



LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/AD/3R	.	Floor: C
05/02/2017 06:16 PM	.	05/03/2017 11:34 AM
	.	

Senator Simmons moved the following:

1 **Senate Substitute for Amendment (658920) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 872.02, Florida Statutes, is amended to
7 read:

8 872.02 Injuring or removing tomb or monument; disturbing
9 contents of grave or tomb; penalties.—

10 (1) A person commits a felony of the third degree,
11 punishable as provided in s. 775.082, s. 775.083, or s. 775.084



12 if he or she:

13 (a) ~~who~~ Willfully and knowingly destroys, mutilates,
14 defaces, injures, or removes any tomb, monument, gravestone,
15 burial mound, earthen or shell monument containing human
16 skeletal remains or associated burial artifacts, or other
17 structure or thing placed or designed for a memorial of the
18 dead, or any fence, railing, curb, or other thing intended for
19 the protection or ornamentation of any tomb, monument,
20 gravestone, burial mound, earthen or shell monument containing
21 human skeletal remains or associated burial artifacts, or other
22 structure before mentioned, or for any enclosure for the burial
23 of the dead;; or

24 (b) Willfully destroys, mutilates, removes, cuts, breaks,
25 or injures any tree, shrub, or plant placed or being within any
26 such enclosure, except for a person performing routine
27 maintenance and upkeep ~~commits a felony of the third degree,~~
28 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

29 (2) A person who willfully and knowingly excavates,
30 exposes, moves, removes, or otherwise disturbs the contents of a
31 ~~tomb or~~ grave or tomb commits a felony of the second degree,
32 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

33 (3) This section does ~~shall~~ not apply to any person acting
34 under the direction or authority of the Division of Historical
35 Resources of the Department of State, to cemeteries operating
36 under chapter 497, any cemeteries removing or relocating the
37 contents of a grave or tomb as a response to a natural disaster,
38 or to any person otherwise authorized by law to remove or
39 disturb a tomb, monument, gravestone, burial mound, or similar
40 structure, or its contents, as described in subsection (1).



41 (4) For purposes of this section, the term "tomb" includes
42 any mausoleum, columbarium, or belowground crypt.

43 (5) Notwithstanding subsections (1) and (2), an owner,
44 officer, employee, or agent of a cemetery exempt from regulation
45 pursuant to s. 497.260 may relocate the contents of a grave or
46 tomb:

47 (a) After receiving a written authorization from a legally
48 authorized person as defined in s. 497.005(43); or

49 (b) After public notice is posted as required in this
50 paragraph, if a legally authorized person cannot be located
51 after conducting a reasonable search or after 75 years or more
52 have elapsed since the date of entombment, interment, or
53 inurnment. The public notice must be published once a week for 4
54 consecutive weeks in a newspaper of general circulation in the
55 county where the cemetery is located. The public notice must
56 contain the name of the cemetery; the name, address, and
57 telephone number of the cemetery representative with whom
58 objections may be filed; the reason for relocation of the
59 contents of the graves or tombs; the names of the human remains
60 to be relocated; the approximate date of the initial entombment,
61 interment, or inurnment; the proposed site of relocation; and
62 the proposed date of relocation. The proposed date of relocation
63 may not be less than 30 days from last date of publication. If
64 no objection from a legally authorized person is received within
65 30 days from the last date of publication of the public notice,
66 the cemetery may proceed with relocation.

67 (6) If a legally authorized person refuses to sign a
68 written authorization, as provided in (5) (a), or if a legally
69 authorized person objects, as provided in (5) (b), a public



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70 hearing shall be held before the county commission of the county
71 where the cemetery is located, or the city council, if the
72 cemetery is located in a municipality, and the county commission
73 or the city council shall have the authority to grant a request
74 for relocation of the contents of such graves or tombs.

75 Section 2. This act shall take effect October 1, 2017.

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to criminal offenses involving tombs
83 and memorials; amending s. 872.02, F.S.; providing
84 that a person who willfully and knowingly excavates,
85 exposes, moves, or removes the contents of a grave or
86 tomb commits a felony; revising applicability;
87 authorizing an owner, officer, employee, or agent of
88 specified cemeteries to relocate the contents of a
89 grave or tomb, subject to certain conditions;
90 providing an effective date.