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Bill No. CS/HB 991

Amendment No. ____ (TECHNICAL AMENDMENT)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11	The Procedural & Redistricting Council offered the following:		
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13	Technical Amendment		
14	On page 12, line 23, through page 14, line 3,		
15	remove from the bill: all of said lines		
16			
17	and insert in lieu thereof:		
18	Section 6. Section 497.253, Florida Statutes, is		
19	amended to read:		
20	497.253 Minimum acreage; sale or disposition of		
21	cemetery lands.--		
22	(1) Each licensee shall set aside a minimum of <u>30</u> 15		
23	contiguous acres of land for use by the licensee as a cemetery		
24	and shall not sell, mortgage, lease, or encumber that property		
25	without prior written approval of the department.		
26	(2) Any lands owned by a licensee and dedicated for		
27	use by it as a cemetery, which are contiguous, adjoining, or		
28	adjacent to the minimum of <u>30</u> 15 contiguous acres described in		
29	subsection (1), may be sold, conveyed, or disposed of by the		
30	licensee, after obtaining written approval of the department		
31	pursuant to subsection (3), for use by the new owner for other		

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1 purposes than as a cemetery. All of the human remains which
2 have been previously interred therein shall first have been
3 removed from the lands proposed to be sold, conveyed, or
4 disposed of; however, the provisions of ss. 470.0295 and
5 497.515(7) must be complied with prior to any disinterment of
6 human remains. Any and all titles, interests, or burial rights
7 which may have been sold or contracted to be sold in lands
8 which are the subject of the sale shall be conveyed to and
9 revested in the licensee prior to consummation of any such
10 sale, conveyance, or disposition.

11 (3)(a) If the property to be sold, conveyed, or
12 disposed of under subsection (2) has been or is being used for
13 the permanent interment of human remains, the applicant for
14 approval of such sale, conveyance, or disposition shall cause
15 to be published, at least once a week for 4 consecutive weeks,
16 a notice meeting the standards of publication set forth in s.
17 125.66(4)(b)2. The notice shall describe the property in
18 question and the proposed noncemetery use and shall advise
19 substantially affected persons that they may file a written
20 request for a hearing pursuant to chapter 120, within 14 days
21 after the date of last publication of the notice, with the
22 department if they object to granting the applicant's request
23 to sell, convey, or dispose of the subject property for
24 noncemetery uses.

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

28 (c) If the property in question has been used for the
29 permanent interment of human remains, the department shall
30 approve the application, in writing, if it finds that it would
31 not be contrary to the public interest. In determining whether

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1 to approve the application, the department shall consider any
2 evidence presented concerning the following:

3 1. The historical significance of the subject
4 property, if any.

5 2. The archaeological significance of the subject
6 property, if any.

7 3. The public purpose, if any, to be served by the
8 proposed use of the subject property.

9 ~~4. The impact of the proposed change in use of the~~
10 ~~subject property upon the inventory of remaining cemetery~~
11 ~~facilities in the community and upon the other factors~~
12 ~~enumerated in s. 497.201(3).~~

13 ~~4.5.~~ The impact of the proposed change in use of the
14 subject property upon the reasonable expectations of the
15 families of the deceased regarding whether the cemetery
16 property was to remain as a cemetery in perpetuity.

17 ~~5.6.~~ Whether any living relatives of the deceased
18 actively oppose the relocation of their deceased's remains and
19 the conversion of the subject property to noncemetery uses.

20 ~~6.7.~~ The elapsed time since the last interment in the
21 subject property.

22 ~~7.8.~~ Any other factor enumerated in this chapter that
23 the department considers relevant to the public interest.

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

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29 NOTICE: The property described herein was formerly used and
30 dedicated as a cemetery. Conveyance of this property and its
31 use for noncemetery purposes was authorized by the Florida

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1 Department of Banking and Finance by Order No., dated
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4 (e) The department shall adopt such rules as are
5 necessary to carry out the provisions of this section.

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

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