

By the Committee on Regulated Industries; and Senator Flores

580-02551-14

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1 A bill to be entitled  
2 An act relating to cemeteries; amending s. 497.260,  
3 F.S.; revising the exemptions to ch. 497, F.S.,  
4 relating to cemeteries, to include certain religious-  
5 institution-owned cemeteries; amending s. 497.452,  
6 F.S.; deleting obsolete provisions; conforming a  
7 provision to changes made by the act; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (j) is added to subsection (1) of  
13 section 497.260, Florida Statutes, to read:

14 497.260 Cemeteries; exemption; investigation and  
15 mediation.—

16 (1) The provisions of this chapter relating to cemeteries  
17 and all rules adopted pursuant thereto shall apply to all  
18 cemeteries except for:

19 (j) A cemetery, including all associated mausoleums and  
20 columbaria, which is larger than 5 acres but does not exceed 60  
21 acres and which is owned by a religious institution, if the  
22 religious institution:

23 1. Limits burial rights in the cemetery to members of the  
24 religious institution and their families; and

25 2. Provides an annual certification to the department that  
26 it maintains funds in a separate account which are sufficient to  
27 cover maintenance costs and preneed agreements. The separate  
28 account must be maintained with a financial institution, as  
29 defined in s. 280.02, and may only be used for such purposes.

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30 The annual certification must be made under oath and identify  
31 the financial institution and the account number where the funds  
32 are maintained. The account must maintain the following minimum  
33 balance:

34 a. For cemeteries that are larger than 5 acres but do not  
35 exceed 30 acres, \$1 million.

36 b. For cemeteries that are larger than 30 acres but do not  
37 exceed 60 acres, \$2 million.

38 Section 2. Subsection (4) of section 497.452, Florida  
39 Statutes, is amended to read:

40 497.452 Preneed license required.-

41 (4) ~~The provisions of This section does de~~ not apply to  
42 religious-institution-owned cemeteries exempt under s.  
43 497.260(1) (d) or (j), ~~in counties with a population of at least~~  
44 ~~960,000 persons on July 1, 1996,~~ with respect to the sale to the  
45 religious institution's members and their families of interment  
46 rights, mausoleums, crypts, cremation niches, cremation  
47 interment containers, vaults, liners, urns, memorials, vases,  
48 foundations, memorial bases, floral arrangements, monuments,  
49 markers, engraving, and the opening and closing of interment  
50 rights, mausoleums, crypts, cremation niches, and cremation  
51 interment containers, ~~if such cemeteries have engaged in the~~  
52 ~~sale of preneed contracts prior to October 1, 1993,~~ and maintain  
53 a positive net worth at the end of each fiscal year of the  
54 cemetery.

55 Section 3. This act shall take effect July 1, 2014.