

1 A bill to be entitled
 2 An act relating to disturbing the contents of a grave
 3 or tomb; amending s. 872.02, F.S.; providing
 4 exceptions to a prohibition on disturbing the contents
 5 of a grave or tomb for relocations in certain
 6 circumstances by cemeteries that are exempt from
 7 regulation and for relocations due to declared natural
 8 disasters; providing an effective date.

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

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 12 Section 1. Subsection (2) of section 872.02, Florida
 13 Statutes, is amended to read:

14 872.02 Injuring or removing tomb or monument; disturbing
 15 contents of grave or tomb; penalties; exceptions.—

16 (2) (a) Except as provided in paragraph (b) or paragraph
 17 (c), a person who willfully and knowingly disturbs the contents
 18 of a tomb or grave commits a felony of the second degree,
 19 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

20 (b)1. An owner, officer, employee, or agent of a cemetery
 21 that is exempt from regulation pursuant to s. 497.260, whether
 22 public, private, or historical, who relocates the contents of a
 23 grave or tomb without written permission from a legally
 24 authorized person, as defined in s. 497.005, before the
 25 relocation does not commit a violation of this subsection if

26 | notice is provided pursuant to subparagraph 2. and there are no
27 | objections or, if objections are received, permission is granted
28 | for the relocation by the appropriate body pursuant to
29 | subparagraph 2.

30 | 2.a. This exception applies if more than 75 years have
31 | elapsed since the date of the entombment, interment, or
32 | inurnment and the cemetery publishes a public notice, once a
33 | week for 2 consecutive weeks, in a newspaper of general
34 | circulation within the county in which the cemetery is located.
35 | The public notice must contain the name of the cemetery; the
36 | name, address, and telephone number of the cemetery
37 | representative with whom objections may be filed; the reason and
38 | necessity for relocation of the contents of the graves or tombs;
39 | the names of the human remains to be relocated; the date of
40 | initial entombment, interment, or inurnment; the proposed site
41 | of relocation; and the proposed date of relocation. The proposed
42 | date of relocation may not be less than 30 days from last date
43 | of publication.

44 | b. If no objections are received within 30 days from the
45 | last date of publication of the public notice, the cemetery may
46 | proceed with relocation without violation of this subsection.

47 | c. If objections are received from a family member of a
48 | deceased or a legally authorized person, a public hearing shall
49 | be held before the county commission of the county in which the
50 | cemetery is located or the city council, if the cemetery is

51 located in a municipality, which shall have sole authority to
52 grant a request for relocation of the contents of such graves or
53 tombs. A relocation made in compliance with the permission of
54 the commission or council is not a violation of this subsection.
55 The cemetery is responsible for all costs of the public hearing.

56 (c) Relocating the contents of any grave or tomb within a
57 cemetery due to a declared natural disaster is not a violation
58 of this subsection.

59 Section 2. This act shall take effect July 1, 2017.