

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 455](#)

**TITLE:** Protection of Historic Monuments and Memorials

**SPONSOR(S):** Black and Jacques

**COMPANION BILL:** [SB 496](#) (McClain)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Government Operations](#)

12 Y, 5 N

[Judiciary](#)

[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill creates the “Historic Florida Monuments and Memorials Protection Act” that preempts the removal of, damage to, or destruction of historic monuments or memorials to the state; voids any existing or future local government ordinance, regulation, rule, or action to the contrary; and provides penalties for local government or local government officials that impinge on the state preemption. The bill also:

- Prohibits a local government from enacting or enforcing any local ordinance, regulation, or rule removing, damaging, or destroying a historic Florida monument or memorial and provides that a person or organization with standing may file a suit against a local government or local government official that violates this prohibition.
- Provides that if a historic Florida monument or memorial is removed, damaged, or destroyed by a local government, then the local government must restore or relocate it to its original condition or location or as close as possible to the original condition or location within three years.
- Requires the state to restore or relocate the monument or memorial if the local government does not have the necessary funds and the Department of State to withhold certain state funds until reimbursed.
- Authorizes and provides a process for the temporary relocation of a historical Florida monument or memorial.

### Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state and local governments and a positive, but indeterminate, economic impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

#### State Preemption of Historic Monuments and Memorials

The bill preempts the removal of, damage to, or destruction of historic monuments or memorials to the state and voids any existing or future local government<sup>1</sup> ordinance, regulation, rule, or action to the contrary. (Section [2](#))

The bill defines a “Historic Florida monument or memorial” as a permanent statue, marker, plaque, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, or display that is:

- Constructed and located on public property.
- Has been displayed for at least 25 years, with the intent of being permanently displayed and perpetually maintained.

<sup>1</sup>The bill defines the term “local government” to mean any municipality, county, school district, state college, state university, or other political subdivision of the state.

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- Is dedicated to a person, place, or event that was important in the past or that is in remembrance or recognition of a significant person or event in state history.

## Local Government Prohibitions

The bill prohibits a local government from enacting or enforcing any local ordinance, regulation, or rule removing, damaging, or destroying a historic Florida monument or memorial. A local government or local government official that enacts or enforces such an ordinance, regulation, or rule that impinges on the state preemption of this issue is subject to a permanent injunction prohibiting enforcement of the action and a civil fine of up to \$1,000 for the knowing and willful violation. (Section [2](#))

## Private Cause of Action

A person or organization with standing—which under the bill is any person or organization involved in the design, erection, or maintenance of the monument or memorial or that regularly using the monument or memorial for remembrance—may file a suit for declaratory or injunctive relief and for actual damages against a local government or an elected or appointed local government official that impinges on the state preemption of matters relating to historic Florida monuments or memorials. A court must reward a prevailing plaintiff in any such suit:

- Reasonable attorney fees and costs in accordance with Florida laws.
- Actual damages incurred, up to \$100,000. (Section [2](#))

## Liability for Historic Monument or Memorial Restoration or Relocation Costs

If a historic Florida monument or memorial is removed, damaged, or destroyed by a local government, then the local government must restore it to its original condition or relocate it to its original location (or as close as possible to the original condition or location) within three years. The state government must restore or relocate the monument or memorial if the local government does not have the necessary funds. The Department of State (DOS) is required to withhold from the local government all [arts, cultural, and historic preservation funding](#) until the local government reimburses by the state for the cost of restoring or relocating a monument or memorial. All the funds become available to the local government upon such reimbursement, but the local government is prohibited from retroactively collecting any DOS funds that it otherwise would have received during the period that state funds were withheld. (Section [2](#))

## Temporary Relocation of Historic Monuments or Memorials

Any local government that seeks to remove and relocate a historic Florida monument or memorial may only do so temporarily as a result of a military necessity or construction or infrastructure project. If either of those situations occurs and the local government seeks to remove or relocate a monument or memorial, it must:

- Provide written notice of the decision on a form to the Division of Historical Resources (DHR) within 10 days of such decision.
- Place a good faith estimate of the funds necessary to relocate the monument or memorial into an escrow account.
- Provide a written notice to the DHR, within a reasonable timeframe, not exceeding 30 days from after the military necessity has ceased or the construction or infrastructure project has been completed. (Section [2](#))

After the cause for temporary relocation has ceased, the monument or memorial must be moved back to the original location. If that is not possible, then the monument or memorial must be moved to a site with similar prominence, honor, visibility, and access within the same county or municipality as determined by the DHR. The DHR is authorized to request recommendations for such locations from the [Florida Historical Commission](#) or from the Department of Veterans' Affairs (DVA) for a historic Florida military monument.<sup>2</sup> (Section [2](#))

The bill requires the DHR to make a written record of its decision to act or defer action on any issue regarding the protection, preservation, or relocation of a historic Florida monument or memorial. Additionally, DHR is prohibited

<sup>2</sup>The bill defines a “Historic Florida military monument or memorial” as a historic Florida monument or memorial that honors or recounts the military service of any past or present military personnel, including service in an armed conflict since settlers from other countries came to what is now the U.S.

from requiring a local government to expend funds on a historic Florida monument or memorial for any other reason not outlined in the bill. (Section [2](#))

## Short Title

The bill provides that it may be cited as the “Historic Florida Monuments and Memorials Protection Act.” (Section [1](#))

## Effective Date

The bill provides an effective date upon becoming law. (Section [3](#))

## RULEMAKING:

The bill grants rulemaking authority to DOS, in consultation with the DVA, to implement the Historic Florida Monuments and Memorials Protection Act.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The Department of State (DOS) may incur several costs related to the implementation of the bill. In particular, DOS may see an increase in administrative costs relating to the:

- Development of a rule to adopt a form for the local government reporting of determinations to relocate a monument or memorial as a result of construction, military necessity, or infrastructure project.
- Maintenance of records relating to its determinations on any issue regarding the protection, preservation, or relocation of an historic Florida monument or memorial.

The Department of Veterans’ Affairs may see an increase in workload relating to duties added by the bill, but any cost is likely to be absorbed within existing resources.

### LOCAL GOVERNMENT:

Local governments that choose to temporarily relocate a monument or memorial may need to spend additional funds to ensure such monument or memorial is safely relocated and then restored to its original condition and location (or as close as possible to such location and condition).

### PRIVATE SECTOR:

The bill authorizes certain individuals or groups to seek damages for the removal, damage, or relocation of an historic Florida monument or memorial. If such group or individual is considered a prevailing plaintiff, such individual or group may be rewarded for damages incurred and reasonable attorney fees.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Department of State

The Department of State (DOS), led by the Secretary of State (secretary) who is appointed by the Governor,<sup>3</sup> has several divisions, including the Division of Historical Resources (DHR).<sup>4</sup> DHR is charged with encouraging the

<sup>3</sup> S. 20.10(1), F.S.

identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.<sup>5</sup> DHR has the following bureaus:

- Bureau of Historic Preservation.
- Bureau of Historical Museums.
- Bureau of Archeological Research.<sup>6</sup>

#### Florida Historical Marker Program

DHR and its bureaus have many programs, including its Florida Historical Marker program. The Florida Historical Marker Program is designed to inform the general public about persons, events, structures, and other topics relating to the history and culture of the state; encourage interest in preserving the historical resources of the state and its localities; promote a sense of community and place among Florida citizens; and provide for the enjoyment and edification of tourists.<sup>7</sup> The program installs markers or signs that provide the history of certain landmarks and memorials in Florida.<sup>8</sup>

#### Arts, Culture, and Historic Preservation Funding

DOS provides various historical and cultural grants from which local governments may benefit, such as historic preservation grants and arts and culture grants.

##### *Historic Preservation Grants*

Historic Preservation grants, administered by DHR, provide funds for projects relating to the identification, acquisition, protection, preservation, rehabilitation, restoration, or construction of historic sites and properties, or Florida history, or the planning of such activities.<sup>9</sup> Grant funds that are intended to be used to assist in the preservation of historic properties must be made from the Historical Resources Operating Trust Fund and may be awarded only pursuant to applications for such assistance made to DHR.<sup>10</sup>

There are two types of Historic Preservation Grants:<sup>11</sup>

- Small matching grants: Reviewed by a grant panel<sup>12</sup> that is appointed by the secretary and chaired by the Florida Historical Commission.<sup>13</sup> The grant panel provides the secretary with a ranked list. The secretary submits such list to the Legislature.<sup>14</sup>
- Special category grants: Reviewed by the Florida Historical Commission who submits a ranked list to the secretary. The secretary submits the list to the Legislature.<sup>15</sup>

##### *Arts and Culture Grants*

DOS also administers arts and culture grants that may only be awarded to:

- Supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents.
- Support activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence.
- Support activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin.<sup>16</sup>

<sup>4</sup> S. 20.10(2), F.S.

<sup>5</sup> S. 267.031, F.S. See Florida Department of State, Division of Historical Resources, [About](#) (last visited Feb. 6, 2026).

<sup>6</sup> *Id.*

<sup>7</sup> S. 267.074, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> S. 267.0617(2), F.S.

<sup>10</sup> S. 267.0617(3), F.S.

<sup>11</sup> R. 1A-39.001, F.A.C.

<sup>12</sup> DOS, [Small Matching Grant Guidelines](#) (last visited Feb. 7, 2026).

<sup>13</sup> S. 267.0617(3), F.S.

<sup>14</sup> DOS, [Small Matching Grant Guidelines](#) (last visited Feb. 7, 2026).

<sup>15</sup> DOS, [Special Category Grant Guidelines](#) (last visited Feb. 7, 2026).

## Florida Historical Commission

The Florida Historical Commission, is composed of 11 members,<sup>17</sup> and serves as an advisory body to the director of DHR. The commission advises DHR on:

- Establishing priorities for the identification, acquisition, protection, and preservation of historic and archaeological sites and properties.
- Establishing criteria for use in assessing the significance of historic and archaeological sites and properties.
- Evaluating proposals for awards of special category historic preservation grants.
- Providing an active outreach program to encourage public understanding of and involvement in the preservation of the state's historic and archaeological sites and properties.
- Identifying and expressing public goals for historic preservation and gathering public ideas necessary for the formulation of alternative policies.
- Recommending rules relating to the historic preservation programs administered by DHR.<sup>18</sup>

## Department of Veterans' Affairs

The Department of Veterans' Affairs' (DVA), is an agency that reports to the Governor and Cabinet, and is composed of the following three divisions:

- Division of Administration and Public Information.
- Division of Veterans' Benefits and Assistance.
- Division of Long-term Care.<sup>19</sup>

DVA is required to provide assistance to all former, present, and future members of the Armed Forces of the United States and their spouses and dependents in preparing claims for and securing such compensation, hospitalization, career training, and other benefits or privileges.<sup>20</sup> DVA works with the Department of Transportation to contract with non-for-profit groups for the installation of monuments and memorials honoring Florida's military veterans at highway rest areas around the state.<sup>21</sup>

## Penalties Associated with Destroying Memorials or Historic Property

Current law provides that it is a second degree felony for any person to willfully and maliciously destroy or demolish any memorial or historic property, or to willfully and maliciously pull down a memorial or historic property,<sup>22</sup> unless authorized by the owner of the memorial or the historic property.<sup>23</sup> Anyone convicted of this crime is required to pay restitution, which includes the full cost of repair or replacement of the memorial or historic property.<sup>24</sup>

## Local Government Powers

The Florida Constitution grants counties and municipalities broad "home rule" authority.<sup>25</sup> Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>26</sup> Counties

<sup>16</sup> S. [265.286\(7\), F.S.](#)

<sup>17</sup> S. [267.0612\(1\), F.S.](#)

<sup>18</sup> S. [267.0612\(6\), F.S.](#)

<sup>19</sup> S. [20.37, F.S.](#); [Art. IV, s. 11, FLA. CONST.](#)

<sup>20</sup> S. [292.05\(1\), F.S.](#)

<sup>21</sup> S. [337.111, F.S.](#)

<sup>22</sup> S. [806.135\(1\), F.S.](#), defines the term "historic property" as any building, structure, site, or object that has been officially designated as a historic building, historic structure, historic site, or historic object through a federal, state, or local designation program. The provision also defines the term "memorial" as a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present U.S. Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the U.S.

<sup>23</sup> S. [806.135\(2\), F.S.](#)

<sup>24</sup> S. [806.135\(3\), F.S.](#)

<sup>25</sup> [Art. VIII, FLA. CONST.](#)

operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>27</sup> Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>28</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Government Operations Subcommittee</a>	12 Y, 5 N	2/11/2026	Toliver	Walker
<a href="#">Judiciary Committee</a>				
<a href="#">State Affairs Committee</a>				

<sup>26</sup>[Art. VIII s.1\(f\), FLA. CONST.; s. 125.01\(1\), F.S.](#)

<sup>27</sup>[Art. VIII s.1\(g\), FLA. CONST.](#)

<sup>28</sup>[Art. VIII s.2\(b\), FLA. CONST.; s. 166.021\(1\), F.S.](#)