

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 853 Cemetery Lands
SPONSOR(S): Troutman
TIED BILLS: **IDEN./SIM. BILLS:** SB 1308

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Financial Institutions	6 Y, 0 N	Holt/Bradford	Haug
2) Jobs & Entrepreneurship Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 853 provides additional protection for land dedicated for cemetery purposes from eminent domain, with certain specified exemptions. The intent of the bill is that reasonable alternatives should be explored prior to a taking of cemetery properties.

The Department of Financial Services has determined this bill does not have a fiscal impact on the agency.

This act shall take effect July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

There are no house principles implicated.

B. EFFECT OF PROPOSED CHANGES:

Section 1: The bill amends s. 497.270, F.S., Minimum acreage; sale or disposition of cemetery lands.— The bill provides that except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under this part may not be taken by eminent domain if the area of property to be taken is 1 contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable alternatives except to use cemetery property for the project.

The bill also provides that, a governmental entity may not require the transfer of property dedicated for cemetery purposes and licensed under this part as of July 1, 2007, as a condition of obtaining regulatory approval for any regulatory process to which the cemetery is subject.

Section 2: This act shall take effect July 1, 2008.

C. SECTION DIRECTORY:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 20, 2007, the Committee on Financial Institutions voted to recommend a technical amendment to Jobs & Entrepreneurship Council. The amendment corrected a date reference.