

MEMORANDUM

Agenda Item No. 11(A) (39)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 6, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass SB 1824
and HB 1455 or similar
legislation prohibiting the
impersonation of military
personnel or veterans for the
purpose of soliciting
charitable contributions

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman: Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 6, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(39)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(39)
4-6-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA
LEGISLATURE TO PASS SB 1824 AND HB 1455 OR
SIMILAR LEGISLATION PROHIBITING THE
IMPERSONATION OF MILITARY PERSONNEL OR
VETERANS FOR THE PURPOSE OF SOLICITING
CHARITABLE CONTRIBUTIONS

WHEREAS, due to the current conflicts in Afghanistan and Iraq, many Americans are more desirous of showing their support for military members and veterans and choose to do so by donating to charities that provide assistance to such members and veterans; and

WHEREAS, it is reported that not all charitable organizations that purport to provide assistance to military members or veterans or their families effectively provide such assistance, and some veterans groups, at times, use professional solicitors who keep significant portions of the funds raised leaving less money to help military veterans; and

WHEREAS, it is also reported that certain groups have entered into the practice of dressing in military uniforms for the purpose of soliciting contributions from the public; and

WHEREAS, Section 250.43, Florida Statutes, makes it unlawful for any person, other than a person authorized by law, to wear a uniform or insignia of rank worn by officers of the National Guard or wear the uniform of the United States Army, Navy, Marine Corps, Air Force, National Guard, Naval Militia, or Marine Corps or any part of

such uniform, or imitation uniform, and such an offense is a misdemeanor of the first degree; and

WHEREAS, SB 1824 and HB 1455 would further prohibit a person from wearing the uniform of, or any medal or insignia authorized for use by members or veterans of, the United States Armed Forces or National Guard, if he or she intends to misrepresent himself or herself as a member or a veteran of the United States Armed Forces or the National Guard while soliciting for charitable contributions, and such an offense would be a felony of the third degree; and

WHEREAS, Miami-Dade County desires to recognize and pay tribute to the brave men and women who have sacrificed so much for our country,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass SB 1824 and HB 1455 or similar legislation prohibiting the impersonation of military personnel or military veterans for the purpose of soliciting charitable contributions.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Jose "Pepe" Diaz. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Martin W. Sybblis