

FLORIDA'S ENVIRONMENT, WATER POLICY AND THE 2009 LEGISLATURE

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Overview

There is no denying that the recently-concluded legislative session was one of the most unusual on record. The state's budget crisis overshadowed all else, and many critical substantive issues took a back seat to difficult budget deliberations. Also casting a pallor on the session was the resignation of Speaker Ray Sansom, who was eventually indicted. Speaker Pro Tempore Larry Cretul became one of the three most powerful elected officials in Florida when elected Speaker of the House immediately preceding the opening of the session and ably led the House through its paces. Only 271 bills passed the 2009 session, the fewest number in over a decade.

Budget

After extending the session for one week, the House and Senate passed a \$66.5 billion state budget for Fiscal Year 2009-10 on Friday, May 8th, that is some \$6 billion less than only two years ago. The reduced budget was cobbled together \$5.3 billion in stimulus dollars, proceeds from the Seminole Gaming Compact, new fees for vehicle registrations and drivers' licenses, another \$1 per pack tax on cigarettes and other tobacco product taxes, combined with program cuts, sweeps of trust funds, and a 2% pay cut for state employees earning \$45 thousand or more (the latter was vetoed by Governor Crist). There were some winners-- for example, the budget includes implementation of a \$30 million dollar tax break for first time home buyers. But there were also some losers—the hotly-debated SunRail commuter train linking Deland and Orlando failed to pass muster again this year (at least not yet).

On the natural resources front, \$2.74 billion is appropriated for the upcoming fiscal year. This includes \$50 million for Everglades programs, targeting the Northern Everglades initiative and Lake Okeechobee. Unfortunately, Florida Forever came up short with no appropriation to support a new bond issue in the upcoming year. That is due in large part to the rapidly expanding debt service for natural resource initiatives, which is approaching \$408 million in annual requirements. However, the legislature did pass SB 2430 relating to corporate taxes and closing a loophole which enabled companies to avoid paying documentary stamp taxes in certain instances. This will make it possible for previously authorized Florida Forever bonds to be issued, ensuring that current fiscal year money can be spent on the program. Without this measure, \$250 million in this year's Florida Forever bonds may have been jeopardized.

Big Picture:

The Legislature passed a key workers compensation measure, a change in the burden of proof in property tax challenges, property tax reform, property insurance reform, dedicated funding for the courts, and a Seminole gaming compact.

BILLS THAT PASSED

Ad Valorem Assessments (HB 521)

CS/CS/HB 521 changes the burden of proof in ad valorem tax challenges to lessen the burden imposed on taxpayers challenging assessments. The legislation expressly rejects the “every-reasonable-hypothesis” burden previously imposed on taxpayers and instead adopts a preponderance of the evidence standard. *The effective date of this bill was June 4, 2009 and shall first apply to assessments in 2009; Chapter No. 2009-121.*

APA (SB 2188)

SB 2188 makes several changes to the Administrative Procedure Act based on recommendations from the Joint Administrative Procedures Committee. Among other things, the bill clarifies and simplifies the definition of “agency,” in an effort to better describe which entities are subject to the APA. It also expands the required public notice of meeting to agency websites, and it requires the statement of agency organization and operations to be published on the agency's website. In addition, the bill revises rulemaking requirements by emphasizing that staff must be available at public hearings, clarifies what materials must be considered and may provide a basis for change, and revises the notice of effective date. *The effective date of this bill is 07/01/2009; Chapter No. 2009-187.*

Campaign Finance/Local Government Expenditures (SB 216)

This bill prohibits a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors. It provides an exception for certain electioneering communications and clarifies restrictions with respect to local officials. *The effective date of this bill was July 1, 2009; Chapter No. 2009-125.*

Conservation Lands (HB 7157)

Implements Amendment 4 approved by Florida voters in 2008. The amendment says that land with a permanent conservation easement will not pay property taxes and that land used for conservation purposes will be taxed according to character or use. The implementing bill sharply curtailed the Amendment, excluding income producing land from a total tax exemption and requiring temporary removal of rights for the character or use part. *The effective date of this bill was June 10, 2009; Chapter No. 2009-157.*

Expedited Permitting (HB 73)

HB 73 requires DEP and the water management districts to adopt programs to expedite the processing of permits for certain economic development projects. The bill also provides shorter timeframes for permit application approval or denial. *The effective date of this bill was July 1, 2009; Chapter No. 2009-134.*

Fish & Wildlife Conservation Commission (CS/CS/HB 1423)

A general bill covering a range of agency issues. A primary consideration is improvement to enforcement of rules against intentionally damaging seagrass. The bill reduces penalties but increases the likelihood that penalties will be imposed. The bill also sets up a program to allow for mitigation of impacts to coral reefs. *Effective date of this bill was July 1, 2009 except as otherwise provided; Chapter No. 2009-86; See also CS/SB 1742 (Ch. 2009-65).*

Florida Forever (SB 2430)

CS/CS/CS/SB 2430 fixes a loophole by overruling the decision in the so-called *Crescent* case, which allowed LLCs to be formed for the purpose of avoiding state taxes on real estate ownership transfers. The bill passage will yield up to \$50 million in additional revenue and helps secure funds for debt service for Florida Forever. The bill also allows Florida Forever bonds to be sold in 2009. *Effective date of this bill was June 10, 2009; except as otherwise provided; Chapter No. 2009-131.*

Growth Management (SB 360)

Senate Bill 360, titled the “Community Renewal Act”, was approved by the Legislature on the last day of the Session, May 1, 2009. The general theme of the legislation is a relaxation of transportation concurrency requirements within built up, urban areas as an incentive to promote urban infill and discourage sprawl. The law provides the following:

- A. New Definitions – Section 163.3164, Florida Statutes
 1. “Urban Service Area” was amended to include built-up urban areas with public facilities including, but not limited to, water and sewer facilities in place or committed for construction within the next 3 years of the capital improvement element schedule of a local government.

2. "Dense Urban Areas" are defined as municipalities with a population density at least 1000 people per square mile and a minimum resident population of 5000 and counties with a population of 1,000,000 or more. Eight counties (Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas and Seminole) and 190 cities qualify.

B. Comprehensive Plan Elements – Section 163.3177, Florida Statutes

1. The annual capital improvements element update for a local government need not comply with financial feasibility requirements until December 1, 2011.

C. Concurrency – Section 163.3180, Florida Statutes

1. Transportation Concurrency Exemption Areas (TCEAs) designated by Law:
 - (a) Designated "Dense Urban Areas".
 - (b) "Urban Service Areas" within comprehensive plans of counties designated as "Dense Urban Areas".
 - (c) Counties with a population of 900,000 or more and the cities within when the county has no designated "Urban Service Area".
2. TCEAs That May Be Designated By Cities:
 - (a) Urban infill.
 - (b) Downtown revitalization areas.
 - (c) Urban infill and redevelopment areas.
 - (d) Community redevelopment areas.
 - (e) Urban service areas.
3. Discretionary Designation of TCEAs by Counties that do not qualify for "Dense Urban Area":
 - (a) Urban infill.
 - (b) Urban infill and redevelopment areas.

(c) Urban service areas.

4. Requirements for designation of TCEAs:

(a) A local government that designates a TCEA must adopt into its comprehensive plan transportation strategies to support and fund alternative transportation modes within 2 years of designation of a TCEA.

5. Designation of a TCEA does not limit a local government's home rule authority or power to adopt ordinances or impose fees.

D. Impact Fees – Section 163.31801, Florida Statutes

1. Local governments do not have to wait 90 days to decrease, suspend or eliminate impact fees.

E. Security Devices – Section 163.31802, Florida Statutes

1. Local governments are prohibited from adopting mandatory ordinances requiring private businesses to install security cameras that require the business to expend funds to enhance the functions or services of the government.

F. Comprehensive Plan or Amendment Adoption – Section 163.3184, Florida Statutes

1. Comprehensive plan amendments for capital improvement element updates, designation of certain TCEAs and developments now exempt from Development of Regional Impact (DRI) review may be adopted more than twice a year.

2. Zoning must occur simultaneously with comprehensive plan amendment approval.

G. DRIs – Section 380.06, Florida Statutes

1. DRI review is eliminated within “Dense Urban Areas” and certain areas designated for urban infill, community redevelopment, and downtown revitalization.

2. Previously approved DRI development orders are still effective.

3. Developments that are greater than 120% of a DRI threshold are still subject to State review and appeal.

4. The Department of Community Affairs and Department of Transportation must submit a mobility fee study to the Legislature by December 1, 2009. The study must consider the feasibility of eliminating transportation concurrency and replacing it with a mobility fee.

The effective date of this bill was June 1, 2009; Chapter No. 2009-96.

Note: this bill is the subject of a legal challenge filed by a small number of local governments. City of Weston, et al. v. Crist, et al., Case No. 37 2009 CA 002639 (2d Cir., complaint filed July 8, 2009).

Impact Fees (CS/CS/HB 227)

CS/CS/HB 227 requires that, in any action challenging an impact fee, the local government has the burden of proving certain elements by a preponderance of the evidence. The bill also prohibits the court from applying a deferential standard. *The effective date of this bill was July 1, 2009; Chapter No. 2009-49.*

Property Tax (SB 532)

This bill proposes an amendment to ss. 4 & 6, Art. VII of the State Constitution to limit increases in assessments of real property used for commercial or residential rental purposes to the greater of 5 percent or average annual percentage growth in revenues derived from property over preceding 3 years if ownership of property has not changed. The legislation also grants an additional homestead exemption equal to 25% of the property's just value in the first year of ownership, up to \$100,000, and reduced by 20 percent in each succeeding year to homeowners who have not owned a home for the previous 8 years. *Senate Bill 532 was signed by Officers and filed with Secretary of State on May 29, 2009. It becomes effective if approved by the voters in November 2010.*

Rural Agricultural Industrial Centers (HB 7053)

House Bill 7053 creates Section 163.3177(15), Florida Statutes. The new law defines "agricultural industrial centers" to be industrial facilities that process or transport agricultural commodities, employ at least 200 personnel and are located within a 10 mile radius of rural area of critical economic concern. An owner of an agricultural industrial center will receive expedited review of an application for a comprehensive plan amendment to authorize compatible industrial uses, provided the new use will create at least 50 jobs and does not exceed 320 acres in size. *The effective date of this bill was July 1, 2009; Chapter No. 2009-154*

Water Conservation SB 494

This lengthy bill dealing with water conservation requires that automatic landscape irrigation systems must be properly installed, maintained and operated. For those systems that include moisture sensing technology which interrupts operation when sufficient moisture is present on landscape, licensed contractors servicing such systems must test for correct operation and repair or replace any malfunctions. The DEP is directed to produce a model ordinance relating to automatic landscape irrigation systems by January 15, 2010 that would be available for adoption by local governments. The ordinance would include provisions directing licensed contractors to report systems that are out of compliance and penalties to property owners for failure to repair them. The legislation also allows for local governments to adopt more stringent ordinances relating to irrigation systems. Funds received from penalties imposed would be available for enforcement and administration of the ordinance. The legislation also seeks to provide incentives to property owners to install moisture sensing irrigation systems by exempting them from lawn watering restrictions imposed by water management districts. A detailed procedure for seeking variances from such restrictions is included in this bill.

In addition to landscape irrigation provisions, SB 494 enacts the Protection of Urban & Residential Environments and Water Act...dealing with Florida Friendly fertilizer application. The legislation finds that such application protects water quality and the environment and directs DACS together with IFAS to develop a model ordinance - based on the results and recommendations of last year's legislatively-established Fertilizer Task Force - for Florida Friendly fertilizer use on urban landscapes. Local governments are encouraged to adopt such an ordinance, and those local governments in which impaired water bodies are located are required to do so, or adopt more stringent standards for fertilizer application. The bill does not apply to farm operations or to local governments that have existing fertilizer ordinances as of January 1, 2009. The Act establishes training and testing programs through DACS and IFAS for certification for urban landscape commercial fertilizer application, including a mandatory certification program. However, it does exempt any yard workers who are applying fertilizer on individual residential properties from such certification requirements. *The effective date of this bill was July 1, 2009; Chapter No. 2009-199.*

Water Management District Liability (CS/CS/SB 1078)

Provides a significant reduction in liability for personal injury and property damage occurring on water management districts land and on easements on land used by the water management districts. Recreational users of district lands and easements prior to this bill could sue even over self inflicted injuries. *The effective date of this bill was July 1, 2009; Chapter No. 2009-201*

Wastewater (HB 707)

When a local health department issues a health advisory against swimming in beach waters as a result of high pollutant levels, or finds elevated fecal coliform or bacteria in such waters, it is directed to notify the local government wherein the affected beach is located as well as the local DEP office. The DEP is then directed to investigate all wastewater treatment facilities within one mile of the affected waters to determine if the facilities experienced an incident contributing to the contamination. Results of these investigations must be submitted to the respective local governments. *The effective date of this bill was July 1, 2009; Chapter No. 2009-231.*

Water Resources (SB 2080)

Originally filed as the West Central Florida Water Restoration Action Plan (WRAP) -- a seemingly harmless bill that codified a number of programs and initiatives by the Southwest Florida Water Management District to address water quality, environmental restoration, water supply and the reduction of saltwater intrusion in the Southwest Florida Water Use Caution Area, SB 2080 morphed, as session drew to a close, into the omnibus water management bill of the year.

The bill does address the West Central Florida WRAP - directing the establishment and compliance with minimum flows and levels in the Upper Peace River, the reduction of saltwater intrusion, improvements to lake levels and water quality and the assurance of sufficient water supply. The Southwest Florida Water Management District is directed to implement plans that it has initiated, including: the Central West Coast Surface Water Enhancement Initiative; the Facilitating Agricultural Resource Management Initiative; the Ridge Lakes Restoration Initiative; the Upper Peace River Watershed Restoration Initiative; and the Central Florida Water Resource Development Initiative.

The bill was amended to incorporate basically the provisions of HB 7137, the water management district government accountability review by Chairwoman Denise Grimsley's House Council. This likewise addresses a number of issues: it limits the length of time for which basin board and governing board members may serve beyond the expiration of their terms to 180 days; it revises membership on the Southwest Florida Manasota Basin Board; it reconfigures the staggering of board appointments to the Southwest Florida District; it delegates permitting authority for consumptive use and environmental resource permits from the governing boards to the executive directors of the districts, except when staff recommends denial of a permit - in such instances, it provides a process for reviewing denials by the governing boards, but expressly prohibits board members from intervening in the staff review of such permits; it allows water management districts to hold meetings via teleconferencing; it establishes water well contractor licensure examination requirements; it encourages alternative water supply development through public-private partnerships with long term CUP permit incentives for private rural landowners that make extraordinary contributions of land or dollars to support alternative water supply; it directs 25 year permits for renewable energy generating facilities and for the cultivation of agricultural products on 1000 or more acres

for renewable energy purposes; it allows for the revocation of consumptive use permits for non-use only after 4 years or more; it allows for legislative review of water management district budgets by both appropriations and substantive committees; it limits water management district debt service to 20% of annual ad valorem revenues (this limitation may be waived by the Joint Legislative Budget Commission, and bonds issued prior to January 1, 2009 are exempt from this limitation).

The environmental lobby labeled SB 2080 as a "Bad Bill" owing to the delegation of permitting authority and the limitation on bonding authority, and called for a veto.

Also amended onto this legislation was the Florida Friendly Landscaping bill. This deletes the term "xeriscape" from Florida statutes and replaces it with "Florida Friendly Landscaping" which is defined as planting the right plant in the right place and using efficient watering, appropriate fertilization, mulching, maintenance, recycling of plant debris and reduction of yard waste. The water management districts are directed to create model Florida Friendly Landscaping ordinances that may be adopted by local governments. The districts are directed to work with nurseries, the DEP, and county extension agents to promote Florida Friendly Landscaping using IFAS-related materials. Districts are also directed to incorporate Florida Friendly into the landscaping of their facilities, as are state-owned facilities and state highways. The legislation prohibits local governments and homeowner associations from adopting rules or ordinances that would limit a property owner's ability to incorporate Florida Friendly Landscaping. Finally, water management districts are instructed to consider whether local governments have adopted Florida Friendly Landscaping ordinances when reviewing permit applications from local utilities. *The effective date of this bill was July 1, 2009. Approved by Governor 06/30/09; Chapter No. 2009-243.*

BILLS THAT FAILED

Agriculture (HB 1241)

What started as a tomato packing safety bill, HB 1241 eventually became the omnibus vehicle for the major pieces of agricultural legislation filed this session. Provisions amended onto the bill included a prohibition on local governments from imposing stormwater fees on agricultural lands that were already permitted for stormwater systems or that were participating in agency-approved water quality BMPs. Also, a measure requiring purchasers or developers of property adjacent to agricultural lands to file an acknowledgement of the proximity to agricultural operations was added to the bill.

Century Commission (HB 5015)

At the end of the day, there was very little support for this bill to abolish the Century Commission.

Contamination Notification (SB 114/HB 1229)

These measures were filed in response to concerns arising out of the Raytheon site in Pinellas County. The bills would have expanded contamination notification requirements for certain discharges discovered during cleanup activities. Although DEP already has revised its notification procedures to address this situation, don't be surprised to see similar legislation filed again in 2010.

Energy/Renewables (CS/CS/CS/SB 1154)

This bill ordered by the previous year's HB 7135 and surprisingly supported by business, conservationists and FPL (although no other utilities) ran aground in the House, which failed to even consider its own bill. The bill was almost tied to the late arriving oil drilling bill but even the most cynical insiders could not find a way to sell oil as clean energy.

Environmental Protection/Land Management/Self Certification (HB 1349/SB 2104)

These omnibus bills initially contained a number of proposals suggested by DEP affecting the agency's powers and duties, primarily relating to land management. The bills would have corrected glitches in last year's re-enactment of the Florida Forever program. They also would have revised penalties for various environmental violations. The House bill became controversial among some (including DEP) when the sponsor, Rep. Jimmy Patronis, amended the bill to provide that, when an application for an ERP is prepared by certain licensed professionals, it is presumed to be in compliance with applicable permitting requirements, and any challengers bear the burden of establishing otherwise. The Senate bill became controversial when Sen. Constantine amended it to include his Springs bill, as well as measures relating to contamination notification and coral reef protection.

Management of State Owned Lands (HB 1355)

CS/CS/HB 1355 attempted to turn over some state lands and a considerable amount of money to private contractors. Even Charles Bronson argued it would not work.

Mangrove Trimming (SB 148)

Senate Bill 148 would have expanded the penalty provisions of the Mangrove Trimming and Protection Act to anyone illegally trimming or responsible for illegal trimming of mangroves. The bill also specified additional criteria for trimming and established a penalty cap of \$10,000 for major violations.

Motor Vehicle Emission Standards (HB 1309/SB 1994)

HB 1309/ SB 1994 - While GM could not avoid going bankrupt, it did bottle up ratification of an ERC rule that adopted by reference California's climate related car emission rules. Obama subsequently ordered federal standards that are stronger than what the Florida legislature prevented from taking effect.

Offshore Oil Drilling (CS/CS/CS/HB 1219)

HB 1219, a bill initially thought to be the lonely mission of a freshman gained extraordinary life when the speaker designate personally urged it as a vehicle for nearshore oil drilling. Texas oilmen slicked enough money around Tallahassee to gain quick house passage and caught opponents asleep on their beach blankets. But the Senate was neither fast nor cheap and did not go along.

Permit Streamlining/Regulatory Reform (HB 7143)

This bill would have made a number of changes to streamline environmental permitting and regulation based on suggestions from governmental agencies and the public. Some of these changes (or some version thereof) were enacted in other bills. For example, the bill would have extended for two years certain permits and approvals issued by DEP, the water management districts, DCA and local governments. It also directed the governing boards of the water management districts to delegate certain duties to the executive director. Some version of these suggested changes were enacted in SB 360 and SB 2080, respectively. Look for some of the other recommended changes to be considered again next year.

Property Rights (SB 1556)

The bill would have amended the Bert J. Harris, Jr., Private Property Rights Act to provide:

- A. A government moratorium longer than 1 year constitutes an "inordinate burden".

- B. A landowner must only wait 120 days rather than 180 days after presenting a written claim to a local government to proceed to court.
- C. A government is not applying a law to a specific property by simply enacting the law or regulation.

Springs Protection (SB 274)

SB 274 would have set up a protection program for certain springs, including the Wekiva.

Stormwater (HB 1145)

House Bill 1145 would have established a stormwater study commission to develop legislative recommendations for stormwater management system design to apply throughout Florida. The commission would have reported to the Legislature in November, 2009.

Submerged Lands Leases (SB 1012)

This bill would have provided statutory guidance to the Board of Trustees of the Internal Improvement Trust Fund and DEP for the use of sovereign submerged lands.

Working Waterfronts (HB 825/ SB 1468)

This bill would have provided the legislative direction to implement Amendment 6 - the Working Waterfronts constitutional amendment that passed with over 70% of the vote in the 2008 election. This provides that properties that are classified as "working waterfronts" - commercial fishing operations, public access marinas, etc. will be assessed based on income as opposed to highest and best use. SB 1468 got caught up in a stand-off involving assessment criteria between the House and Senate. Proponents asked that the sponsor "kill the bill" rather than negotiate to a position where property appraisers would have a much freer hand in deciding how to assess working waterfronts than what was intended in the constitutional amendment. Both the House and Senate sponsors are preparing to file the bills as agreed upon at this session's close for consideration next year.

Water Resources Act Re-Write (HB 1111)

This bill would have "reconfigured" Chapter 373, the Water Resources Act, to create a new section Part VII where all existing provisions in the statute relating to water supply planning and development would have been structured. This is the third year in a row that this effort has been filed and not taken up in any substantial way. Look for this issue to be considered in 2010.

Wetlands Permitting/Consolidation and Delegation (HB 1123/SB 2016)

These bills would have directed DEP to seek general permits in an effort to obtain delegation of federal wetlands permitting authority.

BROTHER, CAN YOU SPARE AN ISSUE

Each Session of the Florida Legislature seems to come fully equipped with a certain number of Representatives and Senators that passionately attach themselves to issues of awesome unimportance at best. Moreover, many of the legislative proposals filed by these Senators and Representatives attain a life of their own. Fellow travelers eagerly attach themselves to the issue and before you know it, we have a state law authorizing one to be buried with the remains of their beloved pet. That example is a real law, by the way.

In spite of the absolutely horrible economic climate afflicting Florida these days, and the worry all Legislators express over the deteriorating situations with public schools, roads and everything else, the usual amount of time was devoted to these less than gripping political issues. A summary of the bills that were filed (yes, some of them passed), by Legislators this year follows. I supposed it could be the water in Tallahassee which has never been the greatest. An alternative explanation is a sort of legislative delirium or dementia brought on by the recycled air on the 4th Floor of the Capitol Building that is constantly traded back and forth between lobbyists and Legislators during the session. Anyway, here is this year's list:

Dog Bites (SB 372)

There is an actual statute, Chapter 767, Florida Statutes, entitled "Damage By Dog Bites". Moreover, the Senate Community Affairs Committee conducted an interim study to potential revise the statute to specifically identify dangerous dogs and determine whether local governments have adequate power to adopt ordinances to ban various breeds from their jurisdiction. The concept was apparently too tough for legislative staff and legislators to take on with any energy or strength. The bill never got beyond a title, "An Act relating to damage by dogs." Consequently, the bill died without ever receiving a hearing.

Plastinated Bodies (SB 414)

This new law authorizes certain accredited or certified museums to convey plastinated bodies (a kind of mummy) in to and out of the state for exhibition for educational purposes without the consent of the State Anatomical Board, provided the museum notifies the Board at least 30 days before conveyance. If you have seen a "plastinated body", you know that it is a sort of skinless human being so that all of the organs and muscles can be seen. The body comes in a clear plastic so that the view is unobstructed. Will now allow Florida's museum curators to haul these grotesque looking bodies all around the United States, I guess. Once again, Florida leads the way (at least in plastinated bodies transport). *This bill passed and has been signed by the Governor. Chapter No. 2009-128.*

Illegal Aliens (SB 74)

This is a two-line bill that prohibits any state agency or official from using the term “illegal alien” in an official document. There is no explanation of what they should be named or a definition of what constitutes an illegal alien, if such exists. This bill never received a hearing.

Sexual Barrier Protection Devices (SB 188)

This bill was also filed in 2008 by Senator Wilson. This new improved version authorizes the distribution of sexual barrier protection devices within prisons by not-for-profit organizations. This year, Senator Wilson has added a requirement that the Department of Corrections must develop a disposal plan. If I worked for the Department of Corrections and received that assignment, I think I would understand that my career path was going to be a short one. This bill also died without getting a hearing.

Voting (SB 240)

Senator Bennett’s bill would have authorized a category on each ballot for a candidate that says “I choose not to vote”. While I like the idea, it did not get a hearing. Candidly, it would be enjoyable to show up at an election and make sure that the candidate understood that you thought he or she sucked.

Usury (SB 318)

Florida statutory provisions actually have had the term “shylock” in the law for 100 years or so. The term is used interchangeably with other terms for someone engaged in usurious lending practices. Our Jewish community regarded the term, which comes from Shakespeare, as derogatory. *Chapter No. 2009-22*, Laws of Florida, eliminates the term from Florida Statutes.

Sexual Conduct for Contact with an Animal (SB 448)

This legislation is also on its second trip through the legislative process. The bill is intended to make bestiality a crime in Florida. Last year, the bill prohibited sexual contact with an animal in very general terms and was fairly vague. This year it also prohibits “knowing” sexual conduct or contact with an animal and exempts certain people involved in traditional activities of animal husbandry and veterinarians. The bill is very graphic. Unfortunately, the bill did not pass, leaving one reporter to remark that apparently consorting with beasts of the field is still a legal activity in the State of Florida

Massage Parlors (HB 425)

House Bill 425 is an innocuous clean-up bill relating to the Department of Business and Professional Regulation. However, Representative Burgin filed a nine page amendment regulating massage parlors. A full two pages of the amendment is taken up with description after graphic description of phrases that a massage parlor operator would be prohibited from using in any advertisement. Examples include “double delight”, “girls to go”, “happy endings”, and many, many more. If you don’t blush easily, you may want to read Representative Burgin’s amendment (which was withdrawn) to House Bill 425.

Paintballing Eagles (HB 1065)

Because there are so many bird strikes by aircraft near airports, many airports resort to a variety of activities to try and diminish the bird population in and around runways and along flight paths. The methods used range from setting off strings of firecrackers periodically to installing loud noise facilities to actually firing at birds such as eagles with paintballs. Any of these activities that are included in an airport safety plan can be carried out by airport officials without fear of liability. This bill was passed and has been signed into law, *Chapter No. 2009-167*, Laws of Florida.

Droopy Drawers (SB 1540)

For at least three years now, Senator Siplin has attempted to either pass a bill or amend bills relating to public school property that prohibit the exposure of underwear by teenage boys wearing low slung britches. Once again, he attempted to amend a fairly innocuous public education bill but the amendment failed.

License Plates SB 2326

This is a license plate bill. I know this is poaching on Larry's territory, but it is funny. Senator Lawson, an African American that represents the Tallahassee, Leon County area and typically the voice for state employees, filed an amendment to Senator Ring’s bill creating another license plate. The license plate contains an embossed image of Senator Lawson’s face with the logo over it “Can a brotha get a break?” Senator Lawson stated that his intention was to use the revenues from the sale of the license plate as a state employee’s relief fund to mitigate proposed tax cuts. The trust fund was also going to be used for grief counseling. Eventually the amendment was withdrawn after the Senate initially approved it unanimously.