

By Senator Cruz

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1 A bill to be entitled
2 An act relating to abandoned cemeteries; creating the
3 Task Force on Abandoned African-American Cemeteries;
4 specifying the purpose of the task force; requiring
5 the Department of State to provide administrative and
6 staff support; specifying the composition of the task
7 force; providing meeting requirements; prescribing
8 duties of the task force; requiring the task force to
9 submit a report to the Governor and Legislature by a
10 specified date; providing for expiration of the task
11 force; requiring the department to partner with the
12 University of South Florida to undertake an
13 investigation of the former Zion Cemetery site;
14 requiring certain historical resources, records,
15 archives, artifacts, research, medical records, and
16 human remains to remain in the custody of the
17 University of South Florida; providing exceptions;
18 requiring the department to contract with the
19 university for the identification and location of
20 eligible next of kin of certain persons; requiring the
21 department to notify the next of kin of certain
22 payment or reimbursement provisions; requiring the
23 department to reimburse the next of kin of persons
24 whose bodies are buried and exhumed at the former Zion
25 Cemetery or to pay directly to a provider for the
26 costs associated with funeral services, reinterment,
27 and grave marker expenses; providing a process for
28 reimbursement or payment by the department; providing
29 that a charitable donation made toward funeral,

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30 reinterment, and grave marker expenses is not eligible
31 for reimbursement; requiring the department to submit
32 a report to the Governor, Cabinet, and Legislature by
33 a specified date; authorizing the department to adopt
34 rules; providing appropriations; providing an
35 effective date.

36
37 WHEREAS, until the conclusion of the Civil War, millions of
38 African Americans in the United States, including Florida, were
39 enslaved, and

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

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

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

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

57 WHEREAS, the State of Florida recognizes its obligation to
58 identify and properly record abandoned African-American

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59 cemeteries and burial grounds in order to preserve history,
60 better inform development decisions, and ensure dignity and
61 respect for the deceased, NOW, THEREFORE,
62

63 Be It Enacted by the Legislature of the State of Florida:
64

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

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

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

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

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

87 (d) One representative of the Florida Council of Churches,

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88 nominated by the executive director of the council and appointed
89 by the Secretary of State.

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

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

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

97 (3) The task force shall hold its first meeting by August
98 1, 2020. The task force may meet as many times as it deems
99 necessary to complete the duties prescribed in this section.

100 (4) The task force shall:

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

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

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

114 (d) Make recommendations regarding the creation, placement,
115 and maintenance of a memorial at the site of the former Zion
116 Cemetery in Tampa and the location of a site for the reinterment

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117 of any unidentified or unclaimed remains that are retrieved from
118 the former Zion Cemetery site.

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

124 (6) This section expires July 1, 2021.

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

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

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

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

145 (b) No later than January 1, 2021, the University of South

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146 Florida shall provide the Department of State with contact
147 information for the next of kin for each set of human remains
148 which has been returned to a next of kin.

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

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

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

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

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

174 (c) A charitable donation made toward funeral, reinterment,

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175 and grave marker expenses is not eligible for reimbursement.

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

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

183 Section 3. For the 2020-2021 fiscal year, the sum of
184 \$500,000 in nonrecurring funds is appropriated from the General
185 Revenue Fund to the Department of State for the purpose of
186 implementing this act. Of such sum, \$50,000 shall be allocated
187 for the creation, placement, and maintenance of a memorial at
188 the site of the former Zion Cemetery in Tampa, and \$450,000
189 shall be allocated to the Bureau of Archaeological Research of
190 the Division of Historical Resources for costs associated with
191 the disinterment and reinterment of any remains retrieved at the
192 former Zion Cemetery site. Any funds remaining unexpended or
193 unencumbered from this appropriation as of July 1, 2021, revert
194 and shall be reappropriated for the same purpose in the 2021-
195 2022 fiscal year.

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