

By Senator Steube

23-00463-17

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1                   A bill to be entitled  
2           An act relating to a Soldiers' and Heroes' Monuments  
3           and Memorials Protection Act; providing a short title;  
4           amending s. 806.13, F.S.; providing criminal penalties  
5           for criminal mischief that causes damage to certain  
6           remembrances erected to honor or commemorate a  
7           soldier, a historical military figure, a military  
8           organization, a military unit, a law enforcement  
9           officer, a firefighter, or an astronaut; defining the  
10          term "remembrance"; conforming a cross-reference;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. This act may be cited as the "Soldiers' and  
16 Heroes' Monuments and Memorials Protection Act."

17           Section 2. Present subsections (5) through (9) of section  
18 806.13, Florida Statutes, are redesignated as subsections (6)  
19 through (10), respectively, present subsection (8) is amended,  
20 and a new subsection (5) is added to that section, to read:

21           806.13 Criminal mischief; penalties; penalty for minor.—

22           (5) (a) A person may not willfully and maliciously damage or  
23 deface by any means a remembrance that is owned by a  
24 governmental entity or museum, a historical society, or a  
25 similar organization or that is located in a cemetery or on a  
26 grave or tomb. As used in this subsection, the term  
27 "remembrance" means an exhibit; artwork, including a painting, a  
28 stained glass work, or a statue; a monument; a memorial; a  
29 nameplate; a historical marker; a symbol, including a religious  
30 symbol; a tombstone; a plaque; a historical flag display; a  
31 fountain; or a similar object that was made to honor or  
32 commemorate:

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33       1. A soldier or military figure who served 1 or more of the  
34 original 13 colonies, the United States, or a territory that  
35 became part of the United States;

36       2. A military organization or military unit of 1 or more of  
37 the original 13 colonies, the United States, or a territory that  
38 became part of the United States; or

39       3. A law enforcement officer, a firefighter, or an  
40 astronaut serving the National Aeronautics and Space  
41 Administration.

42       (b) A person who violates this subsection commits a felony  
43 of the third degree, punishable as provided in s. 775.082, s.  
44 775.083, or s. 775.084.

45       (9)~~(8)~~ A minor whose driver license or driving privilege is  
46 revoked, suspended, or withheld under subsection (8) ~~(7)~~ may  
47 elect to reduce the period of revocation, suspension, or  
48 withholding by performing community service at the rate of 1 day  
49 for each hour of community service performed. In addition, if  
50 the court determines that due to a family hardship, the minor's  
51 driver license or driving privilege is necessary for employment  
52 or medical purposes of the minor or a member of the minor's  
53 family, the court shall order the minor to perform community  
54 service and reduce the period of revocation, suspension, or  
55 withholding at the rate of 1 day for each hour of community  
56 service performed. As used in this subsection, the term  
57 "community service" means cleaning graffiti from public  
58 property.

59       Section 3. This act shall take effect October 1, 2017.