interfering with one's right to travel, which has been upheld as a constitutional right by the U.S. Supreme Court, beginning with [U.S. v Guest, 383 U.S. 745 \(1966\)](#).

The real question becomes, when will a couple challenge the State's law? Couples that are moving to Florida for work in an economy desperate for jobs, are not afforded the same rights as a marriage between a man and a woman. Furthermore, if that couple is not able to work through their difficulties, divorce is not available to them in Florida. If the couple was legally married in Vermont, they have to return to Vermont to [establish residency](#) for at least six months before filing for dissolution and must live in the State for at least one year prior to the final order. to meet the residency requirements of the State Court system.

If you are in a same-sex marriage and are in need of legal assistance regarding your rights in Florida, please contact an [attorney](#) who understands the laws and can properly assist you. Also, if you are in a same-sex relationship, there are financial protections you can have, it is important to find out all of your options from a [qualified individual](#).