

The SunDial

Florida Legislature 2007 End of Session Report – May 5, 2007

2007 REGULAR SESSION ENDS WITH DEFEAT OF BILLS OF CONCERN – *BUT LIKELIHOOD OF REINTRODUCTION NEXT YEAR LOOMS*

We are pleased to report that the end of the 2007 Florida regular legislative session on May 4, 2007 came without the passage of the legislation contained in **House Bill 41 (Senate Bill 2544)**, **HB 269 (SB 1842 & 2058)**, and **SB 1800** – bills altering the penalty, application and/or language of FL Statute 800.03, *exposure of the sexual organs*.

FS 800.03 is a key statute for naturists in Florida, as over many years case law (judicial ruling) has required both lewd action, and lewd intent, before this statute could be applied against nudity. As the the Florida Supreme Court stated in 1997 (*Standard Jury Instruction No. 89;771*), “Proof of mere nudity or exposure is not sufficient to sustain a conviction” [*under FS 800.03*]. Statute alterations could challenge this precedent.

Please refer to our April 25th FL Legislature Preliminary Report on the SFFB website for an analysis of the bills and a discussion of our concerns over the proposed legislation.

This year’s session demonstrated the wisdom of the founding fathers in establishing bicameral legislatures to help prevent “the tyranny of the majority over the minority” (James Madison), the need to monitor legislation closely, and the importance of credible and reasoned lobbying by naturists.

HB 269 was early spotted by SFFB/FNA’s legislative lobbyist Ramon Maury, and the first Naturist Action Committee (NAC) advisory was issued 1/21/07, as well as an alert on the SFFB website. No action was called for at that time, as we worked behind the scenes, rather than cause undue attention to the legislation.

It was not until the passage of the originally harmless **HB 41** in March, in an amended form now stipulating felony penalties for FS 800.03 offenders in addition to violent sexual offenders, that a request was issued by the Naturist Action Committee (NAC) and South Florida Free Beaches for Florida naturists to write the Senate Criminal Justice Committee (CJC) members regarding the bills. (The Senate versions of all bills would have to pass through the Senate CJC.) This request was circulated online and via email by NAC and SFFB, and by 5,000 printed announcements distributed at Haulover Beach by SFFB. SFFB also prepared a letter to the nine members of the CJC, and to 14 other influential Senators, advancing our concerns and arguments, for hand delivery by our legislative lobbyist. (*Copy available on our website.*)

Comments from CJC Senators and their staffers indicate that the considerable letters, emails and phone calls opposing the legislation had an effect on the outcome. This is confirmed by the CJC considering **SB 2544** (the Senate version of **HB 41**) only in an amended form proposed by Senator Wise that removed 90 lines of text and all references to FS 800.03 – the latter precisely our recommendation. The three other, more troubling, Senate bills (**1800, 1842 & 2058**) were not considered by the CJC and died in committee.

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After further review by the Judiciary Committee, **SB 2544** passed to the Senate floor. A substitute by Senator Joyner (**C1**) was approved on May 3rd; this text incorporated changes deemed harmless to naturist interests – it had no references to FS 800.03. A substitute by bill sponsor Senator Storms (**E1**), essentially restoring the bill to the version of **HB 41** passed by the House, including references to FS 800.03, was defeated on the floor on May 4 by a vote of 17 to 20 (with two abstentions). There was no time before the end of the session to reconcile **SB 2544 - version C1** (which we could support, as targeting only violent sexual offenders for increased felony penalties), with **HB 41** (which we opposed, because of the inclusion of the non-violent offences of FS 800.03). Thus this legislation died on the calendar.

The legislators will meet in special session on June 12 targeted solely at property tax relief legislation.

NAC and SFFB/FNA cooperated fully in this effort, using SFFB's lobbyist Ramon Maury as our primary legislative contact. Additional thanks go to NAC Board Member (and Sunsport Gardens Naturist Resort co-owner) Morley Schloss and NAC Executive Director Bob Morton for their diligence, and to the many individuals who responded to our request for letters to the legislators. NAC has also voted a \$1000 contribution toward partly deferring the increased cost for SFFB/FNA's lobbyist this year. Thanks also to other organizations that independently opposed this legislation, including the American Association for Nude Recreation.

Concerns for the 2008 Session:

On April 30, when the passage of **HB 269** already seemed unlikely, Rep. Synder, the bill's sponsor, told SFFB/FNA's Richard Mason in a meeting in his Tallahassee office that he planned to reintroduce the bill next year. Although Rep. Snyder said that his bill was not aimed at naturists, we are still troubled by the bill's language, and plan to meet with Rep. Snyder before the 2008 session to suggest wording that will accomplish his legislative goals without threatening naturist interests.

HB 41 had a large number of House co-sponsors and passed that body unanimously, before being stalled in the Senate. Therefore its reintroduction in the 2008 session seems likely as well. Our concern then would be that it is reintroduced in a clean form without the references to FS 800.02 and 800.03 added by the House.

A further concern is that the Senate Criminal Justice Committee will have a new chair next session, as the 2007 chair Nancy Argenziano resigned to accept an executive appointment by Governor Crist at the end of the session.

So our victory this year must be tempered by the realization that next year may portend more of the same legislative threats. We will be meeting with legislators in advance of the 2008 session, before bill texts are drafted and floated for support.

PLEASE SUPPORT THE SFFB/FNA LEGAL DEFENSE / POLITICAL ACTION FUND TO PAY OUR LEGISLATIVE LOBBYIST & FUND OUR FLORIDA LEGAL & LEGISLATIVE PROGRAM:

Contributions to the **SFFB/FNA Legal Defense/Political Action Fund** toward our current and future legislative lobbying costs in Florida may be made online at www.sffb.com/sponsors or by mail to:

SFFB/FNA, PO Box 530306, Miami Shores, FL 33153.

Checks should be made payable to *SFFB/FNA LDPA Fund*.

The **Naturist Action Committee (NAC)** is the political adjunct organization of **The Naturist Society**. NAC monitors legislation in all fifty states, and works with local naturist groups to defeat or amend legislation harmful to naturist interests.

To make a contribution to NAC, go to www.naturistaction.org