

**MEMORANDUM**

Agenda Item No. 11(A) (39)

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**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

**Resolution No. R-415-10**

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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

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**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. R-415-10

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 Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> 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: **DIANE COLLINS**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Martin W. Sybblis