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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/25/2025	.	
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The Committee on Governmental Oversight and Accountability  
(McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. 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:

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

(b)1. "Historic Florida monument or memorial" means a



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permanent statue, marker, plaque, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, or display constructed and located on public property which has been displayed for at least 25 years with the intent of being permanently displayed or perpetually maintained and which is dedicated to any person, place, or event that was important in the past or which is in remembrance or recognition of a significant person or event in state history.

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

(c) "Local government" means any municipality, county, school district, state college, state university, or other political subdivision of the state.

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

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

(c) Further, it is the intent of the Legislature to provide statewide uniformity through the division. It is also the Legislature's intent for the division to work actively to



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protect and preserve each historic Florida monument or memorial,  
and ensure that each such monument or memorial is not removed,  
damaged, or destroyed, regardless of the location of such  
monument or memorial in this state, and to consult with the  
Department of Veterans' Affairs on actions regarding all  
historic Florida military monuments or memorials.

(3) All removal, damage, or destruction of historic Florida  
monuments or memorials is preempted to the state. Any existing  
or future local government ordinance, regulation, or rule to the  
contrary, or any such action other than those authorized in  
subsection (6) by an elected or appointed local government  
official, is void.

(4) (a) Any local government or elected or appointed local  
government official who violates the state's preemption of  
removal, damage, or destruction of historic Florida monuments or  
memorials by enacting or enforcing any local ordinance,  
regulation, or rule impinging upon such preemption is liable as  
provided in this subsection.

(b) If a local government violates paragraph (a), the court  
must declare the ordinance, regulation, or rule invalid and  
issue a permanent injunction against the local government,  
prohibiting the local government from enforcing such ordinance,  
regulation, or rule. It is not a defense that, in enacting the  
ordinance, regulation, or rule, the local government was acting  
in good faith or upon advice of counsel.

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

(d) Except as required by applicable law, public funds may



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not be used to defend or reimburse the unlawful conduct of an elected or appointed local government official found to have knowingly and willfully violated paragraph (a).

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

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

b. The actual damages incurred, but no more than \$100,000.

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

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

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

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



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preservation funding until the local government reimburses the state for the cost of restoring or relocating such monument or memorial. All such funds become available to the local government once the state is repaid. The local government may not retroactively collect any of the department funds that otherwise would have been received during the period that state funds were withheld.

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

(b) A local government proposing to remove such monument or memorial shall put into an escrow account the good faith estimate of the funds necessary to relocate the monument or memorial.

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

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

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

b. That the military necessity has ceased or that the construction or infrastructure project is completed. The written notification must be provided within a reasonable time, but not



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more than 30 days, after the military necessity has ceased or  
the construction or infrastructure project has been completed.

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

(7)(a) The division shall consider any issue regarding the  
protection, preservation, or relocation of a historic Florida  
monument or memorial and must determine whether to take action,  
defer making a decision, or not to make a decision. If such  
determination involves a historic Florida military monument or  
memorial, the division must consult with the Department of  
Veterans' Affairs.

(b) The division shall make a written record of its  
decision to take action, to defer making a decision, or not to  
make a decision, and the reasons therefor.

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

Section 2. This act shall take effect July 1, 2025.

===== T I T L E A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled



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An act relating to protection of historic monuments and memorials; creating s. 267.201, F.S.; defining terms; providing legislative intent; preempting all removal, damage, and destruction of historic Florida monuments and memorials to the state; providing that any existing or future ordinance, regulation, or rule to the contrary is void; providing that local governments and elected or appointed local government officials who violate the preemption are liable; requiring the courts to declare certain ordinances, regulations, or rules invalid and issue permanent injunctions against the local government; providing that it is no defense that a local government was acting in good faith or upon the advice of counsel; providing civil penalties for certain officials who engage in certain actions; prohibiting the use of public funds to defend or reimburse unlawful conduct of certain persons; authorizing specified persons and organizations to file suit against specified entities for declaratory or injunctive relief and actual damages; requiring the court to award prevailing plaintiffs specified fees and damages; providing for standing to bring civil actions; providing that a local government is liable in certain instances; requiring the state to restore or relocate a monument or memorial in certain circumstances; prohibiting the distribution of certain funding to local governments until they reimburse the state; authorizing the removal or temporary relocation of a monument or



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185 memorial in certain instances, provided certain  
186 requirements are met; specifying certain duties of the  
187 Division of Historical Resources of the Department of  
188 State and Department of Veterans' Affairs concerning  
189 certain monuments or memorials; providing for  
190 rulemaking; providing an effective date.