



1 A bill to be entitled
 2 An act relating to criminal offenses involving tombs
 3 and memorials; amending s. 872.02, F.S.; providing
 4 that a person who willfully and knowingly excavates,
 5 exposes, moves, or removes the contents of a grave or
 6 tomb commits a felony; revising applicability;
 7 authorizing an owner, officer, employee, or agent of
 8 specified cemeteries to relocate the contents of a
 9 grave or tomb, subject to certain conditions;
 10 providing an effective date.

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

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

16 872.02 Injuring or removing tomb or monument; disturbing
 17 contents of grave or tomb; penalties.—

18 (1) A person commits a felony of the third degree,
 19 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 20 if he or she:

21 (a) ~~who~~ Willfully and knowingly destroys, mutilates,
 22 defaces, injures, or removes any tomb, monument, gravestone,
 23 burial mound, earthen or shell monument containing human
 24 skeletal remains or associated burial artifacts, or other
 25 structure or thing placed or designed for a memorial of the



26 | dead, or any fence, railing, curb, or other thing intended for
27 | the protection or ornamentation of any tomb, monument,
28 | gravestone, burial mound, earthen or shell monument containing
29 | human skeletal remains or associated burial artifacts, or other
30 | structure before mentioned, or for any enclosure for the burial
31 | of the dead;7 or

32 | **(b)** Willfully destroys, mutilates, removes, cuts, breaks,
33 | or injures any tree, shrub, or plant placed or being within any
34 | such enclosure, except for a person performing routine
35 | maintenance and upkeep ~~commits a felony of the third degree,~~
36 | ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

37 | **(2)** A person who willfully and knowingly excavates,
38 | exposes, moves, removes, or otherwise disturbs the contents of a
39 | ~~tomb or~~ grave or tomb commits a felony of the second degree,
40 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

41 | **(3)** This section does ~~shall~~ not apply to any person acting
42 | under the direction or authority of the Division of Historical
43 | Resources of the Department of State, to cemeteries operating
44 | under chapter 497, any cemeteries removing or relocating the
45 | contents of a grave or tomb as a response to a natural disaster,
46 | or to any person otherwise authorized by law to remove or
47 | disturb a tomb, monument, gravestone, burial mound, or similar
48 | structure, or its contents, as described in subsection (1).

49 | **(4)** For purposes of this section, the term "tomb" includes
50 | any mausoleum, columbarium, or belowground crypt.



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

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

57 (b) After public notice is posted as required in this
58 paragraph, if a legally authorized person cannot be located
59 after conducting a reasonable search or after 75 years or more
60 have elapsed since the date of entombment, interment, or
61 inurnment. The public notice must be published once a week for 4
62 consecutive weeks in a newspaper of general circulation in the
63 county where the cemetery is located. The public notice must
64 contain the name of the cemetery; the name, address, and
65 telephone number of the cemetery representative with whom
66 objections may be filed; the reason for relocation of the
67 contents of the graves or tombs; the names of the human remains
68 to be relocated; the approximate date of the initial entombment,
69 interment, or inurnment; the proposed site of relocation; and
70 the proposed date of relocation. The proposed date of relocation
71 may not be less than 30 days from last date of publication. If
72 no objection from a legally authorized person is received within
73 30 days from the last date of publication of the public notice,
74 the cemetery may proceed with relocation.

75 (6) If a legally authorized person refuses to sign a



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76 | written authorization, as provided in (5) (a), or if a legally
77 | authorized person objects, as provided in (5) (b), a public
78 | hearing shall be held before the county commission of the county
79 | where the cemetery is located, or the city council, if the
80 | cemetery is located in a municipality, and the county commission
81 | or the city council shall have the authority to grant a request
82 | for relocation of the contents of such graves or tombs.

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

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