



129514

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/13/2017	.	
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The Committee on Criminal Justice (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) A person who willfully and knowingly destroys,  
mutilates, defaces, injures, or removes any tomb, monument,



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11 gravestone, burial mound, earthen or shell monument containing  
12 human skeletal remains or associated burial artifacts, or other  
13 structure or thing placed or designed for a memorial of the  
14 dead, or any fence, railing, curb, or other thing intended for  
15 the protection or ornamentation of any tomb, monument,

16 gravestone, burial mound, earthen or shell monument containing  
17 human skeletal remains or associated burial artifacts, or other  
18 structure before mentioned, or for any enclosure for the burial  
19 of the dead, or willfully destroys, mutilates, removes, cuts,  
20 breaks, or injures any tree, shrub, or plant placed or being  
21 within any such enclosure, commits a felony of the third degree,  
22 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

37 (5) Notwithstanding subsections (1) and (2), an owner,  
38 officer, employee, or agent of a cemetery exempt from regulation  
39 pursuant to s. 497.260 may relocate the contents of a grave or



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40 tomb:

41 (a) After receiving a written and signed contract between  
42 the operator and a legally authorized person as defined in s.  
43 497.005(43).

44 (b) If a legally authorized person cannot be located after  
45 a reasonable search or after 75 years or more have elapsed since  
46 the date of entombment, interment, or inurnment, then public  
47 notice must be posted. The public notice must be published once  
48 a week for 4 consecutive weeks in a newspaper of general  
49 circulation in the county where the cemetery is located. The  
50 public notice must contain the name of the cemetery; the name,  
51 address, and telephone number of the cemetery representative  
52 with whom objections may be filed; the reason for relocation of  
53 the contents of the graves or tombs; the names of the human  
54 remains to be relocated; the approximate date of the initial  
55 entombment, interment, or inurnment; the proposed site of  
56 relocation; and the proposed date of relocation. The proposed  
57 date of relocation may not be less than 30 days from last date  
58 of publication.

59 1. If no objection from a legally authorized person is  
60 received within 30 days from the last date of publication of the  
61 public notice, the cemetery may proceed with relocation.

62 2. If objections are received from a legally authorized  
63 person, a public hearing shall be held before the county  
64 commission of the county where the cemetery is located, or the  
65 city council, if the cemetery is located in a municipality, and  
66 the county commission or the city council shall have sole  
67 authority to grant a request for relocation of the contents of  
68 such graves or tombs.



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

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71 ===== T I T L E   A M E N D M E N T =====

72 And the title is amended as follows:

73           Delete everything before the enacting clause  
74 and insert:

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