

Council Substitute for House Bill No. 853

An act relating to cemetery lands; amending s. 497.270, F.S.; revising provisions relating to the sale or disposition of cemetery lands to provide restrictions with respect to takings by eminent domain and the imposition of certain conditions for obtaining specified regulatory approval; providing an effective date.

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

Section 1. Subsections (6) and (7) are added to section 497.270, Florida Statutes, to read:

497.270 Minimum acreage; sale or disposition of cemetery lands.—

(6) Except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under this part may not be taken by eminent domain if the area of property to be taken is 1 contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable alternatives except to use cemetery property for the project.

(7) A governmental entity may not require the transfer of property dedicated for cemetery purposes and licensed pursuant to part II as a condition of obtaining regulatory approval under this chapter.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.