



832932

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Historic Florida  
Monuments and Memorials Protection Act."

Section 2. Section 267.201, Florida Statutes, is created to  
read:

267.201 Protection of historic monuments and memorials.—

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



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- 11        (a) "Department" means the Department of State.
- 12        (b) "Division" means the Division of Historical Resources  
13 within the department.
- 14        (c) "Historic Florida military monument or memorial" means  
15 a historic Florida monument or memorial that honors or recounts  
16 the military service of any past or present military personnel,  
17 including any armed conflict since settlers from other countries  
18 came to what is now the United States.
- 19        (d) "Historic Florida monument or memorial" means a  
20 permanent statue, marker, plaque, flag, banner, cenotaph,  
21 religious symbol, painting, seal, tombstone, or display  
22 constructed and located on public property which has been  
23 displayed for at least 25 years with the intent of being  
24 permanently displayed or perpetually maintained and which is  
25 dedicated to any persons, places, or events that were important  
26 in the past or that are in remembrance or recognition of a  
27 significant person or event in state history.
- 28        (e) "Local government" means any municipality, county,  
29 school district, state college, state university, or any other  
30 political subdivision of the state.
- 31        (2) (a) It is the intent of the Legislature to declare void  
32 all ordinances, regulations, and executive actions regarding the  
33 removal, damage, or destruction of historic Florida monuments or  
34 memorials which have been enacted by any local government.
- 35        (b) It is also the intent of the Legislature that the state  
36 act to protect each historic Florida monument or memorial from  
37 removal, damage, or destruction. The Legislature finds that an  
38 accurate and factual history belongs to all Floridians and  
39 future generations and the state has an obligation to protect



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40 and preserve such history.

41 (c) Further, it is the intent of the Legislature to provide  
42 statewide uniformity through the division. It is also the  
43 Legislature's intent that the division actively work to protect,  
44 preserve, and ensure that each historic Florida monument or  
45 memorial is not removed, damaged, or destroyed, regardless of  
46 the location of such monument or memorial in the state, and  
47 consult with the Department of Veterans' Affairs on actions  
48 regarding historic Florida military monuments or memorials.

49 (3) The state occupies the whole field of removal, damage,  
50 or destruction of historic Florida monuments or memorials to the  
51 exclusion of any existing or future local government ordinance,  
52 regulation, or rule, or any action by an elected or appointed  
53 local government official, and any such ordinances, regulations,  
54 rules, or actions are void.

55 (4) (a) Any local government or elected or appointed local  
56 government official who violates the Legislature's occupation of  
57 the whole field of removal, damage, or destruction of historic  
58 Florida monuments or memorials by enacting or enforcing any  
59 local ordinance, regulation, or rule impinging upon such  
60 exclusive occupation of the field shall be liable as provided in  
61 this subsection.

62 (b) If a local government violates paragraph (a), the court  
63 shall declare the ordinance, regulation, or rule invalid and  
64 issue a permanent injunction against the local government  
65 prohibiting it from enforcing such ordinance, regulation, or  
66 rule. It is no defense that in enacting the ordinance,  
67 regulation, or rule the local government was acting in good  
68 faith or upon advice of counsel.



69 (c) The court shall assess a civil fine of up to \$1,000  
70 against an elected or appointed local government official who  
71 knowingly and willfully violates paragraph (a).

72 (d) Except as required by applicable law, public funds may  
73 not be used to defend or reimburse the unlawful conduct of an  
74 elected or appointed local government official found to have  
75 knowingly and willfully violated paragraph (a).

76 (e)1. A person or an organization described in subparagraph  
77 2. may file suit against a local government or an elected or  
78 appointed local government official in any court of this state  
79 having jurisdiction over the defendant to the suit for  
80 declaratory or injunctive relief and for actual damages, as  
81 limited herein, caused by the violation. A court shall award a  
82 prevailing plaintiff in any such suit:

83 a. Reasonable attorney fees and costs in accordance with  
84 the laws of this state; and

85 b. The actual damages incurred, but not more than \$100,000.

86 2. The following have standing to bring a civil action for  
87 any violation of paragraph (a):

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

90 b. A group or person regularly using the monument or  
91 memorial for remembrance.

92 (5) If a historic Florida monument or memorial is removed,  
93 damaged, or destroyed by a local government in violation of  
94 paragraph (4) (a), the local government is liable for restoring  
95 or relocating such monument or memorial to its original  
96 condition or location or as close as possible to the original  
97 condition or location within 3 years after the date of the



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98 removal, damage, or destruction. If the local government does  
99 not have the necessary funds, the state shall restore or  
100 relocate such monument or memorial and the department shall  
101 withhold from the local government all arts, cultural, and  
102 historic preservation funding until the local government  
103 reimburses the state for the cost of restoring or relocating  
104 such monument or memorial, and all such funds shall again be  
105 available to the local government once the state is repaid. The  
106 local government may not retroactively collect any of the  
107 department funds that otherwise would have been received during  
108 the period that state funds were withheld.

109 (6) (a) A local government may only remove a historic  
110 Florida monument or memorial temporarily due to military  
111 necessity or for any construction or infrastructure project.

112 (b) The local government proposing to remove such monument  
113 or memorial shall put into an escrow account the good-faith  
114 estimate of the funds necessary to relocate the monument or  
115 memorial.

116 (c) A historic Florida monument or memorial temporarily  
117 removed for such purpose shall be temporarily relocated to a  
118 site of similar prominence, honor, visibility, and access within  
119 the same county or municipality in which the monument or  
120 memorial was originally located.

121 (d) 1. A local government must provide written notification  
122 to the division, on a form prescribed by the department in  
123 consultation with the Department of Veterans' Affairs:

124 a. Of the temporary removal of a historic Florida monument  
125 or memorial. The written notification must be provided within 10  
126 days after the date of the local government's decision to



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127 temporarily remove the historic Florida monument or memorial.

128 b. That the military necessity has ceased or that the  
129 construction or infrastructure project is completed. The written  
130 notification must be provided within a reasonable time, but not  
131 more than 30 days, after the military necessity has ceased or  
132 the construction or infrastructure project has been completed.

133 2. The historic Florida monument or memorial shall be  
134 relocated back at the original location or, if that is not  
135 possible, at a site with similar prominence, honor, visibility,  
136 and access within the same county or municipality as determined  
137 by the department after consultation with the Florida Historical  
138 Commission or, for a historic Florida military monument or  
139 memorial, after consultation with the Department of Veterans'  
140 Affairs.

141 (7) (a) The division shall take any issue regarding  
142 protecting, preserving, or relocating a historic Florida  
143 monument or memorial to the Florida Historical Commission or, in  
144 the case of a historic Florida military monument or memorial, to  
145 the Department of Veterans' Affairs, for a recommendation to  
146 take action, to defer making a decision, or to not make a  
147 decision.

148 (b) The division shall make a written record of its  
149 decision to take action, to defer making a decision, or to not  
150 make a decision and the reasons therefor in consultation with  
151 the Florida Historical Commission or, in the case of a historic  
152 Florida military monument or memorial, the Department of  
153 Veterans' Affairs.

154 (8) The department, in consultation with the Department of  
155 Veterans' Affairs, may adopt rules to implement this section.



156       (9) This section applies to any monuments and memorials  
157 that have been removed, damaged, or destroyed on or after July  
158 1, 2018.

159       Section 3. If any provision of this act or its application  
160 to any person or circumstance is held invalid, the invalidity  
161 does not affect other provisions or applications of this act  
162 which can be given effect without the invalid provision or  
163 application, and to this end the provisions of this act are  
164 severable.

165       Section 4. This act shall take effect July 1, 2024.

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167 ===== T I T L E   A M E N D M E N T =====

168 And the title is amended as follows:

169       Delete everything before the enacting clause  
170 and insert:

171                   A bill to be entitled  
172       An act relating to protection of historic monuments  
173       and memorials; providing a short title; creating s.  
174       267.201, F.S.; defining terms; providing legislative  
175       intent and findings; preempting regulation of  
176       specified monuments and memorials to the state;  
177       prohibiting persons and specified entities from taking  
178       certain actions relating to historic monuments and  
179       memorials on public property; requiring courts to  
180       declare certain ordinances, regulations, and rules of  
181       a local government to be invalid and issue permanent  
182       injunctions against the local government; providing  
183       that it is no defense that a local government was  
184       acting in good faith or upon the advice of counsel;



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185 providing civil penalties for certain officials who  
186 engage in certain actions; prohibiting the use of  
187 public funds to defend or reimburse unlawful conduct  
188 of certain persons; authorizing specified persons and  
189 organizations to file suit against specified entities  
190 for injunctive relief and actual damages; requiring  
191 the court to award prevailing plaintiffs specified  
192 fees and damages; providing for standing to bring  
193 civil actions; providing that a local government is  
194 liable in certain instances; requiring the state to  
195 restore or relocate a monument or memorial in certain  
196 circumstances; prohibiting the distribution of certain  
197 funding to local governments until they reimburse the  
198 state; authorizing the removal or temporary relocation  
199 of a monument or memorial only in certain instances  
200 provided certain requirements are met; requiring  
201 certain local governments to place funds in escrow for  
202 a specified purpose; specifying requirements for the  
203 siting of temporarily relocated monuments and  
204 memorials; requiring local governments to notify, in  
205 writing on a specified form, the Division of  
206 Historical Resources of the temporary relocation of  
207 certain monuments and memorials within a specified  
208 timeframe; providing that specified monuments and  
209 memorials must be placed in their original location or  
210 a location meeting specified requirements; specifying  
211 certain duties of the division and the Department of  
212 Veterans' Affairs concerning certain monuments or  
213 memorials; providing for rulemaking; providing for





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retroactive application; providing for severability;  
providing an effective date.