

By Senator Baxley

12-00219B-19

2019288\_\_

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.

13  
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 and  
21 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

12-00219B-19

2019288\_\_

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.

12-00219B-19

2019288\_\_

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 to  
68 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 1 or more of the original  
83 13 colonies, the State of Florida, the United States, or a  
84 geographical area or territory that became part of the United  
85 States;

86        (b) A military organization or military unit of 1 or more  
87 of the original 13 colonies, the State of Florida, the United

12-00219B-19

2019288\_\_

88 States, or a geographical area or territory that became part of  
89 the United States;

90 (c) An armed conflict, including, but not limited to, a  
91 conflict described in s. 1.01(14), in which residents of this  
92 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, a county,  
108 a municipality, or other political 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. Present subsections (5) through (9) of section  
115 806.13, Florida Statutes, are renumbered as subsections (6)  
116 through (10), respectively, present subsection (8) of that

12-00219B-19

2019288\_\_

117 section is amended, and a new subsection (5) is added to that  
118 section, to read:

119 806.13 Criminal mischief; penalties; penalty for minor.—

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

126 (b) A person who violates this subsection commits a felony  
127 of the third degree, punishable as provided in s. 775.082, s.  
128 775.083, or s. 775.084.

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

143 Section 5. This act shall take effect October 1, 2019.