A bill to be entitled
An act relating to protection of historical monuments and memorials; providing a short title; providing legislative intent; providing duties of the Secretary of State, the State Historic Preservation Officer, and the Department of Veterans' Affairs with respect to historical monuments and memorials; providing limitations and requirements regarding the relocation of historical monuments and memorials by local governments; providing duties of the Florida Historical Commission; authorizing placement of contextual markers or plaques near monuments or memorials under certain conditions; providing for legislative findings; amending s. 267.0612, F.S.; requiring the Florida Historical Commission to take minutes of its meetings and post such minutes on a specified website within a specified period; creating s. 267.201, F.S.; providing definitions; prohibiting certain acts concerning historical monuments and memorials; providing applicability; providing for standing to bring civil actions; providing exceptions; providing civil penalties for officials who engage in certain actions; providing for suspension or removal of such officials in certain circumstances; providing for state funding for restoration of a monument or memorial in certain circumstances; providing for reimbursement of such funds; specifying certain duties of the Department of State, State Historic Preservation Officer, and Florida Historical
Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Historical Monuments and Memorials Protection Act.”

Section 2. (1) It is the intent of the Legislature that the State of Florida takes all actions to protect and preserve all historical monuments and memorials from removal, damage, or destruction. The Secretary of State and the State Historic Preservation Officer shall be responsible for ensuring that each nonmilitary Florida monument or memorial is not removed, damaged, or destroyed, regardless of the location of such monument or memorial in the state. The Department of Veterans’ Affairs shall have these responsibilities for military monuments and memorials.

(2) A local government may only relocate a historical monument or memorial temporarily due to construction and, within a reasonable time but not more than 12 months after the construction project is completed, the historical monument or memorial shall be placed back at the original location or, if that is not possible, as close as possible to the original location in a prominent place for easy and accessible public viewing as determined by the Florida Historical Commission or, for a military monument or memorial, as determined by the executive director of the Department of Veterans’ Affairs after consultation with the Florida Historical Commission. A monument or memorial temporarily relocated for such purpose shall be
relocated to a site of similar prominence, honor, visibility, and access within the same county or municipality in which the monument or memorial was originally located.

(3) The Florida Historical Commission shall provide advice and counsel to the Secretary of State and the State Historic Preservation Officer to ensure the protection of a historical monument or memorial and to the executive director of the Department of Veterans’ Affairs for a military monument or memorial.

(4) It is the intent of the Legislature that the state not allow a historical monument or memorial to be removed, damaged, or destroyed. Accurate history belongs to all Floridians in perpetuity. A contextual marker or plaque may be placed near the monument or memorial if the Secretary of State or the executive director of the Department of Veterans’ Affairs, as appropriate, and the State Historic Preservation Officer, after consulting with the Florida Historical Commission, decide that such marker or plaque provides a more accurate understanding of the monument or memorial.

(5) The Legislature finds that an accurate and factual history belongs to all Floridians and future generations and the state has an obligation to protect and preserve such history. Accordingly, the state preempts any local government elected officials who may be swayed by undue influence by groups who may feel offended or hurt by certain actions in the history of the state or the nation. It is the intent of the Legislature to protect the expenditure of state funds by preserving historical monuments and memorials.

Section 3. Subsection (4) of section 267.0612, Florida
Statutes, is amended to read:

267.0612 Florida Historical Commission; creation; membership; powers and duties.—In order to enhance public participation and involvement in the preservation and protection of the state’s historic and archaeological sites and properties, there is created within the Department of State the “Florida Historical Commission.” The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(4) The commission shall meet upon the call of the presiding officer or Secretary of State, which shall occur at least quarterly. Members shall serve without pay, but shall be entitled to reimbursement for their expenses in carrying out their official duties, as provided in s. 112.061. The commission shall take minutes of each meeting as required by s. 286.011(2), and shall post such minutes on the website of the Division of Historical Resources within 30 days after the meeting. Minutes of the commission that have not been adopted or that are still in draft form must be so labeled when posted.

Section 4. Section 267.201, Florida Statutes, is created to read:

267.201 Protection of historical monuments and memorials.—

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

(a) “Historic” means persons, places, or events that were important in the past or that have continuing relevance in the present.

(b) “Local government” means any city, county, school
district or other public educational institution, or any other political subdivision of the state and its agencies.

(c) “Memorial” means a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display constructed and located with the intent of being permanently displayed or perpetually maintained which is dedicated to a historic person, entity, event, or series of events.

(d) “Military monument or memorial” includes a monument or memorial that features a historic person, entity, event, or series of events and that honors or recounts the military service of any past or present military personnel, including any armed conflict since settlers from other countries came to what is now the United States. The Department of Veterans’ Affairs shall use this definition in consulting with the Secretary of State or the State Historic Preservation Officer or the Florida Historical Commission on any monuments or memorials.

(e) “Monument” means a permanent structure such as a marker, statue, sculpture, plaque, or other object, including a tree or other living plant, placed in remembrance or recognition of a significant person or event in state history.

(2)(a) A person or an entity may not take or remove a monument or memorial displayed on public property without authorization from the owner of such monument or memorial or commit any act that would constitute a violation of s. 806.135. If the owner of the monument or memorial cannot be determined, permission may be given by a group or person described in subsection (4). If no such group or person is found, the owner of the land may seek to acquire ownership of the monument or
memorial through adverse possession.

(b) This section applies to any monuments or memorials that have been removed, damaged, or destroyed on or after October 1, 2020.

(3) The following have standing to bring a civil action in the circuit court in the county in which the monument or memorial was located for any violation of subsection (2):

(a) A group involved in the design, erection, or care of the monument or memorial or a member of such a group.

(b) A group or person regularly using the monument or memorial for remembrance.

(4) A person or an entity may only relocate a monument or memorial temporarily due to construction, expansion, or alteration of a public building, road, street, or highway, or any other construction or infrastructure project and, within a reasonable time but not more than 12 months after the construction project is completed, the monument or memorial shall be placed back at the original location or, if that is not possible, as close as possible to the original location in a prominent place for easy and accessible public viewing. A monument or memorial temporarily relocated for such purpose shall be relocated to a site of similar prominence, honor, visibility, and access within the same county or municipality in which the monument or memorial was originally located.

(a) When such a monument or memorial is taken or removed from its location due to a construction or rehabilitation project, the State Historic Preservation Officer must be notified within 10 days of the event on a form developed by the officer. The State Historic Preservation Officer shall also be
notified of the completion of the construction project that
necessitates the taking or removal of the monument and whether
the monument or memorial was returned to its original location
as required by this subsection or, if not, where it is now
located.

(b) If a monument or memorial has been removed, damaged, or
destroyed by a local government, the local government shall be
liable for restoring the monument or memorial to its original
condition or as close as possible to the original condition. If
the local government does not have the necessary funds, the
state shall restore the monument or memorial and the Department
of State shall withhold from the local government all arts,
cultural, and historic preservation funding until the local
government reimburses the state for the cost of restoring the
monument or memorial and all such funds shall again be available
to the local government once the state is repaid.

(5)(a) Any official, agent, or member of a local government
who directs, assists, facilitates, or votes to remove or destroy
a monument or memorial that is removed or destroyed on or after
July 1, 2024, is subject to a civil penalty of up to $1,000, or
the actual cost of the removal and replacement of the monument
or memorial, including repairs that may be necessitated due to
the relocation and replacement, whichever is greater. Such
penalty shall be paid from the official’s, agent’s, or member’s
personal funds without any reimbursement from any other entity.

(b) An elected official of a local government acting in his
or her official capacity who knowingly and willfully violates
this section on or after July 1, 2024, may be subject to
suspension or removal from office by the Governor.
(6) The local government proposing to remove or destroy the monument or memorial shall put into an escrow account the good-faith estimate of the funds necessary to replace the monument or memorial and the Florida Historical Commission or, for a military monument or memorial, the executive director of the Department of Veterans’ Affairs shall provide advice on the relocation.

(7)(a) The Department of State and the State Historic Preservation officer have the authority and responsibility to actively work to protect and preserve a monument or memorial which has the state seal, the name of the state, or a direct connection with state history.

(b)1. The State Historic Preservation Officer or, for a military monument, marker, plaque, or memorial, the executive director of the Department of Veterans’ Affairs, shall take any issue regarding protecting or preserving a monument or memorial to the Florida Historical Commission for authorization to take action, to defer making a decision, or to not make a decision, regardless of his or her recommendation as to whether action needs to be taken.

2. The minutes of the commission must record any vote and the reasons of the commission for the authorization to take action, to defer making a decision, or to not make a decision. The executive director of the Department of Veterans’ Affairs shall make a written record of his or her recommendation to take action, to defer making a decision, or to not make a decision and the reasons therefor.

Section 5. If any provision of this act or its application to any person or circumstances is held invalid, the invalidity
does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 6. This act shall take effect July 1, 2024.