

Amendment No.

16 (b) "Local governmental entities" includes municipalities,
17 counties, school boards, special districts, and other local
18 entities within the jurisdiction of one county created by
19 general or special law or ordinance.

20 (c) "Memorial" means a plaque, statue, marker, flag,
21 banner, cenotaph, religious symbol, painting, seal, tombstone,
22 structure name, or display that is constructed and located with
23 the intent of being permanently displayed or perpetually
24 maintained; is dedicated to a historical person, an entity, an
25 event, or a series of events; and honors or recounts the
26 military service of any past or present United States Armed
27 Forces military personnel, or the past or present public service
28 of a resident of the geographical area comprising this state or
29 the United States. The term includes, but is not limited to, the
30 following memorials established under this chapter:

- 31 1. Florida Women's Hall of Fame;
- 32 2. Florida Medal of Honor Wall;
- 33 3. Florida Veterans' Hall of Fame;
- 34 4. POW-MIA Chair of Honor Memorial;
- 35 5. Florida Veterans' Walk of Honor and Florida Veterans'
36 Memorial Garden;
- 37 6. Florida Law Enforcement Officers' Hall of Fame;
- 38 7. Florida Holocaust Memorial;
- 39 8. Florida Slavery Memorial; and
- 40 9. Any other memorial located within the Capitol Complex,

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41 including, but not limited to, Waller Park.

42 (2) Any person or entity that damages or destroys any
43 memorial, or that removes a memorial without returning the
44 memorial to its original position and condition, is liable for
45 the full cost of repair or replacement of such memorial unless
46 such person or entity was authorized to damage, destroy, or
47 remove the memorial by the owner thereof.

48 (3) In addition to the costs of repair or replacement, any
49 person or entity that intentionally damages, destroys, takes or
50 removes a memorial without authorization from the owner thereof
51 is liable for treble damages, attorney fees, and court costs to
52 the owner of the memorial in any action or proceeding brought to
53 recover damages for the cost of repair or replacement of a
54 memorial in which the owner prevails and for attorney fees and
55 court costs to any person or organization who prevails in an
56 action brought under subsection (4).

57 (4) A resident of this state, a historical preservation
58 organization, a military veteran, a veterans' organization, or a
59 law enforcement or firefighter benevolent organization has
60 standing to seek enforcement of this section through civil
61 action in the circuit court in the county in which a memorial
62 that has been removed, damaged, or destroyed is located.

63 Section 3. Present subsections (5) through (9) of section
64 806.13, Florida Statutes, are renumbered as subsections (6)
65 through (10), respectively, a new subsection (5) is added to

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66 that section, and present subsection (8) of that section is
67 amended, to read:

68 806.13 Criminal mischief; penalties; penalty for minor.—

69 (5) A person who willfully and maliciously damages,
70 defaces, or removes by any means a memorial that is owned or
71 erected by the state, a local governmental entity, a museum, a
72 historical society, or a similar public or private organization,
73 or a memorial that is located in a cemetery or on a grave or
74 tombstone, commits a felony of the third degree, punishable as
75 provided in s. 775.082, s. 775.083, or s. 775.084. For purposes
76 of this subsection, the terms "local governmental entity" and
77 "memorial" have the same meaning as in s. 265.710.

78 (9) ~~(8)~~ A minor whose driver license or driving privilege
79 is revoked, suspended, or withheld under subsection (8) ~~(7)~~ may
80 elect to reduce the period of revocation, suspension, or
81 withholding by performing community service at the rate of 1 day
82 for each hour of community service performed. In addition, if
83 the court determines that due to a family hardship, the minor's
84 driver license or driving privilege is necessary for employment
85 or medical purposes of the minor or a member of the minor's
86 family, the court shall order the minor to perform community
87 service and reduce the period of revocation, suspension, or
88 withholding at the rate of 1 day for each hour of community
89 service performed. As used in this subsection, the term
90 "community service" means cleaning graffiti from public

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91 property, including graffiti on memorials, or the general
92 cleanup of parks dedicated to veterans or historic sites. For
93 purposes of this subsection, the term "memorial" has the same
94 meaning as in s. 265.710.

95
96 Section 4. This act shall take effect October 1, 2020.

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99 **T I T L E A M E N D M E N T**

100 Remove everything before the enacting clause and insert:
101 An act relating to preservation of memorials;
102 providing a short title; creating s. 265.710, F.S.;
103 providing definitions; prohibiting specified
104 activities concerning memorials by a person or an
105 entity unless authorized by the memorial's owner;
106 providing for liability and the award of certain costs
107 and damages for violations of the act; granting
108 certain persons standing for enforcement of the act;
109 amending s. 806.13, F.S.; providing criminal penalties
110 for willful and malicious damage to or removal of
111 certain memorials; redefining the term "community
112 service" for purposes of minors found to have
113 committed certain delinquent acts of criminal
114 mischief; providing an effective date.

115