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The Naturist Society

Naturist Action Committee Naturist Education Foundation

April 2007

Naturists Win Important Florida Challenge

NAC called for grassroots action, and naturists responded! Multiple bad bills fall.

TALLAHASSEE, Florida — Naturists have scored a significant win in the Florida legislature. The Naturist Action Committee (NAC) worked behind the scenes, and when NAC called for grassroots action, naturists responded and truly made the difference.

BACKGROUND

Florida naturists found themselves facing a troubling array of threatening legislation in early 2007. Even before the legislative session officially began on March 6, state lawmakers in Tallahassee were already lining up to file bills that they hoped would receive quick consideration.

Most of the threats to naturists came from bills that sought to modify Section 800.03 of the Florida Statutes and to increase the penalties that are attached to that law. Section 800.03 addresses the exposure or exhibition of sexual organs in a public place. Based on a fragile interpretation of the existing wording of the law, 800.03 has been historically held by Florida Courts to make such exposure illegal only when it is done in a lewd manner.

Local enforcement authorities in Martin County, Florida, were behind some of the legislation. Martin County Sheriff Robert Crowder has determined that men who masturbate and have sex at public locations in the county are not being disposed of quickly enough.

Existing law allows individuals who are engaged in such activities to be charged and prosecuted. Punishments presently begin with a misdemeanor and escalate rapidly upon subse-



Martin County Sheriff Bob Crowder wanted laws that more quickly sent "undesirables" away to prison.



Freshman lawmaker Bill Snyder was eager to please Crowder, his former boss.



Sen. Nancy Argenziano chaired Criminal Justice.

quent convictions. But Sheriff Crowder believes the current graduated penalties fail to lock folks away quickly enough. He wants the evildoers imprisoned for years as felons on the very first conviction, and he has determined that Section 800.03 is the proper place in the law for such a frightening escalation of punishment. State Representative Bill Snyder (R-Stuart) is a freshman legislator who formerly worked as a law enforcement officer in the Martin County Sheriff's Department, under Crowder. Snyder's House Bill 269 proposed that Sheriff Crowder's wish list be made state law.

WHY WAS THIS A NATURIST ISSUE?

If Section 800.03 has been interpreted by Florida courts as applying only to lewd exposure, why should naturists see it as their issue when penalties are increased for violations in that section of the law?

Florida naturists generally understand the delicate nature of the existing judicial protection associated with 800.03. Even with favorable case law that dates back more than thirty years, overzealous enforcement officers occasionally feel justified in using the statutory language alone to bust someone for simple nudity under 800.03. It happens. And when it happens, a naturist must mount a legal defense against a misdemeanor charge.

Raising the penalty for 800.03 to the felony level, even under limited circumstances, makes these enforcement "misfires" a much more

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Prints of Henry Yuen's *Northwest Jazz Festival 1998* are among the items available in limited quantity as part of this special NAC fundraising event.

A Very Special NAC Fundraiser

For a limited time only, the Naturist Action Committee is offering a special thank-you to donors who make contributions of \$100 or more to NAC.

By special arrangement with renowned water color artist Henry Yuen, NAC is saying thank you to its donors. You're not only supporting North America's premier naturist activist organization, you'll be acquiring top quality naturist art at the same time. During this special NAC fundraiser, each donation of \$100 or more will be rewarded with a limited edition Henry Yuen print as a token of our thanks!

For more information, visit the Web site of the Naturist Action Committee: www.naturistaction.org

NAC thanks you for choosing to make a difference!

NAC Thanks Castaways Travel and SuperClubs!

The Naturist Action Committee has once again received four spectacular vacation prizes from the generous folks at *SuperClubs* and *Castaways Travel*, who once again combined to donate the very special grand prize awards for drawings benefiting NAC.

At Gatherings and Festivals throughout the 2007 season, NAC will conduct drawings for the 4-day vacations for two. Grand Lido Braco is a premium resort in Jamaica. A large portion of the resort is set aside for clothing-optional use. The prizes are run-of-the-resort accommodations that include all expenses except airfare.

The Naturist Action Committee gratefully acknowledges the continuing support of Castaways Travel and SuperClubs.



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chilling prospect. But worse than that, proposed subtle changes to the wording of 800.03 that were included in House Bill 269, Senate Bill 2058 and other legislation would have provided an excuse for a new judicial examination of the statute, perhaps diminishing the prospect of continued judicial protection.

Naturists were well advised to be very concerned about the legislation they faced.

SPECIFIC FLORIDA BILLS OF CONCERN

HOUSE BILL 269 Sponsor: Rep. William Snyder (R-Stuart). This bill intended to add greatly increased penalties under 800.03 in certain locations and during certain times of day. HB 269 proposed changes to the wording of 800.03 that would have jeopardized the protection for naturists afforded by current judicial rulings. This was the original legislation suggested to Rep. Snyder by Martin County Sheriff Bob Crowder, Bill Snyder's former boss in the Martin County Sheriff's Department.

SENATE BILL 2058 Sponsor: Sen. Victor Crist (R-Tampa). This was a Senate companion bill for House Bill 269. Not quite identical to HB 269, Senate Bill 2058 contained the same escalated penalties for violation of 800.03, as well as much of the same language that naturists found threatening. Sen. Crist introduced his bill at the urging of Bob Levy, a veteran lobbyist acting on behalf of the Florida Association for Nude Recreation and the American Association for Nude Recreation, using language supplied by AANR.

SENATE BILL 1842 Sponsor: Sen. Dave Aronberg (D-Greenacres). Another Senate companion bill for HB 269. Sen. Aronberg was less strongly committed to this legislation and introduced his bill as a favor to Rep. Snyder, whose help Aronberg was seeking for other legislation Aronberg planned to sponsor. The wording of SB 1842 was similar, but not quite identical, to that of HB 269.

HOUSE BILL 41 Sponsor: Rep. Dick Kravitz (R-Jacksonville). This bill sought to enhance penalties for certain crimes, but in its initial form it did not address 800.03. A committee substitute in late February added 800.03 to the list of crimes for which the penalty would be increased. A second offense under 800.03 would become a third degree felony, and a third offense would be a second degree felony, carrying a mandatory five years in prison. HB 41 was of additional concern, because it started

moving through the committee process, even before the legislative session convened.

SENATE BILL 2544 Sponsor: Sen. Ronda Storms (R-Tampa). Yes, THAT Ronda Storms. Newly elected Sen. Storms was a strident opponent of nudity when she served on the Board of County Commissioners of Hillsborough County, and now, she's a freshman senator in Tallahassee. Her bill was a companion to House Bill 41, and it matched the substitute version of HB 41 that proposed increased penalties for Section 800.03.

SENATE BILL 1800 Sponsor: Sen. Bill Posey (R-Rockledge). This bill would have authorized warrantless arrest, specifically where "[t]here is probable cause to believe that the person has unlawfully exhibited his or her sexual organs in public in violation of s. 800.03." The troubling implications for naturists are obvious.

HOUSE BILL 1475 Sponsor: Rep. Bob Allen (R-Merritt Island). This bill sought to broaden the scope of Section 800.04 of the Florida Statutes. That section specifically addresses "lewd or lascivious exhibition," including public masturbation. HB 1475 expanded 800.04 to include lewd acts committed in the presence of those of any age, not just those under the age of 16, as the existing law specifies. HB 1475 does not mention 800.03 at all, but it increased the penalty for lewd acts under 800.04. House Bill 1475 was a measure that was seen as drawing possible support from naturists, as well as from Martin County law enforcement.

WHAT DID NAC DO?

The Nurtist Action Committee worked closely on this matter with local naturists and with representatives of Florida naturist clubs and groups. NAC also worked constantly with Florida lawmakers and their staff members, both directly and through the professional legislative lobbyist retained by South Florida Free Beaches. NAC picked up a portion of the expense for that lobbyist during the 2007 legislative session.

The Nurtist Action Committee issued a NAC Advisory on March 11 and a NAC Action Alert on March 29. In the Action Alert, NAC asked naturists to contact members of the Senate Criminal Justice Committee, and especially its Chair, Sen. Nancy Argenziano (R-Dunnellon).

NAC asked naturists to concentrate on four Senate bills and make the following points with lawmakers:

- 1. Enhancing penalties for Section 800.03 solves no immediate or long term problem.



At the request of AANR, Sen. Victor Crist introduced a companion to Rep. Snyder's bill. Naturists opposed Crist's bill.



Sen. Bill Posey (R-Rockledge) wanted warrantless arrests where "[t]here is probable cause to believe that the person has unlawfully exhibited his or her sexual organs in public."



Yes, THAT Ronda Storms. The punchline from the Hillsborough Board of County Commissioners is now a Republican State Senator.

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solves no immediate or long term problem. The emphasis should be on lewd behavior, not nudity.

2. These bills create bad law through their unjustified compression of punishments to be all at the top of the scale. When everything becomes a felony, where is there room to punish serious crime?

3. The "time and place" restrictions in some of these bills are problematic. Haulover Beach, a significant clothing-optional tourist draw and source of revenue for Miami-Dade County, is located in a county park. Authorities once considered locating a public school nearby. Nudity in a county park would be a felony under SB 1842, and nudity near a school would be a felony under SB 1842 and SB 2058.

4. Senate Bill 2544, sponsored by Sen. Ronda Storms, deals with escalated penalties for certain offense. It includes a "mandatory minimum" of five years imprisonment for a third conviction under 800.03. That's a harsher penalty than the State's punishment for vehicular manslaughter.

5. At the same time some bills propose "reclassifying" the penalties for Section 800.03, Senate Bill 1800 proposes relaxing the standard required for making an arrest under that statute. The introduction of warrantless arrests for 800.03 invites further erosion of personal freedoms and would make bad law for Florida.

A GRATIFYING RESPONSE

The response by naturists was impressive! Immediately following NAC's call for action, lawmakers and their staff members began reporting a sudden and sustained onslaught of polite and well reasoned letters, e-mails and phone calls from those who opposed the bills.

As a direct result of your coordinated and timely contacts with Florida lawmakers, three of the four bills (SB 1800, SB 1842 and SB 2058) were denied hearings in the Senate Criminal Justice Committee. The NAC Action Alert of March 29 focused on four Senate bills that had been assigned to the Senate Criminal Justice Committee. Here's a brief summary of what happened to those four bills.

SENATE BILL 2058 was referred to the Senate Criminal Justice Committee, where it was allowed to die.

SENATE BILL 1842 was referred to the Senate Criminal Justice Committee, where it was allowed to die.

SENATE BILL 1800 was referred to the Senate Criminal Justice Committee, where it was allowed to die.

SENATE BILL 2544 was referred to the Senate Criminal Justice Committee, where it was given a hearing conditionally. The condition, as set forth by Criminal Justice Committee Chair Sen. Nancy Argenziano in a communication with the bill's sponsor, Sen. Ronda Storms, was that all references to 800.03 must be deleted from the bill. NAC board member Morley Schloss, who worked closely and tirelessly on these bills, confirmed with a spokesman for the committee and a staffer in Sen. Storms' office that the removal of 800.03 from the text of SB 2544 was the direct result of the grass roots contacts that naturists made with members of the Senate Criminal Justice Committee.

A COUPLE OF POSTSCRIPTS

Senator Nancy Argenziano proved herself once again to be a friend to naturists. Staring down Freshman Senator Ronda Storms was one of Argenziano's final acts in the legislature. She has accepted a four-year appointment from Governor Charlie Crist as a commissioner on the Florida Public Service Commission.

The PSC has regulatory power over utilities.

Ronda Storms' stripped-down bill (SB 2544) passed the Senate Criminal Justice Committee, but it stalled in the full Senate and fell victim to the end-of-session calendar. It did not pass.

We won them all!

MORE INFORMATION

You can access additional information on the Web site of the Naturist Action Committee.

www.naturistaction.org

Select "Alerts, Advisories and Updates." Under Current Action Alerts, you'll find the text of this NAC Action Alert, along with links to the complete text of each of these Florida bills, existing Florida law and pertinent court cases.

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