

2020 Report of ACHC to BoCC on Historic Cemetery Maintenance

Introduction/ ACHC Motion

Brief report for background on ACHC Motion on Cemetery Maintenance- Passed March 11, 2019

Motion: ACHC recommends to BoCC to consider as 'reparation' funding to restore African American cemeteries under F.S. Chapter 497, Section 284. In connection with this work, ACHC will plan programs and historical avenues to achieve community awareness. Passed unanimously.

The motion was shared with BoCC via the posting of meeting minutes yet not discussed yet. This brief report is to provide BoCC with information on cemetery resource protection work completed to date, and some preliminary cost estimates and other information on assisting Alachua County cemetery organizations in the future. Recognizing the impact the COVID-19 will have on cemetery planning in the future is beyond the scope of this report. However it is also recognized that the local revenues and ability to mobilize volunteers post-COVID is important to consider while addressing the need to maintain and preserve the cemeteries that are important glimpse into County history and places to reflect and show respect for the deceased.

"...The deceased outnumber the living. The present is the golden rim of a black cloth."

Hisham Matar, A Month in Sienna (Book available at our Public Library)

A. Virtual Cemetery Project

In 2000 work began in Alachua County to document the grave markers at all known cemetery sites. Led by Jim Powell, who works for Alachua County as the Ancient Records Clerk, a group of volunteers comprised of members of the Alachua County Historical Commission (ACHC), Jim's grandchildren, and others began the painstaking process of photographing each grave marker. All known Alachua County Cemetery locations where the owner has granted permission to access have been documented. Unfortunately some are abandoned sites.

Most of the sites are now online- <http://www.wizardofar.org> . A search feature allows access to records from the cemeteries that were photographed and the transcriptions from the 1966 DAR books compiled in the 1960s. Some of the names from the DAR books no longer have visible markers. The information is now freely searchable at Ancestry.com, and a Facebook page provides information-

<http://www.facebook.com/wizardofar> .

Florida Master Site File

More recently ACHC (represented by Karen Kirkman) has been working to ensure all sites, particularly African American Cemetery records, are part of the Florida Master Site File (a statewide database of historic and archeological information). Florida Public Archeology Network (FPAN) Central Region Staff Nigel Rudolph is assisting with this effort. This work is attempting to classify the historic cemeteries as abandoned, endangered or ok (with support group or ownership to take care of it) and make recommendations as to what it will take to preserve it. There is focus on African-American sites as many are considered at risk due to no organization identified to maintain the sites, or aging community. Gaining legal access to complete the work is one issue that requires time and coordination.

Cemetery Mapping

Thus far there is no map of the cemetery sites added at the Virtual Cemetery Project website, and this must be carefully considered due to the concern of possible vandalism at remote sites. Jim Powell was appointed to serve on the Historic Commission beginning June 2020. His expertise is essential. It can also be noted that Property Appraiser Data indicates almost 100 parcels with the classification of "Cemetery."

In a search for the reason that a lot in the Kincaid Road Subdivision is listed as a Cemetery, Ancient Records Clerk Jim Powell found a deed that listed it as a "Negro Cemetery" in 1950. Deed is here ... <http://www.alachuaclerk.org/archive/AncientJ/FrontPage.cfm?DID=305&BID=1420> and the plat of the Kincaid Road Subdivision that leaves this lot "OUT" is here ... http://www.alachuaclerk.org/archive/Image1/Archive/platPDF/E_087_01.pdf . This is an example of a site where record keeping is critical to ensure that the cemetery is protected in perpetuity.

B. Outreach/ Possible Partnerships

Keep Alachua County Beautiful (KACB) – Following H. Irma there was funding available from the national Keep America Beautiful and the local affiliate KACB was awarded \$20K. KACB utilizes volunteers, often high school or college students wanting to complete community service projects for academic credit. The funding provided by the national disaster recovery grant was used at 3 different County cemeteries. The site receiving most local press coverage was the Archer Bethlehem Methodist Episcopal Cemetery (BMEC). This group has its own non-profit organization with 'champion' Roberta Lopez. Keep Alachua County Beautiful has recently focused grant efforts for cemeteries, there is need for tree removal and specific improvements and benches at Haynes Memorial Cemetery (Micanopy), and City of Hawthorne Cemetery. County Historic Commission staff liaison will continue to share any grant opportunities with the group to increase effort for such work. In particular the cemetery organizations for Archer BME Cemetery and the Hague Cemetery have previously requested assistance with finding funding resources for maintenance, memorials and historic markers. County staff will continue to work with KACB on grant and community outreach efforts to further work on cemeteries.

There are other community organizations that may offer potential partnerships for cemetery maintenance. They may include faith communities, civic organizations, veterans organizations, gardening groups, and even perhaps groups wishing to provide pollinator habitat. The challenging problems of coordinating volunteers and funding are on-going though so it would be good to identify KACB or similar organization as the project leader. It may be that a reoccurring schedule a short time prior to, or even on, Memorial Day and Veterans Day, would be a way to organize volunteer efforts and respect the Veterans at rest in these places.

C. FPAN Cemetery Resource Protection Training / Essential Partnership

The Florida Public Archeology Network (FPAN) organizes "Cemetery Resource Protection Trainings" in order to provide citizens and government staff working to protect cemeteries with the technical information and resources to ensure work will ensure correct methods will be followed. Old gravestones should never be pressure washed or bleached, there is a special cleaning agent called D2 that is the recommendation of professional archeologists. The staff for the FPAN Central Region which includes Alachua County is Nigel Rudolph. He has been working with ACHC volunteer Karen Kirkman to

add all the known sites to the Florida Master Site File (a statewide database of historic and archeological information).

It is planned that another CRPT event can be scheduled in Alachua County soon, the previous training occurred in Gainesville several years ago with fieldwork at the Evergreen Cemetery. Evergreen is now in the process of completing a Master Plan, and one recent amenity is the addition of signage with information on the history of the place and persons buried there [<http://www.thiswondrousplace.org/>]. More information on FPAN work on African American cemeteries statewide is online, and the poster features work at Bethlehem Methodist Episcopal Cemetery in Archer- <http://fpan.us/FAM/>. FPAN staff Nigel Rudolph was a presenter on July 31 at the Florida Trust for Historic Preservation virtual conference that included a session about the BME Cemetery in Archer. Part of the presentation was a video about the historic site. Mrs. Roberta Lopez discusses the site and mentions it is likely some of the burial are former slaves. https://www.youtube.com/watch?v=WJwnf_o3eP0,

D. UF Historic Preservation Grant for Archer BME African American Cemetery

This September work began by UF Historic Preservation at the Archer BMEC site, with funding from a State grant, and the project will be directed by UF Professor Marty Hylton, Ph.D., and result in a cemetery preservation plan we anticipate may provide a model for future work county-wide. (See Attachment).

Encouraging public walks in cemeteries began in the late 1800s, when public health officials in large industrial cities were concerned the citizens needed green spaces for air quality and prior to the urban parks movement this was possible only in cemeteries. With proper signage to ensure no disturbance and proper respect of the sacred landscape cemeteries can afford persons with opportunities for passive recreation.

E. Cost Information

Conditions at County cemetery sites at present range from dead or decaying trees at risk of falling, damaged boundary walls and fences, damaged or missing headstones and overgrowth of shrubs and grasses. Some costs are one time expenditures but each site would ideally have funding for unanticipated maintenance.

There is also the (reoccurring) cost of cleaning grave stones. As recommended by FPAN there is a biological agent known as D2 that should be used. A rough estimate by FPAN on quantity needed is 5 gal of D2 is about \$200 more or less. If you are being conservative, you can go about 3 to 1 – water to D2. Using 32 oz. spray bottles, one spray bottle could clean 4 or 5 stones probably before a refill. So, including garden sprayers, plastic bristle brushes, and such, just for materials a budget of \$500 annually would be sufficient. This, of course, doesn't account for the labor of doing the cleaning. It might be 3 times that if you include that. Stone cleaning is recommend annually if resources and volunteers are available.

According to FPAN staff, the City of Tampa budgets 120-140k to manage 5 cemeteries on City property. This does not include cleaning of stones, just ground maintenance.

Some examples of other communities mobilizing resources for cemeteries are discussed in an article- "Planning for Cemeteries," Capels and Senville in Planning Commissioners Journal, Fall 2006. Online here- <http://plannersweb.com/wp-content/uploads/2006/10/230.pdf>

The analysis of space needed for future burials is beyond the scope of this brief report. Some points to consider are that a traditional cemetery holds approximately 1,250 burial plots per acre, and if two people are buried per plot, the capacity could potentially be up to 2,500 per acre. New forms of burial, including cremation and conservation burial are changing the future of cemeteries. However the need and interest in protecting the sacred landscapes where ancestors are laid to rest will not change. Cemeteries can allow the public places for quiet reflection and repose. Alachua County's history is evident in the stones that record the lives of people from our past. We hope to find ways to protect the places.

Appendix

State Law pertinent to Discussion of Cemetery Maintenance

Source: http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0497/0497.html

497.284 Abandoned cemeteries; immunity; actions.—

(1) Notwithstanding any provision of law to the contrary, 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 6 months may, upon notice to the department, take such action as is necessary and appropriate to provide for maintenance and security of the cemetery. The solicitation of private funds and the expenditure of public funds for the purposes enumerated in this subsection are hereby authorized, provided that no action taken by a county or municipality under this subsection shall establish an ongoing obligation or duty to provide continuous security or maintenance for any cemetery.

(2) No county or municipality nor any person under the supervision or direction of the county or municipality, providing good faith assistance in securing or maintaining a cemetery under subsection (1), may be subject to civil liabilities or penalties of any type for damages to property at the cemetery.

(3) A county or municipality that has maintained or secured a cemetery pursuant to the provisions of subsection (1) may maintain an action at law against the owner of the cemetery to recover an amount equal to the value of such maintenance or security.

History.—s. 7, ch. 78-407; ss. 33, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 88-300; s. 1, ch. 89-8; ss. 84, 122, ch. 93-399; s. 65, ch. 2004-301.

Note.—Former s. 559.525; s. 497.071; s. 497.345.

497.285 Inactive cemeteries.—

(1) A licensee shall be considered inactive upon the acceptance of the surrender of its license by the department or upon the nonreceipt by the department of the license renewal fees required by s. 497.265.

(2) A cemetery licensee licensed to engage in preneed sales shall cease all preneed sales to the public upon becoming inactive in regard to its cemetery license. At-need sales to the public shall cease within 30 days after becoming inactive.

- (3) Any licensee desiring to surrender its license to the department shall first:
- (a) File notice with the department.
 - (b) Submit copies of its existing trust agreements.
 - (c) Resolve to the department's satisfaction all findings and violations resulting from the last examination conducted.
 - (d) Pay all outstanding fines and invoices due the department.
 - (e) Submit its current license.
- (4) Upon receipt of the notice, the department shall review the licensee's:
- (a) Trust funds.
 - (b) Trust agreements.
 - (c) Care and maintenance of the cemetery grounds.
- (5) After a review to the department's satisfaction, the department shall terminate the license.
- (6)(a) The care and maintenance trust fund of a licensee shall be held intact and in trust after the licensee has become inactive, and funds in that trust fund shall be disbursed to the cemetery on a regular basis for the upkeep of the grounds.
- (b) The merchandise trust fund of a licensee shall be held intact and in trust after the licensee has become inactive, and the funds in that trust fund shall be disbursed in accordance with the requirements of the written contracts until the fund has been exhausted.

History.—s. 85, ch. 93-399; s. 66, ch. 2004-301.

Note.—Former s. 497.349.

497.286 ...presumption of abandonment; abandonment procedures....

[Note: Full subtitle too long for ADA heading... "FS497.286 Owners to provide addresses; presumption of abandonment; abandonment procedures; sale of abandoned unused burial rights.—

(1) For purposes of this section, all owners of burial rights in any cemetery licensed under the provisions of this chapter shall have the legal duty to keep the cemetery companies informed in writing of their residence addresses. Cemetery companies shall notify their present burial rights owners by letter at the owner's last known address and notify all future burial rights owners, in the contract for sale and the certificate of ownership, of the requirement to keep the cemetery company informed in writing of their current residence address.

(2) There is hereby created a presumption that burial rights in any cemetery licensed under this chapter have been abandoned when an owner of unused burial rights has failed to provide the cemetery with a current residence address for a period of 50 consecutive years and the cemetery is unable to communicate by certified letter with said owner of unused burial rights for lack of address. No such presumption of abandonment shall exist for burial rights held in common ownership which are

adjoining, whether in a grave space, plot, mausoleum, columbarium, or other place of interment, if any such burial rights have been used within such common ownership.

(3) Upon the occurrence of a presumption of abandonment as set forth in subsection (2), a cemetery may file with the department a certified notice attesting to the abandonment of the burial rights. The notice shall do the following:

- (a) Describe the burial rights certified to have been abandoned;
- (b) Set forth the name of the owner or owners of the burial rights, or if the owner is known to the cemetery to be deceased, then the names, if known to the cemetery, of such claimants as are heirs at law, next of kin, or specific devisees under the will of the owner or the legally authorized person;
- (c) Detail the facts with respect to the failure of the owner or survivors as outlined in this section to keep the cemetery informed of the owner's address for a period of 50 consecutive years or more; and
- (d) Certify that no burial right has been exercised which is held in common ownership with any abandoned burial rights as set forth in subsection (2).

(4) Irrespective of diversity of ownership of the burial rights, a cemetery may include in its certification burial rights in as many owners as are certified to have been abandoned.

(5) The department shall notice and publish the approved abandoned burial rights in the manner provided by s. 717.118.

(6) Within 120 days from the final notice and publication as provided in subsection (5), the department shall notify the cemetery if there has been no claim filed for the burial rights, and the cemetery shall have the right to sell such burial rights at a public sale subject to the approval of the sale price by the department.

(7) Notice of the time and place of any sale held pursuant to the provisions of this section shall be published by the cemetery once in a newspaper of general circulation in the county in which the cemetery is located, such publication to be not less than 30 days prior to the date of sale.

(8) The proceeds derived from any sale shall be disbursed in the following manner: an amount specified in s. 497.268 shall be deposited to the cemetery care and maintenance trust fund; an amount equal to the cemetery company's actual and necessary costs incurred pursuant to this section but not to exceed 10 percent of the selling price of the abandoned burial right shall be deposited to the cemetery company's operating account; and the balance of the proceeds shall be deposited with the department within 20 days after receipt of said funds. The department shall deposit all funds received pursuant to this subsection in accordance with the provisions of s. 717.123.

(9) Persons or their heirs who were owners of burial rights which were sold under this section shall have the right at any time to obtain equivalent burial rights in the cemetery without further charge. If no burial rights are desired, such persons or their heirs may obtain the amount paid to the department in accordance with the provisions of s. 717.124.

(10) The cemetery shall set aside equivalent burial rights equal to 10 percent of the abandoned burial rights sold under this section for the exclusive use of persons or their heirs who were owners of burial rights which were sold under this section, who have the right at any time to obtain equivalent burial rights in the cemetery under this section.

(11) Persons who purchase burial rights at a sale pursuant to this section shall have the right to sell, alienate, or otherwise transfer said burial rights subject to and in accordance with the rules and regulations of the cemetery and payment of a reasonable transfer fee.

History.—ss. 2, 4, ch. 87-39; s. 1, ch. 89-8; ss. 86, 122, ch. 93-399; s. 43, ch. 2000-154; s. 7, ch. 2001-120; s. 67, ch. 2004-301; s. 14, ch. 2016-172.

Note.—Former s. 497.091; s. 497.353.
497.287 Report of identification of exempt cemeteries.—

(1) All cemeteries in excess of 5 acres located in this state that are exempt from the provisions of this chapter shall be required to file a report of identification with the department and pay a \$25 fee. The department shall maintain such reports as public records. Such report of identification shall be refiled every 5 years pursuant to a schedule set by board rule. Solely for purposes of chapter 120, such report of identification shall be considered a license with the department.

(2) The report shall be submitted on a form and pursuant to procedures specified by rule, and shall list the name and address of the authorized agent who is responsible for conducting the business of the cemetery and to whom inquiries about the cemetery can be directed.

(3) The department may institute proceedings in any appropriate court for injunctive relief to enforce this section. Upon issuance of an injunctive order, the court shall award the department its costs and attorney fees in the action.

History.—s. 87, ch. 93-399; s. 17, ch. 96-400; s. 68, ch. 2004-301.

Note.—Former s. 497.357.

Known Cemetery History Research

Jim Powell/ Ongoing for Virtual Cemetery Project

Murray Laurie / Hatchett Creek

Dr. Patricia Hilliard Nunn /Coleman

George Guy/ Haynes Cemetery

State of Florida Division of Historic Resources/ Hawthorne Cemetery NR nomination documents

WPA Church records (where cemeteries are located with churches).

[There may be many others by Churches or other researchers]

[Known Previous Cemetery Restoration/Repair/Maintenance](#)

KACB Grant Post Irma- Archer Bethlehem Methodist Cemetery, others

Hawthorne Cemetery Wall Repair

[Partial List of Cemeteries in County](#)

Archer BMEC- Association/BMEC Inc.; State grant funded UF Historic Pres. Project to begin Sept. 2020

Archer Laurel Hill Cemetery

Evergreen Cemetery (Gainesville)—Community Association; Master Plan underway

Forest Meadows Cemeteries

Hague Cemetery; Community Association

Hawthorne Cemetery; City of Hawthorne (African American parcel National Register nomination 2015)

High Springs Cemetery

Liberty Hill Cemetery (adjacent to historic Liberty Hill School- listed on National Register)

Micanopy Cemetery; Community Association

Micanopy Haynes Cemetery (African American families); Community Association

Newnansville Cemetery (listed on National Register)

Oak Ridge Cemetery (CR 234 between Micanopy and Rochelle; Community groups

Prairie Creek Conservation Burial Cemetery

Rochelle Coleman Cemetery (Inactive for burial) - John Nix

Church cemeteries (Liberty Hill, Mt. Nebo, St. Peter and St. Paul, many others in rural area); presumably maintained by the faith communities yet aging members these groups are often facing challenges

Waldo Cemeteries

Note: According to Property Appraiser data there are over 900 parcels categorized as cemeteries in Alachua County. However some of these are burial sites from the past that no longer have on-going burials, and may be located in areas with various land uses.

[Attachment:](#)

Schedule for UF Historic Preservation Project at Archer BME Cemetery (UF Faculty Morris Hylton, Ph.D. will lead project to develop Cemetery Conservation Management Plan)