

By Senator Torres

15-01216A-20

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1 A bill to be entitled
2 An act relating to preservation of memorials;
3 providing a short title; creating s. 265.710, F.S.;
4 defining the term "memorial"; prohibiting specified
5 activities concerning memorials by a person or an
6 entity; providing for liability and the award of
7 certain costs and damages for violations of the act;
8 requiring the Secretary of State to provide written
9 approval before the placement of certain materials on
10 or adjacent to certain memorials on public property;
11 granting certain persons standing for enforcement of
12 the act; amending s. 806.13, F.S.; providing criminal
13 penalties for damage to or removal of certain
14 memorials; redefining the term "community service" for
15 purposes of minors found to have committed certain
16 delinquent acts of criminal mischief; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. This act may be cited as the "Historical
22 Memorials Protection Act."

23 Section 2. Section 265.710, Florida Statutes, is created to
24 read:

25 265.710 Civil liability for damaging, destroying, or
26 removing memorials; enforcement.-

27 (1) As used in this section, the term "memorial" means a
28 plaque, statue, marker, flag, banner, cenotaph, religious
29 symbol, painting, seal, tombstone, structure name, or display

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30 that is constructed and located with the intent of being
31 permanently displayed or perpetually maintained; is dedicated to
32 a historical person, an entity, an event, or a series of events;
33 and honors or recounts the military service of any past or
34 present United States Armed Forces military personnel, or the
35 past or present public service of a resident of the geographical
36 area comprising this state or the United States. The term
37 includes, but is not limited to, the following memorials
38 established under this chapter:

39 (a) Florida Women's Hall of Fame;

40 (b) Florida Medal of Honor Wall;

41 (c) Florida Veterans' Hall of Fame;

42 (d) POW-MIA Chair of Honor Memorial;

43 (e) Florida Veterans' Walk of Honor and Florida Veterans'
44 Memorial Garden;

45 (f) Florida Law Enforcement Officers' Hall of Fame;

46 (g) Florida Holocaust Memorial;

47 (h) Florida Slavery Memorial; and

48 (i) Any other memorial located within the Capitol Complex,
49 including, but not limited to, Waller Park.

50 (2) Any person or entity that damages or destroys any
51 memorial, or that takes or removes a memorial without returning
52 the memorial to its original position and condition, is liable
53 for the full cost of repair or replacement of such memorial
54 unless such person or entity was authorized to take or remove
55 the memorial by the person or entity owning such memorial for
56 the purpose of restoring or repairing the memorial.

57 (3) In addition to the cost of repair or replacement, any
58 person or entity that intentionally damages, destroys, takes, or

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59 removes a memorial without authorization is liable for treble
60 damages, attorney fees, and court costs to the owner of the
61 memorial in any action or proceeding brought to recover damages
62 for the cost of repair or replacement of a memorial.

63 (4) No plaque, sign, picture, marker, exhibit, notice, or
64 other object that would obstruct the view of a memorial that is
65 located on public property or that would convey information
66 about such a memorial may be placed on or immediately adjacent
67 to any such memorial in existence on or before January 1, 2019,
68 without the express written approval of the Secretary of State.

69 (5) A resident of this 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 damaged or destroyed is located.

75 Section 3. Present subsections (5) through (9) of section
76 806.13, Florida Statutes, are renumbered as subsections (6)
77 through (10), respectively, a new subsection (5) is added to
78 that section, and present subsection (8) of that section is
79 amended, to read:

80 806.13 Criminal mischief; penalties; penalty for minor.—

81 (5) A person may not willfully damage or deface, or remove
82 by any means, a memorial that is owned or erected by a
83 governmental entity, a museum, a historical society, or a
84 similar public or private organization, or a memorial that is
85 located in a cemetery or on a grave or tombstone. A person who
86 violates this subsection commits a felony of the third degree,
87 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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88 For purposes of this subsection, the term "memorial" has the
89 same meaning as in s. 265.710.

90 (9)~~(8)~~ A minor whose driver license or driving privilege is
91 revoked, suspended, or withheld under subsection (8) ~~(7)~~ may
92 elect to reduce the period of revocation, suspension, or
93 withholding by performing community service at the rate of 1 day
94 for each hour of community service performed. In addition, if
95 the court determines that due to a family hardship, the minor's
96 driver license or driving privilege is necessary for employment
97 or medical purposes of the minor or a member of the minor's
98 family, the court shall order the minor to perform community
99 service and reduce the period of revocation, suspension, or
100 withholding at the rate of 1 day for each hour of community
101 service performed. As used in this subsection, the term
102 "community service" means cleaning graffiti from public
103 property, including graffiti on memorials, or the general
104 cleanup of parks dedicated to veterans or historic sites.

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