

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) The concealment of a remembrance on public property  
106 exceeding 45 days in any 12 month period by the state, county,  
107 municipality, or other subdivision is prohibited.

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

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

117 806.13 Criminal mischief; penalties; penalty for minor.—

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

124 (b) A person who violates this subsection commits a felony  
125 of the third degree, punishable as provided in s. 775.082, s.

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126 | 775.083, or s. 775.084.

127 |       (9)~~(8)~~ A minor whose driver license or driving privilege  
128 | is revoked, suspended, or withheld under subsection (8)~~(7)~~ may  
129 | elect to reduce the period of revocation, suspension, or  
130 | withholding by performing community service at the rate of 1 day  
131 | for each hour of community service performed. In addition, if  
132 | the court determines that due to a family hardship, the minor's  
133 | driver license or driving privilege is necessary for employment  
134 | or medical purposes of the minor or a member of the minor's  
135 | family, the court shall order the minor to perform community  
136 | service and reduce the period of revocation, suspension, or  
137 | withholding at the rate of 1 day for each hour of community  
138 | service performed. As used in this subsection, the term  
139 | "community service" means cleaning graffiti from public  
140 | property.

141 |       Section 5. This act shall take effect July 1, 2019.