

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.