

26 cemeteries; authorizing certain entities to acquire
 27 conservation easements to preserve certain cemeteries;
 28 providing an effective date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

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 32 Section 1. Section 267.21, Florida Statutes, is created to
 33 read:

34 267.21 Historic Cemeteries Program.-

35 (1) The Historic Cemeteries Program is created within the
 36 division. The State Historic Preservation Officer shall serve as
 37 the director of the program and shall, subject to legislative
 38 appropriation, employ three full-time employees to operate the
 39 program. The program shall have the following duties and
 40 responsibilities:

41 (a) Serve as the organizational center for recording and
 42 updating in the Florida Master Site File records of cemeteries
 43 in this state established at least 50 years ago.

44 (b) Develop guidelines for use by state agencies, local
 45 governments, and developers in the identification, location, and
 46 maintenance of abandoned and historic cemeteries.

47 (c) Serve as an interagency governmental liaison to
 48 municipalities, planning departments, colleges and universities,
 49 and community organizations to facilitate collaboration and the
 50 sharing of information relating to abandoned and historic

51 cemeteries.

52 (d) Coordinate with the University of South Florida's
53 Black Cemetery Network to facilitate the inclusion of abandoned
54 African-American cemeteries in the Black Cemetery Network.

55 (e) Research, identify, and record abandoned cemeteries,
56 with an emphasis on abandoned African-American cemeteries.

57 (f) When abandoned cemeteries are located, provide
58 notification and guidance to relevant persons and assist with
59 efforts to identify relatives and descendants, funeral
60 directors, religious organizations, qualified nonprofit
61 organizations, and property owners.

62 (g) Assist constituents, descendant communities, state and
63 federal agencies, local governments, and other stakeholders with
64 inquiries relating to abandoned cemeteries.

65 (h) In coordination with the Department of Education,
66 develop a curriculum relating to abandoned and historic
67 cemeteries, with a focus on citizenship, social responsibility,
68 and history.

69 (i) Establish a priority for the placement of historical
70 markers for erased, forgotten, lost, or abandoned African-
71 American cemeteries.

72 (2) The Historic Cemeteries Program shall, subject to
73 legislative appropriation, provide grants to the following
74 entities:

75 (a) Research institutions, colleges and universities, and

76 qualified nonprofit organizations, for the purpose of conducting
 77 genealogical and historical research necessary to identify and
 78 contact the relatives and descendants of persons buried in
 79 abandoned African-American cemeteries.

80 (b) Local governments and qualified nonprofit
 81 organizations, for the purposes of repairing, restoring, and
 82 maintaining abandoned African-American cemeteries.

83 (3) The division may adopt rules to implement this
 84 section.

85 Section 2. Section 267.22, Florida Statutes, is created to
 86 read:

87 267.22 Historic Cemeteries Program Advisory Council.—

88 (1) The Historic Cemeteries Program Advisory Council, an
 89 advisory council as defined in s. 20.03(7), is created within
 90 the division and shall consist of members appointed by the
 91 Secretary of State after considering the recommendations of the
 92 director of the division. The council must be composed of an
 93 inclusive group of members who are regionally distributed and
 94 representative of communities throughout this state. Members
 95 shall serve 4-year staggered terms. As soon as practicable after
 96 July 1, 2022, the council shall meet to elect a chair from its
 97 membership. Except as otherwise provided in this section, the
 98 council shall operate in a manner consistent with s. 20.052.

99 (2) The council shall provide guidance and recommendations
 100 to the division regarding the duties and responsibilities of the

101 Historic Cemeteries Program created under s. 267.21.

102 (3) Members of the council shall serve without
 103 compensation but may receive per diem and reimbursement for
 104 travel expenses pursuant to s. 112.061.

105 Section 3. Subsection (43) of section 497.005, Florida
 106 Statutes, is amended to read:

107 497.005 Definitions.—As used in this chapter, the term:

108 (43) "Legally authorized person" means, in the priority
 109 listed:

110 (a) The decedent, when written inter vivos authorizations
 111 and directions are provided by the decedent;

112 (b) The person designated by the decedent as authorized to
 113 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as
 114 listed on the decedent's United States Department of Defense
 115 Record of Emergency Data, DD Form 93, or its successor form, if
 116 the decedent died while in military service as described in 10
 117 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
 118 Armed Forces, United States Reserve Forces, or National Guard;

119 (c) The surviving spouse, unless the spouse has been
 120 arrested for committing against the deceased an act of domestic
 121 violence as defined in s. 741.28 that resulted in or contributed
 122 to the death of the deceased;

123 (d) A son or daughter who is 18 years of age or older;

124 (e) A parent;

125 (f) A brother or sister who is 18 years of age or older;

- 126 (g) A grandchild who is 18 years of age or older;
- 127 (h) A grandparent; or
- 128 (i) Any person in the next degree of kinship.

129

130 In addition, the term may include, if no family member exists or
 131 is available, the guardian of the dead person at the time of
 132 death; the personal representative of the deceased; the attorney
 133 in fact of the dead person at the time of death; the health
 134 surrogate of the dead person at the time of death; a public
 135 health officer; the medical examiner, county commission, or
 136 administrator acting under part II of chapter 406 or other
 137 public administrator; a representative of a nursing home or
 138 other health care institution in charge of final disposition; or
 139 a friend or other person, including a member of a representative
 140 community organization, not listed in this subsection who is
 141 willing to assume the responsibility as the legally authorized
 142 person. Where there is a person in any priority class listed in
 143 this subsection, the funeral establishment shall rely upon the
 144 authorization of any one legally authorized person of that class
 145 if that person represents that she or he is not aware of any
 146 objection to the cremation of the deceased's human remains by
 147 others in the same class of the person making the representation
 148 or of any person in a higher priority class.

149 Section 4. Subsections (1) and (3) of section 704.06,
 150 Florida Statutes, are amended to read:

151 704.06 Conservation easements; creation; acquisition;
 152 enforcement.—

153 (1) As used in this section, "conservation easement" means
 154 a right or interest in real property which is appropriate to
 155 retaining land or water areas predominantly in their natural,
 156 scenic, open, agricultural, or wooded condition; retaining such
 157 areas as suitable habitat for fish, plants, or wildlife;
 158 retaining the structural integrity or physical appearance of
 159 sites or properties of historical, architectural,
 160 archaeological, or cultural significance, including abandoned
 161 and neglected cemeteries that are 50 or more years old; or
 162 maintaining existing land uses and which prohibits or limits any
 163 or all of the following:

164 (a) Construction or placing of buildings, roads, signs,
 165 billboards or other advertising, utilities, or other structures
 166 on or above the ground.

167 (b) Dumping or placing of soil or other substance or
 168 material as landfill or dumping or placing of trash, waste, or
 169 unsightly or offensive materials.

170 (c) Removal or destruction of trees, shrubs, or other
 171 vegetation.

172 (d) Excavation, dredging, or removal of loam, peat,
 173 gravel, soil, rock, or other material substance in such manner
 174 as to affect the surface.

175 (e) Surface use except for purposes that permit the land

176 or water area to remain predominantly in its natural condition.

177 (f) Activities detrimental to drainage, flood control,
178 water conservation, erosion control, soil conservation, or fish
179 and wildlife habitat preservation.

180 (g) Acts or uses detrimental to such retention of land or
181 water areas.

182 (h) Acts or uses detrimental to the preservation of the
183 structural integrity or physical appearance of sites or
184 properties of historical, architectural, archaeological, or
185 cultural significance, including abandoned and neglected
186 cemeteries that are 50 or more years old.

187 (3) Conservation easements may be acquired by any
188 governmental body or agency or by a charitable corporation or
189 trust whose purposes include protecting natural, scenic, or open
190 space values of real property, assuring its availability for
191 agricultural, forest, recreational, or open space use,
192 protecting natural resources, maintaining or enhancing air or
193 water quality, or preserving sites or properties of historical,
194 architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are 50 or more
195 years old.

197 Section 5. This act shall take effect July 1, 2022.