

By the Committees on Judiciary; Criminal Justice; and Military and Veterans Affairs, Space, and Domestic Security; and Senator Dean

590-03317-13

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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 advertising  
4 or holding itself out to the public as a veterans'  
5 organization or similar entity under certain  
6 circumstances; providing that an entity that violates  
7 the restrictions on advertizing violates the Florida  
8 Deceptive and Unfair Trade Practices Act; authorizing  
9 certain veterans' organizations to enforce the  
10 prohibition against false advertising; providing for  
11 criminal penalties; amending s. 817.312, F.S.;  
12 prohibiting misrepresentation as a service member or  
13 veteran and wearing military or veterans' uniform,  
14 medal, or insignia; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. (1) As used in this section, the term:

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

23 (b) "Veterans' organization" means a business entity whose  
24 net earnings do not inure to the benefit of any private  
25 shareholder or individual and that exists substantially for one  
26 or more of the following purposes:

27 1. Promoting the social welfare of the community.

28 2. Assisting disabled and needy war veterans and members of  
29 the United States Armed Forces and their dependents, and the

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30 widows and orphans of deceased veterans.

31 3. Providing entertainment, care and assistance to  
32 hospitalized veterans or members of the United States Armed  
33 Forces.

34 4. Carrying on programs to perpetuate the memory of  
35 deceased veterans and members of the United States Armed Forces,  
36 and to comfort their survivors.

37 5. Conducting programs for religious, charitable,  
38 scientific, literary, or educational purposes.

39 6. Providing insurance benefits for their members or  
40 dependents of their members or both.

41 7. Providing social and recreational activities for their  
42 members.

43 8. The earnings of the organization are devoted to  
44 charitable, religious, scientific, literary, educational, or  
45 fraternal purposes.

46 (2) A business entity may not advertise or hold itself out  
47 to the public as a veterans' organization or similar entity  
48 unless the entity is a veterans' organization.

49 (3) A business entity that violates subsection (2) violates  
50 the Florida Deceptive and Unfair Trade Practices Act under part  
51 II of chapter 501, Florida Statutes.

52 (4) Consistent with part II of chapter 501, Florida  
53 Statutes, a veterans' organization whose membership is limited  
54 to past or present members of the United States Armed Forces,  
55 individuals who are cadets or are spouses, widows, widowers,  
56 ancestors or lineal descendants of past or present members of  
57 the United States Armed Forces or of cadets may bring an action  
58 to obtain a declaratory judgment that a business entity is

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59 violating this section and to enjoin the entity who has  
60 violated, is violating, or is otherwise likely to violate this  
61 section.

62 (5) A business entity that knowingly and intentionally  
63 represents itself as a veterans' organization or similar  
64 organization but that does not comply with subsection (2)  
65 commits a misdemeanor of the first degree, punishable as  
66 provided in s. 775.082 or s. 775.083, Florida Statutes.

67 Section 2. Subsection (1) of section 817.312, Florida  
68 Statutes, is amended to read:

69 817.312 Unlawful use of uniforms, medals, or insignia.—

70 (1) A person may not misrepresent himself or herself as a  
71 member or veteran of the United States Air Force, United States  
72 Army, United States Coast Guard, United States Marine Corps,  
73 United States Navy, or National Guard or ~~and~~ wear the uniform of  
74 or any medal or insignia authorized for use by members or  
75 veterans of the United States Air Force, United States Army,  
76 United States Coast Guard, United States Marine Corps, United  
77 States Navy, or the National Guard which he or she is not  
78 authorized to wear while soliciting for charitable contributions  
79 or for the purpose of material gain. This section does not  
80 prohibit persons in the theatrical profession from wearing such  
81 uniforms, medals, or insignia while actually engaged in such  
82 profession.

83 Section 3. This act shall take effect July 1, 2013.