

HB 1475

2004

1                                   A bill to be entitled  
 2           An act relating to cemeteries; amending s. 704.08, F.S.;  
 3           providing a statutory easement for ingress and egress, for  
 4           the visitation and maintenance of a cemetery, for members  
 5           of not-for-profit organizations whose purposes include the  
 6           preservation of state history; providing an effective  
 7           date.

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

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 11           Section 1.   Section 704.08, Florida Statutes, is amended to  
 12   read:

13           704.08   Cemeteries; right of ingress and egress for  
 14   visiting or maintenance.--

15           (1)   The relatives and descendants of any person buried in  
 16   a cemetery shall have an easement for ingress and egress for the  
 17   purpose of visiting the cemetery at reasonable times and in a  
 18   reasonable manner. The owner of the land may designate the  
 19   easement. If the cemetery is abandoned or otherwise not being  
 20   maintained, such relatives and descendants may request the owner  
 21   to provide for reasonable maintenance of the cemetery, and, if  
 22   the owner refuses or fails to maintain the cemetery, the  
 23   relatives and descendants shall have the right to maintain the  
 24   cemetery.

25           (2)   In the absence of relatives and descendants of a  
 26   person buried in a cemetery, members of any not-for-profit  
 27   organization whose purposes include the preservation of  
 28   Florida's history may use the easement described in this  
 29   section. If the owner of the land and the relatives and

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30 descendants of persons buried in a cemetery refuse or fail to  
31 maintain the cemetery as provided in this section, the members  
32 of any not-for-profit organization whose purposes include the  
33 preservation of Florida's history shall have the right to  
34 maintain the cemetery. Before the members of any not-for-profit  
35 organization whose purposes include the preservation of  
36 Florida's history may use an easement or maintain a cemetery  
37 pursuant to this section, a representative of the organization  
38 must file a letter with the Division of Historical Resources of  
39 the Department of State indicating that the organization intends  
40 to act pursuant to this subsection. Such letter may, but is not  
41 required to, indicate the specific easement or cemetery.

42 Section 2. This act shall take effect upon becoming a law.