

incomplete or unsatisfactory, the department shall require further information to be supplied as may be necessary to make the record complete and satisfactory.”); Fla. Stat. § 382.021 (county clerks required to transmit all marriage licenses to Department of Health on or before 5th of every month). The active concert of the clerks with the Department of Health is also reflected in other statutes. *See, e.g.*, Fla. Stat. § 382.002 (Upon receipt of a marriage license application, the clerk shall “collect and receive a fee of \$4 which shall be remitted to the Department of Revenue for deposit to the Department of Health to defray part of the cost of maintaining marriage records.”); *see also* State of Florida Department of Health, Office of Vital Statistics, Application for Marriage Record for Licenses Issued in Florida, available at [http://www.floridahealth.gov/certificates/certificates/marriage/\\_documents/DH\\_261\\_App\\_Marriage.pdf](http://www.floridahealth.gov/certificates/certificates/marriage/_documents/DH_261_App_Marriage.pdf) (Department of Health form for obtaining marriage records notes that certificate of marriage must be recorded by the clerk of court) (accessed Dec. 29, 2014).<sup>5</sup>

The Court’s Order recognized this connection between county clerks and at least one of the enjoined state agencies concerning marriage licenses by enjoining the enforcement of Fla. Stat. § 741.04(1). Section 741.04(1) provides that *clerks and county court judges* may not issue marriage licenses to same-sex couples; it says nothing about the duties of any state agencies with respect to the restriction of marriage to different-sex couples. Its inclusion in the Order makes sense because clerks work in active concert with the Department of Health.

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<sup>5</sup> For its part, the Department of Health—in executing its responsibility to ensure that clerks use “satisfactory” marriage certificates, Fla. Stat. § 382.003(7), and in compliance with the injunction—must insist that all clerks use marriage forms that permit marriages of same-sex couples.