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Florida gay-rights groups push for same-sex marriage on adoption anniversary

BY MICHAEL VAN SICKLER - TIMES/HERALD

TALLAHASSEE BUREAU

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Democratic Florida attorney general candidate George Sheldon in January. Sheldon faces Republican incumbent Pam Bondi in November. STEVE CANNON/AP FILE

TALLAHASSEE – Florida’s ban on adoption by same sex couples stood for 33 years before the 3rd District Court of Appeal overturned it as unconstitutional four years ago.

But rather than celebrate that anniversary, gay rights groups on Monday called for the same recognition of same sex marriage in dual news conferences in Tallahassee and Miami. Despite a recent spate of court rulings overturning the ban, Attorney General Pam Bondi, with Gov. Rick Scott’s support, has filed appeals upholding the ban.

“(They) have decided to continue to inflict harm on my family and on hundreds of thousands of people across the state of Florida,” said Nadine Smith, executive director of the LGBT-rights group Equality Florida. “There is no one who believes in equality and justice who can stand behind Attorney General Pam Bondi.”

George Sheldon, who is running against Bondi, attended the Miami news conference. As a Tampa legislator, he voted against the adoption ban in 1977 when lawmakers approved it. After it was overturned, Sheldon was secretary of the state Department of Children and Families when then-Gov. Charlie Crist chose not to appeal the decision. If elected attorney general, Sheldon said he’d drop the appeals on gay marriage.

"Children need loving parents, and it doesn't matter if those parents are two women or two men, or a single parent," Sheldon said in a statement. "It is time we all not only accept that, but embrace it as part of what America is."

Bondi won't say whether she supports gay marriage. She said she is appealing the cases only because she's upholding the state Constitution.

Florida's ban on gay marriage was passed by 62 percent of voters in 2008. But after the U.S. Supreme Court ruled in favor of gay rights last year, same sex couples have won more than 30 times in federal, state, and appellate courts.

Recently, five Florida judges have overturned the ban, including federal judge Robert Hinkle, who called it an "obvious pretext for discrimination."

Bondi has appealed some cases and is asking state judges to wait for the U.S. Supreme Court to determine the law rather than to battle it in the lower courts.

But that would delay marital rights for several months, said Martin Gill, the plaintiff in the case that led to the overturn of the gay adoption ban. Sheldon called him four years ago to tell him the state wouldn't appeal.

"It brought us tears of joy," Gill said Monday.

He and his partner faced losing custody of their two foster sons, Nathaniel, who's now 10, and Xavier, 14. A month after the court ruling, then-Attorney General Bill McCollum and Bondi's Republican predecessor, announced he wouldn't appeal the ruling.

Although he had hoped the Florida Supreme Court would have made a final determination on the constitutionality of the ban, McCollum issued a statement that the Gill case was not the right one to do that.

At the time, Bondi was running for attorney general against Democrat Dan Gelber. Gays should be able to adopt, said Gelber, who praised the decision. Bondi refused to say then if she personally supported the ban, but said she would appeal it.

Bondi has since been more specific. "I'm not against gay adoption," Bondi said last week.

She said voters had approved the marriage ban. The adoption ban was merely a law passed by the Legislature.

"I'm sworn to uphold the constitution of the state of Florida," she said last week.

That's a distinction without a difference, said Smith.

"Attorney General McCollum and Gov. Crist chose not to appeal and the (gay adoption) ban fell," Smith said. "She cannot pretend her hands are tied."