

Florida Indian Burial Laws

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FLORIDA

Citation: Offenses Concerning Dead Bodies and Graves (Florida Stat. Ann. Â§872.02 and Â§872.05); Historic Sites and Properties (Florida Stat. Ann. Â§266.001, et seq.).

Date Enacted: Amended 1984; Effective 1987; revised 1991, 1993

Summary: The Offenses Concerning Dead Bodies and Graves statute applies to unmarked human burials, human remains deceased at least 75 years and any associated grave goods on state, private and submerged lands. If the remains are uncovered other than by archaeological excavation, all work ceases and the local law enforcement office and medical examiner are notified. The medical examiner has 30 days to determine jurisdiction. If there is no evidence of a crime, the State Archaeologist is given jurisdiction and has 15 days to determine cultural or biological characteristics and contact the nearest relation or ethnic group affiliated with the remains. If this is impossible, the archaeologist consults a skeletal analyst and, if Native American, two Native American members of the Governors' Council on Indian Affairs. Two representatives of a related community or group will be contacted if the remains are not Native American. If the State Archaeologist and the committee determine the remains are scientifically important, they will be analyzed prior to reburial or, in some cases, may become the property of the state. The state has developed rules regarding public display of human remains. If the remains are uncovered as part of archaeological excavation, work ceases and the Medical Examiner is contacted. If the remains are at least 75 years old, the State Archaeologist is notified and, within 15 days, the principle investigator must report the cultural or biological characteristics and recommend storage until disposition is decided. Any person who willfully and knowingly disturbs, destroys, removes, vandalizes, or damages unmarked human burials is guilty of a 3rd Degree felony; any person who has knowledge that an unmarked human burial is being disturbed and fails to report it is guilty of a 2nd Degree misdemeanor.

Jurisdiction: All state and private lands and submerged land.

Statute of Limitations: Not specified.

Areas Covered Under Act: All unmarked burials, human skeletal remains and associated burial artifacts.

Ownership: The State Archaeologist assumes responsibility of the remains until disposition.

Review/Consultation Committee: The Council on Indian Affairs, or other appropriate ethnic groups or communities, must be consulted.

Liable: Anyone who knowingly disturbs, destroys, removes, vandalizes or damages an unmarked human burial or anyone who knows that such activity is taking place and fails to report it.

Penalties: 3rd Degree felony carries fines of \$100.

Exemptions: Not specified.

Permitting: The Division of Historic Resources issues excavation permits.

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