

1 A bill to be entitled
 2 An act relating to preservation of memorials;
 3 providing a short title; creating s. 265.71, F.S.;
 4 providing definitions; prohibiting specified
 5 activities concerning memorials; providing for
 6 liability and the award of certain costs and damages
 7 for violations of the act; granting certain persons
 8 standing for enforcement of the act; amending s.
 9 806.13, F.S.; providing criminal penalties for willful
 10 and malicious damage to or removal of certain
 11 memorials; revising the term "community service" for
 12 purposes of minors found to have committed certain
 13 delinquent acts of criminal mischief; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. This act may be cited as the "Historical
 19 Memorials Protection Act."

20 Section 2. Section 265.71, Florida Statutes, is created to
 21 read:

22 265.71 Civil liability for damaging, destroying, or
 23 removing memorials; enforcement.-

24 (1) As used in this section, the term:

25 (a) "Governing body" means a council, commission, or other

26 | board or body in which the general legislative powers of a local
 27 | governmental entity are vested.

28 | (b) "Local governmental entity" means a municipality,
 29 | county, school board, special district, and other local entity
 30 | within the jurisdiction of one county created by general or
 31 | special law or ordinance.

32 | (c) "Memorial" means a plaque, statue, marker, flag,
 33 | banner, cenotaph, religious symbol, painting, seal, tombstone,
 34 | structure name, or display that is constructed and located with
 35 | the intent of being permanently displayed or perpetually
 36 | maintained; is dedicated to a historical person, an entity, an
 37 | event, or a series of events; and honors or recounts the
 38 | military service of any past or present United States Armed
 39 | Forces military personnel, or the past or present public service
 40 | of a resident of the geographical area comprising the state or
 41 | the United States. The term includes, but is not limited to, the
 42 | following memorials established under this chapter:

- 43 | 1. Florida Women's Hall of Fame.
- 44 | 2. Florida Medal of Honor Wall.
- 45 | 3. Florida Veterans' Hall of Fame.
- 46 | 4. POW-MIA Chair of Honor Memorial.
- 47 | 5. Florida Veterans' Walk of Honor and Florida Veterans'
 48 | Memorial Garden.
- 49 | 6. Florida Law Enforcement Officers' Hall of Fame.
- 50 | 7. Florida Holocaust Memorial.

51 8. Florida Slavery Memorial.

52 9. Any other memorial located within the Capitol Complex,
53 including, but not limited to, Waller Park.

54 (2) Any person or entity that damages or destroys any
55 memorial, or that removes a memorial without returning the
56 memorial to its original position and condition, is liable for
57 the full cost of repair or replacement of such memorial unless
58 such person or entity was authorized to damage, destroy, or
59 remove the memorial by the owner thereof.

60 (3) In addition to the costs of repair or replacement, any
61 person or entity that intentionally damages, destroys, takes, or
62 removes a memorial without authorization from the owner thereof
63 is liable for treble damages, attorney fees, and court costs to
64 the owner of the memorial in any action or proceeding brought to
65 recover damages for the cost of repair or replacement of a
66 memorial in which the owner prevails and for attorney fees and
67 court costs to any person or organization who prevails in an
68 action brought under subsection (4).

69 (4) A resident of the state, a historical preservation
70 organization, a military veteran, a veterans' organization, or a
71 law enforcement or firefighter benevolent organization has
72 standing to seek enforcement of this section through civil
73 action in the circuit court in the county in which a memorial
74 that has been removed, damaged, or destroyed is located.

75 Section 3. Subsections (5) through (9) of section 806.13,

76 Florida Statutes, are renumbered as subsections (6) through
77 (10), respectively, present subsection (8) is amended, and a new
78 subsection (5) is added to that section, to read:

79 806.13 Criminal mischief; penalties; penalty for minor.—

80 (5) A person who willfully and maliciously damages,
81 defaces, or removes by any means a memorial that is owned or
82 erected by the state, a local governmental entity, a museum, a
83 historical society, or a similar public or private organization,
84 or a memorial that is located in a cemetery or on a grave or
85 tombstone, commits a felony of the third degree, punishable as
86 provided in s. 775.082, s. 775.083, or s. 775.084. For purposes
87 of this subsection, the terms "local governmental entity" and
88 "memorial" have the same meaning as in s. 265.71.

89 (9)~~(8)~~ A minor whose driver license or driving privilege
90 is revoked, suspended, or withheld under subsection (8) ~~(7)~~ may
91 elect to reduce the period of revocation, suspension, or
92 withholding by performing community service at the rate of 1 day
93 for each hour of community service performed. In addition, if
94 the court determines that due to a family hardship, the minor's
95 driver license or driving privilege is necessary for employment
96 or medical purposes of the minor or a member of the minor's
97 family, the court shall order the minor to perform community
98 service and reduce the period of revocation, suspension, or
99 withholding at the rate of 1 day for each hour of community
100 service performed. As used in this subsection, the term

CS/HB 1251

2020

101 "community service" means cleaning graffiti from public
102 property, including graffiti on memorials, or the general
103 cleanup of parks dedicated to veterans or historic sites. For
104 purposes of this subsection, the term "memorial" has the same
105 meaning as in s. 265.71.

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