

By Senator Martin

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1 A bill to be entitled
2 An act relating to monuments and memorials; providing
3 a short title; amending s. 265.283, F.S.; defining the
4 term "memorial"; conforming a provision to changes
5 made by the act; creating s. 265.710, F.S.; providing
6 that a person or an entity that damages, defaces,
7 destroys, or removes a monument or memorial is liable
8 for treble the costs to return, repair, or replace the
9 monument or memorial; providing an exception;
10 declaring that specified persons or entities have
11 standing to bring a civil action against a person or
12 entity that damages, defaces, destroys, removes, or
13 performs other specified actions toward a monument or
14 memorial; providing applicability; prohibiting the
15 placement of specified objects on or near a memorial
16 that existed before a specified date; providing an
17 effective date.

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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 Monuments and Memorials Protection Act."

23 Section 2. Section 265.283, Florida Statutes, is amended to
24 read:

25 265.283 Definitions.—The following definitions ~~shall~~ apply
26 to ss. 265.281-265.710 ~~ss. 265.281-265.703~~:

27 (1) "Arts and cultural disciplines" include, but are not
28 limited to, music, dance, theatre, creative writing, literature,
29 architecture, painting, sculpture, folk arts, photography,

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30 crafts, media arts, visual arts, programs of museums, and other
31 such allied, major art forms.

32 (2) "Arts in education grants" means grants used to
33 cultivate the learning and artistic development of all students
34 and teachers by promoting, encouraging, and supporting arts and
35 culture as an integral part of education and lifelong learning
36 for residents and visitors.

37 (3) "Council" means the Florida Council on Arts and
38 Culture.

39 (4) "Cultural support grants" means grants that provide
40 support for general programs and specific cultural projects.

41 (5) "Culture Builds Florida grants" means grants used for
42 the purpose of connecting the arts to key areas of the
43 division's long-term strategic plan.

44 (6) "Department" means the Department of State.

45 (7) "Director" means the Director of the Division of Arts
46 and Culture of the Department of State.

47 (8) "Division" means the Division of Arts and Culture of
48 the Department of State.

49 (9) "Folklife" means the traditional expressive culture
50 shared within the various groups in Florida: familial, ethnic,
51 occupational, religious, and regional. Expressive culture
52 includes a wide range of creative and symbolic forms such as
53 custom, belief, technical skill, language, literature, art,
54 architecture, music, play, dance, drama, ritual, pageantry, and
55 handicraft, which forms are generally learned orally, by
56 imitation, or in performance and are maintained or perpetuated
57 without formal instruction or institutional direction.

58 (10) "Historical museum" means a department or agency of

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59 state or local government or a public or private nonprofit
60 organization located in Florida and operating on a permanent
61 basis for the primary purpose of sponsoring, producing, and
62 exhibiting educational programs that are related to the
63 historical resources of Florida.

64 (11) "Local arts agency" means a public or private
65 nonprofit organization located in Florida and operating on a
66 permanent basis for the primary purpose of strengthening,
67 supporting, and stabilizing the activities of one or more county
68 art and cultural constituencies.

69 (12) "Memorial" means a plaque, statue, marker, flag,
70 banner, cenotaph, religious symbol, painting, seal, tombstone,
71 structure name, or display that is constructed, placed or
72 located with the intent of being permanently displayed or
73 perpetually maintained, that is dedicated to a historical
74 person, entity, event, or series of events, and that honors or
75 recounts the military service of any past or present military
76 personnel or the past or present public service of a resident of
77 the geographical area comprising this state or the United States
78 of America.

79 (13) "Panel" means a grant review panel.

80 (14) ~~(13)~~ "Science museum" means a public or private
81 nonprofit organization located in Florida and operating on a
82 permanent basis for the primary purpose of sponsoring,
83 producing, and exhibiting programs for the observation and study
84 of various types of natural science and science technology.

85 (15) ~~(14)~~ "Secretary" means the Secretary of State.

86 (16) ~~(15)~~ "State service organization" means a public or
87 private nonprofit organization located in Florida operating on a

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88 permanent basis for the primary purpose of implementing programs
89 that have cultural significance and that emphasize American
90 creativity and the maintenance and encouragement of professional
91 excellence.

92 (17)~~(16)~~ "State touring program grants" means grants used
93 to provide performances, activities, and exhibitions by Florida
94 artists to communities.

95 (18)~~(17)~~ "Underserved arts community assistance program
96 grants" means grants used by qualified organizations under the
97 Rural Economic Development Initiative, pursuant to ss. 288.0656
98 and 288.06561, for the purpose of economic and organizational
99 development for underserved cultural organizations.

100 (19)~~(18)~~ "Youth and children's museum" means a public or
101 private nonprofit organization located in Florida and operating
102 on a permanent basis for the primary purpose of sponsoring,
103 producing, and exhibiting multidisciplinary and participatory
104 programs for visitors who are 6 months to 15 years old, and
105 their families, teachers, and caregivers.

106 Section 3. Section 265.710, Florida Statutes, is created to
107 read:

108 265.710 Civil liability.-

109 (1) Any person or entity that damages, defaces, destroys,
110 or removes a monument or memorial displayed on publicly owned
111 property is liable for treble the amount of the full cost to
112 return, repair, or replace the monument or memorial and may be
113 subject to punitive damages unless the person or entity was
114 authorized to alter, move, repair, or replace the monument or
115 memorial by the public entity that owns it.

116 (2) A public entity that owns a monument or memorial, any

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117 legal resident of this state, or any entity whose purpose is
118 historic preservation has standing to bring a civil action for
119 damages in the circuit court in the county in which a monument
120 or memorial has been damaged, defaced, destroyed, or removed or
121 for any act prohibited by s. 806.135.

122 (3) This section does not prevent an agency from relocating
123 a monument or memorial when relocation is necessary for the
124 construction, expansion, or alteration of publicly owned
125 buildings, roads, streets, highways, or other transportation
126 projects. Any monument or memorial relocated for such purpose
127 must be relocated to a site of similar prominence, honor,
128 visibility, and access within the same county or municipality in
129 which the monument or memorial was originally placed or located.

130 (4) A plaque, sign, picture, notice, or any other object
131 used to convey information may not be placed on or near a
132 monument or memorial in existence on or before January 1, 2022,
133 without the express written approval of the secretary.

134 Section 4. This act shall take effect July 1, 2023.