

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1215 Abandoned and Historic Cemeteries

SPONSOR(S): Driskell

TIED BILLS: IDEN./SIM. BILLS: SB 1588

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee		Roth	Toliver
2) Infrastructure & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Historical Resources (Division), established within the Department of State (DOS), is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.

On June 4, 2021, Governor DeSantis signed into law CS/CS/HB 37 relating to Abandoned Cemeteries. The bill created a 10 member Task Force on Abandoned African-American Cemeteries (task force), adjunct to DOS, to study the extent that unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased. The task force met five times from July 20, 2021 to December 9, 2021, and submitted its Final Report on December 17, 2021. The recommendations of the task force are organized under four categories: Identification and Protection, Maintenance, Education, and Memorialization.

The bill creates the Historic Cemeteries Program within the Division. The State Historic Preservation Officer will serve as the director of the program and must, subject to legislative appropriation, employ three full-time employees to operate the program. The bill requires the Historic Cemeteries Program to provide grants for certain entities to conduct research, repair, restore, or maintain abandoned African-American cemeteries.

The bill creates the Historic Cemeteries Program Advisory Council within the Division to provide guidance and recommendations to the Division regarding the duties and responsibilities of the Historic Cemeteries Program.

The bill amends the definition of "legally authorized person" within the Florida Funeral, Cemetery, and Consumer Services Act, as well as the definition of "conservation easement." The bill authorizes the state to acquire conservation easements and noninvasive searches at certain cemeteries at reasonable times and in a reasonable manner after providing the owner with reasonable notice.

Lastly, the bill requires the Legislature to appropriate funds for the purpose of including abandoned African-American cemeteries in Florida in the University of South Florida's Black Cemetery Network.

The bill will likely have an indeterminate significant negative fiscal impact to the state.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: h1215.GOS

DATE: 2/5/2022

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of State

The head of the Department of State (DOS) is the Secretary of State (Secretary) who is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary must perform the functions conferred by the State Constitution upon the custodian of state records.¹ The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.²

Six divisions are established within DOS, including the Division of Historical Resources (Division).³

Division of Historical Resources

The Division is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.⁴ Some of the Division's efforts include:

- Developing a comprehensive statewide historic preservation plan;
- Directing and conducting a comprehensive statewide survey and maintaining an inventory of historic resources;
- Ensuring that historic resources are taken into consideration at all levels of planning and development; and
- Providing public information, education, and technical assistance relating to historic preservation programs.⁵

Historic and Abandoned Cemeteries and Unmarked Human Remains

Cemetery Regulation

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.⁶ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services (DFS) to regulate cemeteries, columbaria,⁷ cremation services, mausoleums, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.⁸

Section 497.005(13), F.S., defines the term "cemetery" to mean:

[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.

The Act allows for the moving of graves – disinterment and reinterment.⁹ Disinterment and reinterment must be made in the physical presence of a licensed funeral director, unless reinterment occurs in the same cemetery.¹⁰ The funeral director is to obtain written authorization from a legally authorized

¹ Section 20.10(1), F.S.

² Section 15.01(1), F.S.

³ Section 20.10(2), F.S.

⁴ Section 267.031, F.S.

⁵ Section 267.031(5)(a), (b), (d), and (f), F.S.

⁶ See Section 497.001, F.S.

⁷ Section 497.005(18), F.S., defines "columbarium" to mean a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains.

⁸ Sections 497.101 and 497.103, F.S.

⁹ See Section 497.384, F.S.

¹⁰ Section 487.384(1), F.S.

person¹¹ or court of competent jurisdiction prior to any disinterment and reinterment of a dead human body.¹²

Counties and municipalities are authorized, upon notice to DFS, to maintain and secure an abandoned cemetery or one that has not been maintained for more than six months.¹³ The solicitation of private funds and the expenditure of public funds are authorized for maintenance and security of abandoned cemeteries.¹⁴ These efforts of maintenance and security are statutorily exempt from civil liabilities or penalties for damages to property at the cemetery.¹⁵ Additionally, the county or municipality is permitted to maintain an action against the cemetery owner to recover costs for maintenance or security.¹⁶

Criminal Offenses Concerning Dead Bodies and Graves

Chapter 872, F.S., governs criminal offenses concerning dead bodies and graves. The law provides that it is a third-degree felony¹⁷ to willfully and knowingly destroy, mutilate, deface, injure or remove any tomb¹⁸ containing human skeletal remains and disturb memorials including fences associated with a monument containing human skeletal remains.¹⁹ It is a second-degree felony²⁰ to willfully and knowingly disturb the contents of a grave or tomb;²¹ however, these offenses do not apply to:

- Any person acting under the direction or authority of the Division within DOS;²²
- Cemeteries operating under chapter 497, F.S.;
- Any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster; or
- Any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents.²³

Abandoned Cemeteries in the Tampa Area

Zion Cemetery

Zion Cemetery, established in 1901, is believed to be Tampa's first cemetery for African-Americans with room for approximately 800 graves.²⁴ Zion Cemetery disappeared from public view and city maps by 1929.²⁵ In 1951, the Tampa Housing Authority started construction on the Robles Park Apartments on land that includes part of the Zion Cemetery site, and construction crews found several unmarked graves and three caskets.²⁶

The Robles Park Village housing, which is still owned by the Tampa Housing Authority, and two other commercial businesses owned by two private sector individuals now stand on the land that once was

¹¹ Section 497.005(43), F.S., defines the term "legally authorized person" as a priority list that begins with the authorizations and directions of the decedent and can include relatives, guardians, or personal representatives of the decedent.

¹² Section 487.384(3), F.S.

¹³ Section 497.284(1), F.S.

¹⁴ *Id.*

¹⁵ Section 497.284(2), F.S.

¹⁶ Section 497.284(3), F.S.

¹⁷ A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082 through 775.084, F.S.

¹⁸ This section provides that the term "tomb" includes any mausoleum, columbarium, or below ground crypt.

¹⁹ Section 872.02(1)(a), F.S.

²⁰ A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082 through 775.084, F.S.

²¹ Section 872.02(2), F.S.

²² The powers and duties of the Division of Historical Resources within DOS are set forth in s. 267.031, F.S. Subject to some limitations, a state archaeologist, as employed by the Division, may assume jurisdiction over an unmarked human burial site in order to initiate efforts for the proper protection of the burial and the human skeletal remains and associated burial artifacts. *See* ss. 872.05(4)-(6), F.S.

²³ Section 872.02(3), F.S.

²⁴ Paul Guzzo, *A community, not Just Zion Cemetery, Disappeared to Build Homes for Whites*, TAMPA BAY TIMES, Nov. 4, 2019 (updated Jan. 8, 2020), available at <https://www.tampabay.com/news/hillsborough/2019/11/04/a-community-not-just-zion-cemetery-disappeared-to-build-homes-for-whites/#talk-wrapper> (last visited Feb. 1, 2022).

²⁵ *Id.*

²⁶ Paul Guzzo, *Key Dates in the History of Tampa's Forgotten Zion Cemetery*, TAMPA BAY TIMES, Jun. 19, 2019 (updated Jan. 13, 2020), available at <https://www.tampabay.com/florida/2019/06/23/key-dates-in-the-history-of-tampas-forgotten-zion-cemetery> (last visited Feb. 1, 2022).

the site of the African-American cemetery. Upon learning that the Zion Cemetery might still lie beneath at least a portion of its Robles Park Village Apartments, the Tampa Housing Authority organized a consultation committee and hired archaeologists to survey its property.²⁷ In August 2019, archeologists used a ground-penetrating radar and discovered what they believe to be 126 caskets beneath the Tampa Housing Authority land.²⁸ The Tampa Housing Authority spent between \$70,000 and \$80,000 to relocate about 29 families who occupied five buildings within the housing complex that sits where Zion Cemetery is believed to be underground.²⁹

Ridgewood Cemetery

In October 2019, the Hillsborough County School District (HCSD) learned that the old Ridgewood Cemetery might have been located at the southeast corner of the King High School campus, which is now occupied by a small building and open land used for the agricultural program.³⁰ Ridgewood was designated as a pauper's cemetery and at least 280 people (mostly African Americans) were buried there between 1942 and 1954.³¹

On October 28, 2019, the HCSD created an advisory committee, named the Historical Response Committee, to determine how to handle the search for unmarked graves at King High School and what to do if unmarked graves were found. The HCSD hired a geotechnical firm to conduct a survey on the south end of King High School campus using a ground penetrating radar to look for any signs of the lost Ridgewood Cemetery on the campus.³² On November 20, 2019, the HCSD released the results of the survey.³³ The survey of the southern edge of the King High School campus showed evidence of burials of approximately 145 graves;³⁴ however, there was no evidence of burials or graves on the northeast corner of the campus.

Historical records generally indicate that there were between 250 and 268 burials at Ridgewood Cemetery.³⁵ Possible reasons why the radar survey only revealed approximately 145 possible graves include:

- The radar may have more difficulty locating smaller coffins of infants and children.
- Some coffins may have decayed underground preventing detection by scan some 75 years later.
- Some graves may be under the agricultural workshop building.
- Some graves may have been moved to another cemetery.
- Limitations of radar technology.³⁶

²⁷ Paul Guzzo, *Richard Gonzmart Believes no Coffins will be Found on his Zion Cemetery Land*, TAMPA BAY TIMES, Sep. 24, 2019, available at <https://www.tampabay.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land/> (last visited Feb. 1, 2022).

²⁸ *Id.*

²⁹ Emerald Morrow, *Lost African American Grave Discoveries Highlight the Need for Affordable Housing*, 10NEWS WTSP, Feb. 24, 2020, available at <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 Feb. 1, 2022); see also Divya Kumar, *Tenant Leaders Seek Quicker Relocation for People Living Near Zion Cemetery*, TAMPA BAY TIMES, Oct. 10, 2019, available at <https://www.tampabay.com/news/tampa/2019/10/10/tenant-leaders-seek-quicker-relocation-for-people-living-near-zion-cemetery> (last visited Feb. 1, 2022).

³⁰ Paul Guzzo, *Records Show King High Gym may have been Built atop Paupers Cemetery*, TAMPA BAY TIMES, Oct. 22, 2019 (updated Oct. 23, 2019), available at <https://www.tampabay.com/news/education/2019/10/22/map-shows-king-high-gym-may-have-been-built-atop-paupers-cemetery> (last visited Feb. 1, 2022).

³¹ Lori Rozsa, *Lost Lives, Fresh Heartache as a Black Cemetery is Found Buried under a High School*, WASHINGTON POST, November 24, 2019, available at 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 Feb. 1, 2022).

³² Dave Jordan, *Forgotten Cemetery under King High School? District Awaits Answers*, SPECTRUM NEWS 9, Oct. 28, 2019, available at <https://www.baynews9.com/fl/tampa/news/2019/10/28/forgotten-cemetery-under-king-high-school--district-awaits-answers> (last visited Feb. 1, 2022).

³³ Hillsborough County School District, Press Release, *School District Releases Findings from Scans on King High School Property*, Nov. 20, 2019, available at <https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-high-school-property> (last visited Feb. 1, 2022).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

On November 21, 2019, the HCSD notified the county Medical Examiner in Hillsborough County and the Division of the unmarked human burials³⁷ found on the King High Campus. When an unmarked human burial is discovered (other than during an authorized archaeological excavation)³⁸ all disturbing activity of the burial must cease, and the district medical examiner must be notified.³⁹ Activity may not resume until authorized by the district medical examiner or the state archaeologist.⁴⁰

Almost a year later, the Division informed the HCSD that it does not have jurisdiction unless the cemetery is located on state lands.⁴¹ The cemetery is not located on state lands; thus, jurisdiction was returned to the HCSD. On or about November 3, 2020, the Historical Response Committee met to discuss proper ways to honor the individuals buried at the site, care for the space, and provide learning opportunities to students at King High School and other schools.⁴² On February 15, 2021, the HCSD unveiled design plans for a monument intended to pay tribute to the deceased buried in the cemetery.⁴³ If approved by the community, the monument will be erected on a 1-acre site on the campus of King High School.⁴⁴

Task Force on Abandoned African-American Cemeteries

On June 4, 2021, Governor DeSantis signed into law CS/CS/HB 37⁴⁵ relating to Abandoned Cemeteries. The bill created a ten-member Task Force on Abandoned African-American Cemeteries (task force), adjunct to DOS, to study the extent that unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased.

The task force was required to hold its first meeting by August 1, 2021, and was authorized to meet as many times as it deemed necessary to complete its duties. The task force was required to 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, and the Minority Leaders of the Senate and the House of Representatives.

The task force met five times from July 20, 2021 to December 9, 2021, and submitted its Final Report on December 17, 2021.⁴⁶ The recommendations of the task force are organized under four categories: Identification and Protection, Maintenance, Education, and Memorialization.⁴⁷ The task force is scheduled to expire on March 11, 2022.

Effect of the Bill

³⁷ Section 872.05(2)(f), F.S., defines the term “unmarked human burial” 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, gravestone, or other structure or thing placed or designed as a memorial of the dead.

³⁸ Section 872.05(5), F.S., provides for a similar process if an unmarked human burial is discovered during an authorized archeological excavation.

³⁹ Section 872.05(4), F.S.

⁴⁰ *Id.*

⁴¹ Hillsborough County School District, Press Release, *Historical Response Committee Seeks Input for Ridgewood Memorial*, Nov. 3, 2020, available at <https://sdhc.k12.fl.us/newsdesk/article/1795/historical-response-committee-seeks-input-for-ridgewood-memorial> (last visited Feb. 1, 2022).

⁴² *Id.*

⁴³ D'Ann Lawrence White, *District Unveils Memorial to Lost Black Cemetery at High School*, Patch.com (Feb. 16, 2021), available at <http://www.thafl.com/docs/uploads/2021-02-16%20District%20Unveils%20Memorial.pdf> (last visited Feb. 1, 2022).

⁴⁴ *Id.*

⁴⁵ Chapter 2021-60, L.O.F.

⁴⁶ Florida Department of State: Division of Historical Resources, *Abandoned African-American Cemeteries Task Force*, available at <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/> (last visited January 31, 2022).

⁴⁷ Florida Department of State: Division of Historical Resources, *Final Report of the Abandoned African-American Cemeteries Task Force*, available at https://files.floridados.gov/media/705214/hb-37_task-force-on-abandoned-african-american-cemeteries_report_12-17-2021.pdf (last visited January 31, 2022).

The bill creates the Historic Cemeteries Program within the Division. The State Historic Preservation Officer will serve as the director of the program and must, subject to legislative appropriation, employ three full-time employees to operate the program. The program will have the following duties and responsibilities:

- Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries in this state established at least 50 years ago.
- Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.
- Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.
- Coordinate with the University of South Florida's Black Cemetery Network⁴⁸ to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.
- Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.
- When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.
- Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.
- In coordination with the Department of Education (DOE), develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.
- Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

In addition, the Historic Cemeteries Program must, subject to legislative appropriation, provide grants to the following entities:

- Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.
- Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

The bill authorizes the Division to adopt rules to implement the creation of the Historic Cemeteries Program.

The bill also creates the Historic Cemeteries Program Advisory Council,⁴⁹ within the Division which must consist of members appointed by the Secretary of State after considering the recommendations of the director of the Division. The council must be composed of an inclusive group of members who are regionally distributed and representative of communities throughout Florida. Members will serve four year staggered terms. As soon as practicable after July 1, 2022, the council must meet to elect a chair from its membership. Unless otherwise provided in law, the council must operate in a manner consistent with current law on the establishment of advisory bodies, commissions, and boards.⁵⁰

The council must provide guidance and recommendations to the Division regarding the duties and responsibilities of the Historic Cemeteries Program. The members of the council will serve without compensation but they may receive per diem and reimbursement for travel expenses.⁵¹

⁴⁸ The Black Cemetery Network is a national network that brings visibility to African American cemeteries and serves as a resource for information relating to Black Cemeteries.

⁴⁹ "Advisory Council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.

⁵⁰ See s. 20.052, F.S.

⁵¹ See s. 112.061, F.S.

The bill amends the definition of “legally authorized person”⁵² within the Florida Funeral, Cemetery, and Consumer Services Act,⁵³ to include a member of a representative community organization. This authorizes a funeral director to obtain written authorization from a member of a representative community organization prior to the disinterment and reinterment of a dead human body.⁵⁴

The bill also amends the definition of "conservation easement"⁵⁵ to include abandoned and neglected cemeteries that are at least 50 years old, and prohibits acts or uses that are detrimental to the preservation of the structural integrity or physical appearance of abandoned and neglected cemeteries that are at least 50 years old. In addition, the bill authorizes conservation easements to be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include preserving sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old.

The bill provides that if credible evidence supports a determination that there is an abandoned cemetery located on, underneath, or adjacent to land owned by a private owner, the state must have an easement for ingress and egress for the purpose of maintaining and conducting research and noninvasive searches at such cemetery at reasonable times and in a reasonable manner after providing the owner with reasonable notice.

Finally, the bill requires the Legislature to appropriate funds for the purpose of including abandoned African-American cemeteries in Florida in the University of South Florida's Black Cemetery Network.

B. SECTION DIRECTORY:

Section 1: Creates s. 267.21, F.S., relating to historic cemeteries program.

Section 2: Creates s. 267.22, F.S., relating to historic cemeteries program advisory council.

Section 3: Amends s. 497.005, F.S., relating to definitions.

Section 4: Amends s. 704.06, F.S., relating to conservation easements; creation; acquisition; enforcement.

Section 5: Amends s. 704.08, F.S., relating to cemeteries; right of ingress and egress for visiting or maintenance.

Section 6: Provides an appropriation for the purpose of including abandoned African-American cemeteries in this state in the University of South Florida's Back Cemetery Network.

Section 7: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill creates the Historic Cemeteries Program and authorizes the State Historic Preservation Officer to employ three full-time employees to operate the program. The salaries of the three full-

⁵² See s. 497.005, F.S.

⁵³ See ch. 497, F.S.

⁵⁴ See s. 487.384(3), F.S.

⁵⁵ See s. 704.06(1), F.S.

time employees is unknown, but there will likely be an indeterminate significant negative fiscal impact to DOS.

The bill requires the Historic Cemeteries Program to develop, with assistance from DOE, a curriculum relating to abandoned and historic cemeteries. It is likely that any costs associated with developing the curriculum can be absorbed within DOE's existing resources.

The bill requires the Historic Cemeteries Program to provide grants for certain entities to conduct research, repair, restore, or maintain abandoned African-American cemeteries. It is unknown how many entities will be provided grants and for what amount, but there will likely be an indeterminate significant negative fiscal impact to DOS.

The bill creates the Historic Cemeteries Program Advisory Council composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state. Members will not be entitled to compensation but are authorized to receive per diem and reimbursement for travel expenses as provided in law. It is unknown how many members the Advisory Council will have, but there will likely be an indeterminate insignificant negative fiscal impact to DOS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires the Legislature to appropriate funds for the purpose of including abandoned African-American cemeteries in Florida in the University of South Florida's Black Cemetery Network.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants rule-making authority to the Division to implement the creation of the Historic Cemeteries Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.