

By the Committees on Criminal Justice; and Military Affairs,  
Space, and Domestic Security; and Senator Dean

591-01688-13

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1 A bill to be entitled

2 An act relating to misrepresentations concerning  
3 solicitations for military or veterans; defining  
4 terms; prohibiting a business entity from holding  
5 itself out as a veterans' organization under certain  
6 circumstances; authorizing an affected veterans'  
7 organization to bring a civil action in a court of  
8 competent jurisdiction against the offending business  
9 entity; authorizing the court to impose a civil  
10 penalty of up to \$500 and payment of court costs and  
11 reasonable attorney fees; providing for criminal  
12 penalties; amending s. 817.312, F.S.; prohibiting  
13 misrepresentation as a service member or veteran and  
14 wearing military or veterans' uniform, medal, or  
15 insignia; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. (1) As used in this section, the term:

20 (a) "Business entity" means any corporation, partnership,  
21 limited partnership, proprietorship, firm, enterprise,  
22 franchise, association, individual, or trust, whether  
23 fictitiously named or not, doing business in this state.

24 (b) "Veteran" has the same meaning as in s. 1.01, Florida  
25 Statutes.

26 (c) "Veterans' organization" means an organization which  
27 exists primarily to benefit veterans or their families.

28 (2) Any veterans' organization whose membership is limited  
29 to veterans and their families that has reason to believe that a

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30 business entity that holds itself out as a veterans'  
31 organization does not in fact operate primarily for the  
32 financial benefit and moral support of veterans or their  
33 families may bring a civil action in a court of competent  
34 jurisdiction for an injunction prohibiting the offending  
35 business from continuing its business practices while holding  
36 itself out as a veterans' organization. The court may also  
37 impose a civil penalty of up to \$500 against the defendant and  
38 award court costs and reasonable attorney fees to the plaintiff.

39 (3) In a civil action brought under subsection (2), the  
40 defendant has the burden of proof to show by clear and  
41 convincing evidence that it does in fact operate primarily for  
42 the financial benefit and moral support of veterans or their  
43 families.

44 (4) A business entity that knowingly and intentionally  
45 represents itself as a veterans' organization but that does not  
46 in fact operate primarily for the financial benefit and moral  
47 support of veterans or their families commits a misdemeanor of  
48 the first degree, punishable as provided in s. 775.082 or s.  
49 775.083, Florida Statutes.

50 (5) This section does not affect the availability of any  
51 other civil or criminal action or the imposition of any other  
52 civil remedy or criminal penalty that is authorized by another  
53 statute.

54 Section 2. Subsection (1) of section 817.312, Florida  
55 Statutes, is amended to read:

56 817.312 Unlawful use of uniforms, medals, or insignia.—

57 (1) A person may not misrepresent himself or herself as a  
58 member or veteran of the United States Air Force, United States

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59 Army, United States Coast Guard, United States Marine Corps,  
60 United States Navy, or National Guard or ~~and~~ wear the uniform of  
61 or any medal or insignia authorized for use by members or  
62 veterans of the United States Air Force, United States Army,  
63 United States Coast Guard, United States Marine Corps, United  
64 States Navy, or the National Guard which he or she is not  
65 authorized to wear while soliciting for charitable contributions  
66 or for the purpose of material gain. This section does not  
67 prohibit persons in the theatrical profession from wearing such  
68 uniforms, medals, or insignia while actually engaged in such  
69 profession.

70 Section 3. This act shall take effect July 1, 2013.