

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 1479](#)

TITLE: Abandoned and Historic Cemeteries

SPONSOR(S): Driskell

COMPANION BILL: [SB 1248](#) (Davis)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

14 Y, 0 N

[Civil Justice & Claims](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill provides legislative intent that acquisitions that preserve historic cemeteries included in the Florida Master Site File be given increased priority under certain Florida Forever funding. The bill also authorizes, subject to legislative appropriation, the allocation of additional funds to acquire conservation easements on such historic cemeteries.

The bill requires the state to be granted an easement if there is credible evidence of an abandoned cemetery on private land. Upon the state determining an abandoned cemetery exists on such land, the bill requires the cemetery to be added to the Florida Master Site File and entitles the land owner to a conservation easement.

Fiscal or Economic Impact:

None.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill provides legislative intent that acquisitions that preserve historic cemeteries included in the [Florida Master Site File](#) be given increased priority under the [Florida Forever](#) funds allocated to the Department of Environmental Protection (DEP) for the acquisition of lands and capital project expenditures. The bill also authorizes, subject to legislative appropriation, the allocation of additional funds for the purpose of acquiring conservation easements on historic cemeteries included in the Florida Master Site File. (Section [1](#))

The bill requires the state to be granted an easement for ingress and egress if there is credible evidence of an [abandoned cemetery](#) located on, underneath, or adjacent to private land. The purpose of such easement is to maintain and conduct research and noninvasive searches at the cemetery at reasonable times and in a reasonable manner after providing the owner with reasonable notice. The bill specifies that if the state determines an abandoned cemetery exists on such land, the landowner is entitled to a conservation easement and the cemetery must be added to the Florida Master Site File. (Section [2](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

STORAGE NAME: h1479a.NRD

DATE: 2/4/2026

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Division of Historical Resources

The Division of Historical Resources (Division) is one of six divisions within the Florida Department of State.¹ The Division encourages identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.² The Division's responsibilities include:

- Developing a comprehensive statewide historic preservation plan.
- Directing and conducting a comprehensive statewide survey of historic resources, and maintaining an inventory of such resources.
- Ensuring that historic resources are taken into consideration at all levels of planning and development.
- Providing public information, education, and technical assistance relating to historic preservation programs.³

Florida Master Site File

The Division administers the Florida Master Site File.⁴ The Florida Master Site File is the state's official inventory of historical and cultural resources.⁵ These resources include archaeological sites, historic structures, historical cemeteries, historical bridges, and historic districts.⁶ Currently, the Site File has information on more than 261,000 cultural resources and copies of more than 29,000 manuscripts.⁷

Historic Cemeteries Program

Historic cemeteries are those that have interments that are at least 50 years old.⁸ The Historic Cemeteries Program (Program), first established in 2023, encourages local governments, organizations, and other stakeholders to preserve, rehabilitate, and provide public education on abandoned and historic cemeteries.⁹ Among other duties, the Program maintains and updates the records of historic cemeteries in the Florida Master Site File, develops guidelines on identification and maintenance for historic and abandoned cemeteries, and assists with research, identification, and coordination related to newly discovered historic cemeteries.¹⁰

The Program also administers Abandoned African-American Cemeteries Grants, which function as a grant program and provides funding to assist with efforts to preserve such cemeteries.¹¹ Eligible cemeteries are those that have a majority of interments occurring more than 50 years ago, are listed in the Florida Master Site File or in certain other means of documentation, are not currently licensed under ch. 497, F.S.,¹² and have a documented association

¹ [20.10\(2\), F.S.](#)

² [S. 267.031, F.S.](#)

³ [S. 267.031\(5\)\(a\), F.S.](#), [s. 267.031\(5\)\(b\), F.S.](#), [s. 267.031\(5\)\(d\), F.S.](#), and [s. 267.031\(5\)\(f\), F.S.](#)

⁴ Florida Department of State, Division of Historical Resources, [Florida Master Site File](#) (last visited Jan. 31, 2026).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Florida Department of State, [Historic Cemeteries Program](#) (last visited Jan. 31, 2026).

⁹ Ch. 2023-142, L.O.F. *See also* Florida Department of State, Division of Historical Resources, [Historic Cemeteries Program](#) (last visited Jan. 31, 2026).

¹⁰ Florida Department of State, Division of Historical Resources, [Historic Cemeteries Program](#) (last visited Jan. 31, 2026). *See also* Florida Department of State, [Historic Cemeteries Program](#) (last visited Jan. 31, 2026).

¹¹ Florida Department of State, Division of Historical Resources, [Abandoned African-American Cemeteries Grants](#) (last visited Jan. 31, 2026).

¹² Chapter 497, F.S., is the Florida Funeral, Cemetery, and Consumer Services Act, which regulates the death care industry. *See also* Department of Financial Services, Funeral Cemetery and Consumer Services, [Relevant Florida Statutes and Rules](#) (last visited Jan. 31, 2026).

with interments of persons of primarily African-American ancestry.¹³ Since Fiscal Year 2024, the grant program has funded 34 abandoned cemetery projects.¹⁴

Historic and Abandoned Cemeteries

Current law defines a “cemetery” as a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains.¹⁵ The Florida Funeral, Cemetery, and Consumer Services Act (Funeral Act) authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services (DFS) to regulate cemeteries, columbaria,¹⁶ cremation services, mausoleums,¹⁷ cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.¹⁸

The Funeral Act allows for the moving of graves, referred to as disinterment and reinterment.¹⁹ Disinterment and reinterment must be made in the physical presence of a licensed funeral director, unless reinterment occurs in the same cemetery.²⁰ The funeral director must obtain written authorization from a legally authorized person or court of competent jurisdiction prior to any disinterment and reinterment of a dead human body.²¹

Current law authorizes counties and municipalities, with notice to DFS, to maintain and secure an abandoned cemetery or a cemetery that has not been maintained for more than six months.²² Counties and municipalities may solicit private funds and expend public funds for the maintenance and security of abandoned cemeteries.²³ These maintenance and security efforts are statutorily exempt from civil liabilities or penalties for damages to property at the cemetery.²⁴ Additionally, current law permits the county or municipality to maintain an action against the cemetery owner to recover costs for maintenance or security.²⁵

Florida Forever Funding

The Florida Forever Program is the state’s conservation and recreation lands acquisition program.²⁶ Since 2001, the state has purchased more than one million acres of land for approximately \$3.8 billion.²⁷ Florida Forever supports a wide range of goals, including water resource protection, coastal resiliency, preservation of cultural resources, public access to outdoor recreation, and the restoration and maintenance of public lands.²⁸

In 1999, the Legislature created the Florida Forever Trust Fund to distribute state funds for land acquisition and conservation purposes.²⁹ The Florida Forever Act establishes a statutory scheme for the distribution of funds from

¹³ Florida Department of State, Division of Historical Resources, [Abandoned African-American Cemeteries Grant Guidelines](#) (last visited Jan. 21, 2026).

¹⁴ The program funded 15 projects in Fiscal Year 2024, 11 projects in Fiscal Year 2025, and 8 projects in Fiscal Year 2026. See Florida Department of State, Division of Historical Resources, [Recent Grant Award Cycles](#) (last visited Jan. 31, 2026).

¹⁵ [S. 497.005\(13\), F.S.](#)

¹⁶ A “columbarium” is a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. [S. 497.005\(18\), F.S.](#)

¹⁷ A “mausoleum” is a structure or building that is substantially exposed above the ground and that is intended to be used for the entombment of human remains. [S. 497.005\(46\), F.S.](#)

¹⁸ See [s. 497.001, F.S.](#), [s. 497.101, F.S.](#); [s. 497.103, F.S.](#)

¹⁹ [S. 497.384, F.S.](#); see also [s. 497.005\(31\), F.S.](#)

²⁰ [S. 497.384, F.S.](#)

²¹ [S. 497.384\(3\), F.S.](#) [Section 497.005\(43\), F.S.](#) defines a “legally authorized person” as a priority-based list that begins with the authorizations and directions of the decedent and can include relatives, guardians, or personal representatives of the decedent.

²² [S. 497.284\(1\), F.S.](#)

²³ *Id.*

²⁴ [S. 497.284\(2\), F.S.](#)

²⁵ [S. 497.284\(3\), F.S.](#)

²⁶ Department of Environmental Protection, [Florida Forever](#) (last visited Jan. 31, 2026); see also [s. 259.105, F.S.](#)

²⁷ Department of Environmental Protection, [Florida Forever](#) (last visited Jan. 14, 2026).

²⁸ See [s. 259.105\(2\)\(a\), F.S.](#)

²⁹ [S. 259.105\(3\), F.S.](#); [s. 259.1051, F.S.](#)

the Florida Forever Trust Fund.³⁰ Such statutory scheme requires 35 percent goes to DEP for the acquisition of lands and capital project expenditures.³¹ Regarding this distribution, current law provides legislative intent that increased priority be given to acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.³²

Current law provides the additional following allocation of these funds:

- 30 percent goes to the Department of Environmental Protection (DEP) for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199.³³
- 21 percent goes to DEP for use by the Florida Communities Trust for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans.³⁴
- 2 percent goes to DEP for grants provided through the Florida Recreation Development Assistance Program.³⁵
- 1.5 percent goes to DEP for the purchase of inholdings and additions to state parks and for capital project expenditures.³⁶
- 1.5 percent goes to Florida Forest Service, under the Department of Agriculture and Consumer Services, to fund the acquisition of state forest inholdings and additions.³⁷
- 1.5 percent goes to Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission.³⁸
- 1.5 percent goes to DEP for the Florida Greenways and Trails Program.³⁹
- 3.5 goes to Department of Agriculture and Consumer Services for the acquisition of agricultural lands, through perpetual conservation easements and other perpetual less than fee techniques.⁴⁰
- 2.5 percent goes to DEP for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida Communities Trust.⁴¹

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	14 Y, 0 N	2/4/2026	Skinner	Jones
Civil Justice & Claims Subcommittee				
State Affairs Committee				

³⁰ See [s. 259.105, F.S.](#); [s. 259.105\(3\)\(b\), F.S.](#)

³¹ [S. 259.105\(3\)\(b\), F.S.](#)

³² *Id.*

³³ [S. 259.105\(3\)\(a\), F.S.](#)

³⁴ [S. 259.105\(3\)\(c\), F.S.](#)

³⁵ [S. 259.105\(3\)\(d\), F.S.](#); *see also* [375.075, F.S.](#)

³⁶ [S. 259.105\(3\)\(e\), F.S.](#)

³⁷ [S. 259.105\(3\)\(f\), F.S.](#)

³⁸ [S. 259.105\(3\)\(g\), F.S.](#)

³⁹ [S. 259.105\(3\)\(h\), F.S.](#)

⁴⁰ [S. 259.105\(3\)\(i\), F.S.](#)

⁴¹ [S. 259.105\(3\)\(j\), F.S.](#)