

By Senator Martin

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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; providing duties of the Secretary
5 of State, the State Historic Preservation Officer, and
6 the Department of Veterans' Affairs with respect to
7 historical monuments and memorials; providing
8 limitations and requirements regarding the relocation
9 of historical monuments and memorials by local
10 governments; providing duties of the Florida
11 Historical Commission; authorizing placement of
12 contextual markers or plaques near monuments or
13 memorials under certain conditions; providing for
14 legislative findings; amending s. 267.0612, F.S.;
15 requiring the Florida Historical Commission to take
16 minutes of its meetings and post such minutes on a
17 specified website within a specified period; creating
18 s. 267.201, F.S.; providing definitions; prohibiting
19 certain acts concerning historical monuments and
20 memorials; providing applicability; providing for
21 standing to bring civil actions; providing exceptions;
22 providing civil penalties for officials who engage in
23 certain actions; providing for suspension or removal
24 of such officials in certain circumstances; providing
25 for state funding for restoration of a monument or
26 memorial in certain circumstances; providing for
27 reimbursement of such funds; specifying certain duties
28 of the Department of State, State Historic
29 Preservation Officer, and Florida Historical

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30 Commission concerning certain monuments or memorials;
31 providing severability; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. This act may be cited as the "Historical
36 Monuments and Memorials Protection Act."

37 Section 2. (1) It is the intent of the Legislature that the
38 State of Florida takes all actions to protect and preserve all
39 historical monuments and memorials from removal, damage, or
40 destruction. The Secretary of State and the State Historic
41 Preservation Officer shall be responsible for ensuring that each
42 nonmilitary Florida monument or memorial is not removed,
43 damaged, or destroyed, regardless of the location of such
44 monument or memorial in the state. The Department of Veterans'
45 Affairs shall have these responsibilities for military monuments
46 and memorials.

47 (2) A local government may only relocate a historical
48 monument or memorial temporarily due to construction and, within
49 a reasonable time but not more than 12 months after the
50 construction project is completed, the historical monument or
51 memorial shall be placed back at the original location or, if
52 that is not possible, as close as possible to the original
53 location in a prominent place for easy and accessible public
54 viewing as determined by the Florida Historical Commission or,
55 for a military monument or memorial, as determined by the
56 executive director of the Department of Veterans' Affairs after
57 consultation with the Florida Historical Commission. A monument
58 or memorial temporarily relocated for such purpose shall be

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59 relocated to a site of similar prominence, honor, visibility,
60 and access within the same county or municipality in which the
61 monument or memorial was originally located.

62 (3) The Florida Historical Commission shall provide advice
63 and counsel to the Secretary of State and the State Historic
64 Preservation Officer to ensure the protection of a historical
65 monument or memorial and to the executive director of the
66 Department of Veterans' Affairs for a military monument or
67 memorial.

68 (4) It is the intent of the Legislature that the state not
69 allow a historical monument or memorial to be removed, damaged,
70 or destroyed. Accurate history belongs to all Floridians in
71 perpetuity. A contextual marker or plaque may be placed near the
72 monument or memorial if the Secretary of State or the executive
73 director of the Department of Veterans' Affairs, as appropriate,
74 and the State Historic Preservation Officer, after consulting
75 with the Florida Historical Commission, decide that such marker
76 or plaque provides a more accurate understanding of the monument
77 or memorial.

78 (5) The Legislature finds that an accurate and factual
79 history belongs to all Floridians and future generations and the
80 state has an obligation to protect and preserve such history.
81 Accordingly, the state preempts any local government elected
82 officials who may be swayed by undue influence by groups who may
83 feel offended or hurt by certain actions in the history of the
84 state or the nation. It is the intent of the Legislature to
85 protect the expenditure of state funds by preserving historical
86 monuments and memorials.

87 Section 3. Subsection (4) of section 267.0612, Florida

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88 Statutes, is amended to read:

89 267.0612 Florida Historical Commission; creation;
90 membership; powers and duties.—In order to enhance public
91 participation and involvement in the preservation and protection
92 of the state's historic and archaeological sites and properties,
93 there is created within the Department of State the "Florida
94 Historical Commission." The commission shall serve in an
95 advisory capacity to the director of the Division of Historical
96 Resources to assist the director in carrying out the purposes,
97 duties, and responsibilities of the division, as specified in
98 this chapter.

99 (4) The commission shall meet upon the call of the
100 presiding officer or Secretary of State, which shall occur at
101 least quarterly. Members shall serve without pay, but shall be
102 entitled to reimbursement for their expenses in carrying out
103 their official duties, as provided in s. 112.061. The commission
104 shall take minutes of each meeting as required by s. 286.011(2),
105 and shall post such minutes on the website of the Division of
106 Historical Resources within 30 days after the meeting. Minutes
107 of the commission that have not been adopted or that are still
108 in draft form must be so labeled when posted.

109 Section 4. Section 267.201, Florida Statutes, is created to
110 read:

111 267.201 Protection of historical monuments and memorials.—

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

113 (a) "Historic" means persons, places, or events that were
114 important in the past or that have continuing relevance in the
115 present.

116 (b) "Local government" means any city, county, school

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117 district or other public educational institution, or any other
118 political subdivision of the state and its agencies.

119 (c) "Memorial" means a plaque, statue, marker, flag,
120 banner, cenotaph, religious symbol, painting, seal, tombstone,
121 structure name, or display constructed and located with the
122 intent of being permanently displayed or perpetually maintained
123 which is dedicated to a historic person, entity, event, or
124 series of events.

125 (d) "Military monument or memorial" includes a monument or
126 memorial that features a historic person, entity, event, or
127 series of events and that honors or recounts the military
128 service of any past or present military personnel, including any
129 armed conflict since settlers from other countries came to what
130 is now the United States. The Department of Veterans' Affairs
131 shall use this definition in consulting with the Secretary of
132 State or the State Historic Preservation Officer or the Florida
133 Historical Commission on any monuments or memorials.

134 (e) "Monument" means a permanent structure such as a
135 marker, statue, sculpture, plaque, or other object, including a
136 tree or other living plant, placed in remembrance or recognition
137 of a significant person or event in state history.

138 (2) (a) A person or an entity may not take or remove a
139 monument or memorial displayed on public property without
140 authorization from the owner of such monument or memorial or
141 commit any act that would constitute a violation of s. 806.135.
142 If the owner of the monument or memorial cannot be determined,
143 permission may be given by a group or person described in
144 subsection (4). If no such group or person is found, the owner
145 of the land may seek to acquire ownership of the monument or

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146 memorial through adverse possession.

147 (b) This section applies to any monuments or memorials that
148 have been removed, damaged, or destroyed on or after October 1,
149 2020.

150 (3) The following have standing to bring a civil action in
151 the circuit court in the county in which the monument or
152 memorial was located for any violation of subsection (2):

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

155 (b) A group or person regularly using the monument or
156 memorial for remembrance.

157 (4) A person or an entity may only relocate a monument or
158 memorial temporarily due to construction, expansion, or
159 alteration of a public building, road, street, or highway, or
160 any other construction or infrastructure project and, within a
161 reasonable time but not more than 12 months after the
162 construction project is completed, the monument or memorial
163 shall be placed back at the original location or, if that is not
164 possible, as close as possible to the original location in a
165 prominent place for easy and accessible public viewing. A
166 monument or memorial temporarily relocated for such purpose
167 shall be relocated to a site of similar prominence, honor,
168 visibility, and access within the same county or municipality in
169 which the monument or memorial was originally located.

170 (a) When such a monument or memorial is taken or removed
171 from its location due to a construction or rehabilitation
172 project, the State Historic Preservation Officer must be
173 notified within 10 days of the event on a form developed by the
174 officer. The State Historic Preservation Officer shall also be

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175 notified of the completion of the construction project that
176 necessitates the taking or removal of the monument and whether
177 the monument or memorial was returned to its original location
178 as required by this subsection or, if not, where it is now
179 located.

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

191 (5) (a) Any official, agent, or member of a local government
192 who directs, assists, facilitates, or votes to remove or destroy
193 a monument or memorial that is removed or destroyed on or after
194 July 1, 2024, is subject to a civil penalty of up to \$1,000, or
195 the actual cost of the removal and replacement of the monument
196 or memorial, including repairs that may be necessitated due to
197 the relocation and replacement, whichever is greater. Such
198 penalty shall be paid from the official's, agent's, or member's
199 personal funds without any reimbursement from any other entity.

200 (b) An elected official of a local government acting in his
201 or her official capacity who knowingly and willfully violates
202 this section on or after July 1, 2024, may be subject to
203 suspension or removal from office by the Governor.

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204 (6) The local government proposing to remove or destroy the
205 monument or memorial shall put into an escrow account the good-
206 faith estimate of the funds necessary to replace the monument or
207 memorial and the Florida Historical Commission or, for a
208 military monument or memorial, the executive director of the
209 Department of Veterans' Affairs shall provide advice on the
210 relocation.

211 (7) (a) The Department of State and the State Historic
212 Preservation officer have the authority and responsibility to
213 actively work to protect and preserve a monument or memorial
214 which has the state seal, the name of the state, or a direct
215 connection with state history.

216 (b)1. The State Historic Preservation Officer or, for a
217 military monument, marker, plaque, or memorial, the executive
218 director of the Department of Veterans' Affairs, shall take any
219 issue regarding protecting or preserving a monument or memorial
220 to the Florida Historical Commission for authorization to take
221 action, to defer making a decision, or to not make a decision,
222 regardless of his or her recommendation as to whether action
223 needs to be taken.

224 2. The minutes of the commission must record any vote and
225 the reasons of the commission for the authorization to take
226 action, to defer making a decision, or to not make a decision.
227 The executive director of the Department of Veterans' Affairs
228 shall make a written record of his or her recommendation to take
229 action, to defer making a decision, or to not make a decision
230 and the reasons therefor.

231 Section 5. If any provision of this act or its application
232 to any person or circumstances is held invalid, the invalidity

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233 does not affect other provisions or applications of this act
234 which can be given effect without the invalid provision or
235 application, and to this end the provisions of this act are
236 severable.

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