

Committee on Governmental Oversight and Accountability

CS/CS/CS/HB 49 — Abandoned and Historic Cemeteries

by State Affairs Committee; Infrastructure and Tourism Appropriations Subcommittee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Rep. Driskell and others (CS/SB 430 by Governmental Oversight and Accountability Committee and Senator Powell)

The bill creates the Historic Cemeteries Program (Program) within the Division of Historical Resources (Division). The bill establishes the responsibilities of the Program and specifies the entities to which the Program can provide grants. The State Historic Preservation Officer (Officer) will serve as the director of the Program and employ up to three full-time employees to operate the Program, subject to appropriation of funds.

The bill establishes the Historic Cemeteries Program Advisory Council (Council) within the Division. The Secretary of State will appoint nine members to the Council to staggered terms, who must be regionally distributed and representative of communities throughout the state. The bill establishes the duties and responsibilities of the Council and provides that the members serve without compensation, but may receive per diem and reimbursement for travel expenses.

The bill amends the definition of “legally authorized person” for the purpose of ch. 497, F.S., “Funeral, Cemetery, and Consumer Services,” to include members of representative community organizations. This authorizes a funeral director to obtain written authorization from a member of a representative community organization, if no family, guardian, or other representative exists, prior to the disinterment and reinterment of human remains. The bill also amends the definition of “conservation easement,” to include abandoned and neglected cemeteries that are 50 or more years old. This change permits a governmental body or agency, or charitable corporation or trust to acquire a conservation easement in certain abandoned and neglected cemeteries.

The bill appropriates \$242,433 in recurring funds for three full-time positions and \$12,021 in nonrecurring funds for the Program. The bill also appropriates \$1 million in nonrecurring funds to the Department of State for the distribution of grants under the Program.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 116-0