

By the Committee on Military Affairs, Space, and Domestic Security; and Senator Dean

583-01567-13

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1 A bill to be entitled
2 An act relating to veterans' organizations; defining
3 terms; prohibiting a business entity from holding
4 itself out as a veterans' organization under certain
5 circumstances; authorizing an affected veterans'
6 organization to bring a civil action in a court of
7 competent jurisdiction against the offending business
8 entity; authorizing the court to impose a civil
9 penalty of up to \$500 and payment of court costs and
10 reasonable attorney fees; providing for criminal
11 penalties; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

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

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

22 (c) "Veterans' organization" means an organization whose
23 membership is limited to veterans and their families and which
24 exists primarily to benefit veterans.

25 (2) Any veterans' organization that has reason to believe
26 that a business entity that holds itself out as a veterans'
27 organization does not in fact operate primarily for the
28 financial benefit and moral support of veterans and their
29 families may bring a civil action in a court of competent

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30 jurisdiction against the offending business entity to cease and
31 desist its business practices while holding itself out as a
32 veterans' organization. Upon an adverse adjudication, the court
33 also may impose a civil penalty of up to \$500 and payment of
34 court costs and reasonable attorney fees incurred by the
35 plaintiff. In such an action, the defendant has the burden of
36 proof to show clear and convincing evidence that it does in fact
37 operate primarily for the financial benefit and moral support of
38 veterans and their families.

39 (3) A business entity that knowingly and intentionally
40 violates subsection (2) commits a misdemeanor of the first
41 degree, punishable as provided in s. 775.082 or s. 775.083,
42 Florida Statutes.

43 Section 2. This act shall take effect July 1, 2013.