

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 34

INTRODUCER: Senators Sharief and Bernard

SUBJECT: Historic Cemeteries Program

DATE: November 3, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hackett	Fleming	CA	Pre-meeting
2. _____	_____	GO	_____
3. _____	_____	RC	_____

I. Summary:

SB 34 has the stated intention of assisting historic African-American cemeteries in financing long-term maintenance and upkeep. To that end, the bill requires local governments to approve an application to change the zoning of excess land sold by a historic African-American cemetery to match the most permissive adjacent classification.

The bill takes effect July 1, 2026.

II. Present Situation:

Historic Cemeteries Program

The Historic Cemeteries Program within the Florida Department of State, created in 2023,¹ encourages local governments and organizations to preserve, rehabilitate, and provide public education on abandoned and historic cemeteries. Among other duties, the program maintains the state database of cemeteries established at least 50 years ago, develops guidelines on identification and maintenance for historic cemeteries, and assists with research, identification, and coordination related to newly discovered cemeteries.² The program also administers Abandoned African-American Cemeteries Grants, which provide funding to assist with efforts to preserve such cemeteries.³ From its inception in 2024, the program has funded at least 34 cemeteries.⁴

¹ Ch. 2023-142, Laws of Fla.

² Section 267.21(1), F.S. For more information, *See Historic Cemeteries Program*, Florida Department of State, available at <https://dos.fl.gov/historical/preservation/historic-cemeteries-program/> (last accessed Oct. 31, 2025).

³ *Abandoned African-American Cemeteries Grants*, Florida Department of State, available at <https://dos.fl.gov/historical/grants/abandoned-african-american-cemeteries-grants/> (last accessed Oct. 31, 2025).

⁴ *Grant History*, Florida Department of State, available at <https://dos.fl.gov/historical/grants/grant-history/> (last accessed Oct. 31, 2025).

Historic cemeteries include those which had a majority of interments occurring more than 50 years ago, and for the purposes of the grant program an African-American Cemetery is one with a documented association with the interments of persons of primarily African-American ancestry.⁵

Zoning and Land Use

The Community Planning Act⁶ requires every city and county to create and implement a comprehensive plan to guide future development. A local government's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Local governments regulate aspects of land development by enacting ordinances that address local zoning, rezoning, subdivision, building construction, landscaping, tree protection, or sign regulations or any other regulations controlling the development of land.⁷

Zoning maps and zoning districts are adopted by local governments for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.⁸ Common regulations on buildings within the zoning map districts include density,⁹ height and bulk of buildings, setbacks, and parking requirements.¹⁰ Zoning regulations also include acceptable uses of property for other categories of land, such as agricultural or industrial.

If a landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the landowner can seek a rezoning through a rezoning application which is reviewed by the local government and voted on by the governing body.¹¹ If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.¹² However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

⁵ Florida Department of State, Division of Historical Resources, *Abandoned African-American Cemeteries Grant Guidelines*, p. 5, available at <https://files.floridados.gov/media/709314/abandoned-african-american-cemeteries-grant-guidelines.pdf> (last visited November 3, 2025).

⁶ Part II, Ch. 163, F.S.

⁷ See ss. 163.3164 and 163.3213, F.S. Pursuant to s. 163.3213, F.S., substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

⁸ INDIAN RIVER CNTY., *General Zoning Questions*, https://indianriver.gov/services/community_development/faq.php#faq-questions-33 (last visited November 3, 2025).

⁹ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. Section 163.3164(12), F.S.

¹⁰ INDIAN RIVER CNTY., *supra* note 8.

¹¹ See, e.g., CITY OF TALLAHASSEE, *Application For Rezoning Review*, available at: <https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf> (last visited November 3, 2025).

¹² See, e.g., CITY OF TALLAHASSEE, *Variance and Appeals*, available at: https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa_variance.pdf (last visited November 3, 2025) and SEMINOLE CNTY., *Variance Process & Requirements*, <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements.stml> (last visited November 3, 2025).

III. Effect of Proposed Changes:

The bill provides legislative intent, which states that the Black Cemetery Network has identified and registered 35 sites in Florida, and while the historic African-American cemeteries grant program provides assistance for initial preservation, some cemeteries hold vacant land which could be sold to fund long-term maintenance and upkeep.

The bill amends s. 267.21, F.S., to provide that when a historic African-American cemetery with excess vacant land sells or enters a contract to sell such land for the express purpose of funding the cemetery's long-term maintenance and upkeep, the local government must approve an application to change the land use designation and zoning of such land to match the most permissive adjacent designation and zoning.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase property value for the sale of certain land, which will assist in funding maintenance for historic African-American cemeteries.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 267.21 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.