

1 A bill to be entitled
2 An act relating to abandoned and historic cemeteries;
3 amending s. 259.105, F.S.; authorizing the use of
4 specified funds deposited in the Florida Forever Trust
5 Fund for the acquisition of lands which preserve
6 certain historic cemeteries; subject to appropriation,
7 authorizing the use of additional funds for the
8 acquisition of such lands; amending s. 704.08, F.S.;
9 requiring the state to be granted an easement for
10 ingress and egress to abandoned cemeteries on private
11 lands for specified purposes; requiring abandoned
12 cemeteries on private lands to be included in the
13 Florida Master Site File; providing that the owner of
14 such private land is entitled to a conservation
15 easement; providing an effective date.

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

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19 **Section 1. Paragraphs (k) through (m) of subsection (3) of**
20 **section 259.105, Florida Statutes, are redesignated as**
21 **paragraphs (l) through (n), respectively, paragraph (b) of**
22 **subsection (3) is amended, and a new paragraph (k) is added to**
23 **that subsection, to read:**

24 259.105 The Florida Forever Act.—

25 (3) Less the costs of issuing and the costs of funding

26 reserve accounts and other costs associated with bonds, the
27 proceeds of cash payments or bonds issued pursuant to this
28 section shall be deposited into the Florida Forever Trust Fund
29 created by s. 259.1051. The proceeds shall be distributed by the
30 Department of Environmental Protection in the following manner:

31 (b) Thirty-five percent to the Department of Environmental
32 Protection for the acquisition of lands and capital project
33 expenditures described in this section. Of the proceeds
34 distributed pursuant to this paragraph, it is the intent of the
35 Legislature that an increased priority be given to those
36 acquisitions which achieve a combination of conservation goals,
37 including protecting Florida's water resources and natural
38 groundwater recharge, or which preserve historic cemeteries that
39 are included in the Florida Master Site File pursuant to s.
40 267.21. At a minimum, 3 percent, and no more than 10 percent, of
41 the funds allocated pursuant to this paragraph shall be spent on
42 capital project expenditures identified during the time of
43 acquisition which meet land management planning activities
44 necessary for public access. Beginning in the 2017-2018 fiscal
45 year and continuing through the 2026-2027 fiscal year, at least
46 \$5 million of the funds allocated pursuant to this paragraph
47 shall be spent on land acquisition within the Florida Keys Area
48 of Critical State Concern as authorized pursuant to s. 259.045.

49 (k) Subject to legislative appropriation, additional funds
50 may be allocated for the acquisition of conservation easements

51 on historic cemeteries that are included in the Florida Master
52 Site File pursuant to s. 267.21.

53 **Section 2. Section 704.08, Florida Statutes, is amended to**
54 **read:**

55 704.08 Cemeteries; right of ingress and egress for
56 visiting, ~~or~~ maintenance, research, and searches.—

57 (1) The relatives and descendants of any person buried in
58 a cemetery shall have an easement for ingress and egress for the
59 purpose of visiting the cemetery at reasonable times and in a
60 reasonable manner. The owner of the land may designate the
61 easement. If the cemetery is abandoned or otherwise not being
62 maintained, such relatives and descendants may request the owner
63 to provide for reasonable maintenance of the cemetery, and, if
64 the owner refuses or fails to maintain the cemetery, the
65 relatives and descendants shall have the right to maintain the
66 cemetery.

67 (2) If credible evidence supports a determination that
68 there is an abandoned cemetery located on, underneath, or
69 adjacent to land owned by a private owner, the state must be
70 granted an easement for ingress and egress for the purpose of
71 maintaining and conducting research and noninvasive searches at
72 such cemetery at reasonable times and in a reasonable manner
73 after providing the owner with reasonable notice. If the state
74 determines that an abandoned cemetery exists on such land, the
75 cemetery must be added to the Florida Master Site File pursuant

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76 | to s. 267.21 and the owner of such land shall be entitled to a
77 | conservation easement for the cemetery.

78 | **Section 3.** This act shall take effect July 1, 2026.