

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.

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25 Be It Enacted by the Legislature of the State of Florida:

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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,

51 visibility, and access within the same county or municipality in
52 which the monument or memorial was originally located.

53 (3) The Florida Historical Commission shall provide advice
54 and counsel to the Secretary of State and the State Historic
55 Preservation Officer to ensure the protection of a historical
56 monument or memorial.

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

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

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

78 267.0612 Florida Historical Commission; creation;
 79 membership; powers and duties.—In order to enhance public
 80 participation and involvement in the preservation and protection
 81 of the state's historic and archaeological sites and properties,
 82 there is created within the Department of State the "Florida
 83 Historical Commission." The commission shall serve in an
 84 advisory capacity to the director of the Division of Historical
 85 Resources to assist the director in carrying out the purposes,
 86 duties, and responsibilities of the division, as specified in
 87 this chapter.

88 (4) The commission shall meet upon the call of the
 89 presiding officer or Secretary of State, which shall occur at
 90 least quarterly. Members shall serve without pay, but shall be
 91 entitled to reimbursement for their expenses in carrying out
 92 their official duties, as provided in s. 112.061. The commission
 93 shall take minutes of each meeting and post such minutes on the
 94 Division of Historical Resources website within 30 days after
 95 the meeting.

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

98 267.201 Protection of historical monuments and memorials.—

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

100 (a) "Historic" means persons, places, or events that were

101 important in the past or that have continuing relevance in the
102 present.

103 (b) "Memorial" means a plaque, statue, marker, flag,
104 banner, cenotaph, religious symbol, painting, seal, tombstone,
105 structure name, or display constructed and located with the
106 intent of being permanently displayed or perpetually maintained
107 which is dedicated to a historic person, entity, event, or
108 series of events, or which honors or recounts the military
109 service of any past or present military personnel.

110 (c) "Military monument or memorial" includes a monument or
111 memorial that features a historic person, entity, event, or
112 series of events and that honors or recounts the military
113 service of any past or present military personnel, including any
114 armed conflict since settlers from other countries came to what
115 is now the United States. The Department of Veterans' Affairs
116 shall use this definition in consulting with the Secretary of
117 State or the State Historic Preservation Officer on any
118 monuments or memorials.

119 (d) "Monument" means a permanent structure such as a
120 marker, statue, sculpture, plaque, or other object, including a
121 tree or other living plant, placed in remembrance or recognition
122 of a significant person or event in state history.

123 (2) (a) A person or an entity may not take or remove a
124 monument or memorial displayed on public property without
125 authorization from the owner of such monument or memorial or

126 commit any act that would constitute a violation of s. 806.135.
127 If the owner of the monument or memorial cannot be determined,
128 permission may be given by a group or person described in
129 subsection (4). If no such group or person is found, the owner
130 of the land may seek to acquire ownership of the monument or
131 memorial through adverse possession.

132 (b) This section applies to any monuments or memorials
133 that have been removed, damaged, or destroyed on or after
134 January 1, 2017.

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

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

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

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

147 (5) An agency may only relocate a monument or memorial
148 temporarily due to construction, expansion, or alteration of a
149 public building, road, street, or highway, or any other
150 construction or infrastructure project and, within a reasonable

151 time but not more than 12 months after the construction project
152 is completed, the monument or memorial shall be placed back at
153 the original location or, if that is not possible, as close as
154 possible to the original location in a prominent place for easy
155 and accessible public viewing. A monument or memorial
156 temporarily relocated for such purpose shall be relocated to a
157 site of similar prominence, honor, visibility, and access within
158 the same county or municipality in which the monument or
159 memorial was originally located.

160 (6) (a) Any official, agent, or member of a local
161 government who directs, permits, facilitates, or votes to remove
162 or destroy a monument or memorial is subject to a civil penalty
163 of up to \$5,000, or the actual cost of the removal and
164 replacement of the monument or memorial, including repairs that
165 may be necessitated due to the relocation and replacement,
166 whichever is greater. Such penalty shall be paid from the
167 official's, agent's, or member's personal funds without any
168 reimbursement from any other entity.

169 (b) An elected official acting in his or her official
170 capacity who knowingly and willfully violates this section is
171 subject to removal from office by the Governor.

172 (7) (a) If the Florida Historical Commission or, for a
173 military monument or memorial, the executive director of the
174 Department of Veterans' Affairs, decides that the monument or
175 memorial should be displayed, the local government proposing to

176 remove or destroy the monument or memorial shall put into an
177 escrow account the good-faith estimate of the funds necessary to
178 replace the monument or memorial and the Florida Historical
179 Commission or, for a military monument or memorial, the
180 executive director of the Department of Veterans' Affairs shall
181 provide advice on the relocation.

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

193 (8) (a) The Department of State has the authority and
194 responsibility to actively work to protect and preserve a
195 monument or memorial anywhere in the United States which has the
196 state seal, the name of the state, or a direct connection with
197 state history.

198 (b)1. The State Historic Preservation Officer or, for a
199 military monument or memorial, the executive director of the
200 Department of Veterans' Affairs, shall take any issue regarding

201 protecting or preserving a monument or memorial to the Florida
202 Historical Commission for authorization to take action, to defer
203 making a decision, or to not make a decision, regardless of his
204 or her recommendation as to whether action needs to be taken.

205 2. The minutes of the commission must record any vote and
206 the reasons of the commission for the authorization to take
207 action, to defer making a decision, or to not make a decision.
208 The executive director of the Department of Veterans' Affairs
209 shall make a written record of his or her decision to take
210 action, to defer making a decision, or to not make a decision
211 and the reasons therefor.

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

HB 395

2024

226 | weather.

227 | Section 6. If any provision of this act or its application
228 | to any person or circumstances is held invalid, the invalidity
229 | does not affect other provisions or applications of this act
230 | which can be given effect without the invalid provision or
231 | application, and to this end the provisions of this act are
232 | severable.

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