

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cemeteries; amending s. 704.08, F.S.;
7 providing a statutory easement for ingress and egress, for
8 the visitation and maintenance of a cemetery, for members
9 of not-for-profit organizations whose purposes include the
10 preservation of the state's history and maintenance of
11 historic cemeteries; limiting the time and frequency of
12 statutory easements for ingress and egress; requiring
13 prior notice to the landowner; providing that the
14 landowner is not liable for an injury caused by a person
15 who goes on the land; authorizing certain not-for-profit
16 organizations to request the owner to provide for
17 reasonable maintenance of the cemetery; limiting the scope
18 of maintenance of a cemetery; requiring the not-for-profit
19 organization to file a letter with the Department of State
20 describing the proposed activity; providing an effective
21 date.

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

HB 1475

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

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

(1) ~~The~~ Relatives and descendants of any person buried in a cemetery, and representatives of any not-for-profit organization whose purposes include the preservation of the state's history and the maintenance of historic cemeteries, shall have an easement for ingress and egress for the purpose of visiting the cemetery at reasonable times and in a reasonable manner. The owner of the land may designate the easement. The right of access to the cemetery granted under this section begins one-half hour after sunrise and ends one-half hour after sunset. The right of access to the cemetery granted under this section to a not-for-profit organization may not be exercised more frequently than once a calendar quarter unless emergency repairs are required. A relative or descendant of a person buried in the cemetery, or the representative of the not-for-profit organization, who desires to visit the cemetery must provide 7 days' prior notice to the owner of the land by certified mail. The owner of the land on which the cemetery is located shall not be held liable or responsible for any injury to persons or property caused by an act or omission of any person entering the land pursuant to this section. If the cemetery is abandoned or otherwise not being maintained, such relatives and descendants or the not-for-profit organization may request the owner to provide for reasonable maintenance of the

HB 1475

2004
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52 cemetery, and, if the owner refuses or fails to maintain the
53 cemetery, the relatives and descendants and the not-for-profit
54 organization shall have the right to maintain the cemetery.
55 However, in maintaining the cemetery, not more than a 1-foot
56 diameter around the cemetery may be cleared or cleaned without
57 the express permission of the owner of the land.

58 (2) Before a not-for-profit organization whose purposes
59 include the preservation of the state's history and the
60 maintenance of historic cemeteries may utilize the easement
61 described in subsection (1), a representative of the not-for-
62 profit organization must file a letter with the Department of
63 State describing the proposed activity.

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