

Committee on Criminal Justice

CS/CS/CS/HB 107 — Criminal Offenses Involving Tombs and Memorials

by Judiciary Committee; Local, Federal and Veterans Affairs Subcommittee; Criminal Justice Subcommittee; and Rep. Cortes, B. and others (CS/CS/SB 844 by Appropriations Committee; Criminal Justice Committee; and Senators Simmons and Baxley)

The bill:

- Provides an exception for cemeteries exempt under ch. 497, F.S., from the criminal penalties in s. 872.02, F.S.;
- Clarifies elements of the offense of disturbing the contents of a grave or tomb;
- Provides that anyone performing routine maintenance and upkeep is exempt from the penalties associated with willfully destroying, mutilating, removing, cutting, breaking, or injuring any tree, shrub, or plant placed or being within any enclosure for the burial of the dead;
- Allows a cemetery to remove or relocate the contents of a grave or tomb in response to a natural disaster;
- Specifies the criteria that an exempt cemetery must meet to relocate the contents of a grave or tomb;
- Requires a public notice to be posted if a legally authorized person cannot be located after a reasonable search or if 75 years or more have elapsed since the date of entombment, interment, or inurnment;
- Allows a cemetery to proceed with the relocation of a grave or tomb if a legally authorized person does not object within 30 days from the last date of publication of the public notice;
- Provides a public hearing process if a legally authorized person refuses to sign a written authorization or objects to the relocation of a grave or tomb; and
- Requires the public hearing to be held before the applicable city council or county commission.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 118-1