

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**

**Final Report**

**December 17, 2021**

## Table of Contents

I.	<a href="#">EXECUTIVE SUMMARY</a> .....	
II.	BACKGROUND	
1.	<a href="#">Florida Department of State Role</a> .....	
2.	<a href="#">Historic and Abandoned Cemeteries, and Unmarked Human Remains</a> .....	
i.	<a href="#">1998 Task Force on Abandoned and Neglected Cemeteries Pursuant to Chapter 98-268, Laws of Florida</a> .....	
ii.	Abandoned Cemeteries in the Tampa Area	
a.	<a href="#">Zion Cemetery</a> .....	
b.	<a href="#">Ridgewood Cemetery</a> .....	
iii.	Abandoned Cemeteries in the Tallahassee Area	
a.	<a href="#">New Hope Cemetery</a> .....	
III.	TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES	
1.	<a href="#">Findings and Recommendations</a> .....	
IV.	APPENDICES	
1.	<a href="#">Appendix A: Chapter 2021-60, Laws of Florida</a> .....	
2.	<a href="#">Appendix B: Chapter 98-268, Laws of Florida</a> .....	
3.	<a href="#">Appendix C: Final Report of the 1998 Task Force on Abandoned and Neglected Cemeteries</a> .....	
4.	<a href="#">Appendix D: 2021 Task Force Meeting Agendas</a> .....	
5.	<a href="#">Appendix E: 2021 Task Force Meeting Minutes</a> .....	
6.	<a href="#">Appendix F: 2021 Task Force Meeting Presentations</a> .....	
7.	<a href="#">Appendix G: Public Input</a> .....	

## **EXECUTIVE SUMMARY**

On June 4, 2021, Governor DeSantis signed into law CS/CS/HB 37<sup>1</sup> relating to Abandoned Cemeteries. The bill created a 10-member Task Force on Abandoned African-American Cemeteries (“Task Force”), adjunct to the Department of State (“Department”), to:

1. Study the extent to which unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state; and
2. Develop and recommend strategies for identifying and recording cemeteries and burial grounds while also preserving local history and ensuring dignity and respect for the deceased.

Specifically, the bill required the Task Force to:

1. 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 taken in response to the Task Force’s findings and recommendations.
2. 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.
3. 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.
4. Make recommendations regarding standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state.
5. Submit a report by January 1, 2022 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.

The Department was required to provide administrative and staff support relating to the functions of the Task Force. The Task Force is scheduled to expire on March 11, 2022.

The bill required the Task Force membership to include:

1. The Secretary of State, or his or her designee, who must serve as chair.
2. A representative of the Bureau of Archaeological Research of the Division of Historical Resources, appointed by the Secretary of State.
3. 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.
4. One representative of the Florida Council of Churches, nominated by the executive director of the council and appointed by the Secretary of State.
5. 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.

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<sup>1</sup> [Chapter 2021-60, L.O.F.](#)

6. One representative of the Florida Public Archaeology Network, appointed by the Secretary of State.
7. One representative of the cemetery industry, appointed by the Secretary of State.
8. One member of the Senate, appointed by the President of the Senate.
9. One member of the House of Representatives, appointed by the Speaker of the House of Representatives.
10. One elected official from a local government, appointed by the Secretary of State.

Accordingly, the following members were appointed to serve on the Task Force:

	<b>Member</b>	<b>Representing Entity</b>	<b>Area</b>
1.	<b>Dr. Timothy Parsons, Chair</b> <i>Director, Division of Historical Resources, Florida Department of State (DOS)</i>	Secretary of State, Laurel M. Lee's designee	Statewide
2.	<b>Dr. Kathryn O'Donnell Miyar</b> <i>Bureau Chief, Bureau of Archaeological Research, Division of Historical Resources, DOS</i>	Bureau of Archaeological Research, Division of Historical Resources	Statewide
3.	<b>Ms. Yvette Lewis</b> <i>President, NAACP Hillsborough County Branch</i>	Florida State Conference of the National Association for the Advancement of Colored People (NAACP)	Hillsborough County
4.	<b>Dr. Antoinette Jackson</b> <i>Professor and Chair, Department of Anthropology, University of South Florida</i>	Florida Council of Churches	Tampa
5.	<b>Ms. Althemese Barnes</b> <i>Executive Director, FAAHPN</i>	Florida African American Heritage Preservation Network (FAAHPN)	North Florida Region
6.	<b>Mr. Jeffery T. Moates</b> <i>West Central Region Director, FPAN</i>	Florida Public Archaeology Network (FPAN)	West Central Region
7.	<b>Mr. Keenan L. Knopke</b> <i>President &amp; CEO Curlew Hills Memory Gardens, Inc.</i>	Cemetery Industry	Temple Terrace
8.	<b>Senator Janet Cruz</b>	Florida Senate	Part of Hillsborough County
9.	<b>Representative Fentrice Driskell</b>	Florida House of Representatives	Part of Hillsborough County
10.	<b>Mr. Jaha Cummings</b> <i>Council Member, City of Punta Gorda</i>	Local government	Punta Gorda



Florida law defines task force to mean “an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem.”<sup>2</sup> This provision also specifies that the task force terminates upon the completion of its assignment.<sup>3</sup> Members of an advisory body, “unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses”<sup>4</sup> in accordance with the law.<sup>5</sup>

Over the course of five months, beginning with the inaugural meeting on July 20, 2021, the Task Force members engaged in extensive discussions regarding the ongoing challenges with identifying abandoned African American cemeteries and securing the support needed to maintain and preserve such cemeteries and burial grounds. These discussions resulted in a comprehensive examination of the adequacy of current practices and applicable state laws. Specifically, the Task Force members emphasized the need to modify and clarify existing statutory provisions and establish funding mechanisms to strengthen documentation of and protections for such cemeteries and burial grounds. The Task Force recommendations are organized under four categories: Identification and Protection, Maintenance, Education, and Memorialization.

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<sup>2</sup> [Section 20.03\(8\), F.S.](#)

<sup>3</sup> *Id.*

<sup>4</sup> [Section 112.061, F.S.](#)

<sup>5</sup> [Section 20.052\(4\)\(d\), F.S.](#)

## BACKGROUND

### Florida Department of State Role

The Florida Department of State is one of the principal administrative units within the executive branch of the state government. The head of the Florida Department of State (DOS) is the Secretary of State.<sup>6</sup> The Secretary of State is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor.<sup>7</sup> The Secretary of State performs the functions conferred by the State Constitution upon the custodian of state records.<sup>8</sup> The DOS includes six divisions, including the Division of Historical Resources (DHR or Division).<sup>9</sup>

The DHR is responsible for preserving and promoting Florida's historical and archaeological resources.<sup>10</sup> The Division oversees a grants program and coordinates outreach programs to identify, document, and promote the state's traditional culture. Additionally, the Division Serves as the State Historic Preservation Office, acting as the liaison to the National Park Service. The DHR is comprised of three Bureaus or major program areas:<sup>11</sup>

1. **The Bureau of Historic Preservation (BHP)** conducts historic preservation programs aimed at identifying, evaluating, preserving and interpreting the historic and cultural resources of the state. Among other responsibilities, the Bureau oversees the [Florida Master Site File](#) and the [National Register of Historic Places](#) program for Florida.

The Florida Master Site File (Site File) is the State of Florida's official inventory of historic and cultural resources. Federal law mandates that each state maintain this inventory. Recorded resource categories include buildings, structures, bridges, objects, historic and precontact archaeological sites, cemeteries, districts, linear resources, landscapes and traditional cultural properties. The Site File maintains a database, geographic information system (GIS), and paper files for recorded resources, as well as copies of archaeological and historical survey reports and other manuscripts relevant to history and historic preservation in Florida. Staff are available to assist citizens, researchers, government agencies and historic preservation professionals in searching and obtaining data, information and scanned documents from the inventory.

To date, the Site File has 1,624 total cemeteries recorded throughout the state. African American cemeteries are not well defined within this larger number. Cemeteries are the most under-recorded historic resource listed in the Florida Master Site File. Estimate based on Site

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<sup>6</sup> [Section 20.10\(1\), F.S.](#)

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*, at (2).

<sup>10</sup> [Section 267.031, F.S.](#)

<sup>11</sup> Florida Department of State, *About The Division of Historical Resources*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 14, 2021).

File data indicate that there are 5,000 to 7,000 historic cemeteries in the state that are over 50 years of age or older.<sup>12</sup> Cemeteries can be recorded with as few as one historic grave, and gravestones are not required to record a site.

The [National Register of Historic Places](#) is maintained by the National Park Service and includes historic and archaeological properties such as buildings, structures, sites, objects, and districts, that are considered worthy of preservation because of their local, statewide, or national significance. Properties must meet the eligibility requirements for age, integrity and significance. Nominations for Florida properties are submitted to the National Park Service by the DHR review and recommendation by the Florida National Register Review Board. The National Register is an honorary program. Listing in the National Register does not impose any obligation on the property owner or restrict the owner's basic right to use and dispose of the property as they see fit. It does encourage the preservation of significant historic resources.

2. **The Bureau of Archaeological Research (BAR)** oversees the state's archaeological programs – Public Lands Archaeology, Underwater Archaeology, as well as Archaeological Collections and Conservation. Additionally, the State Archaeologist, who serves as Bureau Chief of BAR, is tasked with duties under s. 872.05, F.S. to assume jurisdiction over, and responsibility for, Unmarked Human Burials greater than 75 years deceased that are not cemetery interments. BAR is responsible for the statutory duties to protect, preserve and promote the cultural resources of Florida, as defined in chapters 267 and 872.05, F.S. BAR has managerial oversight of archaeological sites on [state-owned and managed lands](#). It is funded by a land acquisition fund through state legislation, which was established for the protection of endangered natural and cultural resources. Some of the core duties of the organization include survey and inventory of archaeological sites on state-owned and managed lands, such as parks, forests, wildlife management and environmental areas, and sovereignty-submerged lands, including aquatic preserves and navigable waterways. BAR archaeologists also review management plans and conduct archaeological site visits and inspections to ensure that local managing personnel are aware of the resources in their charge and know how to protect them.

The Bureau's archaeologists carry out archaeological surveys and excavations throughout the state, both terrestrial and submerged. They maintain records on historical resources that have been recorded and assist consultants and planners in protecting sites. The Bureau's archaeologists work to increase awareness, appreciation, and understanding for Florida's cultural resources by participating in Bureau supported public events, attending professional conferences, and publishing scientific and popular articles. The Bureau's archaeologists also conduct damage and impact assessments of archaeological sites and lead Archaeological Resource Management (ARM) training and Law Enforcement training, which are designed to instruct land managers in archaeology and the protection of cultural resources.

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<sup>12</sup> Division of Historical Resources, Florida Department of State.

In addition, BAR is statutorily responsible for the preservation and curation of over 3.5 million objects, primarily recovered from state-owned or state-managed lands. Collections and Conservation staff are responsible for acquiring, maintaining, preserving, interpreting, exhibiting and making available for study archaeological objects. These artifacts are acquired through state-sponsored research, permitted projects operating under chapters 1A-31 and 1A-32, Florida Administrative Code, and by private donations made pursuant to chapter 1A-40, Florida Administrative Code.

3. **The Bureau of Historical Museums (BHM)** is comprised of the Museum of Florida History, the state’s official history museum, The Grove Museum, Mission San Luis, and Knott House Museum, which is a site managed by the Museum of Florida History. These museums interpret Florida history for the public in a variety of ways, such as through object-based exhibitions at the Museum of Florida History, engaging living history interactions at Mission San Luis, and guided tours of the historic Knott House and the historic Call-Collins House at The Grove Museum. The museums offer a variety of educational programs for all ages and welcome school groups and other tour groups year round.

### **Historic and Abandoned Cemeteries and Unmarked Human Remains**

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act<sup>13</sup> (the Act), generally regulates funeral and cemetery services. The Act authorizes the Board of Funeral, Cemetery, and Consumer Services, created within the Department of Financial Services (DFS),<sup>14</sup> to regulate cemeteries, columbaria,<sup>15</sup> cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.<sup>16</sup>

The term “cemetery” means “a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.”<sup>17</sup>

Under Florida law, a county or municipality which has within its jurisdiction an abandoned cemetery or a cemetery that has not been reasonably maintained for a period in excess of six months may, upon notice to the DFS, take action to provide for the maintenance and security of the cemetery.<sup>18</sup> Such county or municipality may solicit private funds and expend public funds for

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<sup>13</sup> [Section 497.001, F.S.](#)

<sup>14</sup> [Section 497.101, F.S.](#)

<sup>15</sup> [Section 497.005\(18\), F.S.](#)

<sup>16</sup> [Sections 497.101 and 497.103, F.S.](#)

<sup>17</sup> [Section 497.005\(13\), F.S.](#)

<sup>18</sup> [Section 497.284\(1\), F.S.](#)

maintaining and securing the cemeteries if no action taken by the county or municipality under this law establishes an ongoing obligation or duty to provide continuous security or maintenance for any cemetery.<sup>19</sup>

A county or municipality, or any person under the supervision or direction of the county or municipality, providing good faith assistance in securing or maintaining a cemetery is exempt from civil liabilities or penalties of any type for damages to property at the cemetery.<sup>20</sup>

However, it is important to note that chapter 497, F.S., primarily applies to licensed cemeteries and excludes many smaller historic and religious cemeteries. Specifically, cemeteries that are exempt from regulation under Florida law include the following:<sup>21</sup>

1. Religious institution cemeteries of less than 5 acres which provide only single-level ground burial.
2. County and municipal cemeteries.
3. Community and nonprofit association cemeteries which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
4. Cemeteries owned and operated or dedicated by a religious institution prior to June 23, 1976.
5. Cemeteries beneficially owned and operated since July 1, 1915, by a fraternal organization or its corporate agent.
6. A columbarium consisting of less than one-half acre which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a columbarium must ensure that the columbarium is perpetually kept and maintained in a manner consistent with the intent of the law.<sup>22</sup> If the religious institution relocates, the religious institution must relocate all of the urns and remains placed in the columbarium which were placed therein during its use by the religious institution.
7. Family cemeteries of less than 2 acres which do not sell burial spaces or burial merchandise.
8. A mausoleum consisting of 2 acres or less which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a mausoleum must ensure that the mausoleum is kept and maintained in a manner consistent with the intent of this chapter and limit its availability to members of the religious institution. The religious institution establishing such a mausoleum must have been incorporated for at least 25 years and must have sufficient funds in an endowment fund to cover the costs of construction of the mausoleum.

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<sup>19</sup> *Id.*

<sup>20</sup> [Section 497.284\(2\), F.S.](#)

<sup>21</sup> [Section 497.260\(1\), F.S.](#)

<sup>22</sup> [Chapter 497, F.S.](#)

9. A columbarium consisting of 5 acres or less which is located on the main campus of a state university.<sup>23</sup> The university or university direct-support organization,<sup>24</sup> which establishes the columbarium must ensure that the columbarium is constructed and perpetually kept and maintained in a manner consistent with the law.<sup>25</sup>

However, all human remains receive equal protection under Florida law regardless of land ownership; protections against offenses concerning dead bodies and graves are provided under chapter 872, F.S. Any marked or previously marked cemetery burials that are exempt from regulation under chapter 497, F.S., fall under the protections of s. 872.02, F.S., which provides criminal liability for willfully and knowingly disturbing these burials (felony of the second degree), including disturbance of headstones or any structure or things placed or designed for memorial of the dead and cemetery trees and shrubs (felony of the third degree).

Section 872.02, F.S., also specifies the legal mechanism to relocate contents of a grave, which involves the written authorization of a “legally authorized person.”<sup>26</sup>

A “legally authorized person” means, in the priority listed: the decedent, when authorizations and directions are provided by the decedent, the person designated by the decedent as authorized to direct disposition, the surviving spouse, a son or daughter 18 years of age or older, a grandchild 18 years of age or older, a grandparent, any person in the next degree of kinship, or if no family member exists than individuals such as a decedent's guardian, personal representative, attorney, as well as a public health officer, medical examiner, county commission, a friend of the decedent or any other person willing to assume the responsibility as the legally authorized person.<sup>27</sup>

If there are objections by a “legally authorized person” regarding burial relocation, a public hearing must be held before the county commission of the county where the cemetery is located, or the city council, if the cemetery is located in a municipality, and the county commission or the city council must have the authority to grant or deny a request for relocation.<sup>28</sup>

It is important to note that cemeteries that are no longer marked are not considered “unmarked human burials” under the definition of s. 872.05, F.S., and do not fall under the specifications of that section of law; instead, they are protected under s. 872.02, F.S., as detailed above. “Unmarked human burials” are defined as “any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument,

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<sup>23</sup> [Section 1000.21\(6\), F.S.](#)

<sup>24</sup> [Section 1004.28\(1\), F.S.](#)

<sup>25</sup> [Section 497.260\(1\)\(i\), F.S.](#)

<sup>26</sup> [Section 497.005\(43\), F.S.](#)

<sup>27</sup> *Id.*

<sup>28</sup> [Section 872.02\(7\), F.S.](#)

gravestone, or other structure or thing placed or designed as a memorial of the dead.”<sup>29</sup>

Pursuant to Florida law,<sup>30</sup> the relatives and descendants of any person buried in a cemetery must have an easement for ingress and egress for the purpose of visiting the cemetery at reasonable times and in a reasonable manner. The owner of the land may designate the easement. If the cemetery is abandoned or otherwise not being maintained, such relatives and descendants may request the owner to provide for reasonable maintenance of the cemetery, and if the owner refuses or fails to maintain the cemetery, the relatives and descendants must have the right to maintain the cemetery.<sup>31</sup>

### **Task Force on Abandoned and Neglected Cemeteries Pursuant to Chapter 98-268, Laws of Florida**

In 1998, the Florida Legislature enacted the “Cemetery Preservation and Consumer Protection Act,” which created an 11-member Task Force on Abandoned and Neglected Cemeteries (the “1998 Task Force”) within the Department of Banking and Finance.<sup>32</sup> The legislation required the 1998 Task Force to examine the status of abandoned and neglected cemeteries in the state, report findings, and recommend solutions to problems found by the Task Force, including a draft legislation to implement the recommended solutions.<sup>33</sup> The Legislature appropriated \$131,042 and one career service position for fiscal year 1998-1999 to the Department of Banking and Finance from the department’s Regulatory Trust Fund for the enforcing the provisions of this Act.<sup>34</sup>

The 1998 Task Force submitted its Final Report on January 15, 1999.<sup>35</sup> The Task Force determined that the abandonment and neglect of cemeteries was “sufficiently widespread to warrant government intervention.”<sup>36</sup> The Task Force’s findings included the following:<sup>37</sup>

1. Data collected to date on some 3,580 cemeteries in the State suggests that 40 percent to 50 percent are abandoned or neglected. As additional information becomes available in the future (and as abandoned and neglected cemeteries are restored), the total could increase beyond the current projection of 1,500.
2. The Task Force, in the short time of its existence, has been unable to quantify the extent to which private, unlicensed cemeteries are not able to care for the same due to lack of funds, but it clearly appears to be a significant factor.

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<sup>29</sup> [Section 872.05\(2\)\(f\), F.S.](#)

<sup>30</sup> [Section 704.08, F.S.](#)

<sup>31</sup> *Id.*

<sup>32</sup> [Section 13, ch. 98-268, L.O.F.](#)

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Task Force on Abandoned and Neglected Cemeteries, Final Report (Jan. 15, 1999), *available at* <https://www.coj.net/city-council/docs/brcemeteries-1999-statetaskforce-finalreport.aspx>.

<sup>36</sup> *Id.*, at p. 3.

<sup>37</sup> *Id.*, at p. 7-8.

3. The extent that neglected cemeteries create problems for citizens and local governments has not been quantified, but the City and County representatives on the Task Force verify that such cemeteries are a burden on local governmental resources.
4. Some older cemeteries that are neglected may represent a loss of historic or archeological values, but the extent of such loss has not been quantified. More than 300 cemeteries with some level of historical significance are recorded in the records maintained by the Department of State.
5. Legislation is needed to establish guidelines, definitions, methods of establishing care for neglected and abandoned cemeteries, agencies responsible for providing such care, the funding mechanism for such projects, as well as a permanent structure to continue the location, identification, protection, preservation and care of such cemeteries.
6. A grants-in-aid type program using matching funds would help ameliorate the problems created by abandoned and neglected cemeteries.
7. The Task Force has examined the question of funds needed to address the problems and recommends in the proposed legislation the following funding sources:
  - i. A one-time appropriation by the legislature,
  - ii. A fee on death certificates,
  - iii. Enabling legislation to permit Cities and Counties to include in their budgets funds for this purpose, and
  - iv. The establishment of a non-profit corporation within the Department to obtain donations from individuals, businesses, industries, organizations, local, state and federal grants, foundations, etc. The fund would be established in such a way that the corpus could continue to grow with only the income used for the purposes outlined herein. In this way the trust funds can be effective over the long term.
8. The Task Force has determined that it is imperative to stop the proliferation of neglected and abandoned cemeteries.
9. The legislature has already established in Chapter 872 protection for all human burial sites and all human remains regardless of whether or not the site is abandoned.

Additionally, the 1998 Task Force made the following recommendations:<sup>38</sup>

1. The work of the Task Force should be allowed to continue in either of the following ways:
  - i. The Task Force should continue in its present form for a finite time in order for the Task Force to more thoroughly examine the extent of the problems, or
  - ii. The non-profit corporation outlined in the proposed legislation should continue these functions on a permanent basis.
2. Establish that local governments are the best way to handle the problem created by abandoned and neglected cemeteries within their respective jurisdictions, combined with a statewide approach through the designated agency and non-profit corporation.

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<sup>38</sup> *Id.*, at p. 8-9.



3. Establish that owners of unlicensed cemeteries must care for those cemeteries in a proper manner so as to avoid neglect.
4. Proscribe abandonment and neglect of cemeteries.
5. Establish that a copy of all burial transit permits will be filed with the Clerk of Court in the County of burial.
6. Establish that officially designated persons other than the next of kin shall be given an easement or right of entry to enter and inspect private cemeteries.
7. Establish that unlicensed cemeteries be required to post a sign at the cemetery providing notice of the existence of a cemetery at the posted location.
8. Establish that no new cemeteries shall be allowed to be created except under the provisions of Part I of Chapter 497, thereby insuring that a care and maintenance fund is established for each new cemetery.

## **Abandoned Cemeteries in the Tampa Area**

### ***Zion Cemetery***

Zion Cemetery, established in 1901, “is believed to be Tampa’s first African-Americans burial ground,” with room for some 800 graves.<sup>39</sup> The cemetery disappeared from public view in the late 1920s, and a storefront, warehouses, and Robles Park Village were built on the land that once was the site of the African-American cemetery.<sup>40</sup> In 1951, while building the Robles Park Apartments, construction crews found three caskets on the land that includes part of the Zion cemetery site.<sup>41</sup>

The Tampa Housing Authority and other private citizens are the current owners of the Zion land.<sup>42</sup> In June 2019, upon learning that graves from the Zion Cemetery might still lie beneath its Robles Park Village apartments, the Tampa Housing Authority organized a consultation committee, hired archaeologists to survey its property, and began moving tenants who live where the cemetery was once located.<sup>43</sup> In August 2019, archeologists using ground-penetrating radar discovered what they

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<sup>39</sup> Paul Guzzo, Tampa Bay Times, *A Community, Not Just Zion Cemetery, Disappeared To Build Homes For Whites* (Nov. 4, 2019; updated Jan. 8, 2020), <https://www.tampabay.com/news/hillsborough/2019/11/04/a-community-not-just-zion-cemetery-disappeared-to-build-homes-for-whites/> (last visited Dec. 10, 2021).

<sup>40</sup> Paul Guzzo, Tampa Bay Times, *Richard Gonzmart Believes No Coffins Will Be Found On His Zion Cemetery Land* (Sep. 24, 2019), <https://www.tampabay.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land/#:~:text=Hillsborough-.Richard%20Gonzmart%20believes%20no%20coffins%20will%20be%20found%20on%20his,on%20property%20adjacent%20to%20his.&text=But%20Gonzmart%20expects%20his%20results,are%20no%20bodies%2C%E2%80%9D%20he%20said> (last visited Dec. 10, 2021).

<sup>41</sup> Paul Guzzo, Tampa Bay Times, *Key Dates in the History Of Tampa’s Forgotten Zion Cemetery* (Jun. 19, 2019; updated Jan. 13, 2020), <https://www.tampabay.com/florida/2019/06/23/key-dates-in-the-history-of-tampas-forgotten-zion-cemetery/> (last visited Dec. 10, 2021).

<sup>42</sup> *Id.*

<sup>43</sup> Paul Guzzo, Tampa Bay Times, *Richard Gonzmart Believes No Coffins Will Be Found On His Zion Cemetery Land* (Sep. 24, 2019), <https://www.tampabay.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land/#:~:text=Hillsborough-.Richard%20Gonzmart%20believes%20no%20coffins%20will%20be%20found%20on%20his,on%20property%20adjacent%20to%20his.&text=But%20Gonzmart%20expects%20his%20results,are%20no%20bodies%2C%E2%80%9D%20he%20said>

believe to be 126 caskets beneath the Tampa Housing Authority land.<sup>44</sup> The Tampa Housing Authority has spent between \$70,000 and \$80,000 to relocate about 30 families from Robles Park Village.<sup>45</sup> The goal, according to the Tampa Housing Authority, is to “demolish the five buildings that sit on top of the cemetery and create a memorial park that honors those resting underground. The rest of Robles Park Village will eventually be demolished and redeveloped as a mixed-income community.”<sup>46</sup>

### ***Ridgewood Cemetery***

Ridgewood Cemetery was designated as a pauper’s cemetery by the city of Tampa in the early 1940s.<sup>47</sup> Records show that in 1933, the city of Tampa purchased a 40-acre parcel of land at 56<sup>th</sup> Street and what is now known as Sligh Avenue.<sup>48</sup> A portion of that land was designated as a burial ground for the poorest residents in the area, and the cemetery was named Ridgewood.<sup>49</sup> At least 280 people – mostly African Americans – were interred between 1942 and 1954.<sup>50</sup> The city later sold that land to investors who sold it to the Hillsborough County School District (HCSD).<sup>51</sup> King High School opened in 1960.<sup>52</sup>

In October 2019, the HCSD learned the old Ridgewood Cemetery may have been located at the southeast corner of the King High School campus, which is now the site of a small building and open land used for the agricultural program.<sup>53</sup> The school district’s announcement was based on

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[cent%20to%20his.&text=But%20Gonzmart%20expects%20his%20results,are%20no%20bodies%2C%E2%80%9D%20he%20said](#) (last visited Dec. 10, 2021).

<sup>44</sup> *Id.*

<sup>45</sup> Emerald Morrow, 10 Tampa Bay WTSP, *Lost African American Grave Discoveries Highlight the Need for Affordable Housing* (Feb. 24, 2020), <https://www.wtsp.com/article/news/special-reports/erased/lost-graves-from-zion-highlights-affordable-housing-crunch/67-25fe2f5e-5476-4152-823f-59280cd7fb0f> (last visited Dec. 10, 2021).

<sup>46</sup> *Id.*

<sup>47</sup> Lori Rozsa, Washington Post, *Lost Lives, Fresh Heartache as a Black Cemetery is Found Buried Under A High School* (Nov. 24, 2019), [https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559\\_story.html](https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559_story.html) (last visited Dec. 10, 2021).

<sup>48</sup> Dave Jordan, Spectrum News Bay News 9, *Forgotten Cemetery Under King High School? District Awaits Answers* (Oct. 28, 2019), <https://www.baynews9.com/fl/tampa/news/2019/10/28/forgotten-cemetery-under-king-high-school--district-awaits-answers> (last visited Dec. 10, 2021).

<sup>49</sup> *Id.*

<sup>50</sup> Lori Rozsa, Washington Post, *Lost Lives, Fresh Heartache as a Black Cemetery is Found Buried Under A High School* (Nov. 24, 2019), [https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559\\_story.html](https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559_story.html) (last visited Dec. 10, 2021).

<sup>51</sup> Dave Jordan, Spectrum News Bay News 9, *Forgotten Cemetery Under King High School? District Awaits Answers* (Oct. 28, 2019), <https://www.baynews9.com/fl/tampa/news/2019/10/28/forgotten-cemetery-under-king-high-school--district-awaits-answers> (last visited Dec. 10, 2021).

<sup>52</sup> *Id.*

<sup>53</sup> Paul Guzzo and Marlene Sokol, Tampa Bay Times, *Records Show King High Gym May Have Been Built Atop Paupers Cemetery* (Oct. 22, 2019; updated Oct. 23, 2019), <https://www.tampabay.com/news/education/2019/10/22/map-shows-king-high-gym-may-have-been-built-atop-paupers-cemetery/> (last visited Dec. 10, 2021).

appraisal surveys conducted before the school district purchased the land in 1959.<sup>54</sup> However, 1930s-era records from the city of Tampa place the cemetery at the northeast corner of the campus, which is now occupied by the school gym and the main parking area.<sup>55</sup>

The school district formed an advisory committee, named the Historical Response Committee, and on October 28, 2019, the district hosted an informational meeting with community leaders to review the historical timeline, go over the steps taken, and provide input in response to the possible unmarked cemetery for indigent African Americans and other citizens on the King High School property.<sup>56</sup> Community representatives included community groups, faith-based leaders, and city, county and state elected officials.<sup>57</sup> The HCSD hired Geoview, Inc., to conduct ground-penetrating radar scans to determine evidence of caskets or human remains in the area.<sup>58</sup> On November 20, 2019, the HCSD released the findings from scans on King High School property.<sup>59</sup> While the survey of the southern edge of the King High School campus revealed approximately 145 coffins, the scan performed on the northeast corner of the campus showed no evidence of burials.<sup>60</sup>

Historical records vary but show between 250 and 268 burials at Ridgewood Cemetery.<sup>61</sup> Following are possible reasons for the discrepancy of numbers:<sup>62</sup>

1. Many of the people – possibly as many as 77 – buried in the cemetery were infants or small children. Their smaller coffins would be difficult to locate by scanning, especially after this much time has passed.
2. Some coffins containing adult burials may have decayed underground, to the point where they cannot be detected 75 years later.
3. Some remains may be located below the agricultural workshop.
4. Some of the individuals may have been moved to another cemetery.
5. Radar technology is good, but not perfect – anomalies in the ground may affect what it can see.

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<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Hillsborough County Public Schools, *Hillsborough Schools Creates Historical Response Committee* (Oct. 25, 2019), [Hillsborough Schools Creates Historical Response Committee - HCPS Newsdesk \(sdhc.k12.fl.us\)](https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-high-school-property) (last visited Dec. 10, 2021).

<sup>57</sup> *Id.*

<sup>58</sup> Hillsborough County Public Schools, Letter from Superintendent Jeff Eakins accompanying Final Report submitted by GeoView, Inc. (Nov. 20, 2019), on file with the Division of Historical Resources, Florida Department of State.

<sup>59</sup> Hillsborough County Public Schools, *School District Releases Findings from Scans on King High School Property* (Nov. 20, 2019), <https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-high-school-property> (last visited Dec. 10, 2021).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

In November 2019, the HCSD notified the Medical Examiner in Hillsborough County and the State Archeologist<sup>63</sup> of the unmarked human burials<sup>64</sup> found on the King High School Campus.<sup>65</sup> The DHR informed the HCSD that Division does not have jurisdiction over the cemetery unless the cemetery is located on State lands.<sup>66</sup> The DHR then informed the HCSD that these burials are protected under s. 872.02, F.S. Pursuant to s. 872.02, F.S., legal authority relating to the cemetery is given to the landowner, legally authorized persons of those interred, and the county commission or city council as appropriate. In November 2020, the Historical Response Committee met to discuss proper ways to memorialize the individuals, how to best care for the space and learning opportunities for students.<sup>67</sup>

## **Abandoned Cemeteries in the Tallahassee Area**

### ***New Hope Cemetery***

The New Hope Cemetery, located in Tallahassee Florida, is a historic African-American cemetery that contains the burials of former slaves from the plantations that once existed in the northeast Tallahassee area. In June of 2020, the DHR became aware of a growing desire to verify the location of a now-unmarked historic cemetery in northern Leon County, reported to be on lands owned by the State of Florida and managed by Leon County as the Miccosukee Canopy Road Greenway.<sup>68</sup>

New Hope Cemetery, Florida Master Site File number LE6465, was recorded by Panhandle Archaeological Society in Tallahassee (PAST) member Lonnie Mann on behalf of Gloria Jefferson Anderson, a descendent of individuals interred in the cemetery. Extensive archival research and interviews led Mrs. Anderson to the area north of the present day Testestina Primitive Baptist Church located on Miccosukee Road in northern Leon County. In March 2020, Mr. Mann organized a cadaver K9 survey to verify the presence of human remains, which resulted in positive indicators that burials may be present in the vicinity. In June, the DHR staff joined Mr. Mann and representatives of Leon County and Blueprint Intergovernmental Agency to conduct initial reconnaissance of the recorded site. Due to the current heavily-vegetated nature of the area and past

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<sup>63</sup> “State Archaeologist” means the person employed by the Division of Historical Resources of the Florida Department of State. [Section 872.05\(2\)\(e\), F.S.](#)

<sup>64</sup> “Unmarked human burial” any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead. Section 872.05(2)(f), F.S.

<sup>65</sup> Sean Kinane, 88.5 WMNF, *Radar Finds 145 Graves at King High School – How Should Hillsborough Community Respond?* (Nov. 20, 2019), <https://www.wmnf.org/radar-145-graves-king-high-school-hillsborough/> (last visited Dec. 10, 2021).

<sup>66</sup> Hillsborough County Public Schools, *Historical Response Committee Seeks Input for Ridgewood Memorial* (Nov. 3, 2020), <https://www.sdhc.k12.fl.us/newsdesk/article/1795/historical-response-committee-seeks-input-for-ridgewood-memorial> (last visited Dec. 10, 2021).

<sup>67</sup> *Id.*

<sup>68</sup> Florida Department of State, Division of Historical Resources, *Executive Summary of Investigations at New Hope Cemetery (8LE6465) Leon County, Florida* (April 1, 2021), at 2 of 8, on file with the Division of Historical Resources, Florida Department of State.

ground disturbance from agricultural practices it was determined that GPR would not be a viable method to assess the area. Therefore, a subsequent systematic cadaver K9 survey was conducted by the DHR to further investigate the cemetery, per its statutory responsibilities to locate and manage historical resources on State-owned and -controlled lands.<sup>69</sup>

Based upon the results of the cadaver K9 survey, the DHR determined that the bulk of New Hope Cemetery (LE6465) is located on City of Tallahassee property with a portion extending onto State Lands. Historic aerial photos show this area was historically situated between two converging roads or pathways. The original boundary of the New Hope Cemetery (LE6465) was amended in the Florida Master Site File to reflect the data recorded in this most recent survey.<sup>70</sup>

The DHR has recommended the New Hope Cemetery (LE6465) be protected and preserved. The recorded boundaries have been drawn to accommodate the largest area within reasonable doubt for containing human burials. The DHR is continuing to work with the descendent community, Leon County, and the City of Tallahassee to assist with the preservation, informational interpretation, and commemoration of this important historic cemetery.<sup>71</sup>

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<sup>69</sup> *Id.*

<sup>70</sup> Florida Department of State, Division of Historical Resources, *Executive Summary of Investigations at New Hope Cemetery (8LE6465) Leon County, Florida* (April 1, 2021), at 2-3 of 8, on file with the Division of Historical Resources, Florida Department of State.

<sup>71</sup> *Id.*, at 5-6 of 8.

## TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES

Pursuant to Florida law, the Task Force on Abandoned-African American Cemeteries (Task Force) was established adjunct to the Department of State (Department) 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.<sup>72</sup> On July 13, 2021, Secretary of State, Laurel Lee, made the appointments to the Task Force, as required under the bill,<sup>73</sup> and the first inaugural meeting of the Task Force was convened on July 20, 2021. Subsequently, the Task Force met five additional times to review and discuss the Task Force's responsibilities, findings and recommendations of a similar Task Force established in 1998,<sup>74</sup> adequacy of current practices and applicable statutory provisions, and prepare recommendations relating to the identification, protection, and preservation of abandoned African American cemeteries. A list of the Task Force members is provided under the Executive Summary portion of this report. Information relating to the Task Force meetings have been published on the Department's website,<sup>75</sup> and meeting proceedings have been archived by the Florida Channel.<sup>76</sup>

The Department created the following three methods for members of the public to submit their comments:

1. Attend the Task Force meetings and fill out speaker card.
2. Send email to an email address that the Department established specifically to collect public input on abandoned African-American cemeteries. This email address is available on the Department's website.<sup>77</sup>
3. Submit information through the Florida Public Archaeology Network Cemetery Reporting Form (Form), which has been, over the years, a collaborative effort between the Division of Historical Resources (DHR or Division) and the Florida Public Archaeology Network (FPAN). The Historic Cemetery Inventory, headed by the FPAN, is available at: [www.FPAN.us/HCI](http://www.FPAN.us/HCI). There are a couple of ways to provide input to the FPAN and the DHR:
  - i. Visit [www.FPAN.us/HCI](http://www.FPAN.us/HCI) and fill-out the *Historic Cemetery Inventory Online Form* (<https://casweb.wufoo.com/forms/x10hc1xq16lf4at/>).

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<sup>72</sup> [Chapter 2021-60, L.O.F.](#)

<sup>73</sup> *Id.*

<sup>74</sup> [Chapter 98-268, L.O.F.](#); *see also* Task Force on Abandoned and Neglected Cemeteries, *Final Report* (Jan. 15, 1999), available at <https://www.coj.net/city-council/docs/brcemeteries-1999-statetaskforce-finalreport.aspx>.

<sup>75</sup> Florida Department of State, Abandoned African-American Cemeteries Task Force, available at <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/>. In total, the Task Force met six times, beginning with July 20, 2021, September 2, 2021, October 29, 2021, November 30, 2021, December 9, 2021, and December 17, 2021.

<sup>76</sup> Florida Channel, Video Library, available at <https://thefloridachannel.org/videos/>.

<sup>77</sup> Florida Department of State, *Abandoned African-American Cemeteries Task Force*, available at <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/>.

- ii. Fill out a postcard-sized Historic Cemetery Inventory Card and mail the card to the Division of Historical Resources so that the information can be reported in the Florida Master Site File. This card may be handed out at churches, libraries, or other locations to collect public input. To date, the Division has distributed approximately 2,000 of the Cemetery Inventory Cards.

While the Task Force is scheduled to expire March 11, 2022, members of the public may continue to submit information regarding abandoned African American Cemeteries via the email or the Historic Cemetery Inventory Online Form or Card mentioned above.

Dr. Timothy Parsons, Director, DHR, served as the Chair of the Task Force and led the Task Force deliberations. He highlighted the recent discovery of Zion Cemetery and Ridgewood Cemetery in Tampa, Florida, and the New Hope Cemetery in Tallahassee, Florida; and along with Dr. Kathryn Miyar, Bureau Chief of the DHR's Bureau of Archaeological Research, provided an overview of relevant laws regarding abandoned cemeteries. Abandoned cemeteries are located around the state and continue to be a persistent and growing issue statewide. Over the course of several meetings, Task Force members engaged in extensive discussions regarding the ongoing challenges with identifying abandoned African American cemeteries and securing the support needed to maintain and preserve such cemeteries and burial grounds. These discussions resulted in a comprehensive examination of the adequacy of current practices and applicable state laws.

## **Findings and Recommendations**

A key finding that emerged from the Task Force deliberations is the need to highlight and define “abandoned,” “neglected,” “lost,” “forgotten,” “stolen” and “erased” African-American cemeteries to make clear the distinction between such cemeteries. During the inaugural meeting of the Task Force, Ms. Althemese Barnes, Executive Director, Florida African American Heritage Preservation Network, explained that “definitions are important in the process of addressing and developing strategies to resolve unattended, unkempt, desecrated African American Cemeteries. As well, the origin of burial grounds can impact the solution. Intentional focus, community and institutional, is necessary to effectively discuss, identify, research and develop enforceable guidelines to restore and preserve these important burial grounds.” Additionally, the Task Force members emphasized the need to modify and clarify existing statutory provisions and establish funding mechanisms to strengthen documentation of and protections for such cemeteries and burial grounds. Accordingly, recommendations of the Task Force are organized under four categories: Identification and Protection, Maintenance, Education, and Memorialization.

### **1. *Identification and Protection***

- i. Adopt as statewide policy through legislation supporting reasonable, non-invasive searches of unrecorded abandoned, forgotten, lost, neglected, or stolen African American Cemeteries and burial sites.

- ii. Amend ch. 267, F.S., to create an “Office of Historic Cemeteries” program within the Division of Historical Resources, with funding from the Florida Legislature to support three full-time Career Service employees to adequately staff the program, one of whom must be tasked with maintaining a focus dedicated to African American cemeteries. At a minimum, the office must be established to:
  - a. Serve as a nexus for recording and updating records of cemeteries established at least 50 years ago within the Florida Master Site File and in conjunction with the Florida Public Archaeology Network.
  - b. Develop guidelines for state agencies, local governments, and developers to utilize in identifying and maintaining historic cemeteries.
  - c. Advise the Division of Historical Resources regarding establishing an appropriate set of standards to locate and identify historic cemeteries.
  - d. Serve as an interagency governmental liaison to community organizations, municipalities, planning departments, and colleges and universities to facilitate collaboration and sharing of information relating to historic cemeteries.
  - e. Coordinate with the University of South Florida’s Black Cemetery Network for the inclusion of abandoned African American cemeteries in the Network.
  - f. Research, identify, and record erased, forgotten, stolen, neglected, or abandoned cemeteries, with an emphasis on African American cemeteries, and maintain on the Florida Department of State’s website a repository of information to preserve the stories relating to such cemeteries.
  - g. When cemeteries are located, provide notification and guidance, and assist with efforts to identify descendants, funeral directors, religious organizations, non-profit organizations, property owners, and others, as applicable.
  - h. Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to cemeteries.
- iii. Amend ch. 267, F.S., to create an advisory commission on African American historic cemeteries, adjunct to the Division of Historical Resources, to provide guidance to the Division regarding the duties specified for the Office of Historic Cemeteries.
  - a. Authorize the Secretary of State to appoint members to the commission upon the recommendation of the Director of the Division of Historical Resources. The commission must be inclusive, reflecting representation from communities throughout the state.
- iv. Amend ch. 497, F.S., to broaden the list of “legally authorized persons” who can make decisions regarding the treatment of graves, to include a representative community group if a direct or lineal descendant cannot be identified.
- v. Strengthen the penalties specified under state law to protect and preserve African American cemeteries.



## **2. *Maintenance***

- i. Modify s.704.08, F.S., to include permission for a “legally authorized person” under ch. 497, F.S., to access private property with appropriate notice to the owner of the property if credible evidence supports the existence of a cemetery on, underneath, or adjacent to the property. The term, “credible evidence” may either be defined in the F.S., or by rule to facilitate maintenance efforts.
- ii. Encourage the inclusion of forgotten, neglected, lost, abandoned, or stolen African American cemeteries in conservation easements to preserve such sites. Additionally, consider establishing protective covenants and using eminent domain to preserve African American cemeteries.

## **3. *Education***

- i. Through the Florida Department of Education, establish meaningful curriculum development regarding historic cemeteries in Florida to engage students in citizenship, social responsibility, and history.
- ii. Establish a grant program for research into African American cemeteries to be made available to public colleges and universities, local governments, and qualified non-profit organizations to conduct genealogical and historical research, and to repair, maintain, preserve, restore, and memorialize such cemeteries.
- iii. Establish funding from the Florida Legislature to add Florida Abandoned Cemetery sites to the University of South Florida’s Black Cemetery Network. This is a national network that brings visibility to African American cemeteries and serves as a resource for information relating to Black Cemeteries.

## **4. *Memorialization***

- i. Establish a state priority for the placement of state historical markers for erased, forgotten, lost, abandoned, and stolen African American cemeteries.

**APPENDIX A**

**Chapter 2021-60, Laws of Florida**

## CHAPTER 2021-60

### Committee Substitute for Committee Substitute for House Bill No. 37

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 the Legislature by a specified date; providing for expiration of the task force; 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 and burial grounds throughout this state continue to be uncovered, as evidenced by recent reports regarding the former Zion Cemetery site in the Tampa Heights neighborhood and the former Ridgewood Cemetery on the grounds of C. Leon King High School, both in 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.

(h) One member of the Senate, appointed by the President of the Senate.

(i) One member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(j) One elected official from a local government, appointed by the Secretary of State.

(3) The task force shall hold its first meeting by August 1, 2021. 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 standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state.

(5) By January 1, 2022, 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 March 11, 2022.

Section 2. This act shall take effect July 1, 2021.

Approved by the Governor June 4, 2021.

Filed in Office Secretary of State June 4, 2021.

**APPENDIX B**

**Chapter 98-268, Laws of Florida**

## CHAPTER 98-268

### House Bill No. 3763

An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining “care and maintenance”; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and below-ground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; repealing subsection (12) of s. 497.429, F.S., deleting the requirement that the trustee of an alternative preneed contract trust make valuations of assets and provide annual reports to the purchaser and the board; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term “tomb” includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

WHEREAS, Florida is the retirement state of choice for most Americans, attracting hundreds of thousands of new citizens who move to this state to live their remaining years enjoying its famous climate and cultural amenities, and

WHEREAS, the number of Florida citizens over the age of 65 has dramatically increased and will continue to increase at a rate faster than the growth in the state's population as a whole, and

WHEREAS, the number of Florida citizens over the age of 85 has dramatically increased and will continue to increase more than twice as fast as those over the age of 65, and

WHEREAS, in 1995 Florida had the second highest median age in the nation, and

WHEREAS, Florida has the third highest unadjusted death rate in the United States, and

WHEREAS, 154,734 persons died in Florida in 1996, and

WHEREAS, the number of burials in Florida cemeteries will continue to increase in the future, and

WHEREAS, gross sales reported by Florida cemetery licensees increased from \$175,393,887 in 1996 to \$194,427,476 in 1997, and

WHEREAS, Florida cemetery licensees paid less than one-quarter of one percent of gross sales for their licenses in 1996, and

WHEREAS, cemeteries are a critical part of Florida's historical and cultural resources, and

WHEREAS, the legislative purposes for regulation of the cemetery industry set forth in s. 497.002(1), Florida Statutes, encompass both the prevention of economic harm to consumers and the prevention of significant emotional stress resulting from the failure to properly maintain cemetery grounds, yet the majority of the present statutory and regulatory provisions relate to economic problems but not to care and maintenance, and

WHEREAS, the families and loved ones of the deceased who are interred in Florida deserve well-maintained cemetery facilities which provide the highest dignity and respect accorded to the deceased's final resting place that is compatible with reasonable and practical economic constraints, and

WHEREAS, inadequate care and maintenance of a cemetery where a loved one is interred causes added stress and emotional trauma to the deceased's family and friends, and

WHEREAS, a person who makes burial arrangements with a Florida cemetery or preneed provider will receive assurances concerning the care, dignity, and maintenance of the deceased's final resting place, and

WHEREAS, a person who makes such arrangements may not have family members in Florida to ensure that the proper care and maintenance of the deceased's final resting place are being performed, and

WHEREAS, the state may be the only entity available to enforce minimum standards of care and maintenance to protect the dignity of the deceased and the memories of the family and loved ones, and



WHEREAS, Florida has fewer written standards regulating the physical operations of cemeteries than other states, leading to some serious inconsistencies in the quality of cemetery facilities and their care and maintenance in Florida, and

WHEREAS, a large number of cemeteries in Florida have no entity responsible for their care and maintenance and have become abandoned, overgrown, dilapidated, and otherwise neglected, creating eyesores and decreasing neighboring property values, and

WHEREAS, neglected cemeteries become breeding grounds for mosquitoes, rats, and other vermin, raising serious public health concerns, and

WHEREAS, vandalism and other crimes associated with neglected cemeteries are increasing, making the neighborhoods in which they are located less safe for families, and

WHEREAS, inadequately maintained graves, crypts, and mausoleums at abandoned cemeteries can be broken open as a result of vandalism or storm damage, exposing human remains, and

WHEREAS, citizen complaints often cause local governments to take over or perform care and maintenance at abandoned and neglected cemeteries, leading to a strain on local government financial resources, and

WHEREAS, it is an affront to the dignity of our departed and a source of pain to their families when grave spaces are overgrown with weeds and tombstones are broken and scattered due to neglect, and

WHEREAS, cemeteries that have been abandoned and neglected for long periods can become obliterated, leading to a loss of important historical, genealogical, and archaeological information, and

WHEREAS, Florida's communities should be encouraged to assist in the preservation and protection which is due the final resting places of the deceased, and

WHEREAS, the cemeteries where our deceased loved ones are interred deserve at least as much protection from vandalism and other crime as construction sites and orange groves enjoy under current law, and

WHEREAS, the Legislature finds that it is necessary to improve the regulation of the physical facilities and operations of Florida cemeteries in order to honor the memories of deceased citizens, protect the families and friends of the deceased from significant emotional stress, safeguard the integrity of Florida cemeteries, protect the interests of consumers, preserve our historical heritage, protect the public health and welfare, and reduce the financial burden on local governments, NOW, THEREFORE,

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

Section 1. This act may be cited as the "Cemetery Preservation and Consumer Protection Act."

Section 2. Section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter:

~~(1)~~(17) “At-need solicitation” means any uninvited contact by a licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred.

~~(2)~~(9) “Bank of belowground crypts” means any construction unit of belowground crypts which is acceptable to the department and which a cemetery uses to initiate its belowground crypt program or to add to existing belowground crypt structures.

~~(3)~~(8) “Belowground crypts” consist of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as “lawn crypts,” “westminsters,” or “turf-top crypts.”

~~(4)~~(30) “Board” means the Board of Funeral and Cemetery Services.

~~(5)~~(12) “Burial merchandise,” “funeral merchandise,” or “merchandise” means any personal property offered or sold by any person for use in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

~~(6)~~(11) “Burial right” means the right to use a grave space, mausoleum, or columbarium for the interment, entombment, or inurnment of human remains.

~~(7)~~(13) “Burial service,” “funeral service,” or “service” means any service offered or provided by any person in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

(8) “Care and maintenance” means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. As specified in the rules of the board, “care and maintenance” may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements. “Care and maintenance” may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. “Care and maintenance” may also include repair or restoration of improvements necessary or desirable as a result of wear, deterioration, accident, damage, or destruction. “Care and maintenance” does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public.

(9)~~(14)~~ “Casket” means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood or metal, ornamented, and lined with fabric.

(10)~~(2)~~ “Cemetery” means a place dedicated to and used or intended to be used for the permanent interment of human remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium or other structure or place used or intended to be used for the interment of cremated human remains; or any combination of one or more of such structures or places.

(11)~~(5)~~ “Cemetery company” means any legal entity that owns or controls cemetery lands or property.

(12)~~(31)~~ “Certificateholder” or “licensee” means the person or entity that is authorized under this chapter to sell preneed funeral or burial services, preneed funeral or burial merchandise, or burial rights. Each term shall include the other, as applicable, as the context requires. For the purposes of chapter 120, all certificateholders, licensees, and registrants shall be considered licensees.

(13)~~(4)~~ “Columbarium” means a structure or building which is substantially exposed above the ground and which is intended to be used for the inurnment of cremated human remains.

(14)~~(32)~~ “Common business enterprise” means a group of two or more business entities that share common ownership in excess of 50 percent.

(15)~~(28)~~ “Community” means the area within a 15-mile radius surrounding the location or proposed location of a cemetery.

(16)~~(25)~~ “Cremation” includes any mechanical or thermal process whereby a dead human body is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, reinterred, or otherwise further reduced in size or quantity.

(17)~~(7)~~ “Department” means the Department of Banking and Finance.

(18)~~(19)~~ “Direct disposer” means any person who is registered in this state to practice direct disposition pursuant to the provisions of chapter 470.

(19)~~(20)~~ “Final disposition” means the final disposal of a dead human body whether by interment, entombment, burial at sea, cremation, or any other means and includes, but is not limited to, any other disposition of remains for which a segregated charge is imposed.

(20)~~(21)~~ “Funeral director” means any person licensed in this state to practice funeral directing pursuant to the provisions of chapter 470.

(21)~~(6)~~ “Grave space” means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.

(22)~~(4)~~ “Human remains” means the bodies of deceased persons and includes bodies in any stage of decomposition and cremated remains.

(23)~~(3)~~ “Mausoleum” means a structure or building which is substantially exposed above the ground and which is intended to be used for the entombment of human remains.

(24)~~(10)~~ “Mausoleum section” means any construction unit of a mausoleum which is acceptable to the department and which a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures.

(25)~~(18)~~ “Monument” means any product used for identifying a grave site and cemetery memorials of all types, including monuments, markers, and vases.

(26)~~(27)~~ “Monument establishment” means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

(27)~~(24)~~ “Net assets” means the amount by which the total assets of a certificateholder, excluding goodwill, franchises, customer lists, patents, trademarks, and receivables from or advances to officers, directors, employees, salespersons, and affiliated companies, exceed total liabilities of the certificateholder. For purposes of this definition, the term “total liabilities” does not include the capital stock, paid-in capital, or retained earnings of the certificateholder.

(28)~~(29)~~ “Net worth” means total assets minus total liabilities pursuant to generally accepted accounting principles.

(29)~~(16)~~ “Outer burial container” means an enclosure into which a casket is placed and includes, but is not limited to, vaults made of concrete, steel, fiberglass, or copper; sectional concrete enclosures; crypts; and wooden enclosures.

(30)~~(22)~~ “Preneed contract” means any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby the funeral establishment, direct disposer, or certificateholder agrees to furnish funeral merchandise or service in the future.

(31)~~(26)~~ “Servicing agent” means any person acting as an independent contractor whose fiduciary responsibility is to assist both the trustee and certificateholder hereunder in administering their responsibilities pursuant to this chapter.

(32)~~(15)~~ “Solicitation” means any communication which directly or implicitly requests an immediate oral response from the recipient.

(33)~~(23)~~ “Statutory accounting” means generally accepted accounting principles, except as modified by this chapter.

Section 3. Section 497.0255, Florida Statutes, is created to read:

497.0255 Duty of care and maintenance of licensed cemetery.—Every cemetery company or other entity responsible for the care and maintenance of a licensed cemetery in this state shall ensure that the grounds, structures, and other improvements of the cemetery are well cared for and maintained in a proper and dignified condition. The board shall adopt, by no later than July 1, 1999, such rules as are necessary to implement and enforce this section. In developing and promulgating said rules, the board may define different classes of cemeteries or care and maintenance, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the board based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all cemeteries. For example, and without limiting the generality of the foregoing, the board may determine that a small rural cemetery with large trees and shade area does not require, and may not be able to attain, the same level of lawn care as a large urban cemetery with large open grassy areas and sprinkler systems.

Section 4. Section 497.229, Florida Statutes, is amended to read:

497.229 Courts; powers; abatement of nuisances.—

(1) In addition to all other means provided by law for the enforcement of a temporary restraining order or an injunction, the circuit court may impound the property of a cemetery company, including books, papers, documents, and records pertaining thereto, and may appoint a receiver or administrator to prevent further violation of this chapter.

(2) A court-appointed receiver or administrator may take any action to implement the provisions of the court order, to ensure the performance of the order, and to remedy any breach thereof.

(3) Any non-conforming physical condition in a cemetery or component thereof which is the result of a violation of this chapter or of the rules of the board relating to construction, physical operations, or care and maintenance at the cemetery shall be deemed a public nuisance, and the non-conforming physical conditions caused by such violation may be abated as provided in s. 60.05.

Section 5. Section 497.253, Florida Statutes, is amended to read:

497.253 Minimum acreage; sale or disposition of cemetery lands.—

(1) Each licensee shall set aside a minimum of 15 contiguous acres of land for use by the licensee as a cemetery and shall not sell, mortgage, lease, or encumber that property without prior written approval of the department.

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum of 15 contiguous acres described in subsection (1), may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the department pursuant to subsection (3), for use by the new owner for other purposes than

as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 497.515(7) and 470.0295 must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition shall cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(4)(b)2. The notice shall describe the property in question and the proposed noncemetery use and shall advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

(b) If the property in question has never been used for the permanent interment of human remains, no notice or hearing is required.

(c) If the property in question has been used for the permanent interment of human remains, the department shall approve the application, in writing, if it finds that it would not be contrary to the public interest. In determining whether to approve the application, the department shall consider any evidence presented concerning the following:

1. The historical significance of the subject property, if any.
2. The archaeological significance of the subject property, if any.
3. The public purpose, if any, to be served by the proposed use of the subject property.
4. The impact of the proposed change in use of the subject property upon the inventory of remaining cemetery facilities in the community and upon the other factors enumerated in s. 497.201(3).
5. The impact of the proposed change in use of the subject property upon the reasonable expectations of the families of the deceased regarding whether the cemetery property was to remain as a cemetery in perpetuity.
6. Whether any living relatives of the deceased actively oppose the relocation of their deceased's remains and the conversion of the subject property to noncemetery uses.
7. The elapsed time since the last interment in the subject property.
8. Any other factor enumerated in this chapter that the department considers relevant to the public interest.

(d) Any deed, mortgage, or other conveyance by a cemetery company or other owner pursuant to subsections (a) and (c) above must contain a disclosure in the following or substantially similar form:

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida Department of Banking and Finance by Order No. ...., dated .....

(e) The department shall adopt such rules as are necessary to carry out the provisions of this section.

(4)(3) A licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this chapter, provided the municipality or county will accept responsibility for maintenance thereof and prior written approval of the department is obtained.

(5)(4) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 1965, which owns a total of less than 15 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

Section 6. Section 497.255, Florida Statutes, is created to read:

497.255 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(1) All newly constructed and significantly altered or renovated mausoleums and columbaria must, in addition to complying with applicable building codes, conform to the standards adopted under this section.

(2) The board shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and promulgating said rules, the board may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the board based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the board may determine that a small single-story ground level mausoleum does not require the same level of construction standards that a large multi-story mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The board shall develop the rules in cooperation with, and with

technical assistance from, the Board of Building Codes and Standards of the Department of Community Affairs, to ensure that the rules are in the proper form and content to be included as part of the State Minimum Building Codes under part VII of chapter 553. If the Board of Building Codes and Standards advises that some of the standards proposed by the board are not appropriate for inclusion in such building codes, the board may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the board elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the board, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Board of Building Codes and Standards pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of Ch. 633 and s. 553.895, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.



(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

(3) The board shall transmit the rules as adopted under subsection (2), hereinafter referred to as the "mausoleum standards," to the Board of Building Codes and Standards, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they shall be returned by the Board of Building Codes and Standards to the board with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Board of Building Codes and Standards shall adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part VII of chapter 553. When so designated by the Board of Building Codes and Standards, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2) and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

(4) In addition to the rules adopted under subsection (2), the board shall adopt rules providing that following all interments, inurnments, and entombments in mausoleums and columbaria occurring after the effective date of such rules, whether newly constructed or existing, suitable provision must be made, when physically feasible, for sealing each crypt in accordance with standards promulgated pursuant to paragraph (2)(f).

(5) For purposes of this section, "significant alteration or renovation" means any addition, renovation or repair which results in the creation of new crypt or niche spaces.

Section 7. Section 497.257, Florida Statutes, is amended to read:

497.257 Construction of mausoleums, columbaria, and belowground crypts; preconstruction trust fund; compliance requirement.—

(1) A cemetery company shall start construction of that section of a mausoleum, columbarium, or bank of belowground crypts in which sales, contracts for sales, reservations for sales, or agreements for sales are being made within 4 years after the date of the first such sale or 50 percent of the mausoleum, columbarium, or belowground crypts have been sold and the purchase price has been received, whichever occurs first. The construction shall be completed within 5 years after the date of the first sale made.

However, extensions for completion, not to exceed 1 year, may be granted by the department for good cause shown. If the units have not been completely constructed at the time of need or the time specified herein, all moneys paid shall be refunded upon request, plus interest earned thereon for that portion of the moneys deposited in the trust fund and an amount equal to the interest that would have been earned on that portion of the moneys that were not in trust.

(2) A cemetery company which plans to offer for sale space in a section of a mausoleum, columbarium, or bank of belowground crypts prior to construction shall establish a preconstruction trust fund by written instrument. The preconstruction trust fund shall be administered by a corporate trustee and operated in conformity with s. 497.417. The preconstruction trust fund shall be separate from any other trust funds that may be required by this chapter.

(3) Before a sale, contract for sale, reservation for sale, or agreement for sale in a mausoleum section columbarium, or bank of belowground crypts may be made, the cemetery company shall compute the amount to be deposited to the preconstruction trust fund. The total amount to be deposited in the fund for each unit of the project shall be computed by dividing the cost of the project plus 10 percent of the cost, as computed by a licensed contractor, engineer, or architect, by the number of crypts in the section or bank of belowground crypts or the number of niches in the columbarium. When payments are received in installments, the percentage of the installment payment placed in trust must be identical to the percentage which the payment received bears to the total cost of the contract, including other merchandise and services purchased. Preconstruction trust fund payments shall be made within 30 days after the end of the month in which payment is received.

(4) When the cemetery company delivers a completed crypt or niche acceptable to the purchaser in lieu of the crypt or niche purchased prior to construction, all sums deposited to the preconstruction trust fund for that purchaser shall be paid to the cemetery company.

(5) Each cemetery company may negotiate, at the time of establishment of the preconstruction trust fund, a procedure for withdrawal of the escrowed funds as a part of the construction cost of the mausoleum section, columbarium, or bank of belowground crypts contemplated, subject to the approval of the department. Upon completion of the mausoleum section, columbarium, or bank of belowground crypts, the cemetery company shall certify completion to the trustee and shall be entitled to withdraw all funds deposited to the account thereof.

(6) If the mausoleum section, columbarium, or bank of belowground crypts is not completed within the time limits set out in this section, the trustee shall contract for and cause the project to be completed and pay therefor from the trust funds deposited to the project's account paying any balance, less cost and expenses, to the cemetery company. The refund provisions of subsection (1) apply only to the extent there are funds remaining in excess of the costs to complete the facilities, prior to any payments to the cemetery company.

(7) On or before April 1 of each year, the trustee shall file with the board in the form prescribed by the board a full and true statement as to the activities of any trust established by the board pursuant to this chapter for the preceding calendar year.

(8) In lieu of the payments outlined hereunder to the preconstruction trust fund, the cemetery company may deliver to the department a performance bond in an amount and by a surety company acceptable to the department.

Section 8. Subsection (4) of section 497.417, Florida Statutes, is amended to read:

497.417 Disposition of proceeds received on contracts.—

(4) The trustee of the trust established pursuant to this section shall only have the power to:

(a) Invest in investments as prescribed in s. 215.47 and exercise the powers set forth in part IV of chapter 737, provided that the board may by order require the trustee to liquidate or dispose of any investment within 30 days after such order.

~~(b) Purchase from an insurance company, licensed by this state, life insurance policies or annuity contracts not to exceed the aggregate amount of \$250,000 on any one individual life.~~

~~(b)(c)~~ Borrow money up to an aggregate amount of 10 percent of trust assets, at interest rates then prevailing from any individual, bank, insurance company, or other source, irrespective of whether any such person is then acting as trustee, and to create security interests in no more than 10 percent of trust assets by mortgage, pledge, or otherwise, upon the terms and conditions and for such purposes as the trustee may deem advisable.

~~(c)(d)~~ Commingle the property of the trust with the property of any other trust established pursuant to this chapter and make corresponding allocations and divisions of assets, liabilities, income, and expenses.

Section 9. Subsection (12) of section 497.429, Florida Statutes, is hereby repealed.

Section 10. Section 497.527, Florida Statutes, is amended to read:

497.527 Civil remedies.—The Attorney General or any person may bring a civil action against a person or company violating the provisions of this chapter in the appropriate circuit court of the county in which the alleged violator resides or has his or her or its principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages caused by such violation or \$500, whichever is greater. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this chapter.

Section 11. Section 872.02, Florida Statutes, is amended to read:

872.02 Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties.—

(1) A person who willfully and knowingly destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead, or willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, ~~commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, if the damage to such property is greater than \$100 or if any property removed is greater than \$100 in value, then the person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(2) A person who willfully and knowingly disturbs the contents of a tomb or grave ~~commits is guilty of a felony of the~~ second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section shall not apply to any person acting under the direction or authority of the Division of Historical Resources of the Department of State, to cemeteries operating under chapter 497, or to any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents, as described in subsection (1).

(4) For purposes of this section, the term “tomb” includes any mausoleum, columbarium, or belowground crypt.

Section 12. Section 245.07, Florida Statutes, is amended to read:

245.07 Retention of bodies before use; unfit or excess number of bodies, disposition procedure.—All bodies received by the anatomical board shall be retained in receiving vaults for a period of not less than 48 hours before allowing their use for medical science; if at any time more bodies are made available to the anatomical board than can be used for medical science under its jurisdiction, or if a body shall be deemed by the anatomical board to be unfit for anatomical purposes, the anatomical board may notify, in writing, the county commissioners or other legally authorized person, as defined in s. 470.002, ~~the person or entity in control of such body in the county where such person died,~~ to cause it to be buried or cremated in accordance with the already existing rules, laws and practices for disposing of such unclaimed bodies ~~within the confines of the said county.~~ However, prior to having any body buried or cremated, the county shall make a reasonable effort to determine the identity of the body and shall further make a reasonable effort to contact any relatives of the deceased person. If a relative of the deceased

person is contacted and expresses a preference for either burial or cremation, the county shall make a reasonable effort to accommodate the request of the relative. For purposes of this section, the county commissioners of the county where such person died shall be considered a "legally authorized person" as defined in pursuant to s. 470.002(18). A person licensed under chapter 470 or chapter 497 shall not be liable for any damages resulting from cremating or burying such body at the direction of the county's legally authorized person county commission.

Section 13. (1) There is created within the Department of Banking and Finance the Task Force on Abandoned and Neglected Cemeteries. The task force shall be composed of 11 members appointed by the Comptroller and representing the following interests:

- (a) A representative of the licensed cemetery industry.
  - (b) A representative of preneed certificateholders who is not associated with a cemetery company through an ownership interest or through employment with a company which has an ownership interest in a cemetery.
  - (c) A representative of church-owned cemeteries.
  - (d) A representative of cemeteries owned by nonprofit organizations.
  - (e) A representative of consumer interests.
  - (f) A representative of the department.
  - (g) A person nominated by the Secretary of State as a representative of historic preservation and archaeological interests.
  - (h) A person nominated by the Florida League of Cities as a representative of municipally owned or maintained cemeteries.
  - (i) A person nominated by the Florida Association of Counties as a representative of county-owned or county-maintained cemeteries.
  - (j) Two citizen members.
- (2) The members of the task force shall elect from among their number a chair and a vice chair.
- (3) Members of the task force shall be appointed no later than 30 days after this act becomes a law. The task force shall serve from the time its members are appointed until adjournment sine die of the 1999 Regular Session of the Legislature.
- (4) The members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.
- (5) The department shall provide administrative and staff support for the task force.

(6) The task force shall:

(a) Examine the extent to which some cemeteries in the state are abandoned and therefore have no existing responsible person or entity in charge, or are neglected and therefore are not receiving adequate care and maintenance.

(b) Examine the extent to which some cemeteries in the state, although they are owned and operated by some identifiable person or entity, are neglected due to a lack of sufficient funds to perform adequate care and maintenance or for other reasons.

(c) Examine the extent to which neglected cemeteries in the state create problems for citizens and local governments due to vandalism, storm damage, dilapidation, public health concerns, public safety concerns, lack of enforceable standards, and strain on local government financial resources.

(d) Examine the extent to which neglected cemeteries in the state represent a loss of significant historic or archaeological resources.

(e) Examine whether or not bringing presently unlicensed operating cemeteries under state regulation as to physical facilities and care and maintenance may help ameliorate the problems caused by neglected cemeteries.

(f) Examine whether or not a program of grants to assist in providing adequate care and maintenance for abandoned and neglected cemeteries may help ameliorate the problems caused by neglected cemeteries and, if so, how the grant program should be structured, administered, and funded.

(g) Examine current governmental and nongovernmental programs that help or could help ameliorate the problems caused by neglected cemeteries, to see if some expansion or increased emphasis or support could do more to help ameliorate the problems caused by neglected cemeteries in a more cost-effective manner than a grant program.

(h) Report findings and make recommendations concerning solutions to problems found by the task force, including a draft of any legislation deemed advisable to implement recommended solutions.

(7) The task force shall produce a preliminary report by December 1, 1998, and a final report by January 15, 1999, detailing its findings and recommendations. Copies of each report shall be transmitted to the Comptroller, the President and the Minority Leader of the Senate, and the Speaker and the Minority Leader of the House of Representatives. Copies shall also be furnished to the Governor, the Secretary of State, the Attorney General, and the Office of Program Policy Analysis and Government Accountability. After submission of the final report, members of the task force may, with the approval of the chair, receive reimbursement pursuant to subsection (4) for travel necessary to consult with the department or the Legislature concerning issues raised by the final report or other work of the task force, until termination of the task force as provided in subsection (3).

(8) This section shall take effect upon this act becoming a law.

Section 14. There is hereby appropriated \$131,042 and one career service position for fiscal year 1998-1999 to the Department of Banking and Finance from the department's Regulatory Trust Fund for the purpose of enforcing the provisions of this act.

Section 15. Except as otherwise provided herein, this act shall take effect July 1 of the year in which enacted; however, the provisions of sections 497.0255 and 497.255, Florida Statutes, as created by this act, and the changes to section 497.253, Florida Statutes, as amended by this act, shall not be enforceable until the rules implementing those provisions have been adopted by the Board of Funeral and Cemetery Services or the Department of Banking and Finance, as applicable.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.

## **Appendix C**

### **Final Report of the 1998 Task Force on Abandoned and Neglected Cemeteries**



**FINAL REPORT**

**OF**

**TASK FORCE ON ABANDONED  
AND NEGLECTED CEMETERIES**

**ROBERT PAPPAS,**

**CHAIRMAN**

**JANUARY 15, 1999**

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**EXECUTIVE SUMMARY**

The Cemetery Preservation and Consumer Protection Act, passed during the 1998 Legislative Session mandated and funded the formation of a Task Force on Abandoned and Neglected Cemeteries (Task Force) under the aegis of the Office of the Comptroller. The Task Force was formed on July 1, 1998; it is comprised of 12 members selected from a cross section of interested groups; who serve without compensation; whose chairman was elected by the members of the Task Force; and, all of whom will serve through the end of the 1999 Legislative Session. All Task Force matters are subject to Florida Sunshine Law and have been conducted accordingly.

An Interim Report was prescribed as due December 1, 1998, with a Final Report and any recommended legislation, due January 15, 1999. Committees were named and chairmen elected to examine the issues mandated in the Cemetery Preservation and Consumer Protection Act. Seven meetings and hearings have been held: to organize the Task Force, define the agenda, gather and analyze information, debate the issues and prepare this Interim Report and draft recommended legislation.

It is notable that support for Task Force Activities by Department of Banking and Finance staff, in particular the Bureau of Funeral and Cemetery Services, has been outstanding.

The Cemetery Preservation and Consumer Protection Act effectively requires universal identification and determination of condition of cemeteries in the State. That process is underway and progress has been made, but will necessarily extend beyond the expected life of the Task Force due to the magnitude of the assignment.

The Task Force has determined that in general, cemeteries become neglected and/or abandoned in varying degrees for reasons suggested by the enabling legislation. However, it has chosen to define abandonment as a function of burial activity in relation to time and condition rather than lack of fixed

responsibility; neglect is determined in relation to time, evident condition and appearance.

Sufficient empirical information exists for the Task Force to determine that abandoned and neglected cemeteries constitute a problem in the statutory sense. That is, there is evidence of violations of both chapters 497 and 872, however, insufficient data exists to date to provide a definitive analysis of all reported cemeteries. The problem of abandonment and neglect is sufficiently widespread to warrant government intervention. Contained within this report is proposed legislation that would provide a structure, process and sources of funding that would initiate corrective action. The Task Force believes its solution is feasible and reasonable for the foreseeable future, although it is possible that a longer term solution may be warranted at a later date.

Significant efforts on the part of the Task Force, Department of Banking and Finance, with the active support of some media sources have been made to obtain both a reaction and input from the general public. Public reaction has been primarily from those with a direct, immediate interest such as, the industry, cemetery owners, and those who have genealogical or historical interests. The sense of the Task Force is that the general public has an abiding interest in cemeteries but generally chooses to rely upon organized, institutional efforts to provide both the function and oversight of the disposal of human remains.

Cemeteries can be categorized as licensed for profit (regulated), unlicensed not for profit (unregulated), private and family.

Reasons for neglect and abandonment range from saturation of the burial grounds and economic failure, to the transient nature of the general population, migration from rural areas to cities, lack of funds, lack of interest and changes in societal norms all of which contribute to deterioration of unregulated cemeteries.

There are a number of different sources of funds for the rehabilitation and maintenance of cemeteries in certain instances. Additionally, volunteer efforts on the part of citizen groups, scouts, individuals, and communities contribute to cemetery maintenance efforts. Qualitative results vary from cemetery to cemetery and from location to location.

Problems of health, vandalism, and crime do not appear to be sufficient to warrant definitive, continuous, aggressive abatement action on the part of most local governments. Section 872, F.S., addresses the treatment of human remains, yet there is some indication that there is ignorance thereof, and cases of intentional obscuring of cemeteries (such as with a parking lot) although they do not specifically violate the statute(s) in the process.

The Task Force considered a spectrum of alternatives for dealing with abandonment and neglect, from doing nothing on the one hand, to consolidation of the human remains of all neglected and abandoned cemeteries into a central location and creation of a large-scale permanent memorial on the other hand. The Task Force forged a middle of the road approach to the issues of abandonment and neglect that is

both reasonable and workable. That approach is shown in detail in proposed legislation that is included herewith.

The Task Force recommends adding a separate section to Chapter 497, designated as Chapter 497, Part II. Among other things, Part II would:

1. Require that all new cemeteries created subsequent to enactment of the proposed legislation be licensed under the provisions of Chapter 497 Part I;
2. Prescribe that official burial records specify the exact location of decedents;
3. Contain provisions for cemetery owners to convert cemeteries;
4. Vest local governments with overall responsibility for abandoned and/or neglected cemeteries within respective jurisdictions;
5. Fix responsibility for care and maintenance in the owner of a cemetery;
6. Insure access by certain parties;
7. Provide for designation as abandoned;
8. Prescribe a minimum level of care for cemeteries;
9. Prescribe registration of all cemeteries;
10. Form not for profit, government corporation to establish a fund for, and to enhance public participation and involvement in, the identification, protection, preservation, and care and maintenance of neglected and abandoned cemeteries; and,
11. Recommend simplification and streamlining procedures for re-siting of abandoned or neglected cemeteries and/or human remains located therein.

## **BACKGROUND**

From earliest time people have sought new ways to bury and honor their deceased loved ones. As civilization evolved new and impressive ways were devised based on the era, religion and location of the society in which one lived. We see this in the ancient pyramids of Egypt and South America, the Mausoleums of ancient Greece and the Indian Burial Mounds of North America. More recently we seem to have strayed from our traditional care of unlicensed burial grounds. In many States there are quite a number of abandoned and neglected cemeteries, Florida is no exception. Some of these overgrown and abandoned cemeteries are not even a hundred years old.

Until October 1, 1993, Florida did not require the registration of unlicensed and private cemeteries. In response to the many calls and complaints received from citizens of this State the legislature revised Florida Statue 497 to require the registration of all cemeteries in the State which are over five acres in size.

In July 1998, the Florida Legislature passed the Cemetery Preservation and Consumer Protection Act, creating a Task Force to review and report on the status of neglected and abandoned cemeteries in the State of Florida and, if necessary, to propose legislation to counter this problem. The Task Force was charged with the following tasks.

1. Examine the extent to which some cemeteries in the state are abandoned and therefore have no existing responsible person or entity in charge, or are neglected and therefore are not receiving adequate care and maintenance.
2. Examine the extent to which some cemeteries in the state, although they are owned and operated by some identifiable person or entity, are neglected due to a lack of sufficient funds to perform adequate care and maintenance or for other reasons.
3. Examine the extent to which neglected cemeteries in the state create problems for citizens and local governments due to vandalism, storm damage, dilapidation, public health concerns, public safety concerns, lack of enforceable standards, and strain on local government financial resources.
4. Examine the extent to which neglected cemeteries in the state represent a loss of significant historic or archeological resources.
5. Examine whether or not bringing presently unlicensed operating cemeteries under state regulation as to physical facilities and care and maintenance may help ameliorate the problems caused by neglected cemeteries.
6. Examine whether or not a program of grants to assist in providing adequate care and maintenance for abandoned and neglected cemeteries may help ameliorate the problems caused by neglected cemeteries and, if so, how the grant program should be structured, administered, and funded.
7. Examine current governmental and non-governmental programs that help or could help ameliorate the problems caused by neglected cemeteries, to see if some expansion or increased emphasis or support could do more to help ameliorate the problems caused by neglected cemeteries in a more cost-effective manner than a grant program.
8. Report findings and make recommendations concerning solutions to problems found by the task force, including a draft of any legislation deemed advisable to implement recommended solutions.
9. The Task Force shall produce a preliminary report by December 1, 1998, and a final report by January 15, 1999, detailing its findings and recommendations. Copies of each report shall be transmitted to the Comptroller, the President and the Minority Leader of the Senate, and the Speaker and the Minority leader of the House of Representatives. Copies shall also be furnished to the Governor, the Secretary of State, the Attorney General, and the Office of Program Policy Analysis and Government.

A broad spectrum of interests are served by the instant legislation, beginning with the legislature in its representative capacity. Additionally, Task Force members bring to bear specific institutional and public perspectives and interests. Composition of the Task Force includes citizen members who represent diverse social and economic concerns. For example, there is a salient concern among the elderly, many of whom are on fixed incomes, about the adequacy of care for the burial places of their progenitors or other relatives and friends; and, who are uncomfortable about prospects of adequate care and

maintenance of their own final resting places.

Earlier it was stated that the sense of the Task Force is that the general public has an abiding interest in cemeteries as the final resting place of its progenitors. The public generally chooses to rely upon organized, institutional efforts to provide both the function and oversight of the disposal of human remains. If the sense of the Task Force is correct, it would place that burden squarely upon the shoulders of the legislature. The May 24, 1998 remarks of Mr. Richard Mueller, Task Force member and Vice President/General Manager of The Evergreen Cemetery Association speak well to the responsibility of care for the remains of the dead. "We care just like Kemal Attaturk. He led the Turkish forces in defeating the Allies at Gallipoli, in one of the bloodiest battle of World War I. Yet soon after the end of hostilities, as president of Turkey, he consoled the grieving mothers of Allied dead with these words, 'There is no difference between the Turks and Allies where they lie side by side in Turkey. Having lost their lives here they have become our sons as well.'

If this society fails to appropriately and adequately deal with this issue through some definitive action, whether legislative or otherwise, not only will genealogical and historical resources likely be irreparably harmed, but society will potentially lose a valuable resource for charting its inexorable course into annals of human history.

The first Task Force meeting was held on September 2, 1998. Mr. Robert Pappas was elected the Chairman of the Task Force. Several committees were developed to investigate and report on the concerns of the Task Force.

#### Committee Chairman

Cemetery Identification and Status - Mr. Washington Sanchez, Jr.

Abandoned Cemeteries - Mr. James Miller

Maintenance of Unregulated and Neglected Cemeteries - Mr. Joseph Cone

Reports/Proposed Legislation - Mr. Robert Maxwell

Numerous committee and Task Force meetings, as well as public workshops and hearings were held. The following report is the result of the findings of this task force.

### STATE REGULATION

Florida regulates licensed cemeteries by Chapter 497, setting forth the requirements for creation of new cemeteries, as well as other detailed requirements for the operation of such cemeteries. These

requirements include three trust provisions (perpetual care, preneed and pre-construction) which are overseen by the Board of Funeral and Cemetery Services and the Bureau of Funeral and Cemetery Services within the Department of Banking and Finance. This statute exempts certain categories of cemeteries, including church cemeteries, county and municipal cemeteries, community and non-profit association cemeteries, fraternal organized cemeteries and family graveyards. In addition, specific exemptions apply to certain church cemeteries, a certain columbarium and a certain mausoleum. All other cemeteries must be licensed and must abide by the regulations of Chapter 497. These licensed cemeteries number approximately 170. Under this Statute, the creation of a new licensed cemetery requires the establishment of certain financial criteria: fifteen acres of land free of obligation, a \$5,000.00 application fee, and establishment of a minimum \$50,000.00 care and maintenance trust fund.

Certain provisions of Chapter 497 apply to all cemeteries, licensed and unlicensed. They are: s. 497.309 (1), requiring burial records, s. 497.321, solicitation of goods or services, s. 497.341, burial without regard to race or color, and s. 497.345, abandoned cemeteries; immunity; actions.

## **METHODOLOGY**

Task Force staff and members solicited comments on abandoned and neglected cemeteries from representatives of the licensed cemetery industry, the constituents of the Task Force members, public interest groups, and the general public. Task Force members researched and reviewed legislation on the subject in other States. In addition, the Task Force staff reviewed complaints received by the Department of Banking and Finance concerning unlicensed cemeteries. Additional information was obtained from the internet concerning unlicensed cemeteries and their general location. Task Force members and others took videotape pictures of neglected and abandoned cemeteries and established a database to manage unlicensed cemetery data for use in locating and describing such cemeteries. Task force members also established a web site as a link to the Comptroller's web site (<http://www.dbf.state.fl.us/cemeteries/>) to disseminate information to the public about the abandoned and neglected cemetery project, and to collect from the public information about unlicensed neglected and abandoned cemeteries. This database is growing steadily.

## **FINDINGS**

1. Data collected to date on some 3,580 cemeteries in the State suggests that 40% to 50% are abandoned or neglected. As additional information becomes available in the future (and as abandoned and neglected cemeteries are restored), the total could increase beyond the current projection of 1,500.
2. The Task Force, in the short time of its existence, has been unable to quantify the extent to which private, unlicensed cemeteries are not able to care for the same due to lack of funds, but it clearly

appears to be a significant factor.

3. The extent that neglected cemeteries create problems for citizens and local governments has not been quantified, but the City and County representatives on the Task Force verify that such cemeteries are a burden on local governmental resources.
4. Some older cemeteries that are neglected may represent a loss of historic or archeological values, but the extent of such loss has not been quantified. More than three hundred cemeteries with some level of historical significance are recorded in the records maintained by the Department of State.
5. Legislation is needed to establish guidelines, definitions, methods of establishing care for neglected and abandoned cemeteries, agencies responsible for providing such care, the funding mechanism for such projects, as well as a permanent structure to continue the location, identification, protection, preservation and care of such cemeteries.
6. A grants-in-aid type program using matching funds would help ameliorate the problems created by abandoned and neglected cemeteries. This matter is addressed in the proposed legislation set forth in the appendix.
7. The Task Force has examined the question of funds needed to address the problems and recommends in the proposed legislation the following funding sources: (1) a one-time appropriation by the legislature, (2) a fee on death certificates, (3) enabling legislation to permit Cities and Counties to include in their budgets funds for this purpose; and (4) the establishment of a non-profit corporation within the Department to obtain donations from individuals, businesses, industries, organizations, local, state and federal grants, foundations, etc. The fund would be established in such a way that the corpus could continue to grow with only the income used for the purposes outlined herein. In this way the trust funds can be effective over the long term.
8. The Task Force has determined that it is imperative to stop the proliferation of neglected and abandoned cemeteries
9. The legislature has already established in Chapter 872 protection for all human burial sites and all human remains regardless of whether or not the site is abandoned.

### RECOMMENDATIONS

1. The work of the Task Force should be allowed to continue in either of the following ways:
  - (a) The Task Force should continue in its present form for a finite time in order for the Task Force to more thoroughly examine the extent of the problems; or
  - (b) The non-profit corporation outlined in the proposed legislation should continue these functions on a permanent basis.
2. Establish that local governments are the best way to handle the problem created by abandoned



and neglected cemeteries within their respective jurisdictions, combined with a statewide approach through the designated agency and non-profit corporation.

3. Establish that owners of unlicensed cemeteries must care for those cemeteries in a proper manner so as to avoid neglect.
4. Proscribe abandonment and neglect of cemeteries.
5. Establish that a copy of all burial transit permits will be filed with the Clerk of Court in the County of burial.
6. Establish that officially designated persons other than the next of kin shall be given an easement or right of entry to enter and inspect private cemeteries.
7. Establish that unlicensed cemeteries be required to post a sign at the cemetery providing notice of the existence of a cemetery at the posted location.
8. Establish that no new cemeteries shall be allowed to be created except under the provisions of Part I of Chapter 497, thereby insuring that a care and maintenance fund is established for each new cemetery.

Respectfully submitted,

Task Force on Abandoned and Neglected Cemeteries

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By: Robert Pappas, Chairman

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By: Washington Sanchez, Vice-Chairman and

Chairman Cemetery Identification and

Status Committee

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By: Robert G. Maxwell, Chairman Reports/Proposed Legislation Committee

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By: Joseph Cone, Chairman

Maintenance of Unregulated and Neglected Cemeteries Committee

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By: James J. Miller, Chairman Abandoned Cemeteries Committee

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By: Roy Braksick

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By: Bernard Dew

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By: Warren H. Jernigan

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By: Kenneth Mitchell, Sr.

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By: Richard L. Mueller

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By: Judith C. Ralph

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By: Michael R. Tadros

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## BIOGRAPHICAL SKETCHES

**Roy Braksick** served two combat tours in Vietnam and is active in the location, identification and protection of historic burial sites, especially those of veterans. He is active in community volunteer efforts, especially concerning military and veterans affairs. He is an alternate Ex-officio member of the Task Force.

**Joseph Cone** serves on the Task Force as the Florida League of Cities Representative. Mr. Cone is currently the City Manager of the City of Lake City. After a four-year enlistment in the U.S. Army

Security Agency, which included a tour of duty in Vietnam, he graduated from the University of South Florida in Tampa in 1972. He has 26 years of experience in local government in Florida, serving as a City Planner, Assistant City Manager and County Administrator.

**Bernard Dew** was appointed as the first County Administrator for Sumter County and County Budget Officer and has carried out those responsibilities for more than 15 years. He is a Trustee of the Bushnell Evergreen Cemetery and Chairman, Board of Trustees, St. Catherine United Methodist church. His family has lived in Sumter County since the 1850s. He represents county interests on the Task Force.

**Warren H. Jernigan** is a native of Pensacola, Florida, who has been associated with the U.S. Congress in Washington, D.C. for more than 15 years as an Aide to Representative Bob Sikes of Florida and as Chief Doorman for the U.S. House of Representatives. He is an advocate at the state and national levels for the disabled and has received numerous honors and awards for his leadership in advancing the cause of persons with disabilities. Mr. Jernigan has been Chairman of the Whitmire Cemetery Association in Escambia County for ten years and is dedicated to issues of perpetual care. He is a citizen representative on the Task Force.

**Robert G. Maxwell** has been practicing law since 1952, including Attorney for the Florida Cemetery Association for two decades beginning in 1970, and has been consulting cemeteries and cemetery-funeral establishment combinations for more than three decades. He was a municipal Judge of the City of Miami Springs and was very active in the community holding a number of board positions in civic and professional organizations. Now his civic activity is as Guardian-Ad-Litem. He represents interests of the licensed cemetery industry on the Task Force.

**James J. Miller** represents archeological and historical interests on the Task Force. For fifteen years he has been State Archeologist and Chief of the Florida Bureau of Archaeological Research. In this practice, Jim worked with Native Americans and others to amend the Florida law concerning dead bodies and graves and has certain statutory responsibilities when unmarked human remains are discovered.

**Kenneth Mitchell, Sr.** is a first generation funeral director. He has been a lifelong Florida resident, residing in Orlando. He owns and operates Mitchell Funeral. He is active in the Florida Funeral

Directors Association and the Florida Morticians Association, as well as his community. He represents consumer interests on the Task Force.

**Richard L. Mueller** has been involved in cemetery operations since 1963. In 1976 he accepted a position at the non-profit Evergreen Cemetery in Jacksonville, the largest cemetery in northern Florida, where he currently serves as Vice-President and General Manager. He has held many positions in professional cemetery organizations at state, national and international levels and is active in community service. He represents the interests of non-profit owned cemeteries on the Task Force.

**Robert (Bob) Pappas** was chosen by the Comptroller of Florida to be the first Regional Director of Banking and Finance, Northwest Florida Region in 1995. In this position he is responsible for consumer protection and industry support through a variety of government programs. He served in the U.S. Marine Corps including two combat tours in the Vietnam War. He represents the Florida Department of Banking and Finance on the Task Force, and serves as Chairman of the Task Force.

**Judith C. (Johnson) Ralph** is a native Floridian who was a registered nurse before helping her husband found their first funeral home in Plantation, Florida in 1965. They now own funeral homes in Plantation, Weston-Bonaventure, and Marathon. She has served in elected and appointed positions in a number of civic and professional organizations, including the Florida Funeral Directors Association, of which she was past president and director. She is now in her second term of the Florida Board of Funeral Directors and Embalmers. On the Task Force she represents the interests of pre-need certificateholders.

**Washington Sanchez** retired as a Colonel from the U.S. Army in 1991 following a career in Field Artillery that included two tours in Vietnam. He is a combat wounded veteran and a highly decorated combat commander. In Germany in the 1980s he commanded. He is very active in the community, volunteering as President, Gulf Coast Real Estate Investors Association and leadership positions in church, business, government and civic organizations. He represents citizen interests on the Task Force.

**Michael R. Tadros** is Director of Cemeteries for the Archdiocese of Miami and has been in the cemetery industry for over 12 years. He previously worked as Controller and General Manager of the Cemeteries for the Archdiocese of Toronto in Ontario, Canada. He has held elected and appointed positions in Florida, U.S. and Canadian professional cemetery associations, and was recently elected to a

three year term as a Director for Florida Cemetery Association. He has been a member of the National Catholic Cemetery Conference for thirteen years. He represents the interests of church-owned cemeteries on the Task Force.

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## **ACKNOWLEDGEMENT**

The Task Force on Abandoned and Neglected Cemeteries wishes to thank the Department of Banking and Finance for its support. The Bureau of Funeral and Cemetery Services employees who, along with its Bureau Chief, Diana M. Evans, offered support and assistance were Timothy Wheaton, Gladys Hennen and Latonya Bryant. Support was also received from Jeff Saulich of the Department's Public Affairs Division.

The Task Force on Abandoned and Neglected Cemeteries also thanks Mr. Aloysius J. Pickert, Jr. and Mr. Ross McVoy for their help in doing research.

The Task Force on Abandoned and Neglected Cemeteries also wish to recognize the following persons for their contribution to the work of the Task Force:

Barbara Bailey, West Florida Genealogical Society

Lora Botts, Santa Rosa Genealogical Society

Malcolm Davis, President, West Florida Genealogical Society

Ginny Deagan, Board member, West Florida Genealogical Society

Dorothy Jernigan, West Florida Genealogical Society

Jacqueline Friesinger, West Florida Genealogical Society

Lillian King, West Florida Genealogical Society

Clint Morgan, Corresponding Secretary, West Florida Genealogical Society

Curtis Reedy, West Florida Genealogical Society

Frances Robats, Genealogical Society of Okaloosa County

Joyce Schnoor, Santa Rosa County Genealogical Society

Lee Scott, West Florida Genealogical Society

Elizabeth Smith, Vice-President, West Florida Genealogical Society

Partricia Wariner, Newsletter Editor/Recording Secretary, West Florida Genealogical

Society

Suzanne Weathers, West Florida Genealogical Society

Pearline McClendon, Pensacola

Kay Stone, President, Polk County Genealogical Society

The Committee on Cemetery Identification/Status wishes to thank the following for their contributions:

Department of Banking and Finance:

Office of Intelligence

Information Systems

Northwest Florida Regional Office, Office Staff

S.W. Cummings, Volunteer

Marilyn Efland, Volunteer

Charlie Pappas, Volunteer

Phyllis Zerangue, Volunteer

Robert Matteson, Volunteer

Les King, Volunteer

Georgena Sanchez, Volunteer

South Florida Regional Office

Southeast Florida Regional Office

Saint Johns County Sheriff Department

Sheriff Neil Perry

Sheila Greenleaf

Saint Johns County Administration

Ben Adams

Gail Oliver

Michael Campbell

Tom Tibbitts

Cindy Sloan, Florida State Genealogy Society

Jackson County Cemetery Project Guide



Elmer Spear, Madison County Genealogist

Betty Green, Wakulla County Genealogist

Rick Swanson, President, Florida Cemetery Association

Save Texas Cemeteries, Inc.

Karen Thompson, President

Michael Emery, Newsletter

Susan Collins, County of Volusia

Bonnie Palmieri, Citizen

Joel McRee, Citizen

Florida Attorney General, Seniors vs. Crime Project

Shelley Feldman, Executive Director

Volunteers

Hilda Ems

La Vergne McEvoy

Evelyn Martin

Ronnie Cohen

A. Beversdorf

Paul Frankin

Mary Frankin

Phyllis Swift

Shirley Schekman

Edward Furey

Miriam Chardavoyne

Robert Swaney

Evelyn Burton

Shirley Brown

Col. Wilfred Wagner

Lester Palmer

Linda Bottari

Diana Bowring

James Stephens, Citizen

Randy J. Ball, Florida House of Representative, 29<sup>th</sup> district

Diane Browning, Citizen

Gary Wheeler, Sheriff, Indian River County

Virgil Pickel, Citizen

Steve Binegas, Sheriff, Marion County

Robert Hayes, Florida State Hospital

Martha Bailey, Citizen

Darrel Bell, Citizen

Ruth Stanbridge, Indian River County Historian

C. E. "Gene" Halley, Jr., Sheriff, Washington County

Dorothy Runge, Citizen

Mildred Gross, Cemetery Owner

Leroy Campbell, Citizen

Jerry Hunter, Member of Cemetery Association

Santa Rosa Cemeteries

Holmes County Cemetery Survey

Florida State Genealogical Society

Lon Everett

Condition of Holmes County Cemeteries in 1997

Lon Everett

Madison County Florida cemeteries

Joseph Eichelberger

## Florida State & Local Genealogical Societies

Cemetery Survey Committee

Edith Mixon, Chairperson

A host of Volunteers

Paula Arnold, Madison County Commission

Ray Judah, chairman, Lee County Commission

Liberty County Commission

Betsey Funeral Home, Quincy, Florida

Arthur Chassman, Jewish Genealogical Society of Greater Miami

Reno Smith, Citizen

Sara Carswell, Citizen

Margaret Terrace, Citizen

Mary Tiller, Citizen

Paul Winegar, U. S. Department of the Interior

Pam Quallich, FOIA Officer

Sharon Thompson, Center for Historic Cemeteries Preservation

Virgil Pickels, Citizen

Dorothy Runge, Citizen

Leroy campbell, citizen

Darrel Bell, Citizen

Martha Bailey, Citizen

Vera Harvey, Citizen

Daniel Fletcher, Citizen

Capt. Gene Hendrix, Bay County Sheriff Office

John Bunn, Citizen

Robert Rice, Citizen

Roberta Musto, Lake Worth City

Karen Barnett, Citrus

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[Back to Cemetery Task Force Page](#)

## **APPENDIX D**

### **2021 Task Force Meeting Agendas**



# FLORIDA DEPARTMENT OF STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

## TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – FIRST MEETING

### Meeting Agenda

July 20, 2021 – 2:00 p.m.

Mission San Luis

2100 W. Tennessee St., Tallahassee, FL 32304

Via teleconference: 1.888.585.9008 & Teleconference Room Number 648.769.445

ITEM		PRESENTER
1.	Call to Order and Roll Call	<b>Dr. Timothy Parsons</b>
2.	Welcome Address	<b>Secretary Laurel M. Lee</b>
3.	Introduction of Task Force Members	
4.	Overview of House Bill 37 ( <a href="#">Chapter 2021-60, Laws of Florida</a> ) and Task Force Responsibilities	<b>Dr. Timothy Parsons</b>
5.	Overview of Florida law regarding abandoned cemeteries and recently discovered abandoned African-American cemeteries	<b>Dr. Timothy Parsons</b>
6.	Overview of Florida’s Government in the Sunshine Law	<b>Mr. Jon Morris</b> <i>Senior Attorney</i> <i>Florida Department of State</i>
7.	Discussion on Collecting Public Input	<b>Dr. Timothy Parsons</b>
8.	Task Force Member Comments and Questions	
9.	Public Comment	
10.	<i>Motion to Adjourn</i>	

To request copies of meeting materials associated with this agenda, but not included herein, please contact Dr. Shruti Graf, Policy and Research Coordinator, Florida Department of State via email at [Shruti.Graf@dos.myflorida.com](mailto:Shruti.Graf@dos.myflorida.com) or by phone at (850) 245-6386.

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# FLORIDA DEPARTMENT OF STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

## TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – SECOND MEETING

### Meeting Agenda

September 2, 2021 – 9:30 am to 12:30 pm.

Tampa Theatre

711 N. Franklin Street, Tampa, FL 33602

Via teleconference: 1.888.585.9008 & Teleconference Room Number 648.769.445

ITEM		PRESENTER
1.	Call to Order and Roll Call	Dr. Timothy Parsons
2.	Opening Remarks	Dr. Timothy Parsons
3.	Summary of Methods for Collecting Public Input	Dr. Timothy Parsons
4.	Overview of <a href="#">Chapter 98-268, Laws of Florida</a> ; and Related Summary of Findings and Recommendations from the <a href="#">Final Report</a> of the 1998 Task Force on Abandoned and Neglected Cemeteries	
5.	Overview of the Role of the Division of Historical Resources under Florida Law Regarding Cemeteries	Dr. Kathryn O'Donnell Miyar
6.	Summary of Initiatives in Other States	
7.	Presentations, Thoughts, and Input from Task Force Members	
8.	Update on Public Input, <i>If Received</i>	Dr. Timothy Parsons
9.	Public Comment	
10.	<i>Motion to Adjourn</i>	

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**Division of Historical Resources**  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
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# FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

## TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – THIRD MEETING

### Meeting Agenda

October 29, 2021 – 10:00 a.m.

Heritage Hall, R.A. Gray Building

500 S. Bronough St., Tallahassee, FL 32399

	ITEM	PRESENTER
1.	Call to Order and Roll Call	Dr. Timothy Parsons
2.	Discussion of Findings and Recommendations by Task Force members	Dr. Timothy Parsons
3.	Discussion on Collecting Public Input	Dr. Timothy Parsons
4.	Task Force Member Comments and Questions	
5.	Public Comment	
6.	<i>Motion to Adjourn</i>	

To request copies of meeting materials associated with this agenda, but not included herein, please contact Dr. Shruti Graf, Policy and Research Coordinator, Florida Department of State via email at [Shruti.Graf@dos.myflorida.com](mailto:Shruti.Graf@dos.myflorida.com) or by phone at (850) 245-6386.

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# FLORIDA DEPARTMENT OF STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

## TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – FOURTH MEETING

### Meeting Agenda

November 30, 2021 – 10:00 a.m.-Conclusion

Heritage Hall, R.A. Gray Building

500 S. Bronough St., Tallahassee, FL 32399

ITEM		PRESENTER
1.	Call to Order and Roll Call	Dr. Timothy Parsons
2.	Review and Discuss Draft Recommendations	Dr. Timothy Parsons
3.	Public Comment	
4.	<i>Motion to Adjourn</i>	

To request copies of meeting materials associated with this agenda, but not included herein, please contact Dr. Shruti Graf, Policy and Research Coordinator, Florida Department of State via email at [Shruti.Graf@dos.myflorida.com](mailto:Shruti.Graf@dos.myflorida.com) or by phone at (850) 245-6386.

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# FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

## TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – FIFTH MEETING

### Meeting Agenda

**December 9, 2021 – 10:00 a.m.-Conclusion**

Heritage Hall, R.A. Gray Building

500 S. Bronough St., Tallahassee, FL 32399

ITEM		PRESENTER
1.	Call to Order and Roll Call	<b>Dr. Timothy Parsons</b>
2.	Review and Discuss Updated Draft Recommendations	<b>Dr. Timothy Parsons</b>
3.	Public Comment	
4.	<i>Motion to Adjourn</i>	

To request copies of meeting materials associated with this agenda, but not included herein, please contact Dr. Shruti Graf, Policy and Research Coordinator, Florida Department of State via email at [Shruti.Graf@dos.myflorida.com](mailto:Shruti.Graf@dos.myflorida.com) or by phone at (850) 245-6386.

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

# TASK FORCE ON ABANDONED AFRICAN AMERICAN CEMETERIES – SIXTH MEETING

### Meeting Agenda

December 17, 2021 – 10:00 a.m.-Conclusion

Heritage Hall, R.A. Gray Building

500 S. Bronough St., Tallahassee, FL 32399

ITEM		PRESENTER
1.	Call to Order and Roll Call	<b>Dr. Timothy Parsons</b>
2.	Review and Discuss Task Force Report	<b>Dr. Timothy Parsons</b>
3.	Public Comment	
4.	<i>Motion to Adjourn</i>	

To request copies of meeting materials associated with this agenda, but not included herein, please contact Dr. Shruti Graf, Policy and Research Coordinator, Florida Department of State via email at [Shruti.Graf@dos.myflorida.com](mailto:Shruti.Graf@dos.myflorida.com) or by phone at (850) 245-6386.

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**APPENDIX E**

**2021 Task Force Meeting Minutes**

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**  
**Mission San Luis, 2100 W. Tennessee St., Tallahassee, FL 32304**  
**Tuesday, July 20, 2021; 2:00 p.m. – Conclusion**

**Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** All members attended the meeting in person.

**Department of State Staff Members Present:** Secretary Laurel M. Lee, Ms. Jennifer Kennedy, Ms. Brittany Dover, Dr. Sarah Liko, Dr. Angela Tomlinson, Mr. Johnathan Grandage, Mr. Jon Morris, and Dr. Shruti Graf.

**Members of the Public Present:** Ms. Connie Burton, Dr. Marvin Dunn, Mr. Greg Baldwin, Ms. Jill Lepore, Ms. Sarah Miller, Mr. Jack Anderson, Mr. Byron Dobson, Mr. Troy Kinsey, and Mr. Phil Willette.

**Item I. Roll Call**

Dr. Parsons provided opening remarks and called the meeting to order, and Dr. Graf called the roll.

**Item II. Welcome Address**

Secretary Lee provided welcome remarks and introduced Department staff members – Dr. Parsons and Dr. Miyar – whom the Secretary appointed to serve on the Task Force and Dr. Graf who will be assisting with the Task Force activities.

**Item III. Introduction of Task Force Members**

Dr. Parsons invited the Task Force members to introduce themselves. Task Force members spoke about their professional experience, efforts, and interests relating to abandoned cemeteries.

**Item IV. Overview of House Bill 37 and Task Force Responsibilities**

Dr. Parsons provided an overview of House Bill 37 that created the Task Force on Abandoned African-American Cemeteries (Task Force), including the responsibilities assigned to the Task Force.

**Item V. Overview of Florida law regarding Abandoned Cemeteries and Recently Discovered Abandoned African-American Cemeteries**

Dr. Parsons highlighted the recent discovery of Zion Cemetery and Ridgewood Cemetery in Tampa, Florida, and the New Hope Cemetery in Tallahassee, Florida. In addition, Dr. Parsons' presentation included a brief summary of Florida law relating to cemeteries, county and municipal jurisdiction over abandoned cemeteries, unmarked human burials, disturbing contents of a grave or tomb, and relocation of graves.

Dr. Parsons also provided a proposed schedule for upcoming meetings of the Task Force and responded to questions and comments from Task Force members about protecting abandoned cemeteries and the adequacy of existing laws. Dr. Parsons informed the Task Force members

about the Florida Master Site File (Master Site File or database), which is maintained by the Division of Historical Resources. He mentioned that although this database is not exclusive to African-American cemeteries, it includes a catalogue of thousands of cemeteries identified in the state of Florida. The next meeting of the Task Force will include a presentation on the Master Site File in greater detail.

**Item VI. Overview of Florida’s Government in the Sunshine Law**

Mr. Morris provided an overview of Florida law regarding public meetings and records.

**Item VII. Discussion on Collecting Public Input**

Dr. Parsons listed the following 3 methods through which members of the public may submit their comments:

1. Attend the Task Force meetings and fill out speaker card.
2. Send email to an email address that will be established by the Department of State (department) to specifically collect public input on abandoned African-American cemeteries. This email address will be available on the website that the department has created for information relating to this Task Force (<https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/>).
3. Submit information through the Florida Public Archaeology Network Cemetery Reporting Form (Form), which has been, over the years, a collaborative effort between the Division of Historical Resources (DHR) and the Florida Public Archaeology Network (FPAN). This Form will be available online soon and members of the public will have the opportunity to submit information via the FPAN’s website portal, which will then be shared with the DHR for inclusion in the Master Site File. This information will also be made available through the department’s website relating to the Task Force.

**Item VIII. Task Force Member Comments and Questions**

Dr. Parsons responded to questions and comments about advertising the public input collection process and tools; and received suggestions from Task Force members about moving to Tampa, Florida, the meeting of the Task Force scheduled for September.

**Item IX. Public Comment**

Members of the public provided their comments.

**Item X. Adjourn**

Representative Driskell made a motion to adjourn the meeting, which was seconded by Senator Cruz. Dr. Parsons adjourned the meeting at 3:22 p.m.

An archive of this meeting is available on the Florida Channel at:

<https://thefloridachannel.org/videos/7-20-21-task-force-on-abandoned-african-american-cemeteries/>.

  
\_\_\_\_\_  
Presiding Officer

9/2/2021  
\_\_\_\_\_  
Date Approved

## **TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**

**Tampa Theatre, 711 N. Franklin Street, Tampa, FL 33602**

**Thursday, September 2, 2021; 9:30 am -12:30 pm**

### **Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** Dr. Parsons, Dr. Miyar, Ms. Lewis, Dr. Jackson, Mr. Moates, Senator Cruz, Representative Driskell, and Mr. Cummings attended the meeting in person; and Ms. Barnes joined the meeting remotely.

**Task Force Not Present:** Mr. Knopke.

**Department of State Staff Members Present:** Ms. Jennifer Kennedy and Mr. Ryan Ash.

**Members of the Public Present:** Dr. Marvin Dunn, Mr. Ray Reed, Ms. Robin Nigh, Mr. Jack Anderson, Mr. Devin Bleich, Mr. Daryl Richardson, Ms. Lucile Malone, and Ms. Skoervitch Emile.

### **Item I. Call to Order and Roll Call**

Dr. Parsons called the meeting to order and called the roll.

### **Item II. Opening Remarks**

Dr. Parsons requested a motion for the adoption of the meeting agenda for the second meeting of the Task Force, which was adopted unanimously. Subsequently, Dr. Parsons requested a motion for the approval of minutes for the previous meeting held on July 20, 2021. The meeting minutes were approved unanimously with one technical change per comment from Mr. Moates.

Dr. Parsons provided opening remarks and invited the Task Force members to make introductory comments.

### **Item III. Summary of Methods for Collecting Public Input**

Dr. Parsons informed the Task Force members that members of the public may provide their input regarding abandoned African-American cemeteries in the state of Florida through the following methods that the Department of Historical Resources has established:

1. Send email to [AfricanAmericanCemeteries@DOS.MyFlorida.com](mailto:AfricanAmericanCemeteries@DOS.MyFlorida.com). This email address will be available on the website that the department has created for information relating to this Task Force (<https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/>).
2. Submit information through the Historic Cemetery Inventory, which has been developed in partnership with the Florida Public Archaeology Network (FPAN) over the last several years. Although this form was not specifically created for this Task Force, the timing allows for this form to be utilized to collect public input regarding abandoned African-American cemeteries. The Historic Cemetery Inventory, headed by the FPAN, is now live and is available at: [www.FPAN.us/HCI](http://www.FPAN.us/HCI). There are a couple of ways to provide input to the FPAN and the Division of Historical Resources:



(i). Visit [www.FPAN.us/HCI](http://www.FPAN.us/HCI) and fill-out the *Historic Cemetery Inventory Online Form* (<https://casweb.wufoo.com/forms/x10hc1xq16lf4at/>).

(ii). Fill out a postcard-sized Historic Cemetery Inventory Card and mail the card to the Division of Historical Resources so that the information can be reported in the Florida Master Site File. This card may be handed out at churches, libraries, or other locations to collect public input.

Dr. Parsons mentioned that the submission of information through the two methods described above may trigger a follow-up from the FPAN or the Division of Historical Resources staff.

#### **Item IV. Overview of Chapter 98-268, Laws of Florida; and Related Summary of Findings and Recommendations from the Final Report of the 1998 Task Force on Abandoned and Neglected Cemeteries**

Dr. Parsons provided a summary of the findings and recommendations reported by the 11-member Task Force on Abandoned and Neglected Cemeteries that was established in 1998 under [section 13, chapter 98-268, Laws of Florida](#). A complete list of the Task Force's findings and recommendations are included in the final report submitted by the Task Force, which is available at: <https://www.coj.net/city-council/docs/brcemeteries-1999-statetaskforce-finalreport.aspx>.

#### **Item V. Overview of the Role of the Division of Historical Resources under Florida Law Regarding Cemeteries**

Dr. Miyar presented an overview of chapters 497 and 872, Florida Statutes, which include provisions relating to cemetery type, management, ownership, protection, and relocation. Additionally, Dr. Miyar also provided a summary of the Division's role in protecting cemeteries and managing historic preservation programs.

#### **Item VI. Summary of Initiatives in Other States**

Dr. Miyar provided an overview of initiatives undertaken in other states that have cemetery programs and highlighted the differences in program administration.

#### **Item VII. Presentations, Thoughts, and Input from Task Force Members**

Representative Driskell, Mr. Moates, Ms. Barnes, and Mr. Cummings presented to the Task Force a summary of information that they had compiled regarding abandoned African-American cemeteries, which was followed by a discussion among Task Force members regarding the need to continue exploring ways to identify and maintain abandoned African-American cemeteries, and raise public awareness to help with such efforts.

#### **Item VIII. Update on Public Comment**

Dr. Parsons emphasized the methods by which members of the public may submit comments to the Department of Historical Resources, as discussed under item III of the agenda for this meeting.

#### **Item IX. Public Comment**

Members of the public provided their comments.

#### **Item X. Adjourn**

Dr. Parsons requested a motion to adjourn the meeting, which was moved, seconded, and approved unanimously. Dr. Parsons adjourned the meeting at 12:18 p.m.

An archive of this meeting is available on the Florida Channel at:  
<https://thefloridachannel.org/videos/9-2-21-task-force-on-abandoned-african-american-cemeteries/>.

  
\_\_\_\_\_  
Presiding Officer

11/22/21  
\_\_\_\_\_  
Date Approved

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**  
**Heritage Hall, R. A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399**  
**Friday, October 29, 2021; 10:00 am – 1:00 pm**

**Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** Dr. Parsons, Dr. Miyar, Ms. Lewis, Dr. Jackson, Ms. Barnes, Mr. Moates, Mr. Knopke, and Mr. Cummings attended the meeting in person; and Senator Cruz and Representative Driskell joined the meeting remotely.

**Department of State Staff Members Present:** Secretary Laurel M. Lee, Ms. Jennifer Kennedy, Mr. Mark Ard, Mr. Ryan Ash, Mr. Johnathan Grandage, and Mr. Schuessler; and Dr. Graf joined the meeting remotely.

**Members of the Public Present:** Ms. Barbara Clark.

**Item I. Call to Order and Roll Call**

Dr. Parsons called the meeting to order and called the roll.

Secretary Lee provided welcome remarks and thanked the members of the Task Force for their contributions to the task force. Dr. Parsons invited the Task Force members to make introductory comments. Following introductions, Dr. Parsons made a motion for the adoption of the meeting agenda for the third meeting of the Task Force, which was adopted. Subsequently, Dr. Parsons made a motion for the approval of minutes for the previous meeting held on September 2, 2021.

**Item II. Discussion of Findings and Recommendations by Task Force members**

Dr. Parsons presented a summary of the preliminary findings and recommendations submitted by the Task Force members and invited the members to share their thoughts. The findings and recommendations were grouped under three categories – identification of abandoned African-American cemeteries, maintenance of abandoned African-American cemeteries, and educational resources relating to abandoned African-American cemeteries.

**Item III. Discussion on Collecting Public Input**

Dr. Parsons drew attention to the avenues that the Department of State (department) has established for collecting public input and assistance with the effort to identify abandoned African-American cemeteries, including the department website and the accompanying email. The department has responded to each of the 12 emails received so far. In some instances, the department coordinated with the Florida Public Archaeology Network (FPAN) to assist some of the individuals who reached out to the department. Dr. Parsons expressed his hope that the email will continue to serve as a resource for collecting information regarding African-American cemeteries beyond the conclusion of this Task Force. Dr. Parsons also mentioned that to date, 9 submissions have been received through the online Florida Public Archaeology Network Cemetery Reporting Form established by the FPAN. These submissions are included in the Florida Master Site File, which is maintained by the Division of Historical Resources (DHR). In

addition, 2 of the Historic Cemetery Inventory Cards have been returned to the DHR which have also been included in the Florida Master Site File.

**Item IV. Task Force Member Comments and Questions**

Dr. Parsons initiated the Task Force members in a section-by-section discussion of the findings and recommendations relating to the identification of abandoned African-American cemeteries, maintenance of abandoned African-American cemeteries, and educational resources relating to abandoned African-American cemeteries.

**Item V. Public Comment**

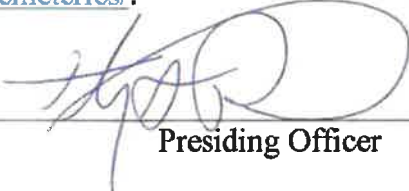
None.

**Item VI. Adjourn**

Dr. Parsons adjourned the meeting at 12:54 p.m.

An archive of this meeting is available on the Florida Channel at:

<https://thefloridachannel.org/videos/10-29-21-task-force-on-abandoned-african-american-cemeteries/>.

  
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Presiding Officer

12/1/2021  
\_\_\_\_\_  
Date Approved

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**  
**Heritage Hall, R. A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399**  
**Tuesday, November 30, 2021; 10:00 am – Conclusion**

**Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** Dr. Parsons, Dr. Miyar, Mr. Moates, and Representative Driskell attended the meeting in person; and Ms. Lewis, Dr. Jackson, Ms. Barnes, Mr. Knopke, Senator Cruz, and Mr. Cummings joined the meeting remotely. Ms. Barnes left the meeting at 12:05 p.m.

**Department of State Staff Members Present:** Dr. Shruti Graf.

**Members of the Public Present:** Mr. Lonnie Mann.

**Item I. Call to Order and Roll Call**

Dr. Parsons called the meeting to order and called the roll.

**Item II. Discussion of Findings and Recommendations by Task Force members**

Dr. Parsons presented an updated summary of recommendations based on feedback provided by the Task Force members at the previous meeting and invited the members to share their thoughts. The findings and recommendations were grouped under three categories – “identification and protection,” “maintenance,” and “education.” Subsequently, Dr. Jackson made a motion to add “memorialization” as a fourth category to the list of recommendations, which was seconded by Mr. Knopke.

Task Force members decided to meet on December 9, 2021, to finalize the recommendations.

**Item III. Public Comment**

None.

**Item IV. Adjourn**

Dr. Parsons adjourned the meeting at 12:17 p.m.

An archive of this meeting is available on the Florida Channel at:

<https://thefloridachannel.org/videos/11-30-21-task-force-on-abandoned-african-american-cemeteries/>.

  
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Presiding Officer

12/2/21  
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Date Approved

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**  
**Heritage Hall, R. A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399**  
**Thursday, December 9, 2021; 10:00 am – Conclusion**

**Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** Dr. Parsons, Dr. Miyar, and Mr. Moates attended the meeting in person; and Ms. Lewis, Dr. Jackson, Ms. Barnes, Mr. Knopke, Senator Cruz, Representative Driskell, and Mr. Cummings joined the meeting remotely.

**Department of State Staff Members Present:** Mr. Johnathan Grandage and Dr. Shruti Graf.

**Members of the Public Present:** None.

**Item I. Call to Order and Roll Call**

Dr. Parsons called the meeting to order and called the roll.

**Item II. Discussion of Findings and Recommendations by Task Force members**

Dr. Parsons presented updated recommendations to the Task Force based on feedback provided by the Task Force members at the previous meeting and invited the members to share their thoughts. Task Force members adopted the recommendations after incorporating technical modifications.

Task Force members decided to meet on December 17, 2021, to review the draft report.

**Item III. Public Comment**

None.

**Item IV. Adjourn**

Dr. Parsons adjourned the meeting at 11:37 a.m.

An archive of this meeting is available on the Florida Channel at:

<https://thefloridachannel.org/videos/12-9-21-task-force-on-abandoned-african-american-cemeteries/>.

  
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Presiding Officer

12/17/21  
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Date Approved

**TASK FORCE ON ABANDONED AFRICAN-AMERICAN CEMETERIES**  
**Heritage Hall, R. A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399**  
**Friday, December 17, 2021; 10:00 am – Conclusion**

**Meeting Minutes**

**Task Force Members:** Dr. Timothy Parsons (*Chair*), Dr. Kathryn O'Donnell Miyar, Ms. Yvette Lewis, Dr. Antoinette Jackson, Ms. Althemese Barnes, Mr. Jeffrey Moates, Mr. Keenan Knopke, Senator Janet Cruz, Representative Fentrice Driskell, and Mr. Jaha Cummings.

**Task Force Members Present:** Dr. Parsons, Dr. Miyar, and Ms. Barnes attended the meeting in person; and Ms. Lewis, Dr. Jackson, Mr. Moates, Mr. Knopke, Senator Cruz, Representative Driskell, and Mr. Cummings joined the meeting remotely.

**Department of State Staff Members Present:** Mr. Ruben Acosta, Ms. Alissa Lotane, Mr. Pierce Schuessler, and Dr. Shruti Graf.

**Members of the Public Present:** None.

**Item I. Call to Order and Roll Call**

Dr. Parsons called the meeting to order and called the roll.

**Item II. Discussion of Findings and Recommendations by Task Force members**

Dr. Parsons presented an overview of the Task Force's draft report, drawing attention to key information included in the report based on input provided by the Task Force members, and invited the members to share their thoughts. Task Force members adopted the report and discussed the need to continue to support the Task Force's efforts on an ongoing basis.

Dr. Parsons mentioned that the Florida Department of State staff will keep the Task Force members informed about legislation filed during the upcoming legislative session, relating to the findings and recommendations adopted by the Task Force.

**Item III. Public Comment**

None.

**Item IV. Adjourn**

Dr. Parsons adjourned the meeting at 10:40 a.m.

An archive of this meeting is available on the Florida Channel at:

<https://thefloridachannel.org/videos/12-17-21-task-force-on-abandoned-african-american-cemeteries/>.

  
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Presiding Officer

12/17/21  
\_\_\_\_\_  
Date Approved

## **APPENDIX F**

### **2021 Task Force Meeting Presentations**



# Abandoned African-American Cemeteries Task Force First Meeting

July 20, 2021



## II. Call to Order/Roll Call

	MEMBER	REPRESENTING ENTITY	AREA
1.	<b>Dr. Timothy Parsons, Chair</b> <i>Director, Division of Historical Resources, Florida Department of State</i>	Secretary of State, Laurel Lee's designee	Statewide
2.	<b>Dr. Kathryn O'Donnell Miyar</b> <i>Bureau Chief, Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State</i>	Bureau of Archaeological Research, Division of Historical Resources	Statewide
3.	<b>Ms. Yvette Lewis</b> <i>President, NAACP Hillsborough County Branch</i>	Florida State Conference of the National Association for the Advancement of Colored People (NAACP)	Hillsborough County
4.	<b>Dr. Antoinette Jackson</b> <i>Professor and Chair, Department of Anthropology, USF</i>	Florida Council of Churches	Tampa
5.	<b>Ms. Althemese Barnes</b> <i>Executive Director, FAAHPN</i>	Florida African American Heritage Preservation Network (FAAHPN)	North Florida Region
6.	<b>Mr. Jeffery T. Moates</b> <i>West Central Region Director, FPAN</i>	Florida Public Archaeology Network (FPAN)	West Central Region
7.	<b>Mr. Keenan L. Knopke</b> <i>President &amp; CEO Curlew Hills Memory Gardens, Inc.</i>	Cemetery Industry	Temple Terrace
8.	<b>Senator Janet Cruz</b>	Florida Senate	Part of Hillsborough County
9.	<b>Representative Fentrice Driskell</b>	Florida House of Representatives	Part of Hillsborough County
10.	<b>Mr. Jaha Cummings</b> <i>Council Member, City of Punta Gorda</i>	Local government	Punta Gorda



## II. Welcome

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3



## II. Introduction of Task Force Members

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4

### III. Overview of Ch. 2021-60, *Laws of Florida*

- On June 4, 2021, Governor DeSantis signed into law CS/CS/HB 37 (Chapter 2021-60, Laws of Florida) relating to Abandoned Cemeteries. The bill created a 10-member Task Force on Abandoned African-American Cemeteries (“Task Force”), adjunct to the Department of State (“Department”), to:
  - Study the extent to which unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state; and
  - Develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased

5

### III. Overview of Ch. 2021-60, *Laws of Florida*

- Specifically, the bill required the Task Force to:
  - 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 taken in response to the Task Force’s findings and recommendations.
  - 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.
  - 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.
  - Make recommendations regarding standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state.
  - Submit a report by January 1, 2022, 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

# Identified Abandoned African-American Cemeteries

- Zion Cemetery

7

# Identified Abandoned African-American Cemeteries

- Ridgewood Cemetery

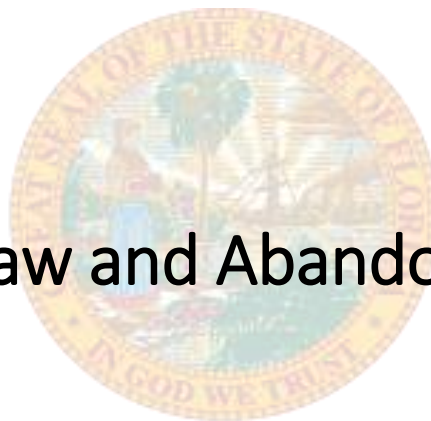
8

# Identified Abandoned African-American Cemeteries

- New Hope Cemetery

9

## IV. Florida Law and Abandoned Cemeteries



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# Chapter 479, F.S.: Funeral Cemetery, and Consumer Services Act

- Regulates funeral and cemetery services (cemeteries, columbaria, cremation, cemeteries companies, dealers, and monument builders, and funeral directors and establishments.
- Cemetery definition: 

“a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.”
- Allows counties and municipalities with jurisdiction over an abandoned cemetery to provide maintenance and security to the cemetery.

11

# Chapter 479, F.S.: Funeral Cemetery, and Consumer Services Act

## HOWEVER

- Ch. 497, F.S. primarily pertains to licensed cemeteries and excludes most smaller historic and religious cemeteries. Such as:
  - Religious cemeteries of less than 5 acres
  - County and municipal cemeteries
  - Community and nonprofit cemeteries
  - Cemeteries owned/operated by religious institution prior to June 23, 1976
  - Cemeteries owned and operated since July 15, 1915 by a fraternal organization
  - A columbarium owned by and contiguous with an existing religious institution facility
  - Family cemeteries of less than 2 acres
  - A mausoleum less than 2 acres owned and contiguous to an existing religious institution facility
  - A columbarium 5 acres or less on the campus of a state university.

12

# Section 872.05, F.S.: Unmarked Human Burials

*“It is the intent of the Legislature that all human burials and human skeletal remains be accorded equal treatment and respect based upon common human dignity without reference to ethnic origin, cultural background, or religious affiliation. This section applies to all human burials, human skeletal remains, and associated burial artifacts not otherwise protected under chapter 497 or other state law and found upon or within any public or private land in the state, including submerged lands.”*

- Provides notification requirements upon the discovery of unmarked human remains
- Allows the Division of Historical Resources to assume jurisdiction over unmarked remains 75 years deceased or older
- Provides that reasonable efforts be made to establish kinship, tribal, or ethnic relationships
- Establishes the intentional disturbance of an unmarked burial as a 3<sup>rd</sup> degree felony

13

# Section 872.05, F.S.: Unmarked Human Burials

## Unmarked Human Burial:

*“any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.”*

**Section 872.05 does NOT apply to any cemetery or burial marked OR marked at any time in the past.**

14

# Section 872.02, F.S.: Injuring or removing tomb or monument; disturbing contents of a grave or tomb

- Provides protections and provisions for the “previously marked” burials that are excluded by Section 872.05.
- Provides criminal liability for willfully and knowingly disturbing previously marked burials.
- Details the legal mechanism to relocate graves, granting authority to a “legally authorized person” as defined in s. 497.005(43) and to the county commission/city council.

15

## Sections 872.02 and 497.005 F.S.: relocating graves

### Legally Authorized Person in priority listed:

- *The decedent, when authorizations and directions are provided by the decedent*
- *The person designated by the decedent as authorized to direct disposition*
- *The surviving spouse*
- *A son or daughter 18 years of age or older*
- *A grandchild 18 years of age or older*
- *A grandparent*
- *Any person in the next degree of kinship*

***Section 497 does NOT authorize the Department of State, Division of Historical Resources, to assume jurisdiction or relocated marked or previously marked graves***

16



# Florida's Sunshine Law



## What is the Sunshine Law?

Florida's Government in the Sunshine Law provides a right of access to governmental proceedings and records at both the state and local levels.



## Florida Constitution

ARTICLE I, SECTION 24. Access to public records and meetings.—

- (a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.
- (b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.



## Public Meetings

Section 286.011, Florida Statutes

- (1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which **official acts are to be taken are declared to be public meetings open to the public at all times**, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. **The board or commission must provide reasonable notice of all such meetings.**
- (2) **The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded**, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.



## Public Meetings – Reasonable Notice

Section 120.525, Florida Statutes

Meetings, hearings, and workshops.—

(1) Except in the case of emergency meetings, **each agency shall give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register and on the agency's website not less than 7 days before the event.** The notice shall include a statement of the general subject matter to be considered.



## Reasonable Opportunity To Be Heard

Section 286.0114, Florida Statutes

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that: (a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.



## Scope of the Sunshine Law

The Sunshine Law applies to advisory boards created pursuant to law, ordinance, or otherwise established by public agencies or officials.



## Scope of the Sunshine Law

- Board members may not engage in private discussions regarding board business with each other, either in person or by telephone, email, texting or any other types of electronic communications (including Facebook, LinkedIn, blogs).
- While an individual board member is not prohibited from discussing board business with staff or a non-board member, these individuals may not be used as a liaison to communicate information between board members.



While a Board may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine Law does not allow Boards to ban nondisruptive conduct.



## Public Meetings – Violations & Penalties

Section 286.011, Florida Statutes

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).



## Section 119.01(1), Florida Statutes

It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.

This includes the records of all private entities and Boards working on behalf of an agency.



## What are Public Records?

“Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Section 119.011 (12), Florida Statutes.



## Public Records

- Drafts of documents that are shared with other people are considered public records and must be produced upon request.
- E-mails or text messages created or received in connection with official business that perpetuates, communicates, or formalizes knowledge, is subject to the public records law and open for inspection. All e-mails and text messages must be produced to any person upon request, unless falling within a statutory exemption.
- Records produced during a competitive solicitation process are subject to the public records law unless a statutory exemption applies.



## Public Records

- A person who requests a public record is not required to show a legitimate or non-commercial interest as a condition of access to the record.
- An agency may not require that the public records request be in writing or even require the requestor to identify himself or herself, unless specifically authorized by statute.
- The Public Records Act does not contain a specific time limit to provide requested records but Florida courts have determined records must be produced in a reasonable time that would allow the custodian to retrieve the records and redact any exempt information.



One of the results of failing to comply with a Public Records request is a civil action being filed against an agency for refusal to allow a public record to be inspected or copied, which could result in reasonable costs of enforcement, including attorneys' fees, being assessed against the agency.



## Public Records Violations

Public Records Violations may also be assessed against an individual.

119.10(1) Violation of chapter; penalties.

(1) Any public officer who:

(a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Knowingly violates the provisions of s. [119.07\(1\)](#) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(2) Any person who willfully and knowingly violates:

(a) Any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) Section [119.105](#) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).





Florida Office of the Attorney General

Open Government Website

<http://www.myfloridalegal.com/pages.nsf/Main/314BA231F89C0C8A8525791B006A54E2>

- The website includes many resources, including the Government-In-The-Sunshine Manual which incorporates laws, judicial decisions, and Attorney General opinions in place as of the year prior to publication.



If you have any questions, feel free to reach out to the Office of General Counsel at Department of State.





## VII. Collecting Public Input

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35



## VIII. Task Force Member Questions/Comments

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36



IX. Public Comment

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37



X. Adjourn

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38

# Abandoned African-American Cemeteries Task Force Second Meeting

September 2, 2021

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1

1

## I. Call to Order/Roll Call

C/S/CS/ HB 37: Task Force on Abandoned African-American Cemeteries

	MEMBER	REPRESENTING ENTITY	AREA
1.	<b>Dr. Timothy Parsons, Chair</b> <i>Director, Division of Historical Resources, Florida Department of State</i>	Secretary of State, Laurel Lee's designee	Statewide
2.	<b>Dr. Kathryn O'Donnell Myiar</b> <i>Bureau Chief, Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State</i>	Bureau of Archaeological Research, Division of Historical Resources	Statewide
3.	<b>Ms. Yvette Lewis</b> <i>President, NAACP Hillsborough County Branch</i>	Florida State Conference of the National Association for the Advancement of Colored People (NAACP)	Hillsborough County
4.	<b>Dr. Antoinette Jackson</b> <i>Professor and Chair, Department of Anthropology, USF</i>	Florida Council of Churches	Tampa
5.	<b>Ms. Althea Barnes</b> <i>Executive Director, FAAHPN</i>	Florida African American Heritage Preservation Network (FAAHPN)	North Florida Region
6.	<b>Mr. Jeffery T. Moates</b> <i>West Central Region Director, FPAN</i>	Florida Public Archaeology Network (FPAN)	West Central Region
7.	<b>Mr. Keenan L. Knopke</b> <i>President &amp; CEO Curlew Hills Memory Gardens, Inc.</i>	Cemetery Industry	Temple Terrace
8.	<b>Senator Janet Cruz</b>	Florida Senate	Part of Hillsborough County
9.	<b>Representative Fentrice Driskell</b>	Florida House of Representatives	Part of Hillsborough County
10.	<b>Mr. Jaha Cummings</b> <i>Council Member, City of Punta Gorda</i>	Local government	Punta Gorda



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2

2

# Adoption of Agenda

ITEM		PRESENTER
1.	Call to Order and Roll Call	Dr. Timothy Parsons
2.	Opening Remarks	Dr. Timothy Parsons
3.	Summary of Methods for Collecting Public Input	Dr. Timothy Parsons
4.	Overview of <a href="#">Chapter 98-268, Laws of Florida</a> ; and Related Summary of Findings and Recommendations from the <a href="#">Final Report</a> of the 1998 Task Force on Abandoned and Neglected Cemeteries	
5.	Overview of the Role of the Division of Historical Resources under Florida Law Regarding Cemeteries	Dr. Kathryn O'Donnell Miyar
6.	Summary of Initiatives in Other States	
7.	Presentations, Thoughts, and Input from Task Force Members	
8.	Update on Public Input, <i>If Received</i>	Dr. Timothy Parsons
9.	Public Comment	
10.	<i>Motion to Adjourn</i>	



3

# Approval of Minutes from Previous Meeting



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4

## II. marks

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## III. Collecting Public Input

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III. Email Submissions

africanamericancemeteries@dos.myflorida.com



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7

7

III. Florida Public Archaeology Network Historic Cemeteries Inventory



FLORIDA PUBLIC  
ARCHAEOLOGY  
NETWORK

[www.FPAN.us/HCI](http://www.FPAN.us/HCI)

HELP US WITH FLORIDA'S  
**HISTORIC CEMETERY INVENTORY**

Cemetery Name (if known): \_\_\_\_\_  
Closest Address: \_\_\_\_\_  
City/Town and County: \_\_\_\_\_  
GPS Coordinates (optional): \_\_\_\_\_

**HISTORY**  
Approximate year established (if known): \_\_\_\_\_ Earliest/latest headstone dates? \_\_\_\_\_

**DESCRIPTION**  
Circle all that apply: Abandoned Overgrown Well-Maintained Broken Headstones Threatened  
Describe visible damage: \_\_\_\_\_  
Approximate size of cemetery/number of headstones: \_\_\_\_\_

**CONTACT INFORMATION (optional)**  
Name/Organization: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Under Florida law, all mail addresses are public records. If you do not want your e-mail address released in response to a public records request, contact this office by phone or in writing. Bureau of Florida Archaeology, Division of Historical Resources, R.A. Gray Building, 4th Floor, 500 S. Bronough St., Tallahassee, FL 32399 (850) 245-6440

HELP US WITH FLORIDA'S  
**HISTORIC CEMETERY INVENTORY**

Place First Class Stamp Here

Help Florida's Division of Historical Resources protect and preserve our state's historic cemeteries!  
Fill out the front of this postcard, mail it in (don't forget a stamp), and ensure that your local community, church, or family cemetery is recorded with the State of Florida. For more information on how to fill out the form, visit:  
**FPAN.us/HCI**

Some historic cemeteries are on private property, and permission of the property owner must always be obtained in advance of accessing the land.

*Historical Resources*  
FLORIDA PUBLIC  
ARCHAEOLOGY NETWORK

Florida Division of Historical Resources  
Attn: Historic Cemetery Inventory  
R.A. Gray Building, 4th Floor  
500 S. Bronough Street  
Tallahassee, FL 32399-0250



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8

8

## IV. Overview of Ch. 98-268, Laws of Florida



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9

9

### IV. Overview of Ch. 98-268, Laws of Florida

#### Cemetery Preservation and Consumer Protection Act

- Created 11-member task force on Abandoned and Neglected Cemeteries
- Examine status of abandoned and neglected cemeteries in the state, report findings, and recommend solutions to problems.
- Submitted Final Report on January 15, 1999



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10

10





# Summary of Findings of the 1998 Task Force on Abandoned and Neglected Cemeteries

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11

11

## IV. Summary of Findings of the 1998 Task Force on Abandoned and Neglected Cemeteries

1. Data from appx. 3,580 cemeteries suggest that 40%-50% were abandoned or neglected.
2. The Task Force was unable to quantify the extent to which private, unlicensed cemeteries were not able to maintain their properties.
3. Did not quantify the extent that neglected cemeteries create problems for citizens and local government, but opined that such cemeteries are a burden on local government resources.



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12

12

IV. Summary of Findings of the 1998 Task Force on Abandoned and Neglected Cemeteries

4. Some older neglected cemeteries may represent a loss of historic or archaeological value, but the extent of such loss was not quantified.
5. Legislation is needed to establish guidelines, definitions, methods of establishing care for neglected and abandoned cemeteries, agencies responsible for providing such care, the funding mechanism for such projects, as well as a permanent structure to continue the location, identification, protection, preservation, and care of such cemeteries.
6. A grants-in-aid type program using matching funds would help ameliorate the problems created by abandoned and neglected cemeteries.



IV. Summary of Findings of the 1998 Task Force on Abandoned and Neglected Cemeteries

7. The Task Force examined the question of funds needed to address the problems and recommended the following funding sources:
  - a. A one-time appropriation by the legislature
  - b. A fee on death certificates
  - c. Enabling legislation to permit Cities and counties to include in their budgets funds for this purpose
  - d. The establishment of a non-profit corporation withing the Department of Banking and Finance to obtain donations from individuals, businesses, industries, organizations, local, state, and federal grants, foundations, etc. The fund would function as an endowment.



8. Determined that it is imperative to stop the proliferation of neglected and abandoned cemeteries.
9. The Legislature had already established in Ch. 872 protection for all human burial sites and all human remains regardless of whether the site is abandoned.



## Summary of Recommendations of the 1998 Task Force on Abandoned and Neglected Cemeteries



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1. The work of the Task Force should be allowed to continue in either of the following ways:
  - a. The Task Force should continue in its present form for a finite time in order to more thoroughly examine the extent of the problems, or
  - b. The non-profit corporation outlined in the proposed legislation should continue these functions on a permanent basis.
2. Establish that local governments are the best way to handle the problem created by abandoned and neglected cemeteries within their jurisdictions, combined with a statewide approach through the designated agency and non-profit corporation.



3. Establish that owners of unlicensed cemeteries must care for those cemeteries in a proper manner as to avoid neglect.
4. Proscribe abandonment and neglect of cemeteries.
5. Establish that a copy of all burial transit permits will be filed with the Clerk of Court in the County of Burial.
6. Establish that officially designated persons other than the next of kin shall be given an easement right of entry to enter and inspect private cemeteries.



7. Establish that unlicensed cemeteries be required to post a sign at the cemetery providing notice of the existence of a cemetery at the posted location.
  
8. Establish that no new cemeteries shall be allowed to be created except under the provisions of Part I of Chapter 497, thereby ensuring that a care and maintenance fund is established for each new cemetery.



## V. Overview of the Role of the Division of Historical Resources under Florida Law Regarding Cemeteries



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Cemeteries, burials, and human remains have a special place in all human cultures from earliest times to the present.

Special care for ancestors and for the dead is one of the defining traits of being human.



Under Florida Statute 872, **all** human remains are afforded equal protection under the law, regardless of land ownership.

*"It is the intent of the Legislature that all human burials and human skeletal remains be accorded equal treatment and respect based upon common human dignity without reference to ethnic origin, cultural background, or religious affiliation. This section applies to all human burials, human skeletal remains, and associated burial artifacts not otherwise protected under chapter 497 or other state law and found upon or within any public or private land in the state, including submerged lands."*



**Cemeteries are in all types of ownership:**

- public ownership by municipalities, counties, states and the federal government
- private ownership by organizations that manage cemeteries, such as corporations and churches
- private ownership of abandoned and neglected cemeteries that are no longer active
- Each type of ownership involves different levels of protection and management, ranging from active use as a legal cemetery, to cases where a landowner does not even know that a cemetery is on their land. **The most important point to remember is that all human remains are protected under state law, no matter who owns the land.**



Most active cemeteries fall under the regulations of Chapter 497, *Florida Statutes*, and are under the management of cemetery corporations, or religious and not-for-profit organizations. Active cemeteries of this type are regulated by the Florida Division of Banking and Finance.

- Sometimes cemeteries become abandoned when the original organization is no longer viable.
- Commercial cemeteries can go out of business with no provision for future care.
- Church cemeteries may be left behind.
- Land in private ownership may contain cemeteries that are unknown, lost, abandoned, or neglected.
- In some cases, headstones may have been removed illegally or prior to enactment of legal provisions, but human graves still exist below the ground.





Chapter 497 Regulates *licensed or commercial* funeral and cemetery services (cemeteries, columbaria, cremation, cemeteries companies, dealers, and monument builders, and funeral directors and establishments).

Chapter 872 protects all human burials from disturbance and regulates relocation of any cemetery (marked or previously marked) burials *exempt under Chapter 497*.

Most unrecorded African American cemeteries will fall under provisions from chapter 872.02 rather than 497. This is because cemeteries exempt under Ch. 497, F.S. excludes most smaller historic and religious cemeteries.

**Ch. 497 Exemptions:**

- Religious cemeteries of less than 5 acres
- County and municipal cemeteries
- Community and nonprofit cemeteries
- Cemeteries owned/operated by religious institution prior to June 23, 1976
- Cemeteries owned and operated since July 15, 1915 by a fraternal organization
- A columbarium owned by and contiguous with an existing religious institution facility
- Family cemeteries of less than 2 acres
- A mausoleum less than 2 acres owned and contiguous to an existing religious institution facility
- A columbarium 5 acres or less on the campus of a state university.



Under both 872 and 497 **the same principles apply regarding ownership:**

- all human remains receive equal protection under Florida law, regardless of land ownership
- land owners are prohibited from disturbing human remains and graves on their land
- relatives and descendants have certain rights of access to cemeteries on private land
- relatives and descendants may request the private landowner to provide reasonable maintenance
- relatives and descendants have a right to maintain a cemetery if the landowner fails or refuses to do so
- if there is a dispute about access or maintenance local law enforcement will be involved





## Chapter 872, F.S.: Offenses Concerning Dead Bodies and Graves

### A brief history of Chapter 872:

Chapter 872 provides burial protection, detailing criminal liability for willfully and knowingly disturbing burials. That law has been modified throughout the years to provide regulations for various types of interments.

Section 872.02 existed prior to 872.05.

Under 872.02 historic cemeteries have regulation and protocol regarding protection, disturbance, and relocation of cemetery burials. Granting the authority to relocate burials to a “Legally Authorized Person”, as defined under 497.005(43), which primarily includes familial descendants, and gives final authority in case disputes to the local county commission or city council.

In 1986-1987, The Florida Legislature amended Chapter 872 to include language that address protection and respectful treatment of American Indian burial sites, as well as all other burials not in marked (or previously marked) cemeteries that are greater than 75 years deceased.

Section 872.05 was added to ensure that proper steps were taken when unmarked human remains were encountered. Under 872.05 duties are provided to the State Archaeologist regarding the determination, often in conjunction with District Medical Examiners, whether a burial falls under the category as an “unmarked burial” and, if the remains constitute an “unmarked burial”, grants authority to the State Archaeologist to assume state jurisdiction of such burial to initiate efforts for the proper protection of the interment/burial.



## Sections 872.02: Relocating Graves

### Legally Authorized Person in priority listed under 497.005(43):

- *The decedent, when authorizations and directions are provided by the decedent*
- *The person designated by the decedent as authorized to direct disposition*
- *The surviving spouse*
- *A son or daughter 18 years of age or older*
- *A grandchild 18 years of age or older*
- *A grandparent*
- *Any person in the next degree of kinship*
- *If no family member exists than individuals such as a decedent's guardian, personal representative, attorney, as well as a public health officer, medical examiner, county commission, a friend of the decedent or any other person willing to assume the responsibility as the legally authorized person.*

One shortcoming is descendent communities, that are not direct lineal descendants, don't fall under the definition as a legally authorized person. However, communities can have a significant influence in the public forum if a public hearing is held before the county commission of the county where the cemetery is located, or the city council, if the cemetery is located in a municipality. These communities can appeal to their local public figures in the County Commission or City Council, since they have the final authority to grant a request for a relocation of a cemetery or grave.



The are differential legal authorizations and protocol for cemetery interments (872.02) versus unmarked burials (872.05).

The legal separation of unmarked human remains and known cemeteries is beneficial and appropriate because while the state has jurisdiction in unmarked, isolated cases, legal authority of known cemeteries falls to familial descendants, landowners, local law enforcement, and/or the county or city as appropriate.

Separate protective laws for cemeteries and unmarked burials are comparable to many other states' statutes.

**Unmarked Human Burial applies to:**

“any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, **excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.**” Section 872.05 does NOT apply to any cemetery or burial marked OR marked at any time in the past.



**The Division of Historical Resources’ role in cemetery protection**

In Florida, the office of the State Archaeologist is within the Division of Historical Resources under the Bureau of Archaeological Research. Because the State Archaeologist has certain narrow responsibilities under Section 872.05, Florida Statutes, concerning unmarked human remains, the office receives many calls about problems concerning cemeteries and graves.

The duties of the State Archaeologist assigned in Section 872.05, *Florida Statutes*, are about unmarked human remains only. Though the Division typically has no jurisdiction or legal responsibility, the State Archaeologist often provides guidance, as solicited, for such cases, to any cemetery stake holder regarding their situation.

- State Archaeologist responded to and provided guidance for over 75 cemetery case inquiries/situation in the last few years.

There are circumstances, however, when the State **does** have legal authority:

- When a cemetery is located on State owned/managed lands
- When proposed development, where a cemetery is located, triggers a state permit application; the Compliance and Review program, located within the Division of Historical Resources under the Bureau of Historic Preservation, can then be provided with an opportunity to comment on the project

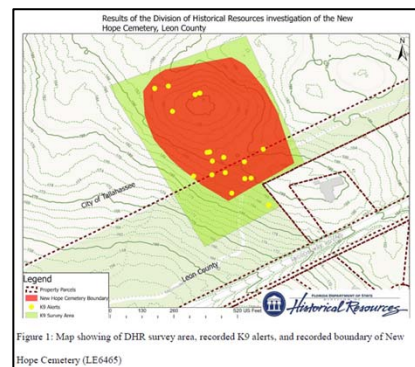


Figure 1: Map showing of DHR survey area, recorded KO alerts, and recorded boundary of New Hope Cemetery (LE6465)

Map: Bureau of Archaeological Research led investigation of African American Cemetery on State Lands in Tallahassee, FL



## Chapter 267, F.S.: Historical Resources Act



The primary historic preservation law for Florida is the Historical Resources Act (1986), Chapter 267, F.S. Section 267.061 of the act defines the states' policy towards its historical resources and offers some protection for historic cemeteries and graveyards by providing that:

Each state agency of the executive branch having direct or indirect jurisdiction over a proposed state or state-assisted undertaking shall, in accordance with state policy and prior to the approval of expenditure of any state funds on the undertaking, consider the effect of the undertaking on any historic property that is included in, or eligible of inclusion in, the National Register of Historic Places. Each such agency shall afford the division a reasonable opportunity to comment with regard to such an undertaking.

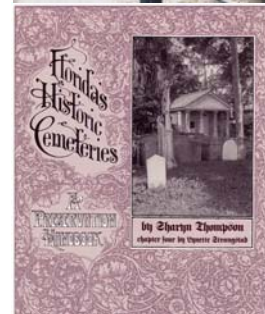
The Historic Preservation Compliance Review Section of BHP is the agency primarily responsible for reviewing development projects which alter the environment (Section 106 of the National Historic Preservation Act and 267.061, F.S.) and assisting local governments in comprehensive planning for historic resources.



## Section 872.05, F.S.: Unmarked Human Burials

**The Division of Historical Resources manages a wide range of preservation programs that are useful during an organized effort to preserve a historic cemetery:**

- The Florida Master Site File (FMSF)
- Historic landmark designation and National Register of Historic Places nomination
- Grant assistance
- A historic cemetery preservation handbook was created to assist individuals and organization concerns with the preservation of historic cemeteries in Florida: "Florida's Historic Cemeteries, A Preservation Handbook", was published in 1989 by the Historic Tallahassee Preservation Board. Funding was provided by the historic preservation grant-in-aid assistance from the division of Historical Resources, Florida Department of State.



Chapter 704.08 Cemeteries; right of ingress and egress for visiting or maintenance

- *The relatives and descendants of any person buried in a cemetery shall have an easement for ingress and egress for the purpose of visiting the cemetery at reasonable times and in a reasonable manner.*
- *The owner of the land may designate the easement.*
- *If the cemetery is abandoned or otherwise not being maintained, such relatives and descendants may request the owner to provide for reasonable maintenance of the cemetery, and, if the owner refuses or fails to maintain the cemetery, the relatives and descendants shall have the right to maintain the cemetery.*

497 and 872 also allows counties and municipalities with jurisdiction over an abandoned cemetery to provide maintenance and security to the cemetery.



## VI. Summary of Initiatives in Other States



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## Overview of Cemetery Initiatives in Other States with Cemetery programs

### Overview of Initiatives in Other States with Cemetery programs.

Some States, such as Georgia, do not have a cemetery program.

In Georgia, Locations of cemeteries are provided to local libraries and/or historical societies and local governmental zoning or development offices, not the State; city and county governments are responsible for enforcing state laws and local regulations regarding historic cemeteries. The primary role of the State Historic Preservation Office is to offer information and make suggestions about whom one might contact to see that cemeteries in their area are protected.

Some only have a historic cemetery grant program (Washington State)

### 15 states *with* cemetery programs were assessed:

Alabama, Arkansas, Connecticut, Illinois, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Tennessee, Texas, Utah, Virginia, West Virginia

**These State programs vary in regards to legal jurisdiction and scope. The agencies that administer these programs also varies from state to state.**

### Different program agency administration:

- State Historic Preservation Office/Office of the State Archaeologist/Historical Commission (AL, AR, MA, MN, NC, CT, VA, WV, NE, TX, TN)
- Department of Archives (MS)
- Office of State Comptroller (IL)
- Office of Licensing and Regulatory Affairs (MI)
- State Administrative/Advisory Board (UT)



## Overview of Cemetery Initiatives in Other States with Cemetery programs

- Cemetery program consists solely of cemetery database management (AR, UT)
- No jurisdiction but substantial state cemetery program run by state to compile, assess, and disseminate cemetery information (NC, TX)
- Jurisdiction through permitting programs for substantial cemetery maintenance and relocation (AL, VI, WV)
- Jurisdiction through dispute investigation (MI)
- Two state programs have complete oversight legally regarding cemetery location, designation, protection, and relocation for cemeteries over a certain age (typically 50 or more years since cemetery ceased to be active). (MN, NE)



### Minnesota Cemetery Program

- An agency or landowner can request a cemetery authentication from the State Archaeologist. The State Archaeologist will prioritize authentication requests based on immanent threat, planning needs, current staff schedules, and the likelihood that a burial exists in a given location.
- The State Archaeologist has the right to enter all non-federal property for the purposes of authentication. If a burial ground is likely to exist in a particular area, a field visit by state staff may be scheduled. Due to limited staff, schedules may prohibit site visit if there is not an immanent threat and it is located some distance from the office; it may take several weeks to actually make a field visit or the State Archaeologist may never visit the location if it is not threatened.
- If the State cannot respond to a cemetery inquiry due to funding and scheduling restrictions, the landowner or developer has the option of hiring a qualified archaeological contractor to assist with the authentication.
- The archaeological contractor must obtain a Burial Site Assessment License from the office of the State Archaeologist before beginning fieldwork. If the detailed field examination fails to find any evidence for burials, the State Archaeologist may terminate the authentication procedure at any time and make a negative declaration.



### The North Carolina Cemetery Survey

Program for recording vital statistics from the state's cemeteries. It operates at the county level and is coordinated through the State Archives at the state level.

The program's objectives are:

- Identifying, mapping, and describing existing cemeteries in North Carolina regardless of size, type, or physical characteristics. Since vital statistics were not kept officially until 1913, the emphasis of the survey is on those graveyards with burials before that date.
- Permanently preserving historical, genealogical, sociological, demographic, and cultural data contained in abandoned or otherwise not-cared for cemeteries, including epitaphs and photographs whenever possible.
- Providing more recent and comprehensive survey data than that available in earlier cemetery surveys, such as the one conducted by the Works Progress Administration (WPA) in the 1930s and 1940s.



### Texas Cemetery Preservation Program

- The Cemetery Preservation Program of the Texas Historical Commission supports countywide and local cemetery preservation efforts in each of the 254 counties across the state.
- Cemetery Preservation Program staff provides consultation, educational materials, and training to concerned citizens and public officials. In addition, the program offers the Historic Texas Cemetery (HTC) designation and maintains a statewide inventory of cemeteries to record and protect historic burial grounds.



### The Alabama Historical Commission Cemetery Program

- Provides assistance in identifying, documenting, registering, and protecting Alabama's historic cemeteries. Through the cemetery program, the Alabama Historical Commission makes information on Alabama's cemeteries laws available; informs the public about general cemetery preservation guidelines; issues permits for substantial work - including, but not limited to the relocation of human remains in cemeteries at least 75 years old.
- The Alabama Historical Commission manages a permit program in which they may issue permits regarding cemetery preservation, investigation, restoration, or relocation of human burials.
- The AHC only issues permits for cemeteries that are at least 75 years old or older. A permit is issued in the form of a letter signed by the Executive Director of the Alabama Historical Commission. **Permittee is responsible to obtain permission from the property owner, prior to permit application, to access the cemetery.**





## SUMMARY



### States with greatest jurisdiction (including permitting programs)

- State agencies with greater authorization and jurisdiction over historic cemeteries provide less legal authorization to lineal descendants.
- Serve as central location and repository to record and synthesize cemetery information; take lead on cemetery issues including significant maintenance and relocation.
- Tend to be less populated / less development, or, like Minnesota, state jurisdiction can create a bottleneck-like restriction to investigate and record these cemeteries.

### States with least jurisdiction (substantial state funded cemetery programs)

- Greater legal authorization to lineal descendants, municipalities, landowners and local law enforcement.
- Serve as central location and repository to synthesize and disseminate cemetery information to public and local municipalities; provide guidance including information regarding legal statutes covering cemetery protection, and acts as an advocate for cemetery preservation.
- Work with outside agencies to record and protect burial grounds.



## VII. Task Force Member Presentations



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Rep. Fentrice Driskell



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43

43

Mr. Jeff Moates



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44

44



# Task Force on Abandoned African American Cemeteries

– Second Meeting, Sept 2, 2021, Tampa, FL

Jeffrey Moates, Regional Director  
Florida Public Archaeology Network, University of South Florida



45



## A gap in protections for historic cemeteries exists between state and local levels.

**Considering:**

- State law protects human remains regardless of location, whether on public or private property.
- A number of historic cemeteries are “missing” from modern maps and official systems of knowledge today.
- Efforts are underway to collect and record information on these historic cemeteries.

46

# What mechanisms are in place to ensure these sacred grounds are known at all levels, including descendant and property owner?

Case studies and previously reported examples:

- College Hill Cemetery & Zion Cemetery, Tampa, FL
- Branhilda Richardson-Knowles Memorial Park and Historic Cemetery, Deerfield Beach, FL
- Works Progress Administration – Veteran’s Grave Registration of 1940

47

## Tampa Bay Times

FLORIDA'S BEST NEWSPAPER

tampabay.com

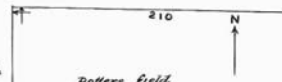
\*\*\*\* Sunday, June 23, 2019 | \$2

### THE FORGOTTEN

In the early 1900s, nearly 400 African-Americans were buried in Zion Cemetery on Tampa's edge, then records stopped. Where are the bodies?



Being situated as follows from a point 132 1/2 North of SW corner of NW 1/4



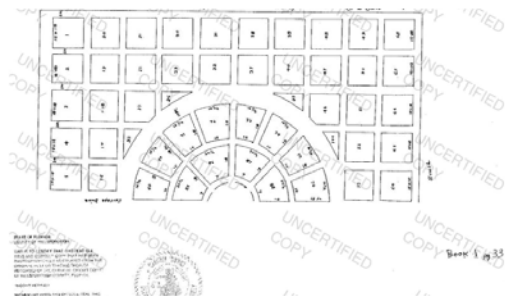
210  
Zion Cemetery  
Batters Field

- College Hill Cemetery
- Zion Cemetery

### A timeline detailing the creation and disappearance of Tampa's College Hill Cemetery

College Hill Cemetery had burial sections for Black and Cuban people. More than 1,200 buried there are missing.

Listen 06:36



A plot from 1887 of a Cuban burial section located on land that today is used as a parking lot by the Italian Club Cemetery [Courtesy of the Hillsborough County Clerk of Courts]

By Paul Guzzo  
Published May 19  
Updated May 19

48





**Branhilda Richardson-Knowles Memorial Park and Historic Cemetery, Deerfield Beach, FL**



49

- **Works Progress Administration (WPA) – Veteran’s Grave Registration of 1940 - 1941**

**Available online:**

<https://ufdc.ufl.edu/UF00047703/00007/2j>

**FLORIDA  
DEPARTMENT OF  
MILITARY AFFAIRS**



SPECIAL ARCHIVES PUBLICATION

NUMBER

37

WPA  
VETERAN'S GRAVE REGISTRATION  
1940-1941  
REPRINT

HILLSBOROUGH, POLK

STATE ARSENAL

ST. AUGUSTINE, FLORIDA

50

**FLORIDA**  
WPA  
Veteran's Grave Registration  
(1940-1941)  
Regions included in DMA  
Special Archives Publications  
30-39  
(No information is available on  
shaded counties)

- Works Progress Administration (WPA) – Veteran's Grave Registration of 1940 - 1941

Available online:  
<https://ufdc.ufl.edu/UF00047703/00007/2j>

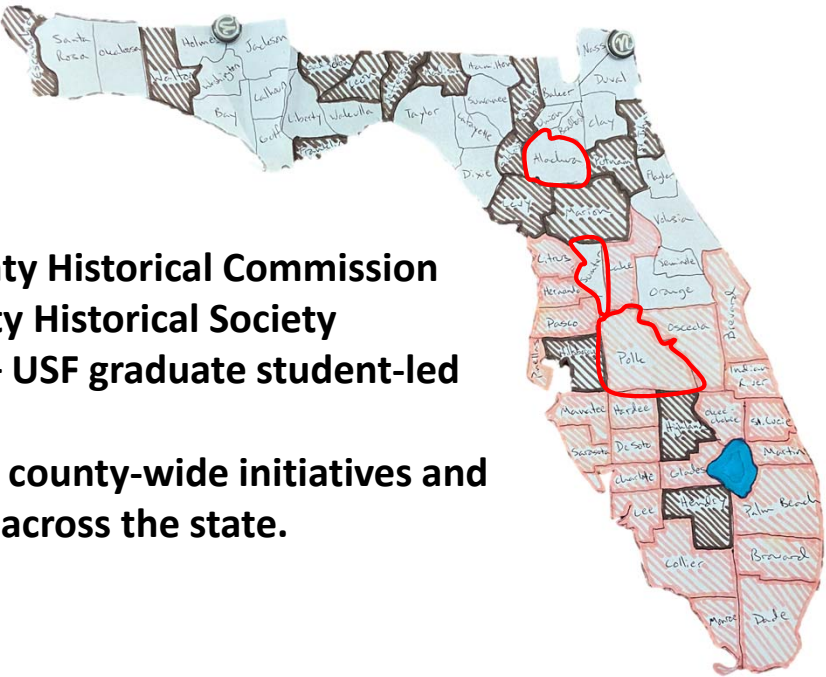
- Cemetery location information is available for 52 of 67 Florida counties.

51

**FLORIDA**  
WPA  
Veteran's Grave Registration  
(1940-1941)  
Regions included in DMA  
Special Archives Publications  
30-39  
(No information is available on  
shaded counties)

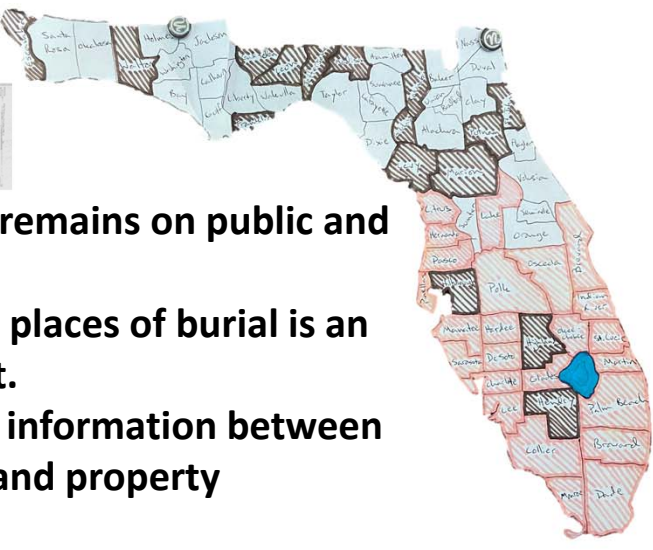
- Currently under study
- County not available/not researched to date

52



- **Alachua County Historical Commission**
- **Sumter County Historical Society**
- **Polk County – USF graduate student-led project**
- **Various other county-wide initiatives and undertakings across the state.**

53



## Key takeaways:

- **State law protects human remains on public and private property.**
- **Identification of “missing” places of burial is an ongoing cooperative effort.**
- **A mechanism to share the information between state, local governments, and property appraisers is lacking.**
- **Impacts descendants’ and relatives’ right to access and provide upkeep (FS 704.08).**

54



Ms. Althemese Barnes

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55

55

# Florida Historic African American Cemeteries Research Brief

Tampa, Florida

Research Conducted by Task Force Member Althemese Barnes since the  
First Meeting in Tallahassee, Florida on July 20, 2021

56

### **Points of Discovery Since First Meeting:**

- Persons in communities are very willing to share information and stories about cemeteries that are abandoned, neglected, have been desecrated, dismissed or became lost in time.
- The word “Abandoned” does not accurately describe the reason why many African American burial grounds became unkempt or not maintained. Rather: “Neglect”, “Lost from History as generations passed on”, “Desecration” and being dismissed or on the periphery “at best” in decisions made by those in power in communities led to the problem that the Task Force and residents are challenged with today.

57

- The State of Florida is commended for this initiative and has an opportunity to lead and set a model nation-wide for identifying, recording, preserving and bringing respect to the numerous heretofore neglected, disrespected, forgotten in time and now referred to as Abandoned African American cemeteries.
- Research into the origin of a cemetery can be a key factor in seeking a resolution for perpetual maintenance, restoration and/or preservation. Examples follow: Greenwood, Hickory Hill, Munree and New Hope in Tallahassee; Moncrief Road Cemeteries in Jacksonville, Florida.

58



## **OUT OF STATE-LOUISIANA**

### **ABANDONED, NEGLECTED, LOST TO HISTORY AND DESCECRATED AFRICAN AMERICAN BURIAL GROUNDS – A NATIONAL PROBLEM**

Sharing: Sharyn Thompson, Founder and Director of The Center for Historic Cemeteries Preservation, is an historian and cultural geographer-Balsam North Carolina, formerly Florida.

A friend who teaches at LSU called to tell me research has shown that the University's health center (built in the 1930s) was built over a slave cemetery -- which people apparently knew about and went ahead with anyway.

If you Google Slave Cemetery on LSU Campus, three or four articles pop up --from the Baton Rouge Advocate. The article entitled "Oh Boy" discusses the actions that could occur -- tearing down the building, putting up interpretive markers, etc. The others give factual information, with even a photo of a contemporary newspaper article, about the site.

This is a very recent discovery (or re-discovery) that I will use for discussion at the Upcoming December 2021 History Conference.

59

## **Definitions**

- Abandonment: leave completely; forsake; give up; freedom from
- Neglect: disregard; fail to do; withhold; not given proper care
- Loss of History: "generational" separation from; a record of events-burials nonexistent and unrecorded
- Desecration: Insult something holy; damage something revered; vandalism; defilement
- Definitions are important in the process of addressing and developing strategies to resolve unattended, unkempt, desecrated African American Cemeteries. As well, the origin of burial grounds can impact the solution. Intentional focus, community and institutional, is necessary to effectively discuss, identify, research and develop enforceable guidelines to restore and preserve these important burial grounds.

60

## **Research – Identification – Advocacy – Documentation – Restoration – Preservation Examples**

Clearwater, Florida (Pinellas County) - **Whispering Souls African American Cemetery**

Tallahassee, Florida (Leon County) - **Bethel Church Cemetery**

New Smyrna Beach (Volusia County) - **Oaklynn and Larkins Cemeteries**

Sanford Florida (Seminole County) - **Page Jackson Cemetery**

Delray Beach Florida (Palm Beach County) - **Pine Crest Cemetery changed to Delray Beach Memorial Gardens**

Nassau/Duval County - **Franklin Town Cemetery**

Tallahassee, Florida – **Centenary, Hickory Hill, Welaunee and Greenwood Cemeteries**

Several other Phone calls and emails received and are in process of being responded to.

61

## **Shared African American Cemetery Profiles – Situations and Issues**



**Page Jackson Cemetery**

62



**Page Jackson Cemetery**

63



Trees leaning from strong storm wind direction. Many trees have fallen on graves.  
White post markers to identify grave burial sites.



Trees leaning and falling.

**Munree Cemetery**

64





Hickory Hill Cemetery: Community and Development Collaboration

65



Community and Local Government Collaboration  
 In progress of restoration and preservation: Historic Marker acquired 2019.

66



**Centenary Cemetery:** Surveyed but no restoration or preservation; discovered by archeological survey

67



**Greenwood Cemetery Cleanup**

Eleven acre cemetery was created as a result of a City discrimination - 1936.  
 In 1987- Community Advocacy resulted in one time Clean up by the community followed by  
 Acquisition and Perpetual care assumed by the City of Tallahassee

68



### **Greenwood Cemetery**

Success story of community and municipal restoration, preservation and perpetual care

69

## **Closure**

Because many natural and man-made factors are adversely affecting Florida's African American cemeteries and burial grounds, and have for some time, the sites, known and unknown, to the extent possible, are in need of research, surveying, restoration, documentation and preservation for the valuable information that they provide to the state's historical record and in reverence and respect for a group of people who have accomplished, contributed and helped to build the state of Florida.

Logo: Riley House, FAAHPN, Culture Builds Florida

70

Mr. Jaha Cummings



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VII. Task Force Member Discussion



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## VIII. Update on Public Input

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## IX. Public Comment

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X. Adjourn

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75

75



Abandoned African-American Cemeteries Task Force  
Second Meeting

September 2, 2021

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76

76

**Florida Historic African American Cemeteries Research Compiled by Ms. Althemese Barnes, Executive Director, Florida African American Heritage Preservation Network, Based on Brief Profiles Shared by Community Members**

**Clearwater, Florida (Pinellas County)**

**Informant: Sandra Rooks (Pinellas County African American Museum)**

There is one less abandoned historic Black cemetery in the Tampa Bay area.

Last month, the Pinellas County Sixth Judicial Circuit Court granted ownership of Clearwater's Whispering Souls African American Cemetery to a nonprofit comprised of volunteers who, in recent years, have cared for the burial ground.

"This is a time to celebrate," said Jacqueline Hayes, president of the Whispering Souls African American Cemetery Inc. nonprofit. "We've saved the cemetery."

Her grandfather, Charles Smith, once served as secretary of the cemetery's ownership group, a Black fraternal organization called the St. Paul Home Helping Hand Society.

In 1953, the society deeded the cemetery at 2698 South Dr. to "The Safety Harbor Colored Community."

**Tallahassee, Florida (Leon County)**

**Informant: Gladys Caswell, Local Preservationist and Leon County Native.**

The cemetery is located approximately 23 miles, Highway 20, west. The cemetery at one time was in 2 parts with the whites buried upfront in the first half; African Americans were buried in the back half with a different entrance. Parking was in front of the white church; we would park there, then walk around the side in almost a wide trail to enter the cemetery. I believe there was sufficient room for the hearse to be backed up to the gate to avoid carrying the casket too far by hand! Approximately 8-10 years ago, from my understanding one of our cousins gave permission for the fence which divided the 2 cemeteries to be removed: now it's one large burial place.

**New Smyrna Beach (Volusia County)**

**Informant: Mary Harrell-Mary Harrell Black History Museum.**

The number of cemeteries that have been used by African Americans since 1865 is amazing. In the New Smyrna Beach area, listed below are cemeteries that have been abandoned.

- (1) Oaklynn Cemetery founded in 1926. Located near the Edgewater Airport, off Air Park Road in Edgewater, FL (Volusia County). This cemetery is filled with former slaves who died free, along with their children and many veterans of every war. Over 300 plots but very few markers.
- (2) Larkin Cemetery, located at the rear of the Hidden Lakes Golf Course, 1186 N Golf Lake Dr., New Smyrna Beach, FL 32168. The Larkin Cemetery

A settlement of African Americans was located near Turnbull Bay Road around the turn of the century, they built the roadbeds and laid the tracks for the Florida East Coast Railway in this area. There, they worked, lived, died and buried their dead in a community graveyard which is

now called the Larkin Cemetery. It is named after the most permanent headstone which is that of Mamie Larkin. Her name and date of birth from 1875 to 1911 is etched into the rough concrete headstone.

When Lee and Kathy Griffith owned Hidden Lakes Golf Club, they discovered the abandoned graveyard and proceeded to cleanup and restore it with significant help from the Mary S Harrell Black Heritage Museum.

**Sanford Florida (Seminole County)**  
**Informant: Pasha Baker-Goldboro Museum**  
Page Jackson Cemetery:

IMLS Museum Grants for African American History and Culture  
The Goldsboro West Side Community Historical Association, Inc. presents:  
Page Jackson Cemetery Collection- Narrative

1. Project Justification

Proposal: The Goldsboro West Side Community Historical Association “Association” submits this request to support the conservation of the Page Jackson Cemetery “Cemetery” Collection. In 1930, the Cemetery was seized in a clerical error by the State of Florida during Jim Crow laws. The Association recently purchased the Cemetery from the State of Florida.

Page Jackson Cemetery:

Page Jackson ‘s Cemetery was established in 1830 as the main burial ground for former slaves and their descents residing in present day Seminole County. At the time of its conception it was known as the “Colored Cemetery”. The cemetery lies approximately on 2 acres of land that gave African Americans the opportunity to bury loved ones in a respectful resting place. It also provided the opportunity for purchases of burial plots by families, burial societies, churches, funeral homes, and fraternal organizations such as the Odd Fellows, creating private cemeteries within the boundaries of the burial ground.

The rich history of African Americans enslaved and free African Americans; African American Civil War, World War I, World War II Veterans; The African American Pioneers, community leaders, and educators; The farmworkers, railroad labors, domestics, indigents; All whom were early settlers of Greater Goldsboro township; The second incorporated African American township in the United States founded in 1891 by William Clark. In 1887 Mr. Clark’s brother, Joseph founded the first African American Township, Eatonville, 15 miles north of Goldsboro. According to local history within the African American community; while in the process of burying their dead, the community noted that William Page Jackson an African American farmer who lived adjacent to the cemetery, would “stop working out of respect for the deceased and would not resume his work until the funeral procession had passed”. Over time the “Colored Cemetery” became known as “Page Jackson” Cemetery. If children were disrespectful to their parents, their parents would say “ I am going to send you out there with Page Jackson”!

Page Jackson is the resting place of many heroes, famous patrons, and legendary stories.

Notable’s buried in the cemetery include Civil War, World War I, and World War II heroes; Mr. William Clark- founder of Goldsboro in 1891; The First Principal of Goldsboro Elementary in 1893- Mrs. Joanna Moore; The first African American Woman Post Master in 1896- Mrs. Rosa Boykin; Famed Ebony Magazine Photographer- Mr. Willie Brown; Muhammad Ali’s Trainer- Mr. Drew Bundini Brown, who was responsible for all of Mr. Ali’s quotes like “Float like a butterfly and sting like a bee”!

The burial grounds are also home to African Yorba Practitioners, Black Masons, The Prince's of Tides, and The Sister's of Ruth organizations.

The historic cemetery contains our dark past such as the mass graves of those enslaved, A family including a One-Day Old Baby whom were killed by the Ku Klux Klan, and the Lynchings of many African American Men such as Percy Bayless.

A century after its inception, Page Jackson Cemetery was seized due to a "clerical error" in 1930 during Jim Crow Laws. In 2016, The Goldsboro West Side Community Historical Association, Inc. began the purchase of Page Jackson Cemetery from The State of Florida. The burial grounds were sold and the historic and symbolic sale was completed during February- Black History Month. The Governor and his entire Cabinet signed the Deed of Sale accompanied by the raised seal of the State of Florida.

Page "1 IMLS Museum Grants for African American History and Culture  
The Goldsboro West Side Community Historical Association, Inc. presents:  
Page Jackson Cemetery Collection- Narrative

The State of Florida sold the Cemetery to the Association because the majority of those departed are connected with the pictures, artifacts, and documents in the Association's Goldsboro and Crooms Academy Museums.

Challenge:

The blighted cemetery has long been a source of heartbreak and tension between Seminole County and The Goldsboro Community for nearly a century. The cemetery has been greatly impacted by Mother Nature. The 50 foot trees have covered the grounds, crushed headstones, moved aluminum markers, and faded papers of memorials from their original locations. The cemetery markers are illegible as a result of biological growths such as moss, mildew, algae, and lichen. The excessive bush camouflages sunken graves and dense terrain with crevices up to ten feet deep. The oversight by officials led to grave robberies, the opening of burial chambers, spiritual rituals performed on dead bodies, homeless camps, trash dumping, and illegal activities such as prostitution and drug deals.

Page Jackson Cemetery is well known as a destitute and dangerous area instead of a peaceful burial place. As evidenced by The Sanford Police Department, they have shown a increase of crime in the cemetery and the Goldsboro Community.

The statistics below further show the number of violent crimes in Sanford are double the national average.

Violent crime rate in 2014 Property crime rate in 2014

Sanford: Sanford:

443.6 476.3

U.S. Average: U.S. Average:

202.6 232.8

The highest amount of crime in Sanford is within a one mile radius of Page Jackson Cemetery and The Association.

\*The data is from City-Data. <http://www.city-data.com/crime/crime-Sanford-Florida.html>\*

Benefit:

Benefit as a Community Anchor: To heal deep racial wounds by returning dignity, respect, and promise to the African Americans buried in Page Jackson Cemetery.

Benefit to History: To conserve and connect the history of the cemetery with the Goldsboro Museum.

Benefit to Education: The informal atmosphere provides learning and increases access to the

history of Goldsboro. The cemetery extends the reach of a traditional museum through no cost or barriers.

Page Jackson Cemetery enhances the capacity of the Association by executing the following Mission, Goals, and Activities:

Mission: To enrich the quality of life through the History and Culture of Goldsboro

The Goals of the Goldsboro West Side Community Historical Association, Inc. are:

1. To Cultivate Community Engagement and Partnerships in Goldsboro
2. Elevate Economic Arts Development
3. Provide Solutions to Modern Day Problems thru Humanities
4. Educate Generations of the Extraordinary History of Goldsboro
5. Preserve and Increase Access to the Humanities.

Page "2

IMLS Museum Grants for African American History and Culture

The Goldsboro West Side Community Historical Association, Inc. presents:

Page Jackson Cemetery Collection- Narrative

Page Jackson Cemetery Activities:

- 1) Conservation: To gather, document, conserve, and connect the historical stories of those departed in the cemetery with the pictures, artifacts, and documents in the museum.
- 2) Education: To educate and increase access to the humanities through the cemetery. The cemetery has no cost nor barriers to entry and provides an informal atmosphere for learning.
- 3) Community Anchor: To heal deep racial wounds by returning dignity, respect, and promise to the African Americans that fought in the Civil War, World War I, and World War II; The African Americans that were enslaved, lynched, and servants; The African American pioneers, educators, and businessmen that are all buried in Page Jackson Cemetery.
- 4) National Registry: Submit a National Historic Register nomination for Page Jackson Cemetery.

The objectives for the Page Jackson Cemetery align with the goals of the Museum Grants for African American History and Culture by:

The AAHC program supports projects that improve the operations, care of collections, and development of professional management at African American Museums. The Page Jackson Cemetery Collection addresses the improvement of operations by hiring a Chief of Cemetery Conservation and Cemetery Conservation Coordinator. These positions conserve the priceless history, improve community engagement, strengthen community relationships, build upon strong business partnerships, and provide stable and sustainable growth to the Association. Furthermore, it allows us to create a succession plan to ensure future generations have access to the collection, cemetery, and Association. We plan to use the activities- conservation, education, and community anchor in the above paragraph to align with African American History and Culture goals.

## 2. Project Work Plan

The specific activities, evaluation, and performance measurement for Page Jackson Cemetery Collection.

Activity: Conservation-To gather, document, conserve, and connect the historical stories of those departed in the cemetery with the pictures, artifacts, and documents in the museum.

Measurement: Quantity- Documented and Connected stories from the cemetery to the Goldsboro Museum

Evaluation Method: The number of connected stories and documents from the cemetery

Activity: Education- To educate and increase access to the humanities programming. Our Common Heritage Programs engage the community to document their families history. In return we receive documents, photos, and oral history for the collection through community outreach.

Measurement: Quantity- Survey patrons and partners from community outreach programs

Evaluation Method: Survey community outreach patrons

Activity: Community Anchor: To heal deep racial wounds by returning dignity, respect, and promise to the African Americans that fought in the Civil War, World War I, and World War II; The African Americans that were enslaved, lynched, and servants; The African American pioneers, educators, and businessmen that are all buried in Page Jackson Cemetery.

Measurement: Quantity - The number of Common Heritage programs and The number of Partnerships

Evaluation Method: Survey partners of the Cemetery and community outreach programs

Activity: To submit a National Historic Register nomination for Page Jackson Cemetery.

Measurement: Nomination Submission

Evaluation Method: The submission of a National Register nomination

Risks to the Page Jackson Cemetery Collection:

Page "3

IMLS Museum Grants for African American History and Culture

The Goldsboro West Side Community Historical Association, Inc. presents:

Page Jackson Cemetery Collection- Narrative

The risks to Page Jackson Cemetery Collection is extreme weather. The cemetery has withstood many Hurricane's including our latest Category 3 Hurricane; Hurricane Irma in September 2017. Due to the extreme wind and rain, Seminole County was declared a disaster county. The cemetery had minimal damage.

The Goldsboro West Side Community Historical Association, Inc. "Association" has a master disaster recovery plan for the Goldsboro Museum, Francis Oliver Cultural Arts and Goldsboro Welcome Center, Crooms Academy Museum, The Goldsboro Art Square, The Goldsboro Heritage & Art Garden, and Page Jackson Cemetery.

Who will plan, implement, and manage the Page Jackson Cemetery Collection?

Provided in project staff to ensure page limit request.

When and in what sequence will activities occur?

Provided in schedule of completion to ensure page limit request.

What Time, Financial, Personnel, and other resources are needed to carry out the Page Jackson Cemetery Collection?

The Association's commitment to the success of The Page Jackson Collection incorporate the 1:1

cost share ratio with use of its Museum resources, contribution of professional staff time and talent, contributions of volunteer time and talent, cash contributions, and utilization of the 5 Association resources. The proposed request includes staff salaries, travel, registration fees, IMLS designated meetings, and professional memberships.

How will you track your progress toward achieving your performance goals and intended results?

The progress of The Page Jackson Cemetery Collection will be tracked through monthly quantitative reports on conservation, community partnerships, and common heritage programming by the Cemetery Conservation Coordinator. The Chief of Cemetery Conservation will have objectives that will be evaluated by the Board of Directors. The key measurement is

the monthly reports that will advise the team whether the project goals are being met. The data will align with IMLS performance measurements.

How and with whom will you share your project results?

One of the many responsibilities of the Cemetery Conservation Coordinator, is the critical duty to document and create a blueprint for other museums to follow. The blueprint for The Page Jackson Cemetery Collection will share discoveries, data, performance evaluation, and communicate results via a blog at [www.goldsboromuseum.com](http://www.goldsboromuseum.com) and a white paper will also be made available to the public.

### 3. Project Results

Describe how you will collect and report the corresponding data for the IMLS Community performance Goals.

The data collected through the Cemetery project will align with the IMLS Community performance goals. The performance goals and data used for measurement are:

1. Quantity- Documented and Connected stories from the cemetery to the Goldsboro Museum
2. Quantity- Survey patrons and partners from community outreach programs
3. Quantity - The number of Common Heritage programs and The number of Partnerships
4. Survey visitor engagement and experience
4. The submission of a National Register nomination
5. Organizational development, management, and engagement.

Page "4

IMLS Museum Grants for African American History and Culture

The Goldsboro West Side Community Historical Association, Inc. presents:

Page Jackson Cemetery Collection- Narrative

The outcome based evaluations will align with IMLS Community performance goals.

Our Board of Directors will evaluate the association on the following:

1. My organization is better prepared to provide a program or service that addresses community needs.
2. My organization is better able to engage my community.
3. My organization is better prepared to develop and maintain on-going relationships with community partners.
4. My organization is better prepared to share knowledge and other resources as an active contributor to problem solving in the community.

The outcome based evaluations will align with IMLS Community performance goals.

Our Community Partners will evaluate the association on the following:

1. The Cemetery offers programs, services, or resources that address community needs.
2. The Cemetery is an active contributor to problem solving in the community.

The data collected from the Board of Directors and Community Partners

1. Number of total responses
2. Number of responses per answer option
3. Number of non-responses

Describe your projects intended results that will address the challenge identified and behaviors.

The Page Jackson Cemetery Collection intended results are:

- 1) Conservation: To gather, document, conserve, and connect the historical stories of those departed in the cemetery with the pictures, artifacts, and documents in the museum.
- 2) Education: To educate and increase access to the humanities through the cemetery. The cemetery has no cost nor barriers to entry and provides a informal atmosphere for learning.

3) Community Anchor: To heal deep racial wounds by returning dignity, respect, and promise to the African Americans that fought in the Civil War, World War I, and World War II; The African Americans that were enslaved, lynched, and servants; The African American pioneers, educators, and businessmen that are all buried in Page Jackson Cemetery.

4) National Registry: Submission of the Page Jackson Cemetery National Registry Nomination  
How will the knowledge, skills, behaviors, and/or attitudes of the index audience change as a result to your project?

The result of healing deep racial wounds, connecting history, the conservation of the Page Jackson Collection and providing the underserved population no barriers nor cost to access the humanities. The Goldsboro community will 1) Change their attitude and behavior due to a positive outlook, 2) Have a healthier quality of life, 3) Gain knowledge of the history of Goldsboro thorough informal learning, 4) Provide the history and culture of Goldsboro while engaging the community, and 5) Will share in the common heritage of the collection.

What tangible products will result from the Page Jackson Cemetery Collection?

The tangible products from the cemetery are 1) The Page Jackson Cemetery Conservation 2) National Registry Nomination 3) a blueprint in digital and print, for other museums to duplicate.  
How will you sustain the benefits of The Page Jackson Collection

We will use the tangible products listed above, government partners, corporate partners, underserved citizens, and our community to sustain this project. The development of the professional staff is essential to maintaining this project, as they are the key drivers to the successful outcomes and performance goals listed in this grant. The engagement of donors and supporters, stable track record for the past 6 years, and execution of this project thus far will expand this project and our endeavors will be successful.

Page "5

### CONTINUE WHISPERING PINES CEMETERY INFORMATION:

They thought they were doing the right thing,” Hayes said. “They thought that’s how they could give it back to the community.”

Instead, the vague deed left the cemetery without a specific owner tasked with upkeep of the property that measures just under an acre. It was abandoned.

Jacqueline Hayes of Safety Harbor fans herself after placing flowers at the grave of her grandmother, Amanda Smith, while visiting the Whispering Souls Cemetery. [ DOUGLAS R. CLIFFORD | Times ]

Still, it survived an era when historic [Black cemeteries throughout the Tampa Bay area were being erased](#). Five have been rediscovered in recent years and there is an ongoing search for others.

In Tampa, [Memorial Park Cemetery was abandoned](#) when the owner died in 2019. The city is maintaining the 20-acre Black cemetery until a nonprofit can be formed to take over ownership.



“Why did Whispering Souls remain?” asked Lou Claudio, a member of the nonprofit. “That might forever be the great unknown.”

Developers built around Whispering Souls. It is neighbored by homes on three sides. On the fourth side is a road with more homes across the street.

“The locals know it is here, but that’s about it,” said Laura Kepner, author of *A Brief History of Safety Harbor*. “When people come looking for it and pull into the neighborhood, they think they are lost.”

In the late 1800s, Pinellas County’s pioneering McMullen family owned orange grove property that included Whispering Souls, which was then known as the Safety Harbor Colored Cemetery.

According to the nonprofit, in 1902 the land was sold to the pioneering Coachman family. They lost the groves in 1928 due to unpaid real estate taxes.

In 1944, Alfred Ehle acquired the land and later gave the cemetery to the St. Paul Home Helping Hand Society, which then deeded it, vaguely, to the Black community.

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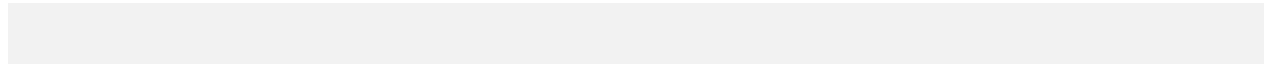
[Find all our newsletters](#)

Over time, residents either forgot about the cemetery or did not have the means to care for it.

Claudio learned of its existence in 1997, when the American Legion sponsored a cleanup “based on their awareness that veterans are buried in the cemetery,” he said. “But I kept thinking we need to do more for it.”

Hayes returned to the area from Boston in 2014. She met Claudio while speaking at a history program about her grandfather’s significance as a leader in the Black community.

“Lou said he had been trying for years to get somebody to help clean up the cemetery,” Hayes said. “He needed my help organizing people.”



Tonya Barber, left, and Jacqueline Hayes, stand at the property line between Barber’s home, background, and the Whispering Souls Cemetery in Clearwater. [ DOUGLAS R. CLIFFORD | Times ]

Before the group of around 40 volunteers began regular cleanups, neighbor Tonya Barber said the foliage was so thick that none of the markers were visible. She was unaware the property was even a cemetery when she purchased her home 20 years ago.

“The weeds and grass were to here,” said Barber, motioning to her chin. “That’s how bad it was. This looks fabulous today.”

Barber then began serving as the cemetery’s unofficial security guard.

“If I catch anyone disrespecting it, I chase them away,” she said.

Ground-penetrating radar discovered that at least 130 people are buried in Whispering Souls, but there are only 20 visible markers. The earliest marker dates to 1896 and the most recent to 1973.

Hayes’ grandmother, Amanda Smith, still has a marker. Her grandfather’s marker went missing during the cemetery’s years of abandonment.

The volunteers formed the nonprofit in 2019 and renamed the cemetery based on the belief that they could hear the souls whispering in support of their effort.

Around a year ago, they began proceedings to assume ownership. The *Tampa Bay Times* supported the cause by donating the required legal advertisements.

“This is the end of one chapter and the start of a new chapter,” Hayes said. “Now, we have to make sure the cemetery never falls into bad shape again.”

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### Delray Beach Florida

#### Informant: Charlene Farrington of Spady Museum

In 1951, African Americans were displaced from the area which is now known as Chevy Chase. This concrete barrier along Lake Ida Road was erected to separate the races. The area is Lake Terrace and Aylesbury Road near N.W. 2<sup>nd</sup> Avenue and 6<sup>th</sup> Street.

Below is the personal account of Delray Beach residents.

TO: Dottie Patterson  
From: Addie Hudson  
Re: An Early Burial Site  
September 25, 2003

For many years Delray Beach's Cemetery was called Pine Crest Cemetery. In recent years the name was changed to Delray Beach Memorial Gardens.

African-American (Black pioneers) buried their dead in a small section of town, Linton now Delray Beach about a block north of NW 5<sup>th</sup> av. across Lake Ida Road. Walking north on a sandy path, one could see the unkempt, deserted site on the right.

Black pioneers lived in this section of town until whites bought them out and moved in. Two houses from that area are still standing. The

September 25, 2003

To: Dottie Patterson

From : Addie Hudson

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For many years Delray Beach's cemetery was called Pine Crest Cemetery. In recent years the name was changed to Delray Beach Memorial Gardens.

Afro-American (Black Pioneers) buried their dead about a block North of NW 5<sup>th</sup> Avenue across Lake Ida Road. Walking north on a sandy path, one could see the un-kept, deserted site on the right.

Black pioneers lived in this section of town until Whites bought them out and moved in. Two homes from that area are still standing. The late Georgianna Phoenix's house was moved to NW 5<sup>th</sup> Avenue and the late Lalla Hallback's house was moved to the corner of NW 6<sup>th</sup> Avenue and 3<sup>rd</sup> Street in the 1950's.

The following citizens remembered and verified that this abandoned burial site existed:

- |                       |                       |
|-----------------------|-----------------------|
| 1. Addie Davis Hudson | 6. Yvonne Baine       |
| 2. Ruth Davis Wright  | 7. Ophelia Mitchell   |
| 3. John A. Davis, Sr. | 8. Thomas Kemp        |
| 4. Albert Green       | 9. Solomon Rolle      |
| 5. Alfred Straghn     | 10. Nathaniel R. Muse |

**Nassau/Duval county**

**Informant: Marsha Dean Phelts**

Franklin Town Cemetery, a two acre plot given by the Harrison family more than two centuries ago as a burial ground for plantation slaves and their families. George Green, (904-321-8362) great grandson of Civil War veteran Gabriel Means, maintains cemetery. Pages 21&22 An American Beach for African Americans. Marsha Phelts

Burial in the Franklin Town Cemetery is only for descendants of the former Franklin Town Community which was in existence for well over one hundred years from 1865-1972. Haunting memories and painful tears fall into the soil as African Americans descendants of the Harrison Plantation recall the still hushed stories of their ancestors about new born mulatto babies born to slave mothers being fed to the dogs by wife of the slave master who fathered them. Page 66 American Beach Book of Homes. Marsha Dean Phelts

## **APPENDIX G**

### **Public Input**

## African American Cemetery Task Force

John Booker <jbooker@volusia.org>

Fri 12/10/2021 11:08 AM

To: Graf, Shruti C.. <Shruti.Graf@dos.myflorida.com>

 1 attachments (56 KB)

DOC121021.pdf;

### EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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Good morning Dr. Graf: I listened to yesterday's meeting of the Task Force and I heard one of the speakers mention New Smyrna Beach as a potential site to be cataloged by the Task Force. It occurred to me that you may not have received a letter and packet mailed to Secretary Lee on October 28, 2021 from Councilwoman Girtman of the Volusia County Council. I have enclosed the letter and will send the packet in a separate email due to size issues. Thanks for your consideration and review of the information provided.

John S. Booker  
County of Volusia  
Government Affairs  
123 W. Indiana Avenue  
DeLand, Florida 32720  
386-740-5160 office



**Barbara Girtman  
County Council**

October 28, 2021

Laurel Lee  
Florida Secretary of State  
RA Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

RE: Task Force on Abandoned African-American Cemeteries

Dear Secretary Lee,

As a member of the Volusia County Council, I would like to inform you and the Task Force on Abandoned African-American Cemeteries ("Task Force") about several locations within the county that may qualify for consideration under legislation creating the Task Force. Volusia County, like many other counties in our state, has several cemeteries that are in reality abandoned. Currently, Volusia County's Public Works Department and some of those housed in our correctional facilities occasionally mow and maintain 16 cemeteries in various conditions with the majority of those cemeteries located within my district, which covers west Volusia County.

Technically, not all of the 16 cemeteries can be identified as abandoned. For the purposes of the Task Force, I am including the locations of several designated African-American cemeteries as the legislation calls for the task force to "identify locations of unmarked and abandoned African-American Cemeteries."

It is my hope that as the Task Force continues its important work to identify, catalogue and review the status of abandoned African-American cemeteries, you consider the information provided herein and include any relevant information in its report. After the Task Force provides its findings and recommendations, it is, of course, incumbent to expect further action be taken by the state to preserve local history and ensure dignity and respect for the deceased.

Exhibit A contains information on the Glenwood African-American Cemetery located near DeLeon Springs State Park. It is the primary Volusia County cemetery the Task Force should consider abandoned. Exhibit B of this letter contains cemeteries county staff believes to be in neglect. Not enough information is available to designate them as abandoned. Therefore, I would like these locations to be part of any cataloguing the Task Force may perform under the legislation.

Thank you for your consideration of this information. I want you to know how appreciative I am of your work, time and effort.

Sincerely,

A handwritten signature in black ink that reads "Barbara Girtman". The signature is written in a cursive, flowing style.

Barbara Girtman  
Volusia County Council, District 1

## Task Force Recommendations

Burke, Adrienne (RER) <Adrienne.Burke@miamidade.gov>

Wed 12/1/2021 11:26 AM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

Cc: Moates, Jeff <jmoates@usf.edu>; Cody, Sarah (RER) <Sarah.Cody@miamidade.gov>; Ransom, Jeff (RER) <Jeff.Ransom@miamidade.gov>

### EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Task Force Members,

Thank you for your service and for taking the time to read over comments.

I am writing in from the perspective of a local government planner. I have 13 years of experience working in planning and zoning in Florida, including in historic preservation planning. I have identified some issues, in conjunction with our Historic Preservation Chief and County Archaeologist here in Miami-Dade County, that I'd like to bring to your attention after watching the 11/30 meeting and hearing the recommendations to date:

- Discussion at the meeting included how current statutes are an option for situations where remains are encountered. However, that situation would likely come up because development has already been approved, and earth moving has started. Current statutes do not deal with pre-development, as that falls to local government planning and zoning processes. Having cemeteries on the Florida Master Site File is critical for many reasons; however, the reality of local government, especially those without preservation programs, is that there is nothing that requires them to look at the Florida Master Site File during the site plan and permitting process (unless there was a local ordinance requiring it). Even in the case of jurisdictions with a local ordinance for historic preservation, that type of review is likely limited to only the historic districts or designated property, and not for property elsewhere in the jurisdiction. So while recording and documenting cemeteries on the FMSF is critical, it is not a given that information will be utilized by local governments in their permitting. And of course, that doesn't get to the issue of cemeteries not yet on the FMSF.
- Current statutes don't address historic cemeteries that are in private ownership but no longer active. As a local example here in Miami-Dade County, Lincoln Memorial in Brownsville is a historically significant African American cemetery in private ownership. It is not currently licensed as an active cemetery (confusingly, Lincoln Memorial Park, Inc. is an active cemetery, but it is NOT the Lincoln Memorial Park Cemetery in Brownsville). Because it is not an active licensed cemetery, it seems to slip through the cracks in terms of regulation or oversight. Additionally, because it's in private ownership, it's not eligible for state grants. Evergreen Memorial Park in Brownsville has the same circumstances.
- F.S. 497.284 allows for a local government to step in when a cemetery is deemed "abandoned" and provide maintenance and security. Consider expanding "abandoned" terminology to include the list of other terms that you had identified at the meeting (erased, lost, etc.) This is a good provision in that it allows for intervention, but is also primarily targeted to avoiding liability by the government and allowing for that government to take legal action to recover costs. It also explicitly states that it does not establish an ongoing obligation by the jurisdiction to continue to provide security or maintenance. This does NOT get at the larger issue of ownership and title, and the issue of ongoing care, maintenance and security.
  - An example of this is the historic African American cemeteries off Moncrief Road in Jacksonville. The ownership of some of the cemeteries are under organizations that are defunct. The City of Jacksonville has expended funds recently to survey and clean up the cemeteries, but it is not necessarily ongoing and in that sense the future of the cemeteries is still unclear. Without clear title or a current owner, who could apply for grants for the cemeteries? Is there a program the state envisions that could address the situation of cemeteries that are not officially owned by anyone?

- Another example is Lincoln and Evergreen here in Miami, and another possible need to expand “abandoned” – the cemeteries remained in private ownership, but had many years of ongoing maintenance and preservation issues. Because of that, local government was hesitant to get involved under the 497 provisions. Perhaps legislatively there is something that could be done to encourage local governments to support or provide assistance.
- Under the Education category, and hopefully something that could be handled by the proposed Office of Cemeteries, consider outreach to organizations like the Florida City and County Management Association, and the Florida Home Builders Association. FCCMA is comprised of government administrators who may be there longer than elected officials. Major home builders have staff whose main job is to locate developable land, so if they knew to look for FMSF information, that would be great. Often they reach out to local planners, but empowering them to know this information would be beneficial. As far as planners go, in addition to sending information to local government planning offices, the Florida Chapter of the American Planning Association and the Florida Planning and Zoning Association are other organizations to utilize in conveying information to members.
- Another Education opportunity is to do outreach to each County Property Appraiser and encourage the FMSF cemetery data to be added to property record data that is searchable. Or alternatively, require this legislatively. While this would only help with recorded cemeteries, it is a start. Accessing these records is a basic first step in real estate due diligence, so having the info available early on is important. This would also help planners and perhaps get to addressing the issues identified in the first bullet point.

We don't have answers for all of the above, but thought these questions and info may be of interest to the Task Force for purposes of discussion. We appreciate your hard work on this extremely important issue.

Respectfully,

**Adrienne Burke, AICP, Esq. | Principal Planner**

Miami-Dade County | RER: Planning Division

111 NW 1<sup>st</sup> Street – 12<sup>th</sup> Floor | Miami, FL 33128

P: (305) 375-2826 | E: [Adrienne.Burke@miamidade.gov](mailto:Adrienne.Burke@miamidade.gov)



*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under such laws and thus subject to disclosure. All emails sent and received are captured by our server and kept as a public record.*



## Quick question

Kristopher Smith <KSmith@lisc.org>

Thu 11/18/2021 9:56 AM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

### EMAIL RECEIVED FROM EXTERNAL SOURCE

I'm quietly working with a few folks in Jacksonville/Duval County to gather identify and document unmarked AA gravesites and cemeteries. Is it possible to receive a batch of the postcards that I can share locally for folks who may have information related to a potential location? I'd like to get cards via snail mail and electronically. The taskforce meetings have been informative and useful in guiding our local efforts and I want to make sure we provide precise details that will boost the representation of Jacksonville/Duval County in the Florida master site file.

As a Community Development Officer, I'm tackling this work across multiple fronts – creative placemaking, crime reduction, honoring African American culture and vacant spaces. To that end, I'd welcome the opportunity to have a quick chat with a taskforce staff person over the coming weeks. Please advise.

Best,

Kristopher



### **Kristopher Smith**

Pronouns: he/himi/his

100 North Laura Street, Suite 600

Jacksonville, FL 32202

**Phone:** [904-351-0008](tel:904-351-0008)

**Fax:** 904-353-1314

**W:** [www.lisc.org/jacksonville/](http://www.lisc.org/jacksonville/)

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**Re: Public comment for the Task Force on Abandoned African-American Cemeteries**

Laura Lee Corbett &lt;corbettlauralee@gmail.com&gt;

Mon 11/8/2021 12:48 PM

To: Miyar, Kathryn O. &lt;Kathryn.Miyar@dos.myflorida.com&gt;

Cc: Parsons, Timothy A. &lt;Timothy.Parsons@dos.myflorida.com&gt;; Althemese Barnes &lt;abarnes2619@gmail.com&gt;; African American Cemeteries &lt;AfricanAmericanCemeteries@Dos.myflorida.com&gt;; Graf, Shruti C.. &lt;Shruti.Graf@dos.myflorida.com&gt;

EMAIL RECEIVED FROM EXTERNAL SOURCE

Katie and all,

Sorry, I meant the Florida Morticians Association, not The Association of Independent Funeral Directors. <https://floridamorticians.org/about-us/>

Laura Lee

On Thu, Oct 28, 2021 at 4:20 PM Laura Lee Corbett <[corbettlauralee@gmail.com](mailto:corbettlauralee@gmail.com)> wrote:

Hi Katie.

Thanks for welcoming my FSU class to the B.A.R. today and relating information on the new task force. As discussed, I have a student documenting a historic African-American cemetery unrecorded in the FMSF. She has filled out DHR's postcard and mailed it.

In providing guidance on the cemetery form, I sent her the Guide to the Historical Cemetery form, National Register Bulletin #41 and Sharyn Thompson's bibliography specific to African-American cemeteries. However, they really don't have illustrations to show the various terms listed in the glossaries. More specific illustrated guides mainly show "high style" or older burial markers. Is there a resource to illustrate more recent, common or vernacular markers? If not, could one be created for the layperson to use in identifying such resources specific to the task force's efforts?

Another thought: I see there is a task force member representing the cemetery industry. Has the task force considered reaching out to the Association of Independent Funeral Directors of FL? They are an association of African-American funeral homes and many have been in business for decades. They may be a good resource in the task force's efforts. I have a statewide list of contacts.

I'm sure tomorrow's meeting will be most productive, but unfortunately I cannot attend, thus this message for comment. Thanks again and take care.

--

Laura Lee Corbett  
Historic Preservation Consultant  
1422 Devils Dip

12/15/21, 2:03 PM

Mail - African American Cemeteries - Outlook

Tallahassee, FL 32308  
850.264.4611

--

Laura Lee Corbett  
Historic Preservation Consultant  
1422 Devils Dip  
Tallahassee, FL 32308  
850.264.4611

## 10/29 Meeting

Lou Claudio <lou.sea@verizon.net>

Fri 10/29/2021 3:06 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Greetings to all the panel...what an *excellent* discussion today! My compliments and my thanks to you all for your participation in this process. I am very optimistic that this panel will formulate long-lasting recommendations to redress the sins and failures of the past.

Regards, Lou Claudio (Whispering Souls African American Cemetery Project / Safety Harbor)

## FW: Abandoned African-American Cemeteries Task Force & the need for community input

Parsons, Timothy A. <Timothy.Parsons@dos.myflorida.com>

Thu 10/28/2021 12:48 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

Cc: Graf, Shruti C.. <Shruti.Graf@dos.myflorida.com>

---

**From:** Zachary Rodenbough <rodenboughz@icloud.com>

**Sent:** Thursday, October 28, 2021 08:44

**To:** President@naacphillsborough.org; kmiyar@fsu.edu; Parsons, Timothy A. <Timothy.Parsons@dos.myflorida.com>

**Subject:** Re: Abandoned African-American Cemeteries Task Force & the need for community input

### EMAIL RECEIVED FROM EXTERNAL SOURCE

Hello, is there room for or a plan to get civilian input? The more I research our history and look at our present, it feels like y'all are just the new crackers carrying out Massa' DeSantis's big ol' plan.

I wonder, does this also involve Native American remains? Because it should. Countless dollars could be spent and wasted on developments that are torn up or live on under the pall of disrespect. But something tells me this task force will do lip service to the issue, so it's unclear to the public how little is truly done to preserve the memory of this place and its people, without hurting your true masters -SJPC. If this issue was truly addressed we'd have to pause development on all formerly native land to confirm it has no known historical or cultural significance before restarting. Will that happen?

WHAT WE ARE SEEING TODAY IS A CONTINUATION OF THE VERY THING WE ALL WANT SO BADLY TO LEAVE FIRMLY IN THE PAST. MONEYED MEN USING THEIR POWER TO ELIMINATE A HISTORY AND CULTURE TO BETTER USE LAND AND PEOPLE TO BENEFIT THEMSELVES, AND HURT THEIR COMPETITORS: the rest of humanity. Us.

If we don't do anything to stop them we belong in the same pits of history as the southerners before us, who weren't brave enough to see that the hand holding them down was not the same that feeds them. You can help us all take our lives back and save this land from the lies of our oppressors. Or you can perpetuate slavery and mass genocide. It happened once, it can happen again.

Sent from my iPhone

On Oct 22, 2021, at 11:38 AM, Zachary Rodenbough <[rodenboughz@icloud.com](mailto:rodenboughz@icloud.com)> wrote:

To whom it may concern,

I am glad to see that the state has decided to address the issue of unknown and unmarked graves throughout our state. As someone that has grown up in close proximity to two significant sites, I can say that it is a disservice not only to the buried, their ancestry and descendants, but to local communities' sense of truth and continuity in this complex world. Rather than seeking to document and rationally move forward from our country's past, we have tried to white wash past conflicts and have doomed any chance of healing in the process.

Behind my family's property are hundreds of unmarked graves of green hill chaires's slaves. Across the street is an overgrown, all but destroyed family plot of green hill Chaires, containing what are thought to be the last burial sites of Floridians attacked and killed by native Americans c.1839 (just across Buck Lake Road, an old Spanish mission that sought to subvert those natives HAS been recognized with a historical marker). This is just a small example of the rich historical settings that start to emerge if we just take the time to put them together.

Both sites are recognized in varying levels of formality (state site registry, online cemetery registry), but nothing is being done to bring that knowledge into life on the ground. Neither are marked, and a machete and compass are required to find them from the road. Online registries are private and incomplete. How can we heal if we hide the pain? How can we have a unified approach in *this world* if our government does not supply the setting for it?

What I hope will come out of your task force is a way for the community to get involved so that a lasting impact is made to our tax payers, rather than just putting a feather in the government's cap to absolve themselves of responsibility - as if it is not the single greatest beneficiary of this horrible institution. There needs to be a hands on approach to ingesting the rich cultural history of our area by reaching out to those that have context and perspective in our communities - church elders, business owners, local historians - so that rather than relying on misanthropic outside representations, you give people the tools and opportunities to have a real conversation about the past underpinning their daily lives, and to be a part of the process that traces that pain from its source. This is the true leadership citizens need from their government. Only then can these sites and the baggage they carry be fully integrated into the community. If we can invest in their location, definition, and restoration, all while involving the people living in the area, this task force will have accomplished something much greater than the rigor and efficiency of bureaucracy could ever hope to on it's own.

Thanks for your consideration,  
Zack Rodenbough

PS - here are some examples of a process that might facilitate that...

- hold local and virtual community meetings to layout findings and plans of this task force - i.e. "product launch"
- set up ongoing function to survey and document grave sites in the field; i.e. define marked or unmarked, register formally with state for historic and legal documentation, catalog all information in a way that can easily be analyzed and visualized, and made virtually accessible
- set up ongoing function to centrally catalog grave site documentation (i.e. layout, survey details, known and unknown burials, notes and historical context) as it is received, at minimum creating a roadmap for ancestors and interested citizens to trace known historic documents and family knowledge to the physical grave site of the deceased, and to have that tie documented in this new database
- host online database with maps, history, and grave site/burial documentation as it is received and catalogued, allowing citizens to see magnitude and anonymity of these sites, while also honoring the presence of these individuals, even if they are not initially known. This would essentially function as an online, living memorial to all those that are now anonymous, with an effect of hopefully gathering us around a tangible and shared task of remembrance, while also illustrating the destruction left behind when we value ourselves over others, like this physical symbol:  
<https://www.berlin.de/en/attractions-and-sights/3560249-3104052-memorial-to-the-murdered-jews-of-europe.en.html>

Sent from my iPhone

## Cemetery Task Force meeting 10/29 - Public Comment

mkayrut@aol.com <mkayrut@aol.com>

Mon 10/25/2021 10:22 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>; Moates, Jeff <jmoates@usf.edu>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hello,

Thank you for your Task Force on this topic.

I feel preserving history is important.

Often there is history that is not recorded which captures the culture, customs, and heritage of freed slaves and their descendants, so cemeteries in the African-American communities are even more precious. And therefore I feel preserving African-American cemeteries, a reflection of American-American life, are even more vital. In addition, many in the African-American community consider cemeteries sacred grounds.

For your consideration below are some thoughts/questions regarding how to protect abandoned African-American cemeteries in Florida and hopefully other African American cemeteries from becoming abandoned:

- 1). Master Site File -- Verifying that cemeteries and churches in Master Site File are categorized accurately (African-American, Caucasian, etc).
- 2). Florida Memory Website -- Verifying that the description of entries are categorized accurately (African-American, Caucasian, etc).
- 3). Would placing a County cemetery sign at cemeteries similar to "H" Hospital signs help or hurt the preservation of cemeteries?
- 4). Create a program which helps to facilitate the drafting of Florida Historical Markers at abandoned African-American cemeteries and then other African American cemeteries. This program can encourage community participation by working with community liaisons to increase awareness about the Florida Historical Marker program.
- 5). What policies apply to Caucasian cemeteries which do not apply to African-American cemeteries?

*Review Land Use, Zoning, and Comprehensive Plans regarding opportunities which may help facilitate preservation of African-American cemeteries, for example,*

- 6). If not already in place, require submission of an annual report of cemeteries between Counties and the State (including abandoned, at-risk and some mitigating strategies).
- 7). Add a category to land use, zoning, applications that notes if proposed property is a cemetery or involves a cemetery, for example property is adjacent to a cemetery.



- 8). In the event of sale of any adjacent property next to a cemetery, require a Public entrance to cemetery that must be open from dusk to dawn.
- 9). In the event of potential sale of cemeteries, could notifying nearby churches or relatives for first right of refusal to purchase cemetery be a possibility?
- 10). Keep zoning in/near African-American cemeteries residential versus commercial/industrial as if people live near-by, neighbors in the area may continue to care for the cemetery.
- 11). Partner with community organizations, schools, interested non-profits to help keep up cemeteries, for example
  - Create a program with the military and/or veteran associations to both document and to help maintain the final resting places of veterans.
  - Offer volunteer hours to students to participate in clean-up days at cemeteries.
  - HBCU's.

Thank you again for your time and consideration.

Regards,

Michelle Rutledge

## Anthony Frazier USCT

Timothy Campaign <tcampaign@hotmail.com>

Thu 10/14/2021 12:17 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Greetings, I and the commander of camp 4 sons of union veterans in Saint Cloud Florida. For the past ten years my camp has been trying to upright a USCT headstone and redecorate it. The stone is lying down in the wekeva river basin State park. The park ranger has been trying to help us but we are seeing constant barriers from the State division of historical re rods. We need your help please. My number is: 716-485-8519. Please call anytime. Thank you, Tim

Dr. Timothy E. Campaign DNP, RN

**FW: A request to Tampa and Hillsborough County regarding their efforts re: their own "erased" dead**

Parsons, Timothy A. &lt;Timothy.Parsons@dos.myflorida.com&gt;

Wed 9/29/2021 3:32 PM

To: African American Cemeteries &lt;AfricanAmericanCemeteries@Dos.myflorida.com&gt;; Grandage, Johnathan H. &lt;Johnathan.Grandage@dos.myflorida.com&gt;

This is all the correspondence that I've received from Ray Reed.  
Tim

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**From:** Ray Reed <rayinosh@verizon.net>**Sent:** Thursday, September 2, 2021 4:44 AM**To:** kknopke@curlewhills.com; vettlale@gmail.com; Moates, Jeff <jmoates@usf.edu>; cruz.janet@flsenate.gov; fentrice.driskell@myfloridahouse.gov; jcummings@pgorda.us; Parsons, Timothy A. <Timothy.Parsons@dos.myflorida.com>; Secretary of State <SecretaryofState@DOS.MyFlorida.com>; kmiyar@fsu.edu; atjackson@usf.edu**Subject:** A request to Tampa and Hillsborough County regarding their efforts re: their own "erased" dead

## EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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*(Would someone please see that Ms. Barnes receives this? I could not find her email address)*

Dear City of Tampa and Hillsborough County Elected Leaders and Senior Management:

My name is Ray Reed; I am a 28-year resident of the City of Tampa and a disabled retiree from the Hillsborough County BOCC.

I have been incorrectly called a "cemetery historian" or "cemetery researcher" by certain media, but one label I do like – "whistleblower". It's been over six (6) years since my journey of learning began regarding the things we did to our dead and their final "resting places" here in Tampa / Hillsborough County.

I never intended to learn so much about our history. And of so many omissions deliberately made in many areas of the telling of that history.

I do not see any real effort to disclose anything that would explain so many missing bodies - your "dead inventories".

Because of the county misinformation I received, I spent a year going through EVERY on-line Hillsborough County Florida Department of Vital Statistics filed Death Certificate from 1900 to 1939, found on over 160 microfilm rolls on the FamilySearch LDS website to create an inventory of the dead at the county farm. And in addition to finding one heck of a lot more folks buried on those 128 acres than the "as many as 839 county residents" the historical marker claims, I started to see cemetery names like "Zion", "St. Joseph's (Aid)", "College/Cottage Hill", "Catholic/St. Mary's" and others. So, after focusing on the county cemetery dead, I realized I had a much bigger issue at hand – the wholesale erasure of graves and cemeteries, with one common thread (except for Jackson Heights Cemetery): All were exclusively, or partially

occupied by Black/African American dead. So I went through the rolls on-line twice more. Five years of my "spare time" building spreadsheets.

In researching the county burials, I saw that the contracted undertaker, J.L. Reed, stated on the death certificate he moved people dying at the county farm (which was burying on-site) clear across town to Marti Cemetery, which he owned. BUT THEY WEREN'T ON THE CITY'S MARTI BURIALS DATABASE. I sent five or so names with an inquiry to the Tampa Parks Dept. Cemetery "person". And received a reply that they'd be willing to "assist me on my genealogy project" FOR \$100 PER HOUR. It never was a genealogy project – it was about disappeared human remains!

I cannot be a one-man-band. Please see the attached as to two simple requests, one involving representation "at the table" and the other, city and county recordkeeping.

Thank You.

*Ray Reed*

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*"Just because someone is dead doesn't mean  
that they don't still need help from the living.  
EVERY human deserved & still deserves dignity and respect.  
It's never too late to afford them that basic right." - me*

## Who Speaks For THEM?

Our thousands of erased/misplaced/disrespected/dishonored dead need their own legal and lobbyist representation. Because those who did the deeds, or allowed the deeds to happen, already have theirs.

I watch, and cringe, as find myself between anger and disgust at the childish, ridiculous games being played here, like a child saying “no mommy, I didn’t eat the cookies” as the cookie crumbs are visible on their hands and lips. Or, “Billy did it” when there is no Billy anywhere to be found. Taking responsibility for one’s actions is a sign of maturity and adulthood.

It appears to me that the truth, or even “justice” itself, is not the end goal here regarding these graves and cemeteries. The end goal is, it seems, is to minimize any public relations damage, to perpetuate century-long tales of misdirection, and to not admit the ugly deliberate actions (or just plain screw-ups), involving our dead. I am not an attorney, nor a lobbyist, nor do I desire to be one. But one cannot prevail here without either, it seems, as we do not have any “court of justice”, rather, courts of law and of torts. And “justice” in either depends upon not the truth but a whole host of factors.

Morality, too does not appear to be a factor. Nor does there seem to be any fear of God or an afterlife where one accounts and pays for one’s sins. I thought to be forgiven for one’s sins a sincere acknowledgement of the misdeed, a confession and contrite heart are required. Even in the Twelve-Steps, where a higher power is left to the member’s own definition, it states “8. We made a list of all persons we harmed, and became willing to make amends to them all.” And then “9. We made direct amends to such people whenever possible, except when to do so would injure them or others.” Please note that that is not caveated about getting a “pass” if doing so injures one’s public image or will cost financially.

The erased cemeteries, and what we did to our dead, I believe, has been and is known to some of those of power and influence here. While patiently waiting for the Zion story to be published, a friend from River Grove (home to many influential African- Americans) stopped by my home and saw piles of materials regarding the County’s Poor Farm/Home & Hospital cemeteries on my dining room table. I hadn’t shared any of my erased cemetery research with him, so when he looked at me and said “It’s a shame they don’t do anything about Zion” I almost hit the floor. Also, I do hope he didn’t injure himself, but a former County Commissioner I met by chance in the parking lot of our physician’s office, after exchanging small talk suddenly turned away and broke into a trot to his car when I asked about the County Poor Farm thousands of dead there. This was not a man who did much “trotting”.

The local dishonored, disrespected dead and their “resting” places have so far had only one entity speak for them – the Hillsborough County Chapter of the National Association for the Advancement of Colored People (NAACP). While the majority of those we bullied in death were listed as “Colored / Negro / Black / African-American / Mulatto” (and, in the City of Tampa’s own Burial Permit and Transport Registry, “Nigger”) we also had many “White” and a few “Yellow”. Below is a summary of our “problem”, using:

1. State of Florida Vital Statistics Death Certificates 1913 through 1939 (FamilySearch.org)
2. Tampa Burial and Transport Permit records 1911 through 1921 (FamilySearch.org):
3. Tampa Tribune/Tampa Times obituaries through 1939 (Newspapers.com)

4. Funeral Home Records 1890s – 1939 (Tampa Library, USF Library, LDS Fam. Research Ctr)

<b>Cemetery</b>	<b>Located</b>	<b>Count</b>	<b>Sources</b>	<b>Races Buried:</b>
St. Mary's/ Catholic  (only 100 moved to Myrtle Hill – 800+ where?)	Florida Ave., S. of Lake Ave.	911	1,2,3,4 – only 1-3 fully vetted	W, B
Zion	Florida Ave., N. of Lake Ave.	730	1,2	B
St. Joseph's (Aid)	??	513	1,2	B
Robles Pond	??	121	1,2	B
Cottage Hill	T.B. Times sugg. part of Italian Club Cemetery prop.	814	1,2	B, W (mostly Cuban), Y
College Hill	T.B. Times sugg. part of Italian Club Cemetery prop.	468	1,2	B, W (mostly Cuban)
Montana	??	13	1,2	B
County Farm ( <b>NOT ON COUNTY LIST</b> )	N. of Hillsborough Ave., 22 <sup>nd</sup> to 30 <sup>th</sup> Sts.	993	1,2	B, W, Y
Marti ( <b>NOT ON CITY LOOK-UP</b> )	Along Michigan/Columbus Ave.	698	1,2	W, B
Jackson Heights ( <b>NOT ON CITY LOOK-UP</b> )	Lake Ave. at 34 <sup>th</sup> St.	596	1,2	W
Memorial Park	Buffalo/MLK and 22 <sup>nd</sup> St.	Through 1939, exc. Disinters from other:  4,932	2  (FindAGrave.com lists 490)	B
Port Tampa	Location listed for 20 years on FL	35	2	B

	Genweb cemetery site!			
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We have guardian-at-litem programs to make certain someone represents the child in “the process”, so that the innocent do not suffer.

We’ve given rights and representation to pigs in our state constitution, courtesy of our voters, for goodness’ sake.

ANYTHING regarding cats or dogs brings out people *en masse* to public meetings, and even feral cats have spokespersons.

But for these local people...who were bullied in the most extreme, and treated like landfill, where are their mouthpieces but for the local NAACP?

Except for Jackson Heights, which may not even be a Tampa-owned cemetery despite its signage, every cemetery on the list above is wholly or partially occupied by Black/African American/Mixed-race persons. I tend to speak without filters, and want to make certain I do not say or share anything which could be used to aid the “guilty”, as I see it. So, for any meetings involving the City of Tampa, Hillsborough County, and other entities which might be perceived as protecting their reputation or avoiding financial costs over fully disclosing and fixing the problem, unless the Hillsborough Chapter of the NAACP is physically at the table and a full part of that group, via President Yvette Lewis, her designee or successor, I won’t be speaking with them. I’m afraid that would be the same as giving “aid and comfort to the enemy”. And I may be many things, but a traitor is not one of them. My loyalty is to these over 10,000 dead, who have been betrayed by too many of the living.

I would, however, be able to change my attitude and be willing to share anything I have if the questions on the next pages can be answered by both the city and county. They shouldn’t be too difficult, as each item is documented by an official record.

So, if you would please see the remaining pages, I am certain a resolution is near.

# City of Tampa

1. Please identify where the Lewis Family ("colored"), all three with dates of death of May 12, 1919, are located in Marti Cemetery.

They are not on the City of Tampa "Deceased Search" file, and all persons therein with the last name of Lewis are at Woodlawn, EXCEPT for a D.K. Lewis who died in 1974, buried Marti-Colon, and a G. Lewis, died 1949, buried in the Potters Field at Ridgewood Cemetery. (Death Certificates and news articles following). *What is troubling is the entire family was buried the same day they died, with no autopsies performed, the Sheriff himself signing the death certificates, not a medical professional, no one knew the wife or daughter's names, and the story surrounding what happened seeming illogical.*

*(With respect to Ridgewood Cemetery, would someone explain why the city's burial look-up has Ridgewood burials all listed under "MOVED", the same word used to denote disinterment? The City of Tampa sold the cemetery and its surrounding lands "lock, stock, and barrel". I would strongly suggest, however, not to use the word "SOLD.", as that has other connotations. The persons weren't "moved", the land they were buried in was moved off the city's list of managed assets via sale).*

STATE OF FLORIDA BUREAU OF VITAL STATISTICS STATE BOARD OF HEALTH CERTIFICATE OF DEATH		File No. <b>5105</b>
1 PLACE OF DEATH County <u>Hillsborough</u> Precinct <u>College Hill</u> or Inc. Town <u>Tampa</u> City <u>Tampa</u> (No. _____ St. _____ Ward _____)		Registered No. _____
2 FULL NAME <u>Daughter of Ed. Lewis</u> (a) Residence No. _____ St. _____ Ward _____ (Usual place of abode) (If nonresident give city or town and State)		[If death occurred in a hospital or institution, give its NAME instead of street and number]
PERSONAL AND STATISTICAL PARTICULARS		MEDICAL CERTIFICATE OF DEATH <b>184</b>
3 SEX <u>Female</u>	4 COLOR OR RACE <u>Colored</u>	5 SINGLE, MARRIED, WIDOWED, OR DIVORCED <u>Single</u>
6 DATE OF BIRTH _____ (Month) _____ (Day) _____ (Year)		16 DATE OF DEATH (Month, day and year) <u>May 12 19 19</u>
7 AGE <u>About 10</u> yrs. mos. ds. IF LESS than 1 day, hrs. or min.		17 I HEREBY CERTIFY, That I attended deceased from _____ 19____ to _____ 19____ that I last saw h_____ alive on _____ 19____ and that death occurred, on the date stated above, at _____ m.
8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work (b) General nature of industry, business, or establishment in which employed (or employer) (c) Name of employer		The CAUSE OF DEATH* was as follows: <u>Drowned in Hillsborough River - Boat turned over by father</u> (duration) yrs. mos. ds.
9 BIRTHPLACE (city or town) (State or country) <u>Wilmington</u>		CONTRIBUTORY (Secondary) _____ (duration) yrs. mos. ds.
10 NAME OF FATHER <u>Wesley Lewis</u>		18 Where was disease contracted _____ If not at place of death? _____
11 BIRTHPLACE OF FATHER (City or town) (State or country) <u>Wilmington</u>		Did an operation precede death? _____ Date of _____
12 MAIDEN NAME OF MOTHER <u>Wesley</u>		Was there an autopsy? _____
13 BIRTHPLACE OF MOTHER (city or town) (State or country) <u>Wilmington</u>		What test confirmed diagnosis? (Signed) <u>D. White Sheriff</u> M. D. 19 (Address) _____
14 Informant (Address) <u>Sheriff's Office</u>		*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space).
15 Filed <u>May 13 1919</u> <u>Blanche G. Smith</u> Registrar		19 Place of Burial, Cremation, or Removal <u>Marti Cemetery</u> Date of Burial or Removal <u>May 12 19 19</u>
Form V. S. No. 4-15M-1-20-19		20 UNDERTAKER <u>J. L. Reed</u> ADDRESS <u>City</u>



WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD  
 N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

STATE OF FLORIDA  
**BUREAU OF VITAL STATISTICS**  
STATE BOARD OF HEALTH

**CERTIFICATE OF DEATH**

1 PLACE OF DEATH  
 County Hillsborough File No. 5104  
 Precinct College Hill Registration District No. 1901 Registered No. 83  
 Inc. Town Tampa Primary Registration Dist. No. 19284  
 City Tampa (No. \_\_\_\_\_ St. \_\_\_\_\_ Ward \_\_\_\_\_)

2 FULL NAME Wife of Ed. Lewis  
 (a) Residence. No. \_\_\_\_\_ St. \_\_\_\_\_ Ward \_\_\_\_\_  
 (Usual place of abode) (If nonresident give city or town and State)

Length of residence in city or town where death occurred yrs. mos. ds. How long in U. S., if of foreign birth? yrs. mos. ds.

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH		
3 SEX <u>Female</u>	4 COLOR OR RACE <u>Colored</u>	5 SINGLE, MARRIED, WIDOWED, OR DIVORCED <u>married</u>	16 DATE OF DEATH (Month, day and year) <u>May 12 19 19</u>	17 I HEREBY CERTIFY, That I attended deceased from _____ 19____ to _____ 19____ that I last saw h_____ alive on _____ 19____ and that death occurred, on the date stated above, at _____ m.	
6a If married, widowed, or divorced HUSBAND of _____ (or) WIFE of _____			The CAUSE OF DEATH* was as follows: <u>Gun Shot wound in head (fired by husband)</u>		
6 DATE OF BIRTH _____	7 AGE <u>About 45</u>	8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work <u>Housewife</u> (b) General nature of industry, business, or establishment in which employed (or employer) (c) Name of employer _____	CONTRIBUTORY (Secondary) _____		
9 BIRTHPLACE (city or town) (State or country) <u>Unknown</u>	10 NAME OF FATHER <u>Unknown</u>	11 BIRTHPLACE OF FATHER (City or town) (State or country) <u>Unknown</u>	18 Where was disease contracted _____ if not at place of death? _____		
12 MAIDEN NAME OF MOTHER <u>Unknown</u>	13 BIRTHPLACE OF MOTHER (city or town) (State or country) <u>Unknown</u>	14 Informant (Address) <u>Sheriff White</u>	19 Place of Burial, Cremation, or Removal <u>Marti Cemetery</u> Date of Burial or Removal <u>May 11 19 19</u>		
15 Filed <u>May 13 1919</u>	16 Registrar <u>Wm. J. Smith</u>		20 UNDERTAKER <u>J. L. Reed</u> ADDRESS <u>Tampa</u>		

\*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space).

WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD  
 N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

STATE OF FLORIDA  
**BUREAU OF VITAL STATISTICS**  
STATE BOARD OF HEALTH

**CERTIFICATE OF DEATH**

1 PLACE OF DEATH  
 County Hillsborough File No. 5103  
 Precinct College Hill Registration District No. 1901 Registered No. 81  
 Inc. Town Tampa Primary Registration Dist. No. 19284  
 City Tampa (No. \_\_\_\_\_ St. \_\_\_\_\_ Ward \_\_\_\_\_)

2 FULL NAME Ed. Lewis  
 (a) Residence. No. \_\_\_\_\_ St. \_\_\_\_\_ Ward \_\_\_\_\_  
 (Usual place of abode) (If nonresident give city or town and State)

Length of residence in city or town where death occurred yrs. mos. ds. How long in U. S., if of foreign birth? yrs. mos. ds.

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH		
3 SEX <u>Male</u>	4 COLOR OR RACE <u>Colored</u>	5 SINGLE, MARRIED, WIDOWED, OR DIVORCED <u>married</u>	16 DATE OF DEATH (Month, day and year) <u>May 12 19 19</u>	17 I HEREBY CERTIFY, That I attended deceased from _____ 19____ to _____ 19____ that I last saw h_____ alive on _____ 19____ and that death occurred, on the date stated above, at _____ m.	
6a If married, widowed, or divorced HUSBAND of _____ (or) WIFE of _____			The CAUSE OF DEATH* was as follows: <u>Suicide by Drowning</u>		
6 DATE OF BIRTH _____	7 AGE <u>About 60</u>	8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work <u>Unknown</u> (b) General nature of industry, business, or establishment in which employed (or employer) (c) Name of employer _____	CONTRIBUTORY (Secondary) <u>daughter</u>		
9 BIRTHPLACE (city or town) (State or country) <u>Unknown</u>	10 NAME OF FATHER <u>Unknown</u>	11 BIRTHPLACE OF FATHER (City or town) (State or country) <u>Unknown</u>	18 Where was disease contracted _____ if not at place of death? _____		
12 MAIDEN NAME OF MOTHER <u>Unknown</u>	13 BIRTHPLACE OF MOTHER (city or town) (State or country) <u>Unknown</u>	14 Informant (Address) <u>Sheriff White</u>	19 Place of Burial, Cremation, or Removal <u>Marti Cemetery</u> Date of Burial or Removal <u>May 12 19 19</u>		
15 Filed <u>May 13 1919</u>	16 Registrar <u>Wm. J. Smith</u>		20 UNDERTAKER <u>J. L. Reed</u> ADDRESS <u>Tampa</u>		

\*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space).

# SHOOTS WIFE, DROWNS BABY AND THEN SELF

## TRIPLE TRAGEDY ON THE HILLSBOROUGH

Negro Believed Mentally Un-  
sound; Goes Under Water as  
Officers Approach Him

Blowing off the top of his wife's head with a shotgun, drowning his six-year-old daughter and then drowning himself in an effort to get out of range of rifles in the hands of deputy sheriffs, was the record made yesterday by Edward Lewis, a negro, who staged his tragedy in the Hillsborough river near the dam, shortly after noon.

Lewis, with his wife and child, were fishing from a boat in the river. Negro women a short distance down stream saw him shoot his wife and throw her overboard, saw him toss the baby after her, and watched him continue his fishing as unconcerned as if he had thrown a cigarette in the river.

Telephone calls to the sheriff's office brought Chief Deputy A. C. Logan, Chief of Detectives Fred Thomas, and Deputies George Dudley and L. S. Sumner to the scene in a hurry. With the assistance of two Cubans nearby, the officers obtained boats and started toward the negro, Chief Logan wading in the water and pushing his boat ahead of him, while Dudley came in from the other side of the river, rifle in hand.

The negro jumped overboard, waist deep, and crouching until only his head was above the water line. Dudley ducked as he saw the negro's shotgun come out of water, and just about that time Lewis went under and disappeared. The officers watched and waited until they were certain he could no longer hold his breath, and then approached and dragged Lewis from the water, unconscious. For fifteen minutes they tried to resuscitate him and then gave it up to search for the bodies of the other victims. The child had drowned and the wife had the entire top of her head blown off. Lewis weapon was an old model army shotgun with a barrel a yard long. The bodies were turned over to Undertaker J. L. Reed.

Lewis, it was believed, was mentally unbalanced following ill health, although neighbors reported him seemingly happy in the morning while his wife planned to take the all-day fishing trip. There had been no signs of domestic trouble.

PRICE FIVE CENTS

# NEGRO SHOOTS WIFE, DROWNS GIRL AND SELF

## Whole Family Dies In Morning Tragedy In Hillsborough.

Ed Lewis, a negro living on Ross ave. at the Tampa Northern crossing, shot his wife in the head with a shotgun, threw their eight-year-old daughter overboard drowning her and later drowned himself this morning, while they were fishing in a boat in the Hillsborough river, a mile north of the Tampa Electric power house. The negro is said to have been in bad health for some time, and was about 45 years old.

The tragedy was reported by some negro women who were fishing in the river farther down stream and who heard the report of the shotgun and the screams of the negro woman. They reported it to Jim Albert at the Tampa Electric powerhouse, who telephoned the sheriff's office.

When Deputy Sheriffs Logan, Dudley and Sumner arrived on the scene, Lewis was standing in the water near the boat in which they had been fishing, but refused to come to the shore. A boat was commandeered a short distance down stream and when Lewis saw his capture was inevitable he threw himself down into the water and was drowned before the sheriff's force could get to him. They took the body ashore and worked several minutes in an effort to resuscitate life but to no avail.

The bodies of the woman and child were found not more than 25 feet from the place where Lewis went down. The entire top of the woman's head was blown off, the discharge from the single-barrel shotgun striking the left temple. While the water was not deep it was impossible for the girl to keep her head above the water long enough to get to the bank.

According to neighbors of Lewis, his wife told them this morning her husband was not well and she was going to take him out for an all-day fishing trip. They say there was no evidence of domestic trouble and that the woman seemed in high spirits this morning before they left home.

Chief of Detectives Fred Thomas immediately went to the scene of the tragedy after it had been reported to the police department. The authorities decided after an investigation that it was not necessary to hold an autopsy.

It is thought Lewis was mentally unbalanced because of bad health. Undertaker J. L. Reed was called to take care of the bodies.

**2. Please identify where in Marti Cemetery are the remains of Plant City, FL resident Alfred Printer ("Black"), date of death June 23, 1926.**

Mr. Printer is not on the City of Tampa "Deceased Search" file. Mr. Printer died at the Hillsborough County Hospital, f.k.a. the Hillsborough County Poor Farm, and was buried at Marti Cemetery by undertaker J.L. Reed the next day (See Death Certificate following).

*Of historical interest, J.L. Reed owned Marti Cemetery, which the City of Tampa purchased in the late 1930's and subsequently continued Michigan Ave. – today called Columbus Boulevard – through it to connect to Dale Mabry Highway. J.L. also was for many years the contracted undertaker to Hillsborough County for burial of its indigent residents, and buried countless persons who died throughout the county as well as those dying at the County Hospital and County TB Sanitarium on-its then 128-acre Poor Farm property, as well as Hillsborough County Sheriff's dead prisoners there. In the later part of the nineteen-teens into the 1920's, many of those dying at the Farm/Home & Hospital/TB Sanitarium are shown as being buried at "Mitia" ("my aunt?") Cemetery. The name of Jose Marti was known here, so why "Mitia"?*

*In J.L. Reed's newspaper obituary, and in Robinson's 1928 The History of Hillsborough County, Florida (readable on-line courtesy of USF) it is proudly noted that J.L.'s father served in a special Maryland unit of the C.S.A. directly under Gen. Robt. E. Lee. J.L., upon his own death, was shipped from Tampa back to Maryland for his own burial.*

FLORIDA STATE BOARD OF HEALTH BUREAU OF VITAL STATISTICS			CERTIFICATE OF DEATH	
1 PLACE OF DEATH			State File No. <b>10418</b>	Registered No. <b>35</b>
Country <b>Hillsboro</b>	District No. <b>1901</b>	City/Town No. <b>Country Hosp.</b>	Ward	
Precinct <b>College Hill</b>	Precinct No. <b>19287</b>	(If death occurred in a hospital or institution, give the NAME instead of street and number)		
2 FULL NAME <b>Alfred Printer</b>			Plant City Fla	
(a) Residence, No. <b>Plant City Fla</b>			(If nonresident give city or town and State)	
Length of residence in city or town where death occurred yrs. mos. <b>9</b> da.			How long in U. S., if of foreign birth? yrs. mos. da.	
PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH	
3 SEX <b>M</b>	4 COLOR OR RACE <b>Black</b>	5 Single <input type="checkbox"/> Married <input type="checkbox"/> Wid. <input type="checkbox"/> Divorced <input type="checkbox"/>	16 DATE OF DEATH (Month, day and year) <b>June 23 1926</b>	
6a If married, widowed, or divorced HUSBAND of (or) WIFE of <b>Widowed</b>			17 I HEREBY CERTIFY, That I attended deceased from <b>June 1 1926 to June 23 1926</b> but I last saw him alive on <b>June 23 1926</b> and that death occurred, on the date stated above, at <b>10:00 a.m.</b>	
7 AGE <b>42</b> yrs. mos. da.			The CAUSE OF DEATH was as follows: <b>Pulmonary tuberculosis</b>	
8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work <b>Farmer</b>			(duration) <b>2</b> yrs. mos. da.	
(b) General nature of industry, business, or establishment in which employed (or employer)			CONTRIBUTORY (Secondary) (duration) yrs. mos. da.	
(c) Name of employer			18 Where was disease contracted? If not at place of death? Date of	
9 BIRTHPLACE (city or town) <b>Albany Ga.</b>			Did an operation precede death? Date of	
10 NAME OF FATHER <b>Bill Printer</b>			Was there an autopsy?	
11 BIRTHPLACE OF FATHER (Town) <b>Unknown</b>			What test confirmed diagnosis? <b>Chem + Lab</b>	
12 MAIDEN NAME OF MOTHER <b>Mary Jane Jones</b>			(Signed) <b>Allen H. Higgins</b> M. D.	
13 BIRTHPLACE OF MOTHER (Town) <b>Unknown</b>			<b>June 24 1926</b> (Address) <b>Tampa, Fla</b>	
14 Informant <b>Mrs. Francis Cady</b> (Address) <b>Dept. of Hospital</b>			*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, suicidal, or Homicidal. (See reverse side for additional space.)	
15 Date <b>June 24 1926</b> M. B. Moffatt Registrar			19 Place of Burial, Cremation, or Removal <b>Marti Cem</b> Date of Burial or Removal <b>June 24 1926</b>	
			20 UNDERTAKER <b>J. L. Reed</b> ADDRESS <b>Tampa, Fla.</b>	

3. Please identify where the slaughtered residents of 116 S. Nebraska Avenue – tenant Charles Alexander (“White”) and the three members of the Rowell family (also “White”), with a date of death of June 28, 1926 are located at Jackson Heights Cemetery.

The burials were performed by undertaker Frazier T. Blount, as were the majority of burials in that cemetery with an on-line death certificate. See Death Certificates following, and a newspaper account of the city accepting the cemetery’s deed.:

Does the City of Tampa even own this cemetery? The Property Appraiser’s site reflects other ownership, as though the city never filed its accepted deed.

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 168  
State File No. 10448  
Registered No. 994

1 PLACE OF DEATH  
County Hillsborough District No. 1901  
Precinct 1984 City or Town No. 19511  
City Tampa Fla. Ward: \_\_\_\_\_  
2 FULL NAME Charles H. Alexander (If death occurred in a hospital or institution, give the NAME instead of street and number)

(a) Residence No. 116 So. Neb. Ave. Ward: \_\_\_\_\_  
Length of residence in city or town where death occurred 3 yrs. 0 mos. 0 ds. How long in U. S., if of foreign birth? yrs. mos. ds.

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH	
3 SEX <u>M</u>	4 COLOR OR RACE <u>W</u>	5 Single, Married, Widowed, or Divorced <u>Married</u>	16 DATE OF DEATH (Month, day and year) <u>6/28/1926</u>	17 I HEREBY CERTIFY, That I attended deceased from _____ to _____ that I last saw him _____ alive on _____ between _____ and that death occurred, on the date stated above, at <u>4:30 a.m.</u>
6a If married, widowed, or divorced HUSBAND of <u>Bertie Thompson</u> (or) WIFE of _____			The CAUSE OF DEATH was as follows: <u>Murdered with axe in hand of unknown person at 116 South Nebraska Avenue Tampa Florida</u>	
6 DATE OF BIRTH _____	7 AGE <u>39</u> yrs. <u>0</u> mos. <u>0</u> ds.	8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work. <u>Boater maker</u> (b) General nature of industry, business, or establishment in which employed (for employer). (c) Name of employer.	CONTEMPORARY <u>Skull crushed - right arm broken and hit on right jaw and right temple</u>	
9 BIRTHPLACE (city or town) (State or country) <u>Fla.</u>	10 NAME OF FATHER <u>B.B. Alexander</u>	11 BIRTHPLACE OF FATHER (Town) (City or State or country) <u>Fla.</u>	18 Where was disease contracted If not at place of death? _____ Did an operation precede death? _____ Date of _____	
12 MAIDEN NAME OF MOTHER <u>Jennie Garrison</u>	13 BIRTHPLACE OF MOTHER (Town) (City or State or country) <u>Fla.</u>	14 Informant (Address) <u>W. J. Garrison</u>	19 Place of Burial, Cremation, or Removal <u>Jackson Heights</u> Date of Burial or Removal <u>July 1 1926</u>	
15 Filed <u>July 19 1926</u> M. B. Moffatt Registrar	20 UNDERTAKER <u>F. J. Blount</u> Address _____			



FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 198

1 PLACE OF DEATH  
County Hillsborough District No. 1901 State File No. 10443  
Precinct (Write name, not number) 496H Precinct No. 19511 Registered No. 991  
City or Town or Precinct City or Town No. 19511 Ward: \_\_\_\_\_

2 FULL NAME Edw. Rawe (If death occurred in a hospital or institution, give its NAME instead of street and number)

(a) Residence, No. 116 So. Neb. Ave. Ward: \_\_\_\_\_ (If nonresident give city or town and State)  
Length of residence in city or town where death occurred 9 yrs. mos. 0 ds. How long in U. S., if of foreign birth? yes no no no

PERSONAL AND STATISTICAL PARTICULARS

3 SEX M 4 COLOR OR RACE W. 5 Single Single Married Widower Divorced Widower or Divorced Widower

6 DATE OF BIRTH Jan. 26 1992 (Month) (Day) (Year)

7 AGE 34 yrs. 0 mos. 0 ds. IF LESS than 1 day, hrs. 0 or min. 0

8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work labour  
(b) General nature of industry, business, or establishment in which employed (or employer)  
(c) Name of employer

9 BIRTHPLACE (city or town) Lake County Fla. (State or country)

10 NAME OF FATHER W. J. Rawe (City or town) (State or country)

11 BIRTHPLACE OF FATHER (Town) Fla. (State or country)

12 MAIDEN NAME OF MOTHER Caroline Rawe (City or town) (State or country)

13 BIRTHPLACE OF MOTHER (Town) Fla. (State or country)

14 Informant (Address) W. P. Rawe Tampa, Fla.  
15 Filed July 1st 1926 M. T. Moffatt Registrar

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH (Month, day and year) June 28 1926

17 I HEREBY CERTIFY, That I attended deceased from \_\_\_\_\_ to \_\_\_\_\_ that I last saw h. \_\_\_\_\_ alive on \_\_\_\_\_ 19\_\_\_\_ and that death occurred, on the date stated above, at \_\_\_\_\_ a.m. The CAUSE OF DEATH was as follows:  
Murdered with axe in hand in person at 116 South Nebraska Ave Tampa Florida skull crushed - hit in right temple  
CONTRIBUTORY (Secondary) right jaw and right temple (duration) \_\_\_\_\_ yrs. \_\_\_\_\_ mos. \_\_\_\_\_ ds.

18 Where was disease contracted \_\_\_\_\_ If not at place of death? \_\_\_\_\_ Did an operation precede death? \_\_\_\_\_ Date of \_\_\_\_\_ Was there an autopsy? \_\_\_\_\_ What test confirmed death? (Signed) J. M. Cathcart Justice M. P. Rawe and Coroner 19 (Address) \_\_\_\_\_

\*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Cause and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space.) 198

19 Place of Burial, Cremation, or Removal Date of Burial or Removal Jackson Heights July 1st 1926

20 UNDERTAKER F. J. Blount Tampa (Address) \_\_\_\_\_

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 199

1 PLACE OF DEATH  
County Hillsborough District No. 1901 State File No. 10444  
Precinct (Write name, not number) 496H Precinct No. 19511 Registered No. 992  
City or Town or Precinct City or Town No. 19511 Ward: \_\_\_\_\_

2 FULL NAME Edw. Rawe (If death occurred in a hospital or institution, give its NAME instead of street and number)

(a) Residence, No. 116 So. Neb. Ave. Ward: \_\_\_\_\_ (If nonresident give city or town and State)  
Length of residence in city or town where death occurred 9 yrs. mos. 0 ds. How long in U. S., if of foreign birth? yes no no no

PERSONAL AND STATISTICAL PARTICULARS

3 SEX M 4 COLOR OR RACE W. 5 Single Single Married Widower Divorced Widower or Divorced Widower

6 DATE OF BIRTH March 24 1991 (Month) (Day) (Year)

7 AGE 16 yrs. 0 mos. 0 ds. IF LESS than 1 day, hrs. 0 or min. 0

8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work none  
(b) General nature of industry, business, or establishment in which employed (or employer)  
(c) Name of employer

9 BIRTHPLACE (city or town) Tampa, Fla. (State or country)

10 NAME OF FATHER W. P. Rawe (City or town) (State or country)

11 BIRTHPLACE OF FATHER (Town) Fla. (State or country)

12 MAIDEN NAME OF MOTHER Mary W. Rawe (City or town) (State or country)

13 BIRTHPLACE OF MOTHER (Town) Fla. (State or country)

14 Informant (Address) W. P. Rawe Tampa, Fla.  
15 Filed July 1st 1926 M. T. Moffatt Registrar

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH (Month, day and year) June 28 1926

17 I HEREBY CERTIFY, That I attended deceased from \_\_\_\_\_ to \_\_\_\_\_ that I last saw h. \_\_\_\_\_ alive on \_\_\_\_\_ 19\_\_\_\_ and that death occurred, on the date stated above, at \_\_\_\_\_ a.m. The CAUSE OF DEATH was as follows:  
Murdered with axe in hand in person at 116 South Nebraska Ave Tampa Florida skull crushed - hit in right temple  
CONTRIBUTORY (Secondary) \_\_\_\_\_ (duration) \_\_\_\_\_ yrs. \_\_\_\_\_ mos. \_\_\_\_\_ ds.

18 Where was disease contracted \_\_\_\_\_ If not at place of death? \_\_\_\_\_ Did an operation precede death? \_\_\_\_\_ Date of \_\_\_\_\_ Was there an autopsy? \_\_\_\_\_ What test confirmed death? (Signed) J. M. Cathcart Justice M. P. Rawe and Coroner 19 (Address) \_\_\_\_\_

\*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Cause and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space.) 198

19 Place of Burial, Cremation, or Removal Date of Burial or Removal Jackson Heights July 1st 1926

20 UNDERTAKER F. J. Blount Tampa (Address) \_\_\_\_\_

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 198  
10445

1 PLACE OF DEATH  
County Hillsborough District No. 1201  
Precinct Hillsborough Precinct No. 1204  
City Tampa City or Town No. 19511  
2 FULL NAME Mrs. Caroline E. Rawell  
(a) Residence No. 116 So. 1st St. Ward. (If non-resident give city or town and State)  
Length of residence in city or town where death occurred 23 yrs. mos. ds. How long in U. S. if of foreign birth? yrs. mos. ds.

PERSONAL AND STATISTICAL PARTICULARS

3 SEX F 4 COLOR OR HAIR W. 5 Single Married Widowed or Divorced Widowed  
6 DATE OF BIRTH May 27 1886  
7 AGE 90 yrs. mos. ds. IF LESS than 1 day... hrs. min.  
8 OCCUPATION OF DECEASED (a) Trade, profession, or particular kind of work Nurse  
(b) General nature of industry, business, or establishment in which employed (or employer)  
(c) Name of employer  
9 BIRTHPLACE (city or town) Fla. (State or country)  
10 NAME OF FATHER Wm Rawell (City or State or country)  
11 BIRTHPLACE OF FATHER Tampa, Fla. (State or country)  
12 MAIDEN NAME OF MOTHER Unknown (City or State or country)  
13 BIRTHPLACE OF MOTHER Unknown (State or country)  
14 Informant W. R. Rawell (Address) Tampa  
15 Filed July 26 1926 M. B. Moffatt Registrar  
Form V. 8 No. 4

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH (Month, day and year) June 28 1926  
17 I HEREBY CERTIFY, That I attended deceased from 10 to 10 that I last saw him alive on between 1 or 8 9 and that death occurred on the date stated above at 9 a.m. The CAUSE OF DEATH\* was as follows:  
Murdered with axe in hand of unknown person at 116 South Nebraska Avenue Tampa Florida  
Skull crushed - but in back of head  
CONTRIBUTORY (Secondary) of head  
18 Where was disease contracted If not at place of death?  
Did an operation precede death? Date of Was there an autopsy?  
What test confirmed diagnosis? (Signed) J. M. Balthart Justice Peace and Coroner (Address)  
\*State the Disease Causing Death, or in deaths from Violent Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (See reverse side for additional space.)  
19 Place of Burial, Cremation, or Re-Interment Jackson Heights July 26 1926  
20 UNDERTAKER J. L. Bennett Registrar

back of certificate.

Hillsborough County,

### Accepts Cemetery

Over opposition by Alderman Frecker, the board accepted a deed to the Jackson Heights cemetery from the Jackson Heights Cemetery association and a sum of money which Alderman Ragan said totaled \$495. The cemetery consists of about four acres at the northwest intersection of Thirty-seventh street and Lake avenue.

Ragan assured the board the city would not be obligated to maintain perpetual care of graves, but would merely continue to keep the grounds in condition, as it has done for the last five or six years.

"Someone sold lots in that cemetery and made money," said Frecker. "Now that they have all been sold and there is no more money to be made, the city is asked to take care of the graves. I don't like that kind of a deal."

But Alderman Crosby said the cemetery was an old family burying ground and never was a real estate promotion. The deed was approved.

**Police to Get Motorcycles**

The above appeared in the October 29, 1941 Tampa Tribune on page 10. A similar story ran in the Tampa Times that day as well (note the year is 1941, not 1942 as stated in the city's "Cemeteries" web page) **Why, then, until today is the fenced parcel under control of the city shown as not owned by the city?**

### Folio: 173439-0000



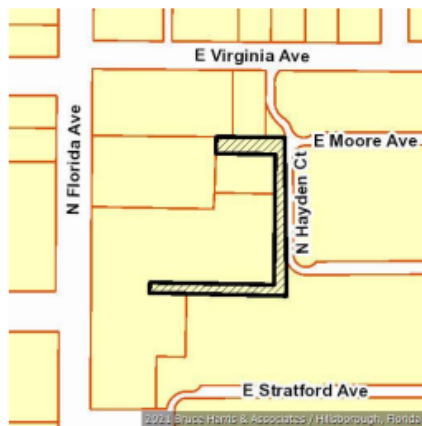
Owner Information	
Owner Name	CEMETERY ESPANOL
Mailing Address	PO BOX 15588 TAMPA, FL 33684-5588
Site Address	3608 E LAKE AVE, TAMPA
PIN	A-08-29-19-ZZZ-000005-89050.0
Folio	173439-0000
Prior PIN	
Prior Folio	000000-0000
Tax District	TA - TAMPA
Property Use	7610 CEMETERY
Plat Book/Page	/
Neighborhood	205004.00   MLK to I-4 30th to 40th Sts
Subdivision	ZZZ   UNPLATTED



Since we are on the subject of ownership, has the city received a determination as to who owns “Public Lands” atop the footprint of Zion Cemetery? The paper street was never returned to the tax rolls, it appears, resulting in untaxed “public lands” that were anything but accessible to the public due to fencing and use by the two adjacent commercial property owners.



**Folio: 290000-0094**



Owner Information	
Owner Name	PUBLIC LANDS
Mailing Address	UNKNOWN
Site Address	TAMPA
PIN	A-12-29-18-ZZZ-000005-86270.1
Folio	290000-0094
Prior PIN	A-00-00-00-000-000000-00000.0
Prior Folio	000000-0000
Tax District	TA - TAMPA
Property Use	0029 PUBLIC LANDS
Plat Book/Page	26/65
Neighborhood	204008.00   Tampa Hts Area-N of Columbus-E of Fla
Subdivision	ZZZ   UNPLATTED

**Legal Description**

BLUE MOON COURT PARTS OF CLOSED RIGHT OF WAYS KENTUCKY AVE AND MORGAN ST PER PB 26-65

**Hillsborough County**

The information I was able to obtain on the County’s recent cemetery search was that it related to lands currently owned by Hillsborough County, and did not look at lands which the county had sold or gifted to third parties subsequently. Thus, if unable to give a definitive answer, **should one assume that part of the answer is that the land the person was buried in is**



**no longer under county ownership?** If so, please identify to whom the parcel was sold or gifted, and the agreement/deed with disclosure of what transferred with the land.

I would also suggest the county and city review a March 27, 1958 Tampa Times article (via newspapers.com) regarding a skull being found on the north side of Hanna Ave., approximately across the street from where the City of Tampa proposes to put a new operations center, and the statements within it from the County Hospital Superintendent where he talks about a 1935 change in cemetery/burial site locations on that once 128-acre County Poor Farm site, today most of it under private ownership.



The "New" cemetery referenced in the October 10, 1950 BOCC Meeting Minutes is along 22<sup>nd</sup> Street, containing cement footstone marker numbered 501 through 1314, is separated from Hanna Avenue by a development of homes constructed in the early 1950s. The hospital superintendent appears to be referring to a different cemetery on-the 128-acre property.

**Please identify where the remains are of Leroy Culmer, born Tampa, age 20, and of Ramon Marino, age 30, a native of Puerto Rico (both "Negro") who died on June 29, 1934, and were both buried at the County Cemetery on July 1, 1934. Both were prisoners**

of the Hillsborough County Sheriff, and both drowned in the Hillsborough River near the 40<sup>th</sup> St. bridge that morning (work detail, not "swimming", as the Justice of the Peace noted on Mr. Culmer's Death Certificate). Mr. Marino, according to the account below (June 29, 1934 Tampa Times, newspapers.com), died when he, without hesitation, attempted to save the life of Mr. Culmer. Today his heroic action, which cost him his life, is unknown to the public in general, but would be a source of pride to Black/African American residents and also our residents of Puerto Rican ancestry. His character was defined not by his incarceration but by his selfless actions. Perhaps the 40<sup>th</sup> Street bridge should bear his name?

(In contrast, Dale Mabry's name is widely known and graces both a school and a major street. He was commanding the Italian-made dirigible "Roma" when its rudder broke and it was blown into power lines, crashing and killing most on board. The winds took him to his fate, while Mr. Marino took deliberate action to save another's life. If one reads the Hillsborough County Commission meeting minutes of Friday, March 3, 1922 ("Book O"), one learns that Dale's one brother had been a recent Hillsborough County Commissioner, and another, at the time of Dale's death, was the County Attorney. The BOCC declared Dale Mabry "immortal", while Mr. Marino's body is buried somewhere on what was (is?) county property at the time of his death.)

MARGIN RESERVED FOR BINDING

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS  
CERTIFICATE OF DEATH 183

1. PLACE OF DEATH  
County Hillsborough District No. 19-01  
Precinct Belmont Heights Precinct No. 19-697  
City or Town No. 6 No. 212  
City of Tampa No. 6 No. 212

2. FULL NAME Leroy Culmer  
(a) Residence: 1314 2nd Avenue Tampa, Fla.  
19-570

PERSONAL AND STATISTICAL PARTICULARS

3. SEX Male 4. COLOR OR RACE Negro 5. Single, married, widowed or divorced Single

6. DATE OF BIRTH (month, day and year) Oct. 23, 1914  
7. AGE Years 20 Months 8 Days 8 IF LESS than 1 day, specify in minutes

8. Trade, profession, or particular kind of work done as prisoner, breadwinner, etc. PRISONER  
9. Industry or business in which work was done as silk mill, sawmill, bank, etc. Labor in convict camp

10. Date deceased last worked at this occupation (month, day, year) June 1934 11. Total time (years, months, days) spent in this occupation 2 Mon.

12. BIRTHPLACE (city or town) Tampa Fla. (State or country)

13. NAME Greenbush Culmer  
14. BIRTHPLACE (city or town) Unknown (State or country)

15. MAIDEN NAME Eva Williams  
16. BIRTHPLACE (city or town) NASSAU, N. I. (State or country) mallekdwald

17. INFORMANT (Address) 1314 - 2nd Ave Tampa Fla.  
18. DUREL, CREATION, OR REMOVAL Date July 1934 19.34  
20. UNDERTAKER (Address) J. A. Austin Nebraska Ave. Tampa Fla.  
21. FILED (Date) July 19 1934

MEDICAL CERTIFICATE OF DEATH

11. DATE OF DEATH (month, day, and year) June 29, 1934  
12. I HEREBY CERTIFY, That I attended deceased from 19... 19...  
I last saw him alive on 19... death is said to have occurred on the date stated above at 8:30 A.M.  
The principal cause of death and related causes, of importance in order of cause, are as follows:  
Death caused by Drowning  
Swimming in River with current  
Name of operation... Date of...  
What test confirmed diagnosis? Was there an autopsy?  
23. If death was due to external causes (violence) fill in also the following:  
Accident, suicide, or homicide Accident of injury 6:29 1934  
Where did injury occur? Hillsborough River  
Specify whether injury occurred in country, in house, or in public place.  
Drowned in Hillsborough River  
Hillsborough River  
24. Was damage or injury in any way related to occupation of deceased?  
If so, specify (Name) J. M. Jackson Justice of Peace  
183 (Address) 404-70 1st Ave Tampa

N. B. WRITE PLAINLY, WITH UNFADING INK. THIS IS A PERMANENT RECORD. Every item of information should be stated EXACTLY. PHYSICIANS should state cause of death in plain English, so that it can be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 183

1. PLACE OF DEATH  
 County Hillsborough District No. 19-01  
 Precinct Belmont-Brighton Precinct No. 19-697 State File No. 10088  
 City or Town No. \_\_\_\_\_ Registered No. 211  
 City No. \_\_\_\_\_ Ward \_\_\_\_\_  
 Length of residence in city or town where death occurred \_\_\_\_\_

2. FULL NAME Ramon Marino  
 (a) Residence: No. Unknown (Porto Rico) Ward NonResident  
 (b) 00022 (Class show a check) (If nonresident, give city or town and state)

PERSONAL AND STATISTICAL PARTICULARS				MEDICAL CERTIFICATE OF DEATH	
3. SEX <u>Male</u>	4. COLOR OR RACE <u>Negro</u>	5. Single, married, widowed, divorced (write the word) <u>UNKNOWN</u>	6. DATE OF BIRTH (month, day and year) <u>Unknown</u>	11. DATE OF DEATH (month, day, and year) <u>June 29, 1934</u>	12. I HEREBY CERTIFY, That I attended deceased from _____ to _____ 19__
10. If married, widowed or divorced HUSBAND of (or) WIFE of _____			7. AGE Years _____ Months _____ Days _____ <u>About 30</u>	13. I have now _____ alive on _____ 19__ death in said _____ to have occurred on the date stated above, at <u>8:30 A</u>	
8. Trade, profession or particular kind of work done, as engineer, seaman, housekeeper, etc. <u>Unknown</u>			9. Industry or business in which work was done, as mill, sawmill, bank, etc. <u>Unknown</u>	14. The principal cause of death and related causes of importance in order of their order as follows: <u>Death caused by Drowning</u>	
10. Date deceased last worked on (state occupation, month and year) <u>June 29 1934</u>			11. Total time (years) spent in this occupation <u>3 mo</u>	15. Contributory causes of importance not related to accident (state) _____	

12. BIRTHPLACE (city or town) or (state or country) Unknown

13. NAME Unknown

14. BIRTHPLACE (city or town) or (state or country) Unknown

15. MAIDEN NAME Unknown

16. BIRTHPLACE (city or town) or (state or country) Unknown

17. INFORMANT Gas A. Austin  
 (Address) 5ampa 2a

18. SERIAL, CREATION OR RENOVATION OF DEATH CERTIFICATE Date July 1st, 1934  
 Place Courty Cemetery

19. UNDERTAKER Gas A. Austin  
 (Address) 1420 W. C. STARK AVE TAMPA, FLA

20. FILED July 1st 1934 M. L. HOFFMAN  
 (Signature) W. Jackson  
 (Signature) 69 W. Green Cay 4-10-1934

MARGIN RESERVED FOR BINDING

N. B. WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

# TWO CONVICTS ARE DROWNED

## Negro Prisoner Loses His Life in Effort to Save Another

Leroy Culmer and Raymond Marino, negro prisoners on the County road gang, were drowned in the Hillsborough River at Fortieth St. bridge this morning, when both fell through the mass of hyacinths pressed against the bridge by the high water.

Marino lost his life in a desperate effort to rescue Culmer, who, disregarding the orders of Guard Stewart to return, stepped out on the jammed mass of hyacinths. Out several feet from shore, the guard and his negro gang helping to clear the hyacinths from the bridge saw Culmer suddenly drop down through the mass of packed vegetation.

Marino without hesitation ran out on the mass to save his fellow prisoner and near the point where Culmer had disappeared his body also sank out of sight.

The water at the point, backed up by the mass against the bridge and forced down under the hyacinths, sweeps through rapidly. Culmer's body an instant after its disappearance shot out of the water below the bridge, tossed up by a miniature whirlpool. Then the body disappeared from sight. Marino's body was not seen after it first went down.

Under the direction of Chief Deputy Sheriff Hatton, men were assigned to patrol the river banks looking for the bodies. Others were stationed at the site of the Old Tampa Electric Co. dam or sent out in boats to search for the two bodies.

Culmer was sentenced to the County road gang for five months for petty larceny, May 16. Marino was given a year's sentence on the same charge, March 24.

Please identify where the remains are of the following two persons are, one "Colored", the other "Negro", who died in October 1933 and were buried at the "County Cem." by

**Stone's Funeral Home.** One died at the County T.B. Sanitarium, the other at his residence. Please note that Mr. Brookins was, in life, a **City of Tampa employee.**

In 1936 the second structure known as the County Home & Hospital was completed, this one on the north side of Henry Ave., easily identifiable by its "spine with ribs" layout. The T.B. Sanitarium was also new that year, courtesy of Works Progress Administration funding. It was much smaller than the Home & Hospital building, which still stands today, as the TGH Specialty Clinic. The T.B. Sanitarium at 30<sup>th</sup> and Hanna was razed a few years ago to be replaced by a TGH Primary Care office at that corner.

MARGIN RESERVED FOR BINDING

N. B.—WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 23  
**15625**

1. PLACE OF DEATH  
County Hillsborough District No. 19-01  
Precinct W. Belmont Heights Precinct No. 19-687 State File No. \_\_\_\_\_  
or Inc. Town \_\_\_\_\_ City or Town No. \_\_\_\_\_ Registered No. 277  
(Write name, not number) (If death occurred in a hospital or institution, give its NAME, instead of street and number)

2. FULL NAME Walter Brown Ward 6  
(a) Residence No. 3608-28th St St. \_\_\_\_\_ Ward \_\_\_\_\_  
19-70 (If address, give city or town and State) (If address, give city or town and State)

PERSONAL AND STATISTICAL PARTICULARS				MEDICAL CERTIFICATE OF DEATH	
3. SEX <u>Male</u>	4. COLOR OR RACE <u>Colored</u>	5. Single, married, widowed or divorced (write the word) <u>married</u>	21. DATE OF DEATH (month, day, and year) <u>Oct 31 1933</u>	22. I HEREBY CERTIFY, That I attended deceased from <u>June 16 1933</u> to <u>Oct 31 1933</u>	
5a. If married, widowed or divorced HUSBAND of <u>Mary Brown</u> (or) WIFE of _____			I saw deceased on <u>Oct 31 1933</u> death is said to have occurred on the date stated above, at <u>3 P.M.</u>		
6. DATE OF BIRTH (month, day and year) <u>April 27 1880</u>			The principal cause of death and related causes of importance in order of onset were as follows: <u>Obv. Pulmonary Tuberculosis</u>		
7. AGE Years Months Days <u>53</u> <u>7</u> <u>29</u>			Date of onset _____		
8. Trade, profession, or particular kind of work done, as spinner, sawyer, bookkeeper, etc. <u>Labour</u>			Name of operation _____ Date of _____		
9. Industry or business in which work was done, as mill, sawmill, bank, etc. <u>particular kind</u>			What test confirmed diagnosis _____ Was there an autopsy? <u>no</u>		
10. Date deceased last worked at this occupation (month and year) <u>May 1933</u>			23. If death was due to external causes (violence) fill in also the following: Accident, suicide, or homicide? _____ Date of injury _____		
11. Total time (years) spent in this occupation <u>20</u>			Where did injury occur? _____ (Specify city or town, county and State)		
12. BIRTHPLACE (city or town) (State or country) <u>Monticello Georgia</u>			Specify whether injury occurred in industry, in home, or in public place.		
13. NAME <u>Augustus Brown</u>			Manner of injury _____		
14. BIRTHPLACE (city or town) (State or county) <u>Monticello Georgia</u>			Nature of injury _____		
15. MAIDEN NAME <u>Plenary Marks</u>			24. Was disease or injury in any way related to occupation of deceased? <u>no</u>		
16. BIRTHPLACE (city or town) (State or country) <u>Monticello Georgia</u>			If so, specify _____		
17. INFORMANT <u>Mary Brown</u> (Address) <u>3608-28th St</u>			X (Signed) <u>Henry J. Jones</u> M.D. 23 (Address) <u>7305 Harrison Tampa</u>		
18. BURIAL, CREMATION OR REMOVAL Place <u>Common</u> Date <u>Nov. 11 1933</u>					
19. UNDERTAKER <u>Stone's Funeral Home</u> (Address) <u>1810-18th St</u>					
20. FILED <u>Nov 2 1933</u> <u>M. J. McFall</u>					

V. S. No. 4

FLORIDA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

CERTIFICATE OF DEATH 93C

1. PLACE OF DEATH  
County Hillsborough District No. 19-01  
Precinct Belmont Heights Precinct No. 19-697 State File No. 15626  
or  
Inc. Town Belmont Heights City or Town No. \_\_\_\_\_ Registered No. 257  
City \_\_\_\_\_ No. \_\_\_\_\_ St. \_\_\_\_\_ Ward \_\_\_\_\_

Length of residence in city or town where death occurred 2 yrs. \_\_\_\_\_ mos. \_\_\_\_\_ ds. How long in U. S. if of foreign birth? \_\_\_\_\_ yrs. \_\_\_\_\_ mos. \_\_\_\_\_ ds.

2. FULL NAME James B. Broukine  
(a) Residence No. 3105-37th Ave. St. \_\_\_\_\_ Ward \_\_\_\_\_  
(If nonresident, give city or town and state)

PERSONAL AND STATISTICAL PARTICULARS				MEDICAL CERTIFICATE OF DEATH	
3. SEX <u>Male</u>	4. COLOR OR RACE <u>Negro</u>	5. Single, married, widowed or divorced (write the word) <u>widowed</u>	21. DATE OF DEATH (month, day, and year) <u>Oct 1 1933</u>	22. I HEREBY CERTIFY, That, I attended deceased from _____ <u>Oct 1 1933</u> to _____ <u>Oct 1 1933</u>	
6. DATE OF BIRTH (month, day and year) <u>Dec 25 1877</u>	7. AGE Years <u>56</u> Months <u>9</u> Days <u>19</u> If LESS than 1 day, _____ hrs. or _____ min.	8. Trade, profession, or particular kind of work done, as spinner, sawyer, bookkeeper, etc. <u>Common labor</u>	I last saw _____ on _____ death in said to have occurred on the date stated above, at <u>3:30 P.M.</u>		
9. Industry or business in which work was done, as silk mill, sawmill, bank, etc. <u>City of Tampa</u>	10. Date deceased last worked at _____	11. Total time (years) spent in this occupation (month and year) <u>1930</u>	The principal cause of death and related causes of impotence in order of importence not related to principal: <u>Ch. Myocardium</u> Date of onset <u>3 sec</u>		
12. BIRTHPLACE (city or town) (State or country) <u>West Florida</u>	13. NAME <u>Lina Broukine</u>	14. BIRTHPLACE (city or town) (State or country) <u>West Florida</u>	Name of operation _____ Date of _____ What test confirmed diagnosis? _____ Was there an autopsy? <u>Yes</u>		
MOTHER/FATHER	15. MAIDEN NAME <u>Maggie Blank</u>	16. BIRTHPLACE (city or town) (State or country) <u>Florida</u>	23. If death was due to external causes (violence) GD in also the following: Accident, suicide, or homicide? _____ Date of injury _____ Where did injury occur? _____ Specify whether injury occurred in industry, in home, or in public place.		
17. INFORMANT <u>Belmont Heights</u>	18. BURNED REMOVAL Place <u>Belmont Heights</u> Date <u>Oct 23 1933</u>	19. UNDERTAKER <u>Belmont Heights</u>	Manner of injury _____ Nature of injury _____ 24. Was disease or injury in any way related to occupation of deceased? <u>Yes</u> If so, specify _____		
20. FILED <u>Oct 11 1933</u>	25. (Signed) <u>J. J. Jones</u> M.D.		Date of onset _____		

93C (Address) 7505 Ave

MARGIN RESERVED FOR BINDING

N. B.—WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

V. S. No. 4

Where is "Aunt" Maria? This former slave, suffering with dementia, was buried in the sand somewhere on those 128-acres the County owned (and today has mostly divested itself of), the same day she passed, July 31, 1917. If she was 90 years old, she would have been "property" for her first four decades of life – yet, no one knew her surname at the time of her death. (There are other "Aunts" and "Uncles" buried at the Farm also, who died at an advanced age in the early part of the 20<sup>th</sup> Century as well).

**State Board of Health of Florida**  
BUREAU OF VITAL STATISTICS

7235  
7235  
100

PLACE OF DEATH  
County Hillsborough CERTIFICATE OF DEATH FILE NO. 7235  
College Hill REGISTRATION DISTRICT NO. 1901 Registered No. 100  
or Inc. Town PRIMARY REGISTRATION DIST. NO. 19289  
City Tampa County Hospital (If death occurred in a hospital or institution, give its NAME, instead of street and number.)

FULL NAME "Aunt Massa"

PERSONAL AND STATISTICAL PARTICULARS		MEDICAL CERTIFICATE OF DEATH	
1 SEX <u>Female Colored</u>	4 COLOR OR RACE <u>?</u>	10 DATE OF DEATH <u>July 31 - 1917</u>	15 I HEREBY CERTIFY, That I attended deceased from <u>Jan 1 1917</u> to <u>July 31 1917</u> and that death occurred on the date stated above at <u>2 P.M.</u>
2 DATE OF BIRTH	3 AGE <u>Alt 90</u>	11 CAUSE OF DEATH <u>Senile Dementia</u>	16 LENGTH OF RESIDENCE (FOR HOSPITALS, INSTITUTIONS, TRAVELERS, OR RECENT RESIDENTS) At place of death <u>5</u> mos. <u>5</u> yrs. <u>5</u> mos. <u>5</u> yrs.
5 OCCUPATION (a) Trade, profession, or particular kind of work <u>none</u>	6 BIRTHPLACE (State or country) <u>Ga</u>	17 PLACE OF BURIAL OR REMOVAL <u>County Cemetery</u>	18 DATE OF BURIAL OR REMOVAL <u>7/31 1917</u>
7 PARENTS 10 NAME OF FATHER <u>?</u>	11 BIRTHPLACE OF FATHER (State or country) <u>?</u>	19 SIGNATURE OF REGISTRAR <u>J. L. Reed</u>	20 ADDRESS <u>Tampa Fla</u>
12 MAIDEN NAME OF MOTHER <u>?</u>	13 BIRTHPLACE OF MOTHER (State or country) <u>?</u>	14 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE (Informant) <u>John R. ...</u>	

15  
16  
17  
18  
19  
20

Form V. S. No. 6 (Rev. 3-13-36, D.)

WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD

N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in full, so that it may be properly tabulated. Description of OCCUPATION is very important. See instructions on back of certificate.

Where are the remains of the last two persons shown buried at the County Cemetery, on the last microfilm reel available to the general public of Florida Deaths, through 1939, buried at the County Cemetery?

**Raimundo Crespo, male White, aged 40, married prisoner, who died at 9:00 AM Christmas Day, December 25, 1939**, after 4 days at the County Hospital, transferred from the County Jail. His death certificate indicates terminal pneumonia, arteriosclerosis, and neurotic depressive insanity as causing his death. He was from Spain, which was undergoing a civil war at the time of his death, and it is unclear whether his wife was here or there in 1939. He was buried on the same grounds he died at the very next day by the then-contracted County undertaker for "Whites", Nolon Scaglione.

**Boletha Hollins, female Negro, single, age 27, who died 11:45 AM on New Year's Eve, December 31, 1939** at the County Hospital and was buried at the County Cemetery by Stone's Funeral Home January 4, 1940. She was at the hospital only one day before her death, six days after the birth of her child at home. Her cause of death was attributed to post-partem complications.



State Board of Health  
Bureau of Vital Statistics

## CERTIFICATE OF DEATH

FLORIDA

State File No. **21585**  
Registrar's No. **432**

---

**1. PLACE OF DEATH:**

(a) County Hillsborough District No. 18-01  
 (b) Precinct Belmont Heights Precinct No. 19-497  
 (c) City or town — (Write name and number)  
 (d) Name of hospital or institution County Hospital  
 (e) Length of stay in hospital or institution 4 days  
 (f) In this community 10 years (Specify whether year, month or day)

**2. USUAL RESIDENCE OF DECEASED:**

(a) State Florida (b) County Hillsborough  
 (c) City or town Tampa  
 (d) Street No. County Jail  
 (e) If foreign born, how long in U. S. A. 7 years

---

**3. FULL NAME OF DECEASED: Raimundo Grecco**

(a) If woman, name was Unknown (b) Social Security No. Unknown

4. Sex Male 5. Color or race White

6. Single, married, widowed or divorced Married  
 (a) If married, widowed or divorced, husband or wife of Unknown

7. Birth date of deceased Unknown

8. Age: Years About 50 Months — Days — If less than one day

9. Birthplace Spain (City, town or county) (State or foreign country)

10. Usual occupation Unknown

11. Industry or business Unknown

12. Name Unknown

13. Surname Unknown

14. Maiden name Unknown

15. Birthdate Unknown

16. Informant's Signature Alfred J. [Signature]  
 (a) Address County Hospital, P. O. Tampa 44

17. Burial, cremation or disposal Burial  
 (a) Date 12-28-39 (b) Place County Cem

18. Funeral Director's Signature [Signature]  
 (a) Address Dec 26 1939 1115 N. [Address]

19. Filed Dec 26 1939 1115 N. [Address]

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**MEDICAL CERTIFICATION**

20. Date of Death: Month December Day 25th Year 1939 Hour 5 Minute A. M.

21. I hereby certify that I attended the deceased from Nov 21 to Dec 25 1939  
 that I last saw him alive on Dec 21 1939  
 and that death occurred on the date and hour stated above.

Signature of Physician [Signature] Duration —

22. Immediate cause of death —  
Arteriosclerosis of the heart  
Coronary artery disease

23. If death was due to several causes, fill in the following:  
 (a) Accident, suicide, homicide (specify) —  
 (b) Date of occurrence —  
 (c) Where did injury occur? (City or town) (County) (State) —  
 (d) Did injury occur in or about home, on farm, in industrial place, in public place? (Specify type of place) —  
 (e) Walk or work? (f) Means of injury —

24. Signature [Signature] M. D.  
 (a) Address 207 1/2 St. Date Signed Dec 25 1939

Underline the cause to which death should be charged statistically.

State Board of Health  
Bureau of Vital Statistics

## CERTIFICATE OF DEATH

FLORIDA

State File No. **21589**  
Registrar's No. **434**

---

**1. PLACE OF DEATH:**

(a) County Hillsborough District No. 18-01  
 (b) Precinct Belmont Heights Precinct No. 19-497  
 (c) City or town — (Write name and number)  
 (d) Name of hospital or institution County Hospital  
 (e) Length of stay in hospital or institution 11 days  
 (f) In this community 13 years (Specify whether year, month or day)

**2. USUAL RESIDENCE OF DECEASED:**

(a) State Florida (b) County Hillsborough  
 (c) City or town Rural  
 (d) Street No. 4311 - 30th Street  
 (e) If foreign born, how long in U. S. A. 7 years

---

**3. FULL NAME OF DECEASED: Balitha Hollins**

(a) If woman, name was None (b) Social Security No. None

4. Sex Female 5. Color or race Negro

6. Single, married, widowed or divorced Single  
 (a) If married, widowed or divorced, husband or wife of —

7. Birth date of deceased July 31 - 1912

8. Age: Years 27 Months 5 Days — If less than one day

9. Birthplace Florida (City, town or county) (State or foreign country)

10. Usual occupation Housewife

11. Industry or business —

12. Name Clayton Hollins

13. Surname Hollins

14. Maiden name —

15. Birthdate —

16. Informant's Signature A. E. Thomas, R. M.  
 (a) Address County Hospital, Tampa

17. Burial, cremation or disposal Burial  
 (a) Date Jan 4 1940 (b) Place Belmont Heights Cem

18. Funeral Director's Signature [Signature]  
 (a) Address 1410 Jefferson St.

19. Filed Jan 2 1940 1410 Jefferson St.

---

**MEDICAL CERTIFICATION**

20. Date of Death: Month December Day 31 Year 1939 Hour — Minute 4:50 P. M.

21. I hereby certify that I attended the deceased from Dec 20 to Dec 31 1939  
 that I last saw her alive on Dec 31 1939  
 and that death occurred on the date and hour stated above.

Signature of Physician [Signature] Duration —

22. Immediate cause of death Post-partum endometritis  
Child born in home

23. If death was due to several causes, fill in the following:  
 (a) Accident, suicide, homicide (specify) —  
 (b) Date of occurrence —  
 (c) Where did injury occur? (City or town) (County) (State) —  
 (d) Did injury occur in or about home, on farm, in industrial place, in public place? (Specify type of place) —  
 (e) Walk or work? (f) Means of injury —

24. Signature [Signature] M. D.  
 (a) Address Tampa, Fla Date Signed Dec 31 1939

Underline the cause to which death should be charged statistically.

End.



## Cemeteries Information

miguel masferrer <miguemas33133@yahoo.com>

Thu 9/2/2021 12:21 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon.

I am inquiring to see if there is any information concerning abandoned African American cemeteries surrounding the Maclay Gardens State Park in Tallahassee, Leon County.

Thanks!

Miguel Masferrer  
4947 Glen Castle Drive  
Tallahassee, Fl. 32309

**Re: MOSES Project -Gomez - Hobe Sound Pioneer Cemetery**Lloyd Jones <[mcblackheritageinitiatives@gmail.com](mailto:mcblackheritageinitiatives@gmail.com)>

Sat 9/4/2021 3:00 PM

To: African American Cemeteries <[AfricanAmericanCemeteries@Dos.myflorida.com](mailto:AfricanAmericanCemeteries@Dos.myflorida.com)>; Diana Owens <[dianaowens1@live.com](mailto:dianaowens1@live.com)>; tiffany@keepmartinbeautiful.org <[tiffany@keepmartinbeautiful.org](mailto:tiffany@keepmartinbeautiful.org)>; Tiffany Smith <[tiffany@fireflyforyou.com](mailto:tiffany@fireflyforyou.com)>; Katie Higgins <[katieh407@gmail.com](mailto:katieh407@gmail.com)>; Chuck Stewart <[hobesoundman@gmail.com](mailto:hobesoundman@gmail.com)>; Althemese Barnes <[abarnes2619@gmail.com](mailto:abarnes2619@gmail.com)>; The White's House <[jackwjake@aol.com](mailto:jackwjake@aol.com)>; Julie Preast <[juliepreast@bellsouth.net](mailto:juliepreast@bellsouth.net)>; Joette Rice <[jl3353@aol.com](mailto:jl3353@aol.com)>; Jordan Pastorius <[jpastori@martin.fl.us](mailto:jpastori@martin.fl.us)>; Anthony Anderson <[awanderson45@yahoo.com](mailto:awanderson45@yahoo.com)>; Georgina Anderson <[Georgina.faye35@gmail.com](mailto:Georgina.faye35@gmail.com)>; George Stokus <[gstokus@martin.fl.us](mailto:gstokus@martin.fl.us)>; Raelyn Holmes <[Raelyn.holmes@gmail.com](mailto:Raelyn.holmes@gmail.com)>; stacy@fireflyou.com <[stacy@fireflyou.com](mailto:stacy@fireflyou.com)>; Melissa Zolla <[melissa@fireflyforyou.com](mailto:melissa@fireflyforyou.com)>; Martin County Democratic Black Caucus1 <[chandlerjosie@gmail.com](mailto:chandlerjosie@gmail.com)>; Phyllis Brown <[phylfitt@gmail.com](mailto:phylfitt@gmail.com)>; Phillip Harvey <[p.harvey57@yahoo.com](mailto:p.harvey57@yahoo.com)>

## EMAIL RECEIVED FROM EXTERNAL SOURCE

Additional: Jenkins Landscape Company has been the main source for regular mowing and maintenance. A community wide clean up is planned for December 2021.

On Sat, Sep 4, 2021 at 2:55 PM Lloyd Jones <[mcblackheritageinitiatives@gmail.com](mailto:mcblackheritageinitiatives@gmail.com)> wrote:

To: African American Cemetery Task Force.

My name is Lloyd Jones, current chair of the Martin County Black Heritage Initiatives.

Since 2017 the descendants, community volunteers, businesses, non-profit organizations, and local government have invested resources to assist the property owner, the African Methodist Episcopal Church South Conference Trustees, recover the abandoned cemetery. It's condition back then meets numerous definitions outlined in Mrs. Barnes initial presentation. The cemetery is located at 8900 S. E. Kingsley ST. Hobe Sound FL. Our qualitative analysis, pioneer recollection, indicates the cemetery established on 4.69 acres at one time accompanied by the church has been in place before 1912, when the first AME Church was built in Gomez. Yes, most of the 400 plus graves are unmarked. The earliest birth date closest to the Civil War, I think, is around 1858. Our local black pioneers who help to build Hobe Sound, are those who at one time owned a tremendous amount of property are interred in the pioneer cemetery. Many of the streets in the small Gomez neighborhood are named in their memory.

The M.O.S.E.S. Project was presented to the trustees in February 2017. Our Collaboration and Objectives: Katie Higgins, a graduate level archaeology student and chair of Southeast Florida Archaeological Society; Martin County Government (Commissioner Harold Jenkins District)- Ground Penetrating Radar, Keep Martin Beautiful- Volunteer Coordination, Waste Removal and supplies; Florida Public Archeology Network-CRYPT Training and advisory role, Southeast Florida Archaeological Society-volunteers, and planning; Martin

County Genealogical Society -Family History; FireFly-Marketing; Aaron's Towing Services-Trash Removal and Bush Mowing; Multiple land surveyors, Julie Preast - Local Historian; Chuck Stewart-Photography and Video.

I feel comfortable obligating our team to assist you with learning more about the MOSES Project-Maintenance; Order; Security; Environment; and Service are our process for restoring the cemetery and others in our county.

I want to thank you for presenting us with the opportunity to inform you about the hard work we offered that allowed us to love and service our history.

From My Heart,  
Lloyd Lewis Jones

## Forgotten African cemetery

Robert Kirkpatrick <bonecrusher2311@gmail.com>

Thu 9/2/2021 7:08 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Would someone please contact me about a forgotten cemetery in Panama City Florida I believe it was desecrated and no one knows it's really there it's under a parking lot of a Goodyear store on the corner of Balboa and highway 98 my number is 850-960-1617 my name is Gary Tillis thank you very much and I look forward to speaking with you

## cemetery possibly in danger

blginger.vb@gmail.com <blginger.vb@gmail.com>

Tue 8/24/2021 7:47 AM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

### EMAIL RECEIVED FROM EXTERNAL SOURCE

I have lived in Suwannee County for almost 20 years and apparently it's common knowledge that there is an unmarked "cemetery" of enslaved people just outside another cemetery (I think it's MacCullough) about a quarter mile from my home on CR 137. I visited it once many years ago and found that someone had dumped a truckload of trash on the site. I was appalled but, to my shame, did nothing. I just came home from a three month trip to find the land next to the cemeteries cleared. I am concerned specifically about the unmarked cemetery, that someone will desecrate or destroy it.

Please check on this and let me know what I can do to help

Virginia Blackerby

"The joy of the Lord is my strength."

Nehemiah 8:10

## Wakulla County Cemeteries

Debra Jay <debbiejay@wakullahistory.org>

Mon 8/9/2021 11:10 AM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Committee Members,

I would like to reach out to you for information on how to assist us in preserving the African American cemeteries in our county. The Wakulla County Historical Survey did a survey in 2004-2006 listing all the cemeteries they could locate in the county. We have a list of 142 cemeteries scattered through the county. The list has been maintained and it notes the following information:

African American Cemeteries: 20

Abandoned but located: 6

Neglected and insufficiently maintained: 4

Maintained: 10

Three of these abandoned/neglected cemeteries are Magnolia, Smith, and Richardson. They are the three of the oldest known cemeteries in Wakulla County. We are looking for guidance and assistance on preserving these historic sites.

Respectfully,

Debbie Jay

--

Debbie Jay, President

Wakulla County Historical Society

850-508-7914

## Abandoned African-American Cemeteries Task Force - Citizen Inquiry

Jan Tyler <jantylert2@gmail.com>

Sun 8/8/2021 9:57 PM

To: African American Cemeteries <AfricanAmericanCemeteries@Dos.myflorida.com>

EMAIL RECEIVED FROM EXTERNAL SOURCE

Any interest in some assistance/ideas from an amateur abandoned cemetery sleuth?

I am a descendent of a Leon county planter John Q. Cromartie (and possibly his father - or brother - John Cromartie, and his cousins, my cousins, the Bannermans plus more cousins who founded Ft. Lauderdale). I have registered with **[The Florida State Genealogical Society's Florida Pioneer Descendant Certificate Program.](#)**

May I suggest the [Iamonia Cemetery](#) and [Cromartie Cemetery](#) - even though no immediately known African Americans are buried in either - as possible research sites for the commission, if individual sites are to be included.

I have tried to visit the Iomania Cemetery, and attempted to find the Cromartie Cemetery (at Horseshoe). Well, I didn't actually see either, but managed to get to the sites (locked gates, overgrown areas with no markers).

I believe it would be an interesting and historically relevant bit to include in the commission's work, for the following reasons:

1. Stories/research prior to 1865 unavoidably must include a reference to the planters and enslaved persons. Several Cromartie and allied families were pioneer planters - in Leon County (John Q., John, Alexander, Bannerman, plus [Ivy Cromartie Stranahan](#) and her cousins - [King family and brother in Ft. Lauderdale](#)).
2. It was not unusual for enslaved persons to be buried in planter family cemeteries. This practice would be of interest to modern day researchers and families.
3. There are many current day African American Cromartie families in Leon County. More research needed on Ancestry to determine if they are related by place name or DNA.
4. Two NFL players named Cromartie from Leon County (emigrated from Haiti? is there a branch of Cromartie in Haiti?) What are the odds, so isn't this odd? Dominique-Rodgers Cromartie and Antonio Cromartie, reported as cousins. I know Antoinio is a little bit interested in the Leon County Cromartie planter family, since he called me years ago - before widespread DNA testing, and asked if I knew if we are related. I suggested then he take the DNA on Ancestry, since it would immediately show him, but it was too new an idea then.

Anyway, I believe planter families deserve to be included in cemetery research and restoration, of course, since I am a descendant. BTW, all Cromarties who are DNA related can claim Mayflower Society membership through William Cromartie's (North Carolina planter and progenitor of most white Cromarties in the US) second wife, Ruhama Doane - a descendant of Stephen Hopkins, Bermuda

shipwreck conspirator, Shakespeare's Tempest inspiration, Stranger and possible influencer of the Mayflower Compact.

Also, as the world's oldest paid professional tweeter, I can volunteer my services in gratitude if this idea has any appeal. My [LinkedIn](#) gives a picture of my social media management experience.

Thank you in advance for considering this idea for inclusion in the commission's work.

Jan Tyler  
365 6th Street South #201  
St. Petersburg, FL 33701  
303-929-2066

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