

Committee Substitute for Senate Bill No. 204

An act relating to burial rights; creating s. 497.310, F.S.; providing for the optional recording of evidence of burial rights; providing for the purpose of recordation; providing for recording fees; amending s. 497.003, F.S.; applying provisions relating to recording of burial rights to all cemeteries in this state; providing an effective date.

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

Section 1. Section 497.310, Florida Statutes, is created to read:

497.310 Recording purchase of burial rights.—

(1) Any person purchasing a burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains may, at the person's option, permanently record the purchase of the burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden with the clerk of the court in the county where the burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden is located. The recordation pursuant to this section is for the purpose of public notification and for the purpose of establishing a permanent record in the official records of the county; however, it does not create any priority of interest or ownership.

(2) The clerk of the court shall record the evidence of the purchase of a burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden presented to him or her for recording upon payment of the service charge as otherwise provided by law for the recording of the purchase documents in the official records.

Section 2. Subsection (2) of section 497.003, Florida Statutes, is amended to read:

497.003 Cemeteries; exemption; investigation and mediation.—

(2) Section 497.309(1) as to burial records, and ss. 497.310, 497.321, 497.325, 497.341, and 497.345 apply to all cemeteries in this state.

Section 3. This act shall take effect July 1, 2004.

Approved by the Governor May 11, 2004.

Filed in Office Secretary of State May 11, 2004.