



717080

LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (129514) (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,



717080

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 approved structure or approved thing placed or designed for a
18 memorial of the dead, or any fence, railing, curb, or other
19 thing intended for the protection or ornamentation of any tomb,
20 monument, gravestone, burial mound, earthen or shell monument
21 containing human skeletal remains or associated burial
22 artifacts, or other structure before mentioned, or for any
23 enclosure for the burial 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 anyone performing routine maintenance
27 and upkeep ~~commits a felony of the third degree, punishable as~~
28 ~~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 commits a felony of the second degree, punishable
32 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



717080

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 and signed contract between
48 the owner and a legally authorized person as defined in s.
49 497.005(43).

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

67 (6) If a legally authorized person objects, a public
68 hearing shall be held before the county commission of the county



717080

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

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

74

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

76 And the title is amended as follows:

77 Delete everything before the enacting clause
78 and insert:

79 A bill to be entitled

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