

MEMORANDUM

Agenda Item No. 11(A)(13)

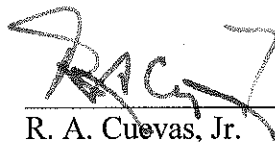
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Resolution urging the Florida
Legislature to enact SB 390,
HB 1077, or similar legislation
prohibiting or making it a
criminal offense to make
misrepresentations concerning
solicitations for veterans

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



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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County Attorney

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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 Mayor'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)(13)
4-2-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 390, HB 1077, OR SIMILAR LEGISLATION
PROHIBITING OR MAKING IT A CRIMINAL OFFENSE TO
MAKE MISREPRESENTATIONS CONCERNING
SOLICITATIONS FOR VETERANS

WHEREAS, companion Senate and House bills have been filed for consideration during the 2013 session of the Florida Legislature, SB 390 by Senator Charles S. "Charlie" Dean, Sr. (R-Inverness), and HB 1077 by Representative W. Gregory "Greg" Steube (R-Sarasota), that make it unlawful to make misrepresentations concerning solicitations for veterans; and

WHEREAS, SB 390, HB 1077 prohibit business entities from holding themselves out as a veterans' organization, if in fact, the business entity does not operate primarily for the financial benefit and moral support of veterans and their families; and

WHEREAS, these bills provide that any veterans' organization, whose membership is limited to veterans and their families, that has reason to believe that a business entity is fraudulently holding itself out as a veterans' organization may bring a civil action for an injunction prohibiting the offending business from continuing its business practices while holding itself out as a veterans' organization; and

WHEREAS, these bills further provide that a business entity that knowingly and intentionally represents itself as a veterans' organization, but that does not in fact operate primarily for the financial benefit and moral support of veterans or their families, commits a misdemeanor of the first degree; and

WHEREAS, these bills makes it unlawful for a person to misrepresent himself or herself as a member or veteran of the United States Air Force, United States Army, United States Coast

Guard, United States Marine Corps, United States Navy, or National Guard while soliciting for charitable contributions or for the purpose of material gain; and

WHEREAS, these bills also makes it unlawful for a person to wear the uniform of, or any medal or insignia authorized for use by, members or veterans of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or the National Guard, which he or she is not authorized to wear, while soliciting for charitable contributions or for the purpose of material gain; and

WHEREAS, these bills do not prohibit persons in the theatrical profession from wearing such uniforms, medals, or insignia while actually engaged in such profession; and

WHEREAS, the enactment of SB 390, HB 1077 will protect our community from individuals or entities that make misrepresentations concerning solicitations for veterans; and

WHEREAS, this Board believes that it is important to protect the residents of Miami-Dade County, particularly the veterans and families that are the intended beneficiaries of charitable donations, from individuals or entities that make misrepresentations so as to fraudulently solicit contributions intended for veterans and their families; and

WHEREAS, this Board would like to express its support for SB 390, HB 1077, or similar legislation prohibiting or making it a criminal offense to make misrepresentations concerning solicitations for veterans,

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 enact SB 390, HB 1077, or similar legislation prohibiting or making it a criminal offense to make misrepresentations concerning solicitations for veterans.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Charles S. "Charlie" Dean, Sr., Representative W. Gregory "Greg" Steube, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Authorizes and directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner 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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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.

APA

Annery Pulgar Alfonso