A bill to be entitled
An act relating to abandoned cemeteries; creating the
Task Force on Abandoned African-American Cemeteries;
specifying the purpose of the task force; requiring
the Department of State to provide administrative and
staff support; specifying the composition of the task
force; providing meeting requirements; prescribing
duties of the task force; requiring the task force to
submit a report to the Governor and Legislature by a
specified date; providing for expiration of the task
force; requiring the department to partner with the
University of South Florida to undertake an
investigation of the former Zion Cemetery site;
requiring certain historical resources, records,
archives, artifacts, research, medical records, and
human remains to remain in the custody of the
University of South Florida; providing exceptions;
requiring the department to contract with the
university for the identification and location of
eligible next of kin of certain persons; requiring the
department to notify the next of kin of certain
payment or reimbursement provisions; requiring the
department to reimburse the next of kin of persons
whose bodies are buried and exhumed at the former Zion
Cemetery or to pay directly to a provider for the
costs associated with funeral services, reinterment,
and grave marker expenses; providing a process for
reimbursement or payment by the department; providing
that a charitable donation made toward funeral,
reinterment, and grave marker expenses is not eligible for reimbursement; requiring the department to submit a report to the Governor, Cabinet, and Legislature by a specified date; authorizing the department to adopt rules; providing appropriations; providing an effective date.

WHEREAS, until the conclusion of the Civil War, millions of African Americans in the United States, including Florida, were enslaved, and

WHEREAS, following the end of slavery, African Americans continued to be subject to various discriminatory practices, including restrictions on burying the dead which resulted in segregated cemeteries and burial grounds, and

WHEREAS, unlike predominantly white cemeteries and burial grounds, African-American cemeteries and burial grounds were not subject to regulations and recordkeeping necessary to protect the dignity of the deceased, and

WHEREAS, as a result, many abandoned African-American cemeteries and burial grounds have been inadvertently discovered following years of disrepair and neglect when land is being redeveloped or has been sold, and

WHEREAS, to this day, abandoned African-American cemeteries throughout this state continue to be uncovered, as evidenced by a June 2019 report in the Tampa Bay Times regarding the former Zion Cemetery site in the Tampa Heights neighborhood of the City of Tampa, and

WHEREAS, the State of Florida recognizes its obligation to identify and properly record abandoned African-American
cemeteries and burial grounds in order to preserve history, better inform development decisions, and ensure dignity and respect for the deceased, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The Task Force on Abandoned African-American Cemeteries, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of State for the express purpose of studying the extent to which unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and developing and recommending strategies for identifying and recording cemeteries and burial grounds while also preserving local history and ensuring dignity and respect for the deceased. Except as otherwise provided in this section, the task force shall operate in a manner consistent with s. 20.052, Florida Statutes. The department shall provide administrative and staff support relating to the functions of the task force.

(2) The task force is composed of the following members:

(a) The Secretary of State, or his or her designee, who shall serve as chair.

(b) A representative of the Bureau of Archaeological Research of the Division of Historical Resources, appointed by the Secretary of State.

(c) One person nominated by the President of the Florida State Conference of the National Association for the Advancement of Colored People and appointed by the Secretary of State.

(d) One representative of the Florida Council of Churches,
nominated by the executive director of the council and appointed by the Secretary of State.

(e) One representative of the Florida African American Heritage Preservation Network, nominated by the executive director of the network and appointed by the Secretary of State.

(f) One representative of the Florida Public Archaeology Network, appointed by the Secretary of State.

(g) One representative of the cemetery industry, appointed by the Secretary of State.

(3) The task force shall hold its first meeting by August 1, 2020. The task force may meet as many times as it deems necessary to complete the duties prescribed in this section.

(4) The task force shall:

(a) Review the findings and recommendations made by the Task Force on Abandoned and Neglected Cemeteries created pursuant to chapter 98-268, Laws of Florida, and any legislative or administrative action that was taken in response to the task force’s findings and recommendations.

(b) Examine the adequacy of current practices regarding the preservation of unmarked and abandoned African-American cemeteries and burial grounds and identify any challenges unique to African-American cemeteries and burial grounds.

(c) Identify locations of unmarked and abandoned African-American cemeteries and burial grounds throughout the state and propose strategies, including any proposed legislation, for the preservation and evaluation of such sites.

(d) Make recommendations regarding the creation, placement, and maintenance of a memorial at the site of the former Zion Cemetery in Tampa and the location of a site for the reinterment...
of any unidentified or unclaimed remains that are retrieved from
the former Zion Cemetery site.

(5) By March 1, 2021, the task force shall submit a report
detailing its findings and recommendations to the Governor, the
President of the Senate, the Speaker of the House of
Representatives, the Minority Leader of the Senate, and the
Minority Leader of the House of Representatives.

(6) This section expires July 1, 2021.

Section 2. (1)(a) Upon receiving consent of the property
owners at the former Zion Cemetery site in Tampa, the Department
of State shall partner with the University of South Florida to
initiate an investigation to determine how many graves remain at
the site.

(b) Any historical resource, record, archive, artifact,
public research, or medical record that is recovered through the
course of the investigation by the University of South Florida
shall remain in the custody of the university for archiving and
preservation until the Department of State requests custody of
such resource, record, archive, artifact, public research, or
medical record.

(c) Any human remains exhumed from the former Zion Cemetery
site shall remain in the custody of the university for
identification purposes until the remains are returned to the
next of kin or reburied pursuant to this act.

(2)(a) The Department of State shall contract with the
University of South Florida for the identification and location
of eligible next of kin of any recovered human remains and the
update of information on associated artifacts and materials.

(b) No later than January 1, 2021, the University of South
Florida shall provide the Department of State with contact information for the next of kin for each set of human remains which has been returned to a next of kin.

(c) For any identification of next of kin occurring on or after January 1, 2021, the University of South Florida must provide location information of the next of kin to the Department of State at least 5 days before returning the human remains to the next of kin.

(d) Beginning January 1, 2021, the Department of State must notify the next of kin responsible for a set of human remains about the payment or reimbursement provisions specified in subsection (3). Such notification must be made within 15 business days after the department’s receipt of the location information of the next of kin.

(3) The Department of State shall reimburse the next of kin or pay directly to the provider up to $7,500 for funeral, reinterment, and grave marker expenses for each person whose body was buried at and exhumed, or otherwise recovered, from the former Zion Cemetery site.

(a) In order to receive reimbursement, the next of kin must submit to the Department of State receipts for, or documentation of, expenses. Reimbursement must be made pursuant to s. 215.422, Florida Statutes.

(b) If expenses are to be paid directly to the provider, the funeral home or other similar entity must submit an invoice to the Department of State for the cost of the person’s funeral, reinterment, and grave marker expenses. Payment must be made pursuant to s. 215.422, Florida Statutes.

(c) A charitable donation made toward funeral, reinterment,
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and grave marker expenses is not eligible for reimbursement.

(4) By February 1, 2022, the Department of State shall submit a report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives regarding any payments and reimbursements made pursuant to this section.

(5) The Department of State may adopt rules necessary to administer this section.

Section 3. For the 2020-2021 fiscal year, the sum of $500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of State for the purpose of implementing this act. Of such sum, $50,000 shall be allocated for the creation, placement, and maintenance of a memorial at the site of the former Zion Cemetery in Tampa, and $450,000 shall be allocated to the Bureau of Archaeological Research of the Division of Historical Resources for costs associated with the disinterment and reinterment of any remains retrieved at the former Zion Cemetery site. Any funds remaining unexpended or unencumbered from this appropriation as of July 1, 2021, revert and shall be reappropriated for the same purpose in the 2021-2022 fiscal year.

Section 4. This act shall take effect July 1, 2020.