

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/CS/SB 390 — Veterans' Organizations

by Judiciary Committee; Criminal Justice Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senators Dean and Sachs

Solicitation of Funds by Veterans' Organizations

The bill forbids an entity from advertising or holding itself out as a veterans' organization unless it is an actual veterans' organization as defined by the bill. The bill defines a veterans' organization as a business entity whose earnings do not benefit a private shareholder and that exists for one or more of the following purposes:

- Promoting the social welfare of a community;
- Assisting needy war veterans and their dependents;
- Providing entertainment and care to hospitalized veterans;
- Carrying on programs to perpetuate the memory of deceased veterans;
- Conducting programs for religious, charitable, scientific, literary, or educational purposes;
- Providing insurance benefits for their members or their dependents;
- Providing social activities for their members;
- The earnings of the organization are devoted to charitable, religious, scientific, literary, educational, or fraternal purposes.

The bill makes it a violation of the Florida Deceptive and Unfair Trade Practices Act (act) for an entity to misrepresent itself as a veterans' organization if it is not. Consistent with the act, the bill allows a veterans' organization whose membership consists of current or past members of the U.S. military and their families to bring an action against an entity that misrepresents itself as a veterans' organization to obtain an injunction against it. A business entity that unlawfully holds itself out as a veterans' organization commits a misdemeanor of the first degree.

Misrepresentation of Military Service

The bill prohibits soliciting for charitable contributions while either misrepresenting that one is a member or veteran of the U.S. military or while wearing a U.S. military uniform or any U.S. military medal or insignia for which an individual is not authorized to wear. Current law prohibits a person from soliciting for charitable contributions while misrepresenting military or veteran status if the person is wearing a U.S. military uniform, medal, or insignia at the time.

The bill also expands the scope of the criminal offense to include misrepresenting military status or wearing a U.S. military uniform, medal, or insignia for which an individual is not authorized to wear "for the purpose of material gain." The bill provides that a person does not violate the statute while actually engaged in a theatrical profession.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0