

1 A bill to be entitled
 2 An act relating to protection of historical monuments
 3 and memorials; providing a short title; creating s.
 4 265.401, F.S.; defining the term "memorial";
 5 prohibiting certain acts concerning historical
 6 monuments and memorials; prohibiting the addition of
 7 certain signs or other objects on or adjacent to a
 8 memorial; providing for damages; providing for
 9 standing to bring civil actions; providing exceptions;
 10 providing an effective date.

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

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 14 Section 1. This act may be cited as the "Historical
 15 Monuments and Memorials Protection Act."

16 Section 2. Section 265.401, Florida Statutes, is created
 17 to read:

18 265.401 Protection of historical monuments and memorials.—

19 (1) As used in this section, the term "memorial" means a
 20 plaque, statue, marker, flag, banner, cenotaph, religious
 21 symbol, painting, seal, tombstone, structure name, or display
 22 constructed and located with the intent of being permanently
 23 displayed or perpetually maintained which is dedicated to a
 24 historic person, entity, event, or series of events and which
 25 honors or recounts the military service of any past or present

26 military personnel, or past or present public service, of a
27 resident of this state or another part of the United States.

28 (2) (a) A person or an entity may not take or remove a
29 monument or memorial displayed on publicly owned property
30 without authorization from the owner of the memorial or monument
31 or commit any act constituting a violation of s. 806.135.

32 (b) A plaque, sign, picture, notice, or any other object
33 used to convey information may not be placed on or adjacent to a
34 memorial in existence on or before January 1, 2022, without the
35 express written approval of the Secretary of State.

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

41 (4) A public entity owning a monument or memorial, a legal
42 resident of the state, or an entity the purpose of which is
43 historic preservation shall have standing to bring a civil
44 action in the circuit court in the county in which the monument
45 or memorial was located for any violation of subsection (2).

46 (5) This section does not prevent an agency from
47 relocating a monument or memorial when relocation is necessary
48 for construction, expansion, or alteration of publicly owned
49 buildings, roads, streets, highways, or other transportation
50 projects. A monument or memorial relocated for such purpose

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51 shall be relocated to a site of similar prominence, honor,
52 visibility, and access within the same county or municipality in
53 which the monument or memorial was originally located.

54 Section 3. This act shall take effect July 1, 2023.