1 A bill to be entitled
2 An act relating to protection of historical monuments
3 and memorials; providing a short title; providing
4 legislative intent; amending s. 267.0612, F.S.;
5 requiring the Florida Historical Commission to take
6 minutes of its meetings and post such minutes on a
7 specified website within a specified period; creating
8 s. 267.201, F.S.; providing definitions; prohibiting
9 certain acts concerning historical monuments and
10 memorials; providing applicability; providing for
11 damages; providing for standing to bring civil
12 actions; providing exceptions; providing civil
13 penalties for officials who engage in certain actions;
14 providing for removal of such officials in certain
15 circumstances; providing for state funding for
16 restoration of a monument or memorial in certain
17 circumstances; providing for reimbursement of such
18 funds; specifying certain duties of the Department of
19 State, State Historic Preservation Officer, and
20 Florida Historical Commission concerning certain
21 monuments or memorials; requiring public display of a
22 specified statue; providing severability; providing an
23 effective date.
24
25 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 or in the United States. 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. 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.

(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 plaque or marker 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
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 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 and post such minutes on the Division of Historical Resources website within 30 days after the meeting.

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) "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, or which honors or recounts the military service of any past or present military personnel.

(c) "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 on any monuments or memorials.

(d) "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 January 1, 2017.

(3) A person or an entity that violates subsection (2) is liable for treble the amount of the full cost to return, repair, or replace such monument or memorial or to remove an object that violates paragraph (2)(b) and may be subject to punitive damages.

(4) 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.

(5) An agency 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.

(6)(a) Any official, agent, or member of a local government who directs, permits, facilitates, or votes to remove or destroy a monument or memorial is subject to a civil penalty of up to $5,000, 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 acting in his or her official capacity who knowingly and willfully violates this section is subject to removal from office by the Governor.

(7)(a) If the Florida Historical Commission or, for a military monument or memorial, the executive director of the Department of Veterans' Affairs, decides that the monument or memorial should be displayed, 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.

(b) If a monument or memorial is 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.

(8)(a) The Department of State has the authority and responsibility to actively work to protect and preserve a monument or memorial anywhere in the United States 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 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 decision to take action, to defer making a decision, or to not make a decision and the reasons therefor.

Section 5. A statue that was formerly in the National Statuary Hall Collection in the United States Capitol shall be made available by the Department of State for public display by Robert Grenier, of Tavares, who in 2018 was awarded the right to exhibit the statue anywhere in Lake County so long as admission is free. By July 1, 2025, if Robert Grenier cannot locate a suitable site for the statue, the Secretary of State, in consultation with the Department of Veterans' Affairs, shall determine an appropriate location for viewing for free the statue anywhere in the state. The state shall be responsible for all costs of removing the statue from the R.A. Gray Museum, transporting the statue to its future location, removing the statue from the transport, and placing the statue on a suitable pedestal inside a structure that provides protection from the
weather.

Section 6. 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 7. This act shall take effect July 1, 2024.