

ILLEGAL

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run out on that one," said Lee County Sheriff Mike Scott. "My wife and I lived together for a few years before we got married."

The cohabitation law is called Florida Statute 798.02 and says, "If any man and woman, not being married to each other, lewdly and lasciviously associate or cohabit together,...they shall be guilty of a misdemeanor of the second degree."

FDLE spokeswoman, Kristen Perezluha, said 392 people have been arrested and charged with violating this law since 2005. But the number could be higher. Law enforcers aren't required to put the statute number on an arrest record,

Perezluha said. About 28 percent of the records researched by FDLE for Florida Weekly didn't have that information.

Yet, the 60-day jail time in Florida is generous.

The same crime in Michigan will net you a year in the pokey. However, if you manage to keep your cohabitation secret for a year, you can't be prosecuted.

Adultery is also illegal in Florida but only "open adultery." So, technically, if you keep your trysts secret, you've committed no crime. Only three people have been charged with adultery in the past two years, FDLE said.

Most states repealed adultery or cohabitation laws back in the 1970s, or the courts have found them unconstitutional. Florida's laws are still on the books, but they're rarely prosecuted.



McGruther

"We've not had any task forces on that one," said Randy McGruther, chief assistant state attorney for the 20th judicial circuit that includes South-west Florida.

State Sen. Dave Aronberg, a Democrat from Greenacres whose district includes Fort Myers, said laws that "are just taking up space on the books" should be removed.

"It harms the rule of law where there are laws that are meant to be ignored," he said. "Then we stop enforcing other laws."



Aronberg

Pig laws

Elected officials are not the only ones who stretch the bounds of sanity when it comes to curious laws. Voters in Florida share the blame, having approved a constitutional amendment limiting cruel and

Florida's curious laws

>>**Florida Statute 828.121** Conduct of simulated bullfighting exhibitions. It shall be unlawful, and punishable as a misdemeanor, for any person to conduct or engage in a simulated or bloodless bullfighting exhibition.

>>**Florida Statute 800.02** Unnatural and lascivious act. A person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree. A mother's breastfeeding of her baby does not under any circumstance violate this section.

>>**Florida Statute 798.01** Living in open adultery. Whoever lives in an open state of adultery shall be guilty of a misdemeanor of the second degree. Where either of the parties living in an open state of adultery is married, both parties so living shall be deemed to be guilty of the offense provided for in this section.

>>**Florida Statute 798.02** Lewd and lascivious behavior. If any man and woman, not being married to each other, lewdly and lasciviously associate and cohabit together, or if any man or woman, married or unmarried, engages in open and gross lewdness and lascivious behavior, they shall be guilty of a misdemeanor of the second degree.

>>**SECTION 21 of the Florida Constitution.** Limiting cruel and inhumane confinement of pigs during pregnancy. Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.

(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

(b) This section shall not apply:

(1) when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.

(2) during the prebirthing period.

inhumane confinement of pregnant pigs.

Granted, cruelty to animals, whether two-legged or four-legged, should never be taken lightly. It's our duty to stand up for and protect those who can't stand up for themselves. But right up there with, "We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits..." is the ban on confining pigs about to have piglets.

One opponent to the 2002 amendment called it a "greasy attempt" to "lard up" our state's Constitution.

Perhaps Snowball, the vivacious young boar in George Orwell's *Animal Farm* had it right when he reduced the seven commandments of the animal world to a single maxim: "Four legs good, two legs bad."

Silly laws

Dumb laws have been the subject of television shows, books and a number of Web sites dedicated to the weird, silly or just plain dumb laws.

But don't be taken in. The vast majority of laws on those sites can't be verified — they're just not true. Here's a sampling of the bogus laws in Florida that you might find on those Web sites:

- A special law prohibits unmarried women from parachuting on Sunday or she shall risk arrest, fine, and/or jailing.
- Men may not be seen publicly in any kind of strapless gown.
- Having sexual relations with a porcupine is illegal.

Lee County Commissioner Frank Mann, who spent eight years in the Florida House and four in the Senate, recalled one particularly strange bill filed by a St. Petersburg representative.

Back in 1977, Florida still had automobile inspection stations. Perhaps Rep. Dorothy Sample, a Republican, had a bad experience.

She submitted legislation that would require all inspectors to have "pleasing personalities," Mann said.

Mrs. Sample called it the "pleasant disposition" bill according to a story in the *St. Petersburg Times* in 2002.

"It got to the floor of the House," Mann said. "It got there almost as a joke so we could debate it and have some fun with it."

The real silly laws

Sheriff Scott said the really crazy laws make certain activities legal, such as allowing convenience stores to sell single bottles or cans of beer then giving the customer a small bag to hide it.

"What do they think, they'll wait until they get home before opening it?" Scott said.

So, while law enforcement battles

"I climb into a big 4x4 truck with loads of steel and airbags around me and I have to buckle my seatbelt. But a bus load of kids heading home from school are unprotected — they're running up and down the aisles while the bus is in motion — does that make sense?" — Sheriff Scott

drunk drivers on the road, businesses make it easy for the sots.

Scott had other issues with the laws or lack of them.

"I climb into a big 4x4 truck with loads of steel and airbags around me and I have to buckle my seatbelt. But a bus load of kids heading home from school are unprotected — they're running up and down the aisles while the bus is in motion — does that make sense?"

School buses in Florida don't have to have seatbelts. Only five states require them.



Scott

The Secretary of Barbecue

If you think Florida legislators are too busy making laws to return your phone calls or emails, here's some of what they really do.

A few years ago, Florida representatives tried to create a new executive-level post within the Governor's office: the Secretary of Barbecue.

The chief barbecue guru would represent the Governor at functions and promote the "enjoyment of barbecue." House Bill 1737 made it through committees and to the floor of the house but a vote was never taken and the measure died.

Perhaps the outrage from one Tennessee lawyer made them reconsider.

Bill Haltom, a former president of the Tennessee Bar Association, reacting to Florida's move to create the BBQ office, said:

"It is a classic example of pork barrel legislation. As a life-long, pig-eating Tennessean, I can't stomach the idea of Florida beating us out in the creation of this important public office...Those Gators have no bidness whatsoever holding themselves out as ambassadors of barbeque. Whoever heard of Florida barbeque? Heck, it's an oxymoron."

Perhaps Mark Twain said it best more than 100 years ago, "Nobody's life, liberty or property is safe while the legislature is in session." ■

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