

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 this Legislature to declare
 53 void all ordinances, regulations, and executive actions
 54 regarding the removal, damage, or destruction of historic
 55 Florida monuments or memorials which have been enacted by any
 56 local government.

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

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

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

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

78 (4) (a) Any local government or elected or appointed local
 79 government official that violates the Legislature's occupation
 80 of the whole field of removal, damage, or destruction of
 81 historic Florida monuments or memorials by enacting or enforcing
 82 any 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 from 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
 149 monument or memorial. The written notification must be provided
 150 within 10 days of the local government's decision to temporarily

151 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) RULEMAKING.—The department, in consultation with the
 179 Department of Veterans' Affairs, may adopt rules to implement
 180 this section.

181 Section 3. This act shall take effect July 1, 2024.