



153738

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment

Delete lines 15 - 42
and insert:

Section 1. (1) As used in this section, the term:

(a) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, individual, or trust, whether fictitiously named or not, doing business in this state.

(b) "Veteran" has the same meaning as in s. 1.01, Florida Statutes.

(c) "Veterans' organization" means an organization which



153738

13 exists primarily to benefit veterans or their families.

14 (2) Any veterans' organization whose membership is limited
15 to veterans and their families that has reason to believe that a
16 business entity that holds itself out as a veterans'
17 organization does not in fact operate primarily for the
18 financial benefit and moral support of veterans or their
19 families may bring a civil action in a court of competent
20 jurisdiction for an injunction prohibiting the offending
21 business from continuing its business practices while holding
22 itself out as a veterans' organization. The court may also
23 impose a civil penalty of up to \$500 against the defendant and
24 award court costs and reasonable attorney fees to the plaintiff.

25 (3) In a civil action brought under subsection (2), the
26 defendant has the burden of proof to show by clear and
27 convincing evidence that it does in fact operate primarily for
28 the financial benefit and moral support of veterans or their
29 families.

30 (4) A business entity that knowingly and intentionally
31 represents itself as a veterans' organization but that does not
32 in fact operate primarily for the financial benefit and moral
33 support of veterans or their families commits a misdemeanor of
34 the first degree, punishable as provided in s. 775.082 or s.
35 775.083, Florida Statutes.

36 (5) This section does not affect the availability of any
37 other civil or criminal action or the imposition of any other
38 civil remedy or criminal penalty that is authorized by another
39 statute.