

By the Council for Smarter Government and Representatives  
 Bense, Hogan, Mayfield, Spratt and Pickens

1                                   A bill to be entitled  
 2           An act relating to cemeteries; amending s.  
 3           704.08, F.S.; granting an easement for ingress  
 4           and egress for purposes of visiting or  
 5           maintenance of a cemetery to members of  
 6           not-for-profit organizations whose purposes  
 7           include the preservation of Florida's history;  
 8           amending s. 946.40, F.S.; providing that inmate  
 9           labor may be used to clean and maintain  
 10          abandoned or unmaintained cemeteries on private  
 11          lands; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Section 704.08, Florida Statutes, is  
 16 amended to read:  
 17           704.08 Cemeteries; right of ingress and egress for  
 18 visiting or maintenance.--The relatives and descendants of any  
 19 person buried in a cemetery and, in the absence of such, the  
 20 members of any not-for-profit organization duly registered  
 21 with the Division of Historical Resources of the Department of  
 22 State whose purposes include the preservation of Florida's  
 23 history shall have an easement for ingress and egress for the  
 24 purpose of visiting the cemetery at reasonable times and in a  
 25 reasonable manner. The owner of the land may designate the  
 26 easement. If the cemetery is abandoned or otherwise not being  
 27 maintained, ~~the such~~ relatives and descendants and, in the  
 28 absence of such, the members of such duly registered  
 29 not-for-profit organizations may request the owner to provide  
 30 for reasonable maintenance of the cemetery. ~~and, If the owner~~  
 31 refuses or fails to maintain the cemetery, the relatives, and

1 descendants, or members of such duly registered not-for-profit  
2 organizations, as applicable, shall have the right to maintain  
3 the cemetery.

4 Section 2. Subsection (5) is added to section 946.40,  
5 Florida Statutes, to read:

6 946.40 Use of prisoners in public works.--

7 (5) Cleaning and maintenance of abandoned or  
8 unmaintained cemeteries on private lands shall be considered  
9 an allowable public works project to which inmates of  
10 correctional institutions and camps may work pursuant to this  
11 section.

12 Section 3. This act shall take effect upon becoming a  
13 law.

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