

1 A bill to be entitled
2 An act relating to protection of historic monuments
3 and memorials; providing a short title; creating s.
4 267.201, F.S.; providing definitions; providing
5 legislative intent; prohibiting certain acts
6 concerning historic monuments and memorials on public
7 property; providing applicability; providing for
8 standing to bring civil actions; providing exceptions;
9 providing civil penalties for certain officials who
10 engage in certain actions; providing that a local
11 government is liable in certain instances; requiring
12 the state to restore or relocate a monument or
13 memorial in certain circumstances; prohibiting the
14 distribution of certain funding to local governments
15 until they reimburse the state; authorizing the
16 removal or temporary relocation of a monument or
17 memorial in certain instances provided certain
18 requirements are met; specifying certain duties of the
19 Division of Historical Resources within the Department
20 of State and Department of Veterans' Affairs
21 concerning certain monuments or memorials; providing
22 for rulemaking; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

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

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

30 267.201 Protection of historic monuments and memorials.—

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

32 (a) "Department" means the Department of State.

33 (b) "Division" means the Division of Historical Resources
 34 within the department.

35 (c) "Historic Florida military monument or memorial" means
 36 a historic Florida monument or memorial that honors or recounts
 37 the military service of any past or present military personnel,
 38 including any armed conflict since settlers from other countries
 39 came to what is now the United States.

40 (d) "Historic Florida monument or memorial" means a
 41 permanent statue, marker, plaque, flag, banner, cenotaph,
 42 religious symbol, painting, seal, tombstone, or display
 43 constructed and located on public property which has been
 44 displayed for at least 25 years, with the intent of being
 45 permanently displayed or perpetually maintained and which is
 46 dedicated to any persons, places, or events that were important
 47 in the past or that are in remembrance or recognition of a
 48 significant person or event in state history.

49 (e) "Local government" means any municipality, county,
 50 school district, state college, state university, or any other

51 political subdivision of the state.

52 (2) (a) It is the intent of the Legislature to declare void
53 all ordinances, regulations, and executive actions regarding the
54 removal, damage, or destruction of historic Florida monuments or
55 memorials which have been enacted by any local government.

56 (b) It is also the intent of the Legislature that the
57 state act to protect each historic Florida monument or memorial
58 from removal, damage, or destruction. The Legislature finds that
59 an accurate and factual history belongs to all Floridians and
60 future generations and the state has an obligation to protect
61 and preserve such history.

62 (c) Further, it is the intent of the Legislature to
63 provide statewide uniformity through the division. It is also
64 the Legislature's intent that the division actively work to
65 protect, preserve, and ensure that each historic Florida
66 monument or memorial is not removed, damaged, or destroyed,
67 regardless of the location of such monument or memorial in the
68 state and consult with the Department of Veterans' Affairs on
69 actions regarding historic Florida military monuments or
70 memorials.

71 (3) The state has exclusive authority to occupies the
72 whole field of removal, damage, or destruction of historic
73 Florida monuments or memorials to the exclusion of any existing
74 or future local government ordinance, regulation, or rule, or
75 any action by an elected or appointed local government official,

76 and any such ordinances, regulations, rules, or actions are
77 void.

78 (4) (a) Any local government or elected or appointed local
79 government official who violates the Legislature's occupation of
80 the whole field of removal, damage, or destruction of historic
81 Florida monuments or memorials by enacting or enforcing any
82 local ordinance, regulation, or rule impinging upon such
83 exclusive occupation of the field shall be liable as provided in
84 this subsection.

85 (b) If a local government violates paragraph (a), the
86 court shall declare the ordinance, regulation, or rule invalid
87 and issue a permanent injunction against the local government
88 prohibiting it from enforcing such ordinance, regulation, or
89 rule. It is no defense that in enacting the ordinance,
90 regulation, or rule the local government was acting in good
91 faith or upon advice of counsel.

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

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

99 (e)1. A person or an organization described in
100 subparagraph 2. may file suit against a local government or an

101 elected or appointed local government official in any court of
102 this state having jurisdiction over the defendant to the suit
103 for declaratory or injunctive relief and for actual damages, as
104 limited herein, caused by the violation. A court shall award a
105 prevailing plaintiff in any such suit:

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

108 b. The actual damages incurred, but not more than
109 \$100,000.

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

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

114 b. A group or person regularly using the monument or
115 memorial for remembrance.

116 (5) If a historic Florida monument or memorial is removed,
117 damaged, or destroyed by a local government in violation of
118 paragraph (4) (a), the local government is liable for restoring
119 or relocating such monument or memorial to its original
120 condition or location or as close as possible to the original
121 condition or location within 3 years after the date of the
122 removal, damage, or destruction. If the local government does
123 not have the necessary funds, the state shall restore or
124 relocate such monument or memorial and the department shall
125 withhold from the local government all arts, cultural, and

126 historic preservation funding until the local government
127 reimburses the state for the cost of restoring or relocating
128 such monument or memorial and all such funds shall again be
129 available to the local government once the state is repaid. The
130 local government may not retroactively collect any of the
131 department funds that otherwise would have been received during
132 the period that state funds were withheld.

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

136 (b) The local government proposing to remove such monument
137 or memorial shall put into an escrow account the good-faith
138 estimate of the funds necessary to relocate the monument or
139 memorial.

140 (c) A historic Florida monument or memorial temporarily
141 removed for such purpose shall be temporarily relocated to a
142 site of similar prominence, honor, visibility, and access within
143 the same county or municipality in which the monument or
144 memorial was originally located.

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

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

151 temporarily remove the historic Florida monument or memorial.

152 b. That the military necessity has ceased or that the
153 construction or infrastructure project is completed. The written
154 notification must be provided within a reasonable time, but not
155 more than 30 days, after the military necessity has ceased or
156 the construction or infrastructure project has been completed.

157 2. The historic Florida monument or memorial shall be
158 relocated back at the original location or, if that is not
159 possible, at a site with similar prominence, honor, visibility,
160 and access within the same county or municipality as determined
161 by the department after consultation with the Florida Historical
162 Commission or, for a historic Florida military monument or
163 memorial, after consultation with the Department of Veterans'
164 Affairs.

165 (7) (a) The division shall take any issue regarding
166 protecting, preserving, or relocating a historic Florida
167 monument or memorial to the Florida Historical Commission or, in
168 the case of a historic Florida military monument or memorial, to
169 the Department of Veterans' Affairs, for a recommendation to
170 take action, to defer making a decision, or to not make a
171 decision.

172 (b) The division shall make a written record of its
173 decision to take action, to defer making a decision, or to not
174 make a decision and the reasons therefor in consultation with
175 the Florida Historical Commission or, in the case of a historic

176 Florida military monument or memorial, the Department of
177 Veterans' Affairs.

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

180 **Section 3.** This act shall take effect July 1, 2025.