

1 A bill to be entitled
 2 An act relating to monuments and memorials; providing
 3 a short title; amending s. 1.01, F.S.; revising the
 4 definition of "veteran" to include additional periods
 5 of military service; creating s. 265.155, F.S.;
 6 defining the term "remembrance"; prohibiting specified
 7 activities concerning remembrances on public property;
 8 providing exceptions; granting certain persons
 9 standing for enforcement; amending s. 806.13, F.S.;
 10 prohibiting damage to or removal of certain
 11 remembrances; providing criminal penalties; providing
 12 an effective date.

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

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 16 Section 1. This act may be cited as the "Soldiers' and
 17 Heroes' Monuments and Memorials Protection Act."

18 Section 2. Subsection (14) of section 1.01, Florida
 19 Statutes, is amended to read:

20 1.01 Definitions.—In construing these statutes and each
 21 and every word, phrase, or part hereof, where the context will
 22 permit:

23 (14) The term "veteran" means a person who served in the
 24 active military, naval, or air service and who was discharged or
 25 released under honorable conditions only or who later received

26 an upgraded discharge under honorable conditions,
27 notwithstanding any action by the United States Department of
28 Veterans Affairs on individuals discharged or released with
29 other than honorable discharges. To receive benefits as a
30 wartime veteran, a veteran must have served in a campaign or
31 expedition for which a campaign badge has been authorized or
32 during one of the following periods of wartime service:

33 (a) Anglo-Spanish War: 1585 to 1604.

34 (b) Battle of Fort Mose: June 26, 1740.

35 (c) French and Indian War, also known as the Seven Years'
36 War: 1756 to 1763.

37 (d) American Revolution: 1765 to 1783.

38 (e) War of 1812: 1812 to 1815.

39 (f) Seminole Wars: 1817 to 1858.

40 (g) Mexican-American War: 1846 to 1848.

41 (h) Civil War: 1861 to 1865.

42 (i)~~(a)~~ Spanish-American War: April 21, 1898, to July 4,
43 1902, and including the Philippine Insurrection and the Boxer
44 Rebellion.

45 (j)~~(b)~~ Mexican Border Period: May 9, 1916, to April 5,
46 1917, in the case of a veteran who during such period served in
47 Mexico, on the borders of, or in the waters adjacent to Mexico.

48 (k)~~(c)~~ World War I: April 6, 1917, to November 11, 1918;
49 extended to April 1, 1920, for those veterans who served in
50 Russia; also extended through July 1, 1921, for those veterans

51 who served after November 11, 1918, and before July 2, 1921,
52 provided such veterans had at least 1 day of service between
53 April 5, 1917, and November 12, 1918.

54 (l)~~(d)~~ World War II: December 7, 1941, to December 31,
55 1946.

56 (m)~~(e)~~ Korean War: June 27, 1950, to January 31, 1955.

57 (n)~~(f)~~ Vietnam War: February 28, 1961, to May 7, 1975.

58 (o) Bay of Pigs Invasion: April 1961.

59 (p)~~(g)~~ Persian Gulf War: August 2, 1990, to January 2,
60 1992.

61 (q)~~(h)~~ Operation Enduring Freedom: October 7, 2001, and
62 ending on the date thereafter prescribed by presidential
63 proclamation or by law.

64 (r)~~(i)~~ Operation Iraqi Freedom: March 19, 2003, and ending
65 on the date thereafter prescribed by presidential proclamation
66 or by law.

67 Section 3. Section 265.155, Florida Statutes, is created
68 to read:

69 265.155 Remembrance on public property.—

70 (1) As used in this section, the term "remembrance" means
71 an exhibit; artwork, including a painting, stained glass, or a
72 statue; a monument; a memorial; a nameplate; a historical
73 marker; a symbol, including a religious symbol; a tombstone; a
74 plaque; a seal; a logo; a road name; a building, a structure, or
75 an educational facility name; a historical flag or other

76 display; a geographic area, natural or manmade landscape, or
77 feature fountain; or a similar object that was made to honor or
78 commemorate:

79 (a) A soldier, a military figure, or a government official
80 or civilian who provided material aid to the war effort during a
81 time of war, including, but not limited to, a conflict
82 enumerated in s. 1.01(14), who served one or more of the
83 original 13 colonies, the State of Florida, the United States,
84 or a geographical area or territory that became a part of the
85 United States;

86 (b) A military organization or military unit of one or
87 more of the original 13 colonies, the State of Florida, the
88 United States, or a geographical area or territory that became
89 part of the United States;

90 (c) An armed conflict, including, but not limited to, an
91 armed conflict described in s. 1.01(14), in which residents of
92 this state were involved; or

93 (d) A law enforcement officer, a prison guard, a
94 firefighter, or an astronaut.

95 (2) A remembrance erected, named, or dedicated on or after
96 March 22, 1822, on public property may only be relocated,
97 removed, altered, renamed, rededicated, or otherwise disturbed
98 if necessary to accommodate construction, repair, or
99 improvements to the remembrance or to the surrounding property
100 on which the remembrance is located. Such remembrance must be

101 relocated or returned within 90 days after completion of
102 construction.

103 (3) A remembrance on public property that is sold or
104 repurposed must be relocated to a location of equal prominence
105 as the original location.

106 (4) The concealment of a remembrance on public property
107 exceeding 45 days in any 12 month period by the state, county,
108 municipality, or other subdivision is prohibited.

109 (5) A resident of this state or an entity whose purpose is
110 historic preservation, a veteran, or a law enforcement
111 benevolent organization has standing to seek enforcement of this
112 section through a civil action in the circuit court in the
113 county in which the remembrance is located.

114 Section 4. Subsections (5) through (9) of section 806.13,
115 Florida Statutes, are renumbered as subsections (6) through
116 (10), respectively, present subsection (8) is amended, and a new
117 subsection (5) is added to that section, to read:

118 806.13 Criminal mischief; penalties; penalty for minor.—

119 (5) (a) A person may not willfully and maliciously damage
120 or deface, or remove by any means a remembrance, as defined in
121 s. 265.155, that is owned or erected by a governmental entity, a
122 museum, a historical society, or a similar organization, or a
123 remembrance that is located in a cemetery or on a grave or tomb.

124 (b) A person who violates this subsection commits a felony
125 of the third degree, punishable as provided in s. 775.082, s.

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126 | 775.083, or s. 775.084.

127 | (9)~~(8)~~ A minor whose driver license or driving privilege
128 | is revoked, suspended, or withheld under subsection (8) ~~(7)~~ may
129 | elect to reduce the period of revocation, suspension, or
130 | withholding by performing community service at the rate of 1 day
131 | for each hour of community service performed. In addition, if
132 | the court determines that due to a family hardship, the minor's
133 | driver license or driving privilege is necessary for employment
134 | or medical purposes of the minor or a member of the minor's
135 | family, the court shall order the minor to perform community
136 | service and reduce the period of revocation, suspension, or
137 | withholding at the rate of 1 day for each hour of community
138 | service performed. As used in this subsection, the term
139 | "community service" means cleaning graffiti from public
140 | property.

141 | Section 5. This act shall take effect July 1, 2020.