

By Senator Clary

4-1521-04

See HB

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

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

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 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. If the cemetery is abandoned or
otherwise not being maintained, such relatives and descendants
may request the owner to provide for reasonable maintenance of
the cemetery, and, if the owner refuses or fails to maintain
the cemetery, the relatives and descendants shall have the
right to maintain the cemetery.

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

1 maintain the cemetery as provided in this section, the members
2 of any not-for-profit organization whose purposes include the
3 preservation of Florida's history shall have the right to
4 maintain the cemetery. Before the members of any
5 not-for-profit organization whose purposes include the
6 preservation of Florida's history may use an easement or
7 maintain a cemetery pursuant to this section, a representative
8 of the organization must file a letter with the Division of
9 Historical Resources of the Department of State indicating
10 that the organization intends to act pursuant to this
11 subsection. Such letter may, but is not required to, indicate
12 the specific easement or cemetery.

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

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