

MEMORANDUM

Agenda Item No. 11(A)(20)

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

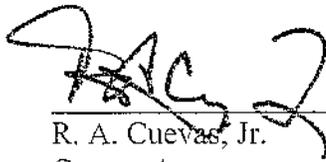
DATE: June 4, 2013

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

SUBJECT: Resolution urging Governor Rick Scott to sign into law CS/CS/CS/SB 390, which makes it a criminal offense for a business to hold itself out as a veterans' organization for purposes of soliciting donations if the business does not benefit veterans, and which prohibits a person either from misrepresenting him or herself as a veteran or from wearing a military uniform, medal or insignia that he or she is not authorized to wear for purposes of soliciting charitable contributions or for material gain

Resolution No. R-464-13

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/cp



MEMORANDUM
(Revised)

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

DATE: June 4, 2013

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

SUBJECT: Agenda Item No. 11(A) (20)

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)(20)
6-4-13

RESOLUTION NO. R-464-13

RESOLUTION URGING GOVERNOR RICK SCOTT TO SIGN INTO LAW CS/CS/CS/SB 390, WHICH MAKES IT A CRIMINAL OFFENSE FOR A BUSINESS TO HOLD ITSELF OUT AS A VETERANS' ORGANIZATION FOR PURPOSES OF SOLICITING DONATIONS IF THE BUSINESS DOES NOT BENEFIT VETERANS, AND WHICH PROHIBITS A PERSON EITHER FROM MISREPRESENTING HIM OR HERSELF AS A VETERAN OR FROM WEARING A MILITARY UNIFORM, MEDAL OR INSIGNIA THAT HE OR SHE IS NOT AUTHORIZED TO WEAR FOR PURPOSES OF SOLICITING CHARITABLE CONTRIBUTIONS OR FOR MATERIAL GAIN

WHEREAS, on April 2, 2013, this Board passed Resolution No. R-260-13, which urged the Florida Legislature to enact SB 390, HB 1077, or similar legislation prohibiting and making it a criminal offense to make misrepresentations concerning solicitations for veterans, a copy of which is attached and incorporated by reference; and

WHEREAS, during the 2013 session, the Florida Legislature unanimously passed Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 390 (CS/CS/CS/SB 390), with the Senate passing CS/CS/CS/SB 390 by a vote of 38-0 and the House passing CS/CS/CS/SB 390 by a vote of 118-0; and

WHEREAS, as passed by the Legislature, CS/CS/CS/SB 390 makes it a first-degree misdemeanor for a business entity to hold itself out as a veterans' organization if the business does not benefit veterans and benefits private shareholders; and

WHEREAS, CS/CS/CS/SB 390 also prohibits a person from either misrepresenting him or herself as a veteran or wearing a military uniform, medal or insignia that he or she is not authorized to wear; and

WHEREAS, on May 28, 2013, CS/CS/CS/SB 390 was presented to Governor Rick Scott, and Governor Scott must act on CS/CS/CS/SB 390 by June 12, 2013; and

WHEREAS, this Board would like to urge Governor Scott to sign CS/CS/CS/SB 390 into law,

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

Section 1. Urges Governor Rick Scott to sign into law CS/CS/CS/SB 390, which makes it a criminal offense for a business to hold itself out as a veterans' organization for purposes of soliciting donations if the business does not benefit veterans, and which prohibits a person either from misrepresenting him or herself as a veteran or from wearing a military uniform, medal or insignia that he or she is not authorized to wear for purposes of soliciting charitable contributions or for material gain.

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 Governor Scott to sign SB 390 into law as 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 **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Sen. Javier D. Souto	aye	Xavier L. Suarez aye
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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

Resolution No. R-260-13

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/Imp

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MEMORANDUM

(Revised)

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

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
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- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
4-2-13

RESOLUTION NO. R-260-13

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

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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.

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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 **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	absent	aye
Jose "Pepe" Diaz	aye	aye
Sally A. Heyman	aye	aye
Jean Monestime	aye	aye
Sen. Javier D. Souto	aye	aye
Juan C. Zapata	aye	aye

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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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APA

Annery Pulgar Alfonso

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