

Historic Cemeteries Could Gain Development Flexibility for Adjacent Land

HB 425 – Rep. Wallace Aristide (SB 34 – Sen. Barbara Sharief)

General Bill Summary

HB 425 modifies the state’s Historic Cemeteries Program to allow certain historic African-American cemeteries to generate funding for long-term maintenance through the sale or development of unused property.

The bill amends s. 267.21, F.S., to require a local government to approve an application to change the land use designation and zoning of excess vacant land owned by a historic African-American cemetery under specific conditions. If the cemetery sells or contracts to sell that land for the purpose of funding ongoing maintenance and upkeep, the local government must approve the change so that the property receives the most permissive land use category and zoning district adjacent to the property.

The measure builds on legislation enacted in 2023 that created the Historic Cemeteries Program and grant opportunities to support preservation efforts for abandoned African-American cemeteries. The new provision aims to provide a sustainable funding option for cemetery maintenance beyond initial preservation grants.

The bill specifically applies to excess vacant land associated with historic African-American cemeteries that seek to use proceeds from land sales or development to maintain and preserve the cemetery grounds.

Potential County Impact

HB 425 has a direct land-use and zoning impact on counties and municipalities.

The bill effectively limits local government discretion by requiring approval of land use and zoning changes for qualifying cemetery properties when statutory conditions are met. Normally, comprehensive plan amendments and zoning changes are subject to local review and decision-making; however, this legislation mandates approval when the property owner meets the bill’s criteria.

For counties, the bill may:

- Reduce local government authority over land use and zoning decisions affecting eligible cemetery properties.
- Require administrative processing of land use amendments or rezonings that must be approved if the statutory conditions are satisfied.
- Potentially result in new development adjacent to historic cemeteries, depending on surrounding zoning classifications.
- Require staff review to verify eligibility (e.g., confirming cemetery status and that land sales support cemetery maintenance).

While the bill does not create a direct fiscal mandate, counties may experience administrative workload related to land use applications and planning review.

The measure also presents a potential state preemption of local land-use discretion in narrowly defined circumstances.

Effective Date

July 1, 2026.

Primary Statutory References

- s. 267.21, F.S.