

County and Municipal Cemeteries in Florida

The Regulatory Environment
and
Charlotte County's Experience

Scope of this presentation

- Statutes regulating county and municipal cemeteries;
- Selected Florida cases; and
- Charlotte County case studies.

Government-owned vs. Public Cemeteries

All cemeteries in Florida are governed by Chapter 497, Florida Statutes, but exemptions apply to certain facilities.

Public cemeteries are generally open to the public but are not necessarily government-owned.

The statutes exempt “county and municipal” cemeteries from some, but not all, of Chapter 497.

The county/municipality exemption

The provisions of [Chapter 497] relating to cemeteries and all rules adopted pursuant thereto shall apply to all cemeteries except for...County and municipal cemeteries.

§ 497.260(1)(b), Fla. Stat.

But, “Florida Attorney General Robert A. Butterworth opined in 2000 that certain provisions of Chapter 497 are “...applicable to all cemeteries in Florida...”

Fla. Att'y Gen. Op. 2000-51 (2000).

The county/municipality exemption

Section 497.276(1) as to burial records, and ss. 497.152(1)(d), 497.164, 497.2765, 497.278, 497.280, and 497.284 apply to all cemeteries in this state.

§ 497.260(2), Fla. Stat.

Discrimination prohibited

Refusing to sell or issue a contract or provide services to any person because of the person's race, color, creed, marital status, sex, or national origin..." constitutes "...conduct that is prohibited and that shall constitute grounds for denial of any application, imposition of discipline, or other enforcement action against the licensee or other person committing such conduct."*

§ 497.152(1)(d), Fla. Stat.

*May be interpreted to allow personal liability for a county or municipal employee.

Restrictions on solicitation

Regulates such solicitation of sales of burial rights, merchandise, or services to protect the public from solicitation which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability.

...

Restrictions on solicitation

At-need solicitation of sales of burial rights, merchandise, or services also is prohibited. No person may contact the family or next of kin of a deceased person to sell services or merchandise unless the person has been initially called or contacted by the family or next of kin of such person or persons and requested to provide services or merchandise.

Lawful advertising is authorized.

See § 497.164, Fla. Stat.

Cemetery records

A record shall be kept of every burial in the cemetery of a cemetery company, showing the date of burial and the name of the person buried, together with lot, plot, and space in which the burial was made. All financial records of the cemetery company shall be available at its principal place of business in this state and shall be readily available at all reasonable times for examination by the department.

§ 497.276(1), Fla. Stat.

Recording of purchase of burial rights

Burial rights (broadly defined) may be permanently recorded with the clerk of the court in the county where the burial right is located. Recordation does not create “any priority of interest or ownership.”

§ 497.2765(1), Fla. Stat.

N.B. We will see later why this is a good idea.

Regulations on monuments and installation fees

No cemetery company may charge a fee for the installation of a monument purchased or obtained from and to be installed by a person or firm other than the cemetery company or its agents.

§ 497.278(1), Fla. Stat.

“Cemetery company” means any legal entity that owns or controls cemetery lands or property.

§ 497.005(14), Fla. Stat. Ann.

Regulations on monuments and installation fees

To verify that a monument is installed on the proper grave in accordance with cemetery bylaws, rules, or regulations, the cemetery company shall mark the place on the grave where the marker or monument is to be installed and shall inspect the installation when completed. Nothing in this subsection is intended to imply or require that a cemetery company shall have to lay out or engineer a grave site or grave sites for the installation of a marker or monument.

§ 497.278(2), Fla. Stat.

Regulations on monuments and installation fees

A cemetery company may require any person or firm that delivers, installs, places, or sets a monument to show proof of liability insurance coverage and, if required by law, workers' compensation insurance coverage. However, a cemetery company may not set liability insurance coverage limits or require any person or firm to obtain any form of bond or surety, or make any form of pledge, deposit, or monetary guarantee, as a condition for entry on or access to cemetery property.

§ 497.278(3), Fla. Stat.

“Tying” arrangements prohibited

Section 497.280, Fla. Stat. related to monuments and installation fees
“prohibits tying arrangements, that is, the linking of the purchase of any grave space to the purchase of a monument.”

Fla. Att'y Gen. Op. 2000-51 (2000); also see § 497.280(1), Fla. Stat.

“Tying” arrangements prohibited

Noncemetery licensed persons and firms shall have the right to sell monuments and to perform or provide on cemetery property foundation, preparation, and installation services for monuments. However, a cemetery company or any other entity owning and operating a cemetery may establish reasonable rules regarding the style and size of a monument or its foundation, provided such rules are applicable to all monuments from whatever source obtained and are enforced uniformly as to all monuments. Such rules shall be conspicuously posted and readily accessible to inspection and copy by interested persons.

§ 497.280(2)(a), Fla. Stat.

“Tying” arrangements prohibited

No person who is authorized to sell grave space and no cemetery company or other entity owning and operating a cemetery may:

1. Require the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument;
2. Refuse to provide care or maintenance for any portion of a gravesite on which a monument has been placed; or
3. Require waiver of liability with respect to damage caused by cemetery employees or agents to a monument after installation, ...

“Tying” arrangements prohibited

...where the monument or installation service is not purchased from the person authorized to sell grave space or the cemetery company providing grave space or from or through any other person or corporation designated by the person authorized to sell grave space or the cemetery company providing grave space. No cemetery company may be held liable for the improper installation of a monument where the monument is not installed by the cemetery company or its agents.

§ 497.280(2)(b), Fla. Stat.

“Tying” arrangements prohibited

No program offering free burial rights may be conditioned by any requirement to purchase additional burial rights, funeral merchandise, or services. Any program offering free burial rights shall comply with section 817.415, Fla. Stat. (the Florida Free Gift Advertising Law).*

§ 497.280(3), Fla. Stat.

*A violation of the Florida Free Gift Advertising Law is a deceptive trade practice, is unlawful and may be enjoined by an action of the Commissioner of Agriculture or the Attorney General. § 817.415, Fla. Stat.

Abandoned cemeteries

Section 297.284, Fla. Stat., relates to abandoned cemeteries, provides for immunity, and authorizes a cause of action to recover certain costs. Specifically, the section provides:

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.

...

Abandoned cemeteries

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.

§ 497.284(1), Fla. Stat.

Abandoned cemeteries

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 section 497.284(1), Fla. Stat., may be subject to civil liabilities or penalties of any type for damages to property at the cemetery.

§ 497.284(2), Fla. Stat.

Abandoned cemeteries

A county or municipality that has maintained or secured a cemetery pursuant to the provisions of section 497.284(1), Fla. Stat. 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.

§ 497.284(3), Fla. Stat.

Other Chapter 497 statutes to consider

Nondiscrimination provisions apply to all public cemeteries in Florida. See § 497.260(6), Fla. Stat.

Restrictions on eminent domain related to cemeteries. See § 497.270(6), Fla. Stat.

Restrictions on conditioning regulatory approval based on a requirement to transfer cemetery property prohibited. See § 497.270(7), Fla. Stat.

Other Florida statutes

Report of identification of exempt cemeteries. See 497.287, Fla. Stat. (department may seek injunctive relief, costs and attorney fees to enforce report requirement); and see Form DFS-EC-1.

Section 689.13, Fla. Stat. exempts funds or property set aside for the perpetual maintenance of cemeteries, cemetery lots, graves, and burial plots from invalidity under the rule against perpetuities. See Restatement (Second) of Property, Don. Trans. § 1.6 (1983)

Other Florida Statutes

Right of ingress and egress for visiting or maintenance.

§ 704.08, Fla. Stat.

Unlawful for any person to purchase any object used to commemorate a deceased person or placed in memory of a deceased person.

§ 812.052, Fla. Stat. (violation is a second degree misdemeanor)

Promises related to the sale of cemetery lots or mausoleum space

It shall be unlawful for any person,* firm or corporation, to sell, offer for sale, or advertise for sale, cemetery lots or mausoleum space, upon the guarantee, promise, representation or inducement to the purchaser that the same may be sold or repurchased at a financial profit.

§ 817.35(1), Fla. Stat. (violation is a second degree misdemeanor)

*This statute also could be interpreted to allow personal liability for a county or municipal employee.

Unlawful protests

A person may not knowingly engage in protest activities or knowingly cause protest activities to occur within 500 feet of the property line of a residence, cemetery, funeral home, house of worship, or other location during or within 1 hour before or 1 hour after the conducting of a funeral or burial at that place. This subsection does not prohibit protest activities that occur adjacent to that portion of a funeral procession which extends beyond 500 feet of the property line of the location of the funeral or burial.

§ 871.015(2), Fla. Stat. (violation is a first degree misdemeanor)

Disturbing graves and human remains

It is a felony in the third degree to “willfully and knowingly” commit certain damages to a burial place, broadly defined. See § 872.02(1), Fla. Stat.

It is a felony in the second degree to willfully and knowingly excavate, expose, move, remove, or otherwise disturb the contents of a grave or tomb. See § 872.02(2), Fla. Stat.

However,

Disturbing graves and human remains

This section does 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, any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster, 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 [section 872.02(1), Fla. Stat.]. See § 872.02(4), Fla. Stat. (emphasis added.)

Disturbing graves and human remains

Nevertheless, exempt cemetery owners may relocated contents of a grave or tomb upon authorization from a legally authorized person or after a specified public notice (§ 872.02(6), Fla. Stat.) or

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, then the county commission or the city council shall have the authority to grant a request for relocation of the contents of such graves or tombs. See § 872.02(7), Fla. Stat.

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.

§ 872.05(1), Fla. Stat.

Unmarked human burials

“Unmarked human burial” means 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.

§ 872.05(2)(f), Fla. Stat.

Unmarked human burials

Any person* who knows or has reason to know that an unmarked human burial is being unlawfully disturbed, destroyed, defaced, mutilated, removed, excavated, or exposed shall immediately notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located.

§ 872.05(3), Fla. Stat. (emphasis added.) (law enforcement notifies district medical examiner. § 872.05(3)(b), Fla. Stat.)

*County or city or employee likely fall into this definition.

Unmarked human burials

Section 872.05, Fla. Stat., describes detailed procedure required after notification, defines a violation of the section, provides for penalties, exceptions to penalties and for rulemaking.

Exception to violation and penalties: “This subsection shall not apply to any person acting under the direction or authority of the division or to any person otherwise authorized by law to disturb, destroy, or remove an unmarked human burial.”

§ 872.05(10)(c), Fla. Stat.

Proprietary vs. Regulatory Function

- Operation of government-owned cemeteries under local government's propriety function.
- First amendment; religious expression
- Negligence - waiver of sovereign immunity: does a duty exist?

Cases: Religious displays

American Legion v. American Humanist Association

Organization and individual residents brought § 1983 action against Maryland-National Capital Park and Planning Commission, alleging that the prominent display of a 32-foot tall Latin cross on public land, which was erected as a memorial to area soldiers who died serving in World War I, as well as the Commission's ownership and maintenance of the memorial, violated the First Amendment's Establishment Clause.

Am. Legion v. Am. Humanist Ass'n, 139 S. Ct. 2067 (2019)

Cases: Religious displays

The Supreme Court, Justice Alito, held that the cross did not violate the Establishment Clause.

Retaining established, religiously expressive monuments, symbols, and practices is quite different from erecting or adopting new ones. The passage of time gives rise to a strong presumption of constitutionality. (The “historical approach.”)

Id. at 2085

N.B. See Woodring v. Jackson County, Indiana, 986 F.3d 979 (7th Cir. 2021) for an interesting case applying American Legion.

Cases: Warner v. City of Boca Raton

Owners of plots in public cemetery brought action against city, challenging ordinance restricting vertical grave decorations as a violation of the State and Federal Constitutions and the Florida Religious Freedom Restoration Act (FRFRA).

Warner v. City of Boca Raton, 420 F.3d 1308 (11th Cir. 2005)

The city's cemetery rules prohibited vertical grave decorations but did not enforce the new rules for 10 at least years.

Cases: Warner v. City of Boca Raton

The court adopted the following test: “[t]o determine the place of a particular practice within a religious tradition [] a court should consider whether the practice:

1) is asserted or implied in relatively unambiguous terms by an authoritative sacred text;

2) is clearly and consistently affirmed in classic formulations of doctrine and practice;

...

Cases: Warner v. City of Boca Raton

3) has been observed continuously, or nearly so, throughout the history of the tradition; and

4) is consistently observed in the tradition as we meet it in recent times. If a practice meets all four of these criteria, it can be considered central to the religious tradition. If the practice meets one or more of these criteria, it can be considered a tenet, custom or practice of the religious tradition. If the practice meets none of these criteria, it can be considered a matter of purely personal preference regarding religious exercise.”

Id. at 1285.

Cases: Warner v. City of Boca Raton

The Court concluded “...that while marking graves and decorating them with religious symbols constitute customs or practices of the plaintiffs' religious traditions, the plaintiffs' desire to maintain vertical grave markers and religious symbols reflects their personal preference with regard to decorating graves.”

Id. at 1287.

The Regulations at issue in this case are clearly neutral laws of general applicability, which do not violate the Free Exercise Clause.

Id. at 1289.

Cases: Warner v. City of Boca Raton

City-owned “[c]emetery is a nonpublic forum for First Amendment analysis.”

Id. at 1291.

Viewpoint neutral regulations that prohibit all vertical decorations—religious or otherwise—in the newer sections of the cemetery cannot be considered an attempt to stifle religious expression.

Id. at 1291.

Cases: Warner v. City of Boca Raton

Under Florida law, “...[n]o property interest arises from the unauthorized acts of municipal officers.”

Id. at 1294.

To the extent the Cemetery Manager permitted the plaintiffs to maintain permanent vertical grave decorations on their Cemetery plots, he did so in violation of the Regulations. Accordingly, the plaintiffs have no property interest in maintaining vertical grave decorations in the Cemetery, and the City is not estopped from enforcing the Regulations.

Id. at 1294.

Cases: Proprietary vs. regulatory function

Family brought mandamus action to compel city to participate in a Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) informal dispute resolution process. Purpose was to allow family to construct one mausoleum on three adjacent burial plots in city-owned cemetery in violation purchase contract.

City of Tarpon Springs v. Planes, 30 So. 3d 693, 695 (Fla. 2d DCA 2010)

Cases: City of Tarpon Springs v. Planes

“[A]greeing to a modification of an agreement to build one mausoleum rather than the contractually approved three was not a ministerial duty of the City of Tarpon Springs; rather, it was purely a matter of discretion on the City's part as proprietor of the cemetery and party to the agreement. Nothing in the parties' agreement limited this discretion to modify the agreement in any way. The circuit court could not compel the execution of this discretionary act. Thus it was error to grant the Family's petition and issue the writ of mandamus.”

Id. at 695.

Cases: City of Tarpon Springs v. Planes

Family does not qualify as an “owner” under FLUEDRA.

Id. at 696.

Cases: City of Tarpon Springs v. Planes

Even assuming that the Family has, at most, an equitable interest in the three cemetery plots by having interment rights therein, they did not file an application for a development permit or receive a development order. There is no merit to their argument that the City's denial of approval to amend the contract can be likened to a development order. None of the other provisions of this definition are remotely applicable to them. Because this dispute did not qualify as a land use or environmental dispute, it was not incumbent on the City to submit to the resolution procedures of [FLUEDRA].

Id. at 696.

Cases: Negligence

Failure to maintain accurate records: misplacement of a body

To begin with, it is clear under the facts that the injury here was foreseeable. The major reason to keep a record of burials is to ensure that it is known where bodies are interred. By failing to keep the records, it is obvious that the exact occurrence sought to be avoided herein has occurred, namely, that a body cannot be found. The City Manager and City Secretary, as reasonable people, should have anticipated the dangers that their lack of diligence threatened.

City of Gladewater v. Pike, 727 S.W.2d 514, 517–18 (Tex. 1987)

Cases: City of Gladewater v. Pike

Had the City kept proper records, then common sense shows that no problem could have arisen here. Because the injury which has occurred is failure to find the body, and the omission of the City contributed in some ways to that failure, we hold there is evidence of proximate cause from which reasonable minds could draw an inference of negligence. Thus, the Pikes are entitled to actual damages from the City.

Id. at 518.

Cases: Negligence

Open and obvious condition

The plaintiff was injured during a burial service attended by approximately 50 mourners when she tripped over turf carpeting surrounding the grave site. The plaintiff testified that she saw the carpeting when she first arrived at the cemetery, that she had seen such carpeting at other funerals, that she understood its purpose was to cover the dirt, and that no one directed her to walk on a particular path.

Keller v. Reginald H. Tuthill Funeral Home, Inc., 298 A.D.2d 364, 751 N.Y.S.2d 211, 212 (2002)

Cases:

Keller v. Reginald H. Tuthill Funeral Home, Inc.

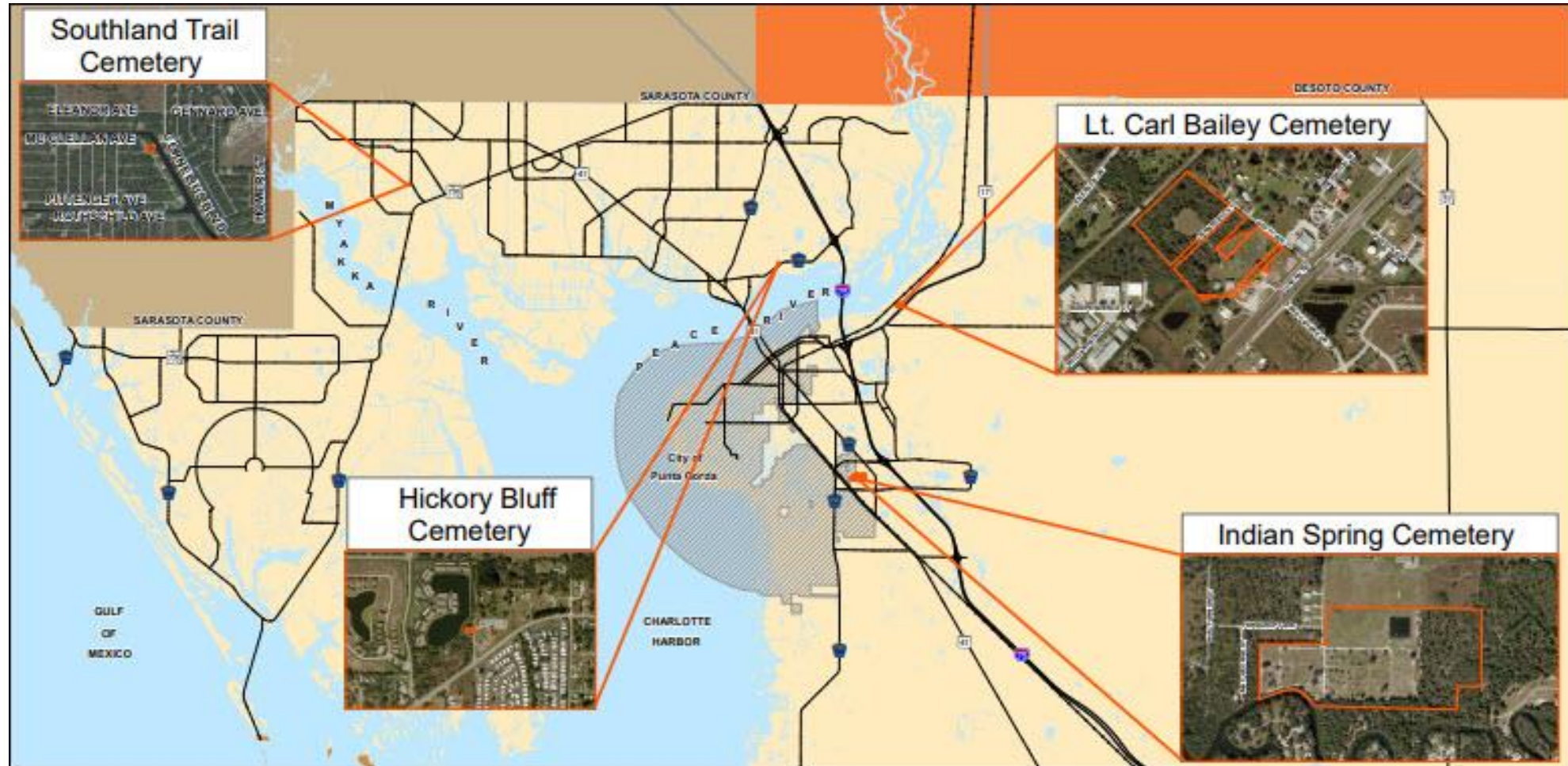
Under the circumstances, the Supreme Court properly determined that the turf carpeting was an open and obvious condition that was readily observable by employing the reasonable use of one's senses.

Id. at 751.

Case Studies

Charlotte County Cemeteries

Charlotte County's Historic Cemeteries



Indian Spring Cemetery



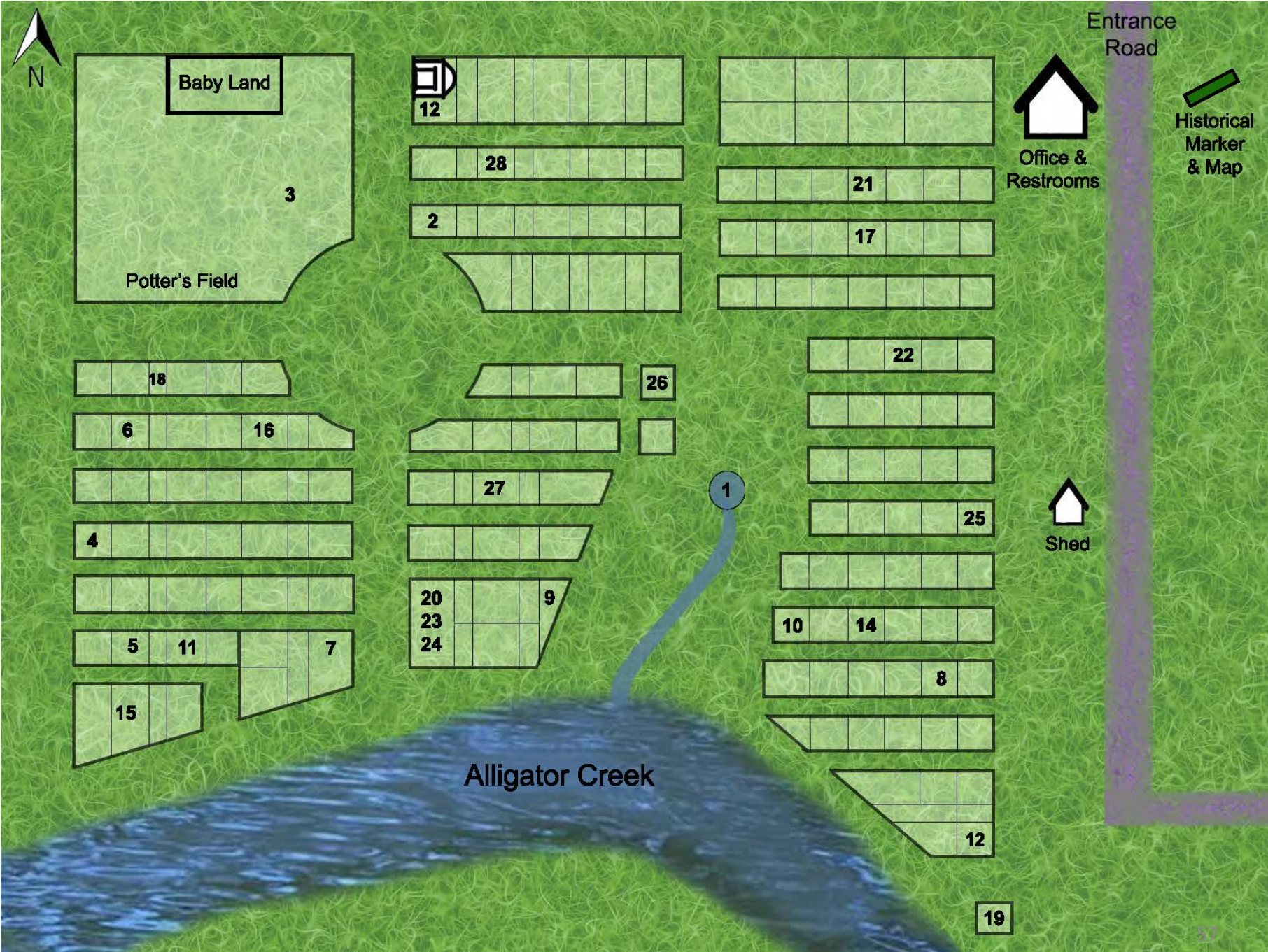
Indian Spring Cemetery – History

Indian Spring Cemetery, also called Indian Springs, was created in 1886 on land donated by James L. Sandlin (1858-1903), who settled on Alligator Creek in 1884. Additions were recorded in 1891, 1951, 1974 and 1975. The name 'Indian Spring' came from a small spring near the creek that was thought to have been used by native tribal dwellers. The 40-acre cemetery is the second known graveyard established in the Charlotte Harbor area and the first publicly-owned burial ground. Owned and maintained by Charlotte County since 1948, it contains over 2,500 verified interments, some unmarked, dating back to 1889.

Indian Spring Cemetery – History

James Sandlin was a young man who became a leading citizen of the newly-formed City of Punta Gorda. He is one of many Florida pioneers interred at Indian Spring. Albert Waller Gilchrist (1858-1926), the Florida Southern Railway surveyor who platted Indian Spring, went into politics and served as Governor of Florida from 1909 to 1913; Virginia Taylor Trabue (1832-1924), wife of Punta Gorda's founder; Joel Bean (1867-1943), founder of El Jobean, Florida's first circular city; and Sallie Jones (1895-1960), Florida's first female Superintendent of Schools, are also among the notables who rest in this cemetery.

Indian Spring Cemetery



Changes in operation

- Prior to 1996, cemetery plots were transferred by a “cemetery deed.” Deeds were often, but not always, recorded. Issues arise when the deeds are not probated.
- In 1996, the Charlotte BCC found that such transfers were “obsolete and impractical” and adopted the use of “Certificates of Interment Rights,” which are a form of license or right of burial.
- The county also adopted rules and regulations to govern cemetery operations.

Indian Spring Cemetery – McCann -> Hause

CITY OF PUNTA GORDA

No. 27334
INDIAN SPRING
CEMETERY DEED

BERTRAM MCCANN

THIS INDENTURE, made this 25th day of September, A. D. nineteen hundred and 45, between the City of Punta Gorda, a municipal corporation organized under the laws of the State of Florida, situate in Charlotte county, Florida, party of the first part, and Bertram McCann, of the County of Charlotte and State of Florida party of the second part:

WITNESSETH: That the said party of the first part for and in consideration of the sum of Twenty & No/100 Dollars, to its proper officer in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land in the County of Charlotte and State of Florida, to-wit:

Lot No. 195 in Indian Spring Cemetery

10% Fla. Doc. stamp.

and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF the said municipal corporation has through its Mayor affixed its signature and official seal on the date first above written.

Signed, sealed and delivered in
our presence:

C. E. Hurd
Doris Hoyl

THE CITY OF PUNTA GORDA (Seal)

By W. H. Monson
Mayor-Commissioner.

STATE OF FLORIDA } ss.
COUNTY OF CHARLOTTE }

I HEREBY CERTIFY, that on this 25th day of September, A. D. nineteen hundred and 45, personally before me came W. H. Monson Mayor of the City of Punta Gorda, a municipal corporation organized under the general laws of the State of Florida and situate in said State and County, with whom I am personally acquainted, who being by me duly sworn, on his oath says: That he resides in the said City of Punta Gorda, and is Mayor of the said municipal corporation; that he knows the corporate seal of the said municipal corporation; that the seal affixed to the foregoing indenture is such corporate seal; that it was so affixed by order of the City Commission of said municipal corporation, said order passed in regular session on the 2nd day of May, A. D. 1944, and appearing upon the minutes of said session.

IN WITNESS WHEREOF, I herunto affix my official signature and seal of office this the day and date first above written.

(NOTARIAL SEAL)
ORIGINAL FILED AND RECORDED
October 6, 1945.

Jean Cleveland
Notary Public, State of Florida at Large
My commission expires January 8, 1949.

E. H. SCOTT, Clerk

By: J. B. Hause D.C.

Indian Spring Cemetery – McCann -> Hause

1. Mr. Bertram Mccann acquired title to Lot 195 in Indian Springs Cemetery pursuant to Deed dated September 25, 1945 and recorded as Instrument No. 27334 in the Public Records of Charlotte County, Florida.
2. Mr. Bertram Mccann died on January 21 , 1964 intestate. He was survived by his spouse, Janie M. Mccann, and his daughter, Joyce F. McCann, n/k/a Joyce M. Hause. Pursuant to the estate and intestate laws, Janie M. McCann and Joyce M. Hause were each vested with a fifty percent (50%) interest in Lot 195 of Indian Springs Cemetery.
3. Two spaces in Lot 195, being spaces 5 and 6 were conveyed by Janie McCann and Joyce F. Mccann now Joyce M. Hause, to George S. Skinkle and Ethel E. Skinkle by Quit Claim Deed dated November 16, 1964 and recorded in O.R. Book 192, Page 638, of the Public Records of Charlotte County, Florida.

Indian Spring Cemetery – McCann -> Hause

4. Janie M. McCann died on December 12, 2006 intestate. She was survived by her daughter with Bertram McCann, Joyce M. Hause, and other her daughter, Jean Blair White. Upon Janie McCann's death, her fifty percent interest in grave spaces in Lot 195 vested in Joyce M. Hause and Jean Blair White, with Joyce M. Hause thereby owning a seventy-five percent (75%) interest in the said spaces and Jean Blair White owning a twenty-five percent (25%) interest in the said spaces.
5. Jean Blair White has conveyed her interest in Lot 195 of Indian Springs Cemetery to Joyce M. Hause pursuant to Quit Claim Deed dated September 15, 2020 and recorded in O.R. Book 4635, Page 131 7, of the Public Records of Charlotte County, Florida. As a result of the conveyance, a one hundred percent (100%) interest in the above-referenced spaces in Lot 195 of Indian Springs Cemetery is vested in Joyce M. Hause.



Indian Spring Cemetery – Invader

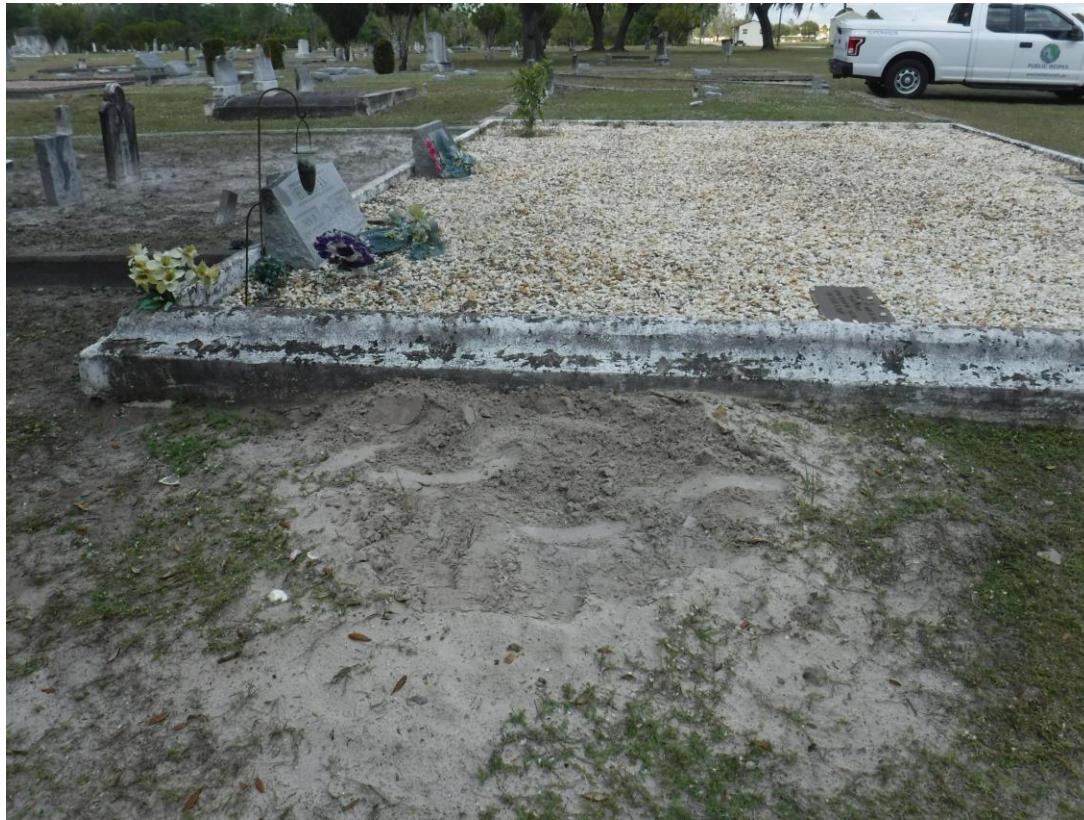


Indian Spring Cemetery - Invader

In 2017, a Gopher Tortoise (*Gopherus Polyphemus*), a species designated as Threatened both Federally and by the State, burrowed under an existing plot.



Indian Spring Cemetery - Invader



Southland Trail Cemetery

The Southland Trail Cemetery, believed to be a non-white cemetery, serves as the final resting place for an undisclosed number of leased convict laborers, blacks and possibly 18th century Spanish-Indian fishermen. The age of the cemetery is unknown; however locals refer to it as the “Convict Cemetery.”



Southland Trail Cemetery

From around 1910, Florida's leased convict labor system allowed the railroad and naval stores industries to lease inexpensive convict labor crews from area jails. These laborers worked on rail lines and in turpentine camps. Conditions at the camps were often cruel and inhumane. Convict laborers endured malnutrition, malaria, exposure, wildfires and beatings, often dying at the hands of "whipping bosses" employed to keep the workers in line. The majority of leased convict laborers were blacks imprisoned under harsh Jim Crow laws.

Southland Trail Cemetery

The leasing of convicts continued until 1923 when Florida legislators banned the practice.

LAWS OF FLORIDA.

CHAPTER 9202—(No. 84).

231

Chap. 9202.
1923

AN ACT to Repeal Sections 6272, 6273, 6274, 6275, 6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, 6287, 6288, and 6289 of the Revised General Statutes of the State of Florida, Providing for the Leasing of State Prisoners.

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

Section 1. That Sections 6272, 6273, 6274, 6275, 6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, 6287, 6288 and 6289, of Article 9, of Chapter 9, of Chapter 3, entitled the "State Prison System," of the Revised General Statutes of the State of Florida, providing for the leasing of State Prisoners, be, and the same are hereby repealed.

Leasing of
State con-
victs abol-
ished.

Sec. 2. This Act shall take effect immediately upon its becoming a law.

Approved May 23, 1923.

Southland Trail

Observations showed that graves were visible on lot 25 and may be present on lot 26.

County staff added holds on the properties to ensure future development did not run afoul of § 872.02(2), Fla. Stat. (disturbing the contents of a grave or tomb).



Government Cemeteries in Florida

Thank you for your attention.

Thomas M. David, Assistant County Attorney
Charlotte County
thomas.David@charlottecountyfl.gov