

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

36 | (c) American Revolution: 1765 to 1783.

37 | (d) War of 1812: 1812 to 1815.

38 | (e) Seminole Wars: 1817 to 1858.

39 | (f) Mexican-American War: 1846 to 1848.

40 | (g) Civil War: 1861 to 1865.

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

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

47 | (j) ~~(c)~~ World War I: April 6, 1917, to November 11, 1918;
48 | extended to April 1, 1920, for those veterans who served in
49 | Russia; also extended through July 1, 1921, for those veterans
50 | who served after November 11, 1918, and before July 2, 1921,

51 provided such veterans had at least 1 day of service between
 52 April 5, 1917, and November 12, 1918.

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

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

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

57 (n) Bay of Pigs Invasion: April 1961.

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

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

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

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

68 265.155 Remembrance on public property.—

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

76 feature fountain; or a similar object that was made to honor or
77 commemorate:

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

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

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

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

94 (2) A remembrance erected, named, or dedicated on or after
95 March 22, 1822, on public property may only be relocated,
96 removed, altered, renamed, rededicated, or otherwise disturbed
97 if necessary to accommodate construction, repair, or
98 improvements to the remembrance or to the surrounding property
99 on which the remembrance is located. Such remembrance must be
100 relocated or returned within 90 days after completion of

101 construction.

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

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

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

114 806.13 Criminal mischief; penalties; penalty for minor.—

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

121 (b) A person who violates this subsection commits a felony
122 of the third degree, punishable as provided in s. 775.082, s.
123 775.083, or s. 775.084.

124 (9) ~~(8)~~ A minor whose driver license or driving privilege
125 is revoked, suspended, or withheld under subsection ~~(8)~~ ~~(7)~~ may

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

138 | Section 5. This act shall take effect October 1, 2018.