

Why This State Flip-Flopped on Couples Living Together

Florida lawmakers on Wednesday gave the thumbs-up to living together without being married, sending to the governor a bill repealing the state's Reconstruction-era ban on cohabitation by unmarried couples.

The old law made it illegal to "lewdly and lasciviously" live together without being married to each other—language that presumably differentiated between romantic couples sharing a bed and non-romantic roommates splitting the rent.

In either case, sponsors said, it is a law that is impossible to enforce but dangerous to have on the books.

"You shouldn't have statutes that are not being enforced," said state Representative Michelle Rehwinkel Vasilinda, a Tallahassee Democrat and bill sponsor. "You'd have to arrest a half-million people, if we enforced this."

The repeal statute leaves in place a section of the 1868 law making it a misdemeanor to engage "in open and gross lewdness and lascivious behavior," regardless of marital status.

It is difficult to determine if anyone gets arrested for cohabitation, since the offense is combined in the state with public lewdness, said Rehwinkel Vasilinda, a law school instructor.

But the law "could be used in a discriminatory manner" if a jealous ex-spouse or prosecutor wanted to harass a person or unmarried couple, she said.

The cohabitation ban is the latest in a string of antiquated and rarely-if-ever-enforced sex laws being repealed across the country—either by new laws, referendum, or court action, the

most notable being bans on same-sex intercourse struck down by the courts in recent years.

If Florida's repeal passes the governor's muster, only Mississippi and Michigan will be the holdouts on laws requiring couples to marry before sharing roof and bed, according to a staff analysis of the Florida bill.

The bill was also sponsored by state Senator Eleanor Sobel, a Hollywood Democrat.

The repeal earned the overwhelming support of the Florida lawmakers, with a unanimous vote in the state Senate and five dissenters in the House.

Among them was Representative Jennifer Sullivan, a Republican from Mount Dora, who said she "ran on a pro-family platform" and could not vote to legalize cohabitation.

"Based on my own faith and what I believe, I voted accordingly," she said. "My faith affects everything I do and who I am, so I'm just being consistent with who I said I was as a candidate." {eo}

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