

By the Committee on Banking and Insurance; and Senator Crist

311-1155-04

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A bill to be entitled
An act relating to burial rights; creating s.
497.310, F.S.; providing for the optional
recording of evidence of burial rights;
providing for the purpose of recordation;
providing for recording fees; amending s.
497.003, F.S.; applying provisions relating to
recording of burial rights to all cemeteries in
this state; providing an effective date.

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

Section 1. Section 497.310, Florida Statutes, is
created to read:

497.310 Recording purchase of burial rights.--

(1) Any person purchasing a burial right, belowground
crypt, grave space, mausoleum, columbarium, ossuary, or
scattering garden for the interment, entombment, inurnment, or
other disposition of human remains may, at the person's
option, permanently record the purchase of the burial right,
belowground crypt, grave space, mausoleum, columbarium,
ossuary, or scattering garden with the clerk of the court in
the county where the burial right, belowground crypt, grave
space, mausoleum, columbarium, ossuary, or scattering garden
is located. The recordation pursuant to this section is for
the purpose of public notification and for the purpose of
establishing a permanent record in the official records of the
county; however, it does not create any priority of interest
or ownership.

(2) The clerk of the court shall record the evidence
of the purchase of a burial right, belowground crypt, grave

1 space, mausoleum, columbarium, ossuary, or scattering garden
2 presented to him or her for recording upon payment of the
3 service charge as otherwise provided by law for the recording
4 of the purchase documents in the official records.

5 Section 2. Subsection (2) of section 497.003, Florida
6 Statutes, is amended to read:

7 497.003 Cemeteries; exemption; investigation and
8 mediation.--

9 (2) Section 497.309(1) as to burial records, and ss.
10 497.310, 497.321, 497.325, 497.341, and 497.345 apply to all
11 cemeteries in this state.

12 Section 3. This act shall take effect July 1, 2004.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 204

17 Clarifies that the purpose for recording evidence of the
18 purchase of burial rights with the clerk is for public
19 notification and to establish a permanent record in the
official county records; however, such recordation does not
create any priority of interest or ownership.

20 Provides that the clerk's service charges for recordation are
21 pursuant to law.

22 Clarifies that the recordation provisions apply to all
cemeteries in the state that sell burial rights.

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