

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 the
4 visitation and maintenance of a cemetery, for members of not-
5 for-profit organizations whose purposes include the preservation
6 of the state's history and maintenance of historic cemeteries;
7 limiting the time and frequency of statutory easements for
8 ingress and egress; requiring prior notice to the landowner;
9 providing that the landowner is not liable for an injury caused
10 by a person who goes on the land; authorizing certain not-for-
11 profit organizations to request the owner to provide for
12 reasonable maintenance of the cemetery; limiting the scope of
13 maintenance of a cemetery; requiring the not-for-profit
14 organization to file a letter with the Department of State
15 describing the proposed activity; amending s. 810.011, F.S.;
16 providing that certain enclosed cemeteries are not required to
17 satisfy the definition of "posted land" in order to obtain
18 certain benefits pertaining to trespass on enclosed lands;
19 providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 704.08, Florida Statutes, is amended to
24 read:

25 704.08 Cemeteries; right of ingress and egress for
26 visiting or maintenance.--

27 (1) The Relatives and descendants of any person buried in
28 a cemetery, and representatives of any not-for-profit

29 | organization whose purposes include the preservation of the
30 | state's history and the maintenance of historic cemeteries,
31 | shall have an easement for ingress and egress for the purpose of
32 | visiting the cemetery at reasonable times and in a reasonable
33 | manner. The owner of the land may designate the easement. The
34 | right of access to the cemetery granted under this section
35 | begins one-half hour after sunrise and ends one-half hour after
36 | sunset. The right of access to the cemetery granted under this
37 | section to a not-for-profit organization may not be exercised
38 | more frequently than once a calendar quarter unless emergency
39 | repairs are required. A relative or descendant of a person
40 | buried in the cemetery, or the representative of the not-for-
41 | profit organization, who desires to cross private lands in order
42 | to visit the cemetery must provide 7 days' prior notice to the
43 | owner of the land by certified mail. The owner of the land on
44 | which the cemetery is located shall not be held liable or
45 | responsible for any injury to persons or property caused by an
46 | act or omission of any person entering the land pursuant to this
47 | section. If the cemetery is abandoned or otherwise not being
48 | maintained, such relatives and descendants or the not-for-profit
49 | organization may request the owner to provide for reasonable
50 | maintenance of the cemetery, and, if the owner refuses or fails
51 | to maintain the cemetery, the relatives and descendants and the
52 | not-for-profit organization shall have the right to maintain the
53 | cemetery. However, in maintaining the cemetery, not more than a
54 | 1-foot diameter around the cemetery may be cleared or cleaned
55 | without the express permission of the owner of the land.

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

62 Section 2. Subsection (5) of section 810.011, Florida
 63 Statutes, is amended to read:

64 810.011 Definitions.--As used in this chapter:

65 (5)(a) "Posted land" is that land upon which signs are
 66 placed not more than 500 feet apart along, and at each corner
 67 of, the boundaries of the land, upon which signs there appears
 68 prominently, in letters of not less than 2 inches in height, the
 69 words "no trespassing" and in addition thereto the name of the
 70 owner, lessee, or occupant of said land. Said signs shall be
 71 placed along the boundary line of posted land in a manner and in
 72 such position as to be clearly noticeable from outside the
 73 boundary line.

74 (b) It shall not be necessary to give notice by posting on
 75 any enclosed land or place not exceeding 5 acres in area on
 76 which there is a dwelling house in order to obtain the benefits
 77 of ss. 810.09 and 810.12 pertaining to trespass on enclosed
 78 lands.

79 (c) It shall not be necessary to give notice by posting on
 80 any enclosed cemetery located within a historic district that is
 81 listed in the National Register of Historic Places in order to
 82 obtain the benefits of ss. 810.09 and 810.12 pertaining to
 83 trespass on enclosed lands.

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