

By Senator Davis

5-01264-26

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A bill to be entitled
An act relating to abandoned cemeteries; amending s.
704.08, F.S.; requiring the state to be granted an
easement for ingress and egress to abandoned
cemeteries on private property for specified purposes;
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, research, and searches.—

(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) If credible evidence supports a determination that
there is an abandoned cemetery located on, underneath, or
adjacent to land owned by a private owner, the state must be
granted an easement for ingress and egress for the purpose of
maintaining the cemetery and conducting research and noninvasive
searches at such cemetery at reasonable times and in a

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30 reasonable manner after providing the owner with reasonable
31 notice.

32 Section 2. This act shall take effect July 1, 2026.