

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 853 Cemetery Lands  
**SPONSOR(S):** Jobs & Entrepreneurship Council/Troutman  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1308

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Financial Institutions</u>	<u>6 Y, 0 N</u>	<u>Holt/Bradford</u>	<u>Haug</u>
2) <u>Jobs &amp; Entrepreneurship Council</u>	<u>13 Y, 0 N, As CS</u>	<u>Holt/Topp</u>	<u>Thorn</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

CS/HB 853 provides additional protection from eminent domain for land dedicated for cemetery purposes, with certain specified exemptions. The intent of the bill is for reasonable alternatives to be explored prior to a taking of cemetery properties.

The Department of Financial Services has determined this bill does not have a fiscal impact on the agency.

This act shall take effect July 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

There are no house principles implicated.

#### B. EFFECT OF PROPOSED CHANGES:

Section 1: The bill amends s. 497.270, F.S., Minimum acreage; sale or disposition of cemetery lands.— The bill provides that 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.

The bill also provides that, a governmental entity may not require the transfer of property dedicated for cemetery purposes and licensed pursuant to Chapter 497, Part II, Cemetery Regulation, as a condition of obtaining regulatory approval.

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

#### C. SECTION DIRECTORY:

None

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

#### D. FISCAL COMMENTS:

None

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On March 20, 2007, the Committee on Financial Institutions voted to recommend a technical amendment to Jobs & Entrepreneurship Council. The amendment corrected a date reference.

On April 8, 2008, the Jobs & Entrepreneurship Council adopted a substitute amendment. The substitute amendment changed the bill by removing a date reference and clarifying its applicability to Chapter 497, Part II, Cemetery Regulation.