

Sodomy Laws

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Florida

- **Statute:** 800.02, Unnatural and Lascivious Act
- **Penalty:** 60 days/\$500
- **Classification:** Misdemeanor
- **Restrictions:** None

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, punishable as provided in s. 775.082 or s. 775.083. A mother's breast feeding of her baby does not under any circumstance violate this section.

History: s. 1, ch. 7361, 1917; RGS 5425; CGL 7568; s. 778, ch. 71-136; s. 2, ch. 93-4.

Intepretation

Florida's "sodomy" law is complex.

Florida does not have a specific Sodomy Law. A felony law used in the arrest of two men engaged in a sexual act in a car was struck down as too vague to enforce in 1972. An accompanying 2nd degree misdemeanor lewdness charge (800.2 Unnatural and lascivious act) was not dismissed but legal analysts have agreed that other factors (such as the somewhat public nature of the activity) may have triggered the charge rather than sexual orientation or specific activity of the men.

My understanding is that no Floridian has gone to court on this misdemeanor charge since the passage of Florida's Privacy Amendment in 1980—one of the strongest privacy provisions in the country. It has however been cited in custody cases by homophobes to justify taking children from lgbt parents or preventing adoption. The primary focus of

work to overturn the so-called sodomy law has been legal.

Some tried to get it swept away along with other archaic, unenforced laws. Others have looked for the "ideal" case to take to a supportive prosecutor...we can't challenge it in court if no one gets charged with it.

The other path is to challenge legislatively. We are developing the list of legislators we can turn to on this issue and the prospects are not good in the near term. Education is our primary focus when it comes to the legislature on the issue.

We also have a lawsuit challenging the fact that Florida is the only state backward enough to ban adoptions by "homosexuals." We are eager to see how the "sodomy law" factors in to that battle.

—Nadine Smith

History

- [The Sensibilities of Our Forefathers](#)
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News

- [Governor Jeb Bush's Son Violated Florida's Sodomy Law and Doesn't Get Charged](#) - December 11, 2000
 - [Going Down Down South: Fighting Absurd Sex Laws](#) - April 1998
 - [National Sexual Rights Council Says You May Need Marriage Certificate To Check Into Florida Hotels](#) - December 7, 1997
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