

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Metz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 267.12, Florida Statutes, is amended to
8 read:

9 267.12 Research permits; procedure.—

10 (1) As used in this section and s. 267.13, the term "water
11 authority" means an independent special district created by
12 special act whose purpose is to control and conserve freshwater
13 resources.

14 (2) The division may issue permits for excavation and
15 surface reconnaissance on land owned or controlled by the state,
16 land owned by a water authority, ~~lands~~ or land ~~lands~~ within the
17 boundaries of a designated state archaeological landmark
18 landmarks or landmark zone ~~zones~~ to institutions that ~~which~~ the
19 division deems ~~shall deem~~ to be properly qualified to conduct

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20 such activity, subject to such rules and regulations as the
21 division may prescribe, provided such activity is undertaken by
22 reputable museums, universities, colleges, or other historical,
23 scientific, or educational institutions or societies that
24 possess or will secure the archaeological expertise for the
25 performance of systematic archaeological field research,
26 comprehensive analysis, and interpretation in the form of
27 publishable reports and monographs, such reports to be submitted
28 to the division.

29 (3)~~(2)~~ Those state institutions considered by the division
30 permanently to possess the required archaeological expertise to
31 conduct the archaeological activities allowed under ~~the~~
32 ~~provisions of~~ the permit may be designated as accredited
33 institutions which will be allowed to conduct archaeological
34 field activities on land owned or controlled by the state, land
35 owned by a water authority, ~~state-owned or controlled lands~~ or
36 land within the boundaries of a ~~any~~ designated state
37 archaeological landmark or ~~any~~ landmark zone without obtaining
38 an individual permit for each project, except that those
39 accredited institutions will be required to give prior written
40 notice of all anticipated archaeological field activities on
41 land owned or controlled by the state, land owned by a water
42 authority, ~~state-owned or controlled lands~~ or land within the
43 boundaries of a ~~any~~ designated state archaeological landmark or
44 landmark zone to the division, together with such information as
45 may reasonably be required by the division to ensure the proper
46 preservation, protection, and excavation of the archaeological
47 resources. However, ~~no~~ archaeological activity may not be

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48 commenced by the accredited institution until the division has
49 determined that the planned project will be in conformity with
50 the guidelines, regulations, and criteria adopted pursuant to
51 ss. 267.11-267.14. Such determination will be made by the
52 division and notification to the institution given within a
53 ~~period of~~ 15 days after ~~from the time of~~ receipt of the prior
54 notification by the division.

55 ~~(4)(3)~~ All specimens collected under a permit issued by
56 the division or under the procedures adopted for accredited
57 institutions shall belong to the state with the title thereto
58 vested in the division for the purpose of administration and
59 protection. The division may arrange for the disposition of the
60 specimens so collected by accredited state institutions at those
61 institutions and for the temporary or permanent loan of such
62 specimens at permitholding institutions for the purpose of
63 further scientific study, interpretative displays, and
64 curatorial responsibilities.

65 Section 2. Subsections (1) and (2) of section 267.13,
66 Florida Statutes, are amended to read:

67 267.13 Prohibited practices; penalties.—

68 (1) (a) Any person who by means other than excavation
69 ~~either~~ conducts archaeological field investigations on, or
70 removes or attempts to remove, or defaces, destroys, or
71 otherwise alters any archaeological site or specimen located
72 upon, ~~any~~ land owned or controlled by the state, land owned by a
73 water authority, or land within the boundaries of a designated
74 state archaeological landmark or landmark zone, except in the
75 course of activities pursued under the authority of a permit or

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76 under procedures relating to accredited institutions granted by
77 the division, commits a misdemeanor of the first degree,
78 punishable as provided in s. 775.082 or s. 775.083, and, in
79 addition, shall forfeit to the state all specimens, objects, and
80 materials collected, together with all photographs and records
81 relating to such material.

82 (b) Any person who by means of excavation ~~either~~ conducts
83 archaeological field investigations on, or removes or attempts
84 to remove, or defaces, destroys, or otherwise alters any
85 archaeological site or specimen located upon, ~~any~~ land owned or
86 controlled by the state, land owned by a water authority, or
87 land within the boundaries of a designated state archaeological
88 landmark or landmark zone, except in the course of activities
89 pursued under the authority of a permit or under procedures
90 relating to accredited institutions granted by the division,
91 commits a felony of the third degree, punishable as provided in
92 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
93 equipment of any person used in connection with the violation is
94 subject to forfeiture to the state if it is determined by any
95 court of law that the vehicle or equipment was involved in the
96 violation. Such person shall forfeit to the state all specimens,
97 objects, and materials collected or excavated, together with all
98 photographs and records relating to such material. The court may
99 also order the defendant to make restitution to the state for
100 the archaeological or commercial value and cost of restoration
101 and repair as defined in subsection (4).

102 (c) Any person who offers for sale or exchange any object
103 with knowledge that it has previously been collected or

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104 excavated in violation of any of the terms of ss. 267.11-267.14,
105 or who procures, counsels, solicits, or employs any other person
106 to violate any prohibition contained in ss. 267.11-267.14 or to
107 sell, purchase, exchange, transport, receive, or offer to sell,
108 purchase, or exchange any archaeological resource excavated or
109 removed from ~~any~~ land owned or controlled by the state, land
110 owned by a water authority, or land within the boundaries of a
111 designated state archaeological landmark or landmark zone,
112 except with the express consent of the division, commits a
113 felony of the third degree, punishable as provided in s.
114 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment
115 of any person used in connection with the violation is subject
116 to forfeiture to the state if it is determined by any court of
117 law that such vehicle or equipment was involved in the
118 violation. All specimens, objects, and material collected or
119 excavated, together with all photographs and records relating to
120 such material, shall be forfeited to the state. The court may
121 also order the defendant to make restitution to the state for
122 the archaeological or commercial value and cost of restoration
123 and repair as defined in subsection (4).

124 (2) (a) The division may institute an administrative
125 proceeding to impose an administrative fine of not more than
126 \$500 a day on any person or business organization that, without
127 written permission of the division, explores for, salvages, or
128 excavates treasure trove, artifacts, sunken or abandoned ships,
129 or other objects having historical or archaeological value
130 located upon land owned or controlled by the state ~~on state-~~
131 ~~owned or state-controlled lands,~~ including state sovereignty

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132 submerged land, or land owned by a water authority ~~lands~~.

133 (b) The division shall institute an administrative
134 proceeding by serving written notice of a violation by certified
135 mail upon the alleged violator. The notice shall specify the law
136 or rule allegedly violated and the facts upon which the
137 allegation is based. The notice shall also specify the amount of
138 the administrative fine sought by the division. The fine is
139 ~~shall not become~~ due until after service of notice and an
140 administrative hearing. However, the alleged violator has ~~shall~~
141 ~~have~~ 20 days after ~~from~~ service of notice to request an
142 administrative hearing. Failure to respond within that time
143 constitutes ~~shall constitute~~ a waiver, and the fine becomes
144 ~~shall become~~ due without a hearing.

145 (c) The division may enter its judgment for the amount of
146 the administrative penalty imposed in a court of competent
147 jurisdiction, pursuant to s. 120.69. The judgment may be
148 enforced as any other judgment.

149 (d) The division may apply to a court of competent
150 jurisdiction for injunctive relief against any person or
151 business organization that explores for, salvages, or excavates
152 treasure trove, artifacts, sunken or abandoned ships, or other
153 objects having historical or archaeological value located upon
154 ~~on state-owned or state-controlled~~ land owned or controlled by
155 the state, including state sovereignty submerged land, or land
156 owned by a water authority without the written permission of the
157 division.

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158 (e) The division shall adopt rules pursuant to ss.
159 120.536(1) and 120.54 to administer ~~implement the provisions of~~
160 this section.

161 Section 3. Subsection (1) of section 1004.56, Florida
162 Statutes, is amended to read:

163 1004.56 Florida Museum of Natural History; functions.—

164 (1) The functions of the Florida Museum of Natural
165 History, located at the University of Florida, are to make
166 scientific investigations toward the sustained development of
167 natural resources and a greater appreciation of human cultural
168 heritage, including, but not limited to, biological surveys,
169 ecological studies, environmental impact assessments, in-depth
170 archaeological research, and ethnological analyses, and to
171 collect and maintain a depository of biological, archaeological,
172 and ethnographic specimens and materials in sufficient numbers
173 and quantities to provide within the state and region a base for
174 research on the variety, evolution, and conservation of wild
175 species; the composition, distribution, importance, and
176 functioning of natural ecosystems; and the distribution of
177 prehistoric and historic archaeological sites and an
178 understanding of the aboriginal and early European cultures that
179 occupied them. State institutions, departments, and agencies may
180 deposit type collections from archaeological sites in the
181 museum, and it shall be the duty of each state institution,
182 department, and agency to cooperate by depositing in the museum
183 voucher and type biological specimens collected as part of the
184 normal research and monitoring duties of its staff and to
185 transfer to the museum those biological specimens and

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186 collections in its possession but not actively being curated or
187 used in the research or teaching of that institution,
188 department, or agency. The Florida Museum of Natural History is
189 empowered to accept, preserve, maintain, or dispose of these
190 specimens and materials in a manner which makes each collection
191 and its accompanying data available for research and use by the
192 staff of the museum and by cooperating institutions,
193 departments, agencies, and qualified independent researchers.
194 The biological, archaeological, and ethnographic collections
195 shall belong to the state with the title vested in the Florida
196 Museum of Natural History, except as provided in s. 267.12(4)
197 ~~267.12(3)~~. In collecting or otherwise acquiring these
198 collections, the museum shall comply with pertinent state
199 wildlife, archaeological, and agricultural laws and rules.
200 However, all collecting, quarantine, and accreditation permits
201 issued by other institutions, departments, and agencies shall be
202 granted routinely for said museum research study or collecting
203 effort on state lands or within state jurisdiction which does
204 not pose a significant threat to the survival of endangered wild
205 species, habitats, or ecosystems. In addition, the museum shall
206 develop exhibitions and conduct programs which illustrate,
207 interpret, and explain the natural history of the state and
208 region and shall maintain a library of publications pertaining
209 to the work as herein provided. The exhibitions, collections,
210 and library of the museum shall be open, free to the public,
211 under suitable rules to be promulgated by the director of the
212 museum and approved by the University of Florida.

213 Section 4. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to archeological sites and specimens;
amending s. 267.12, F.S.; authorizing the Division of
Historical Resources of the Department of State to
issue permits for excavation, surface reconnaissance,
and archaeological activities on land owned by
specified independent special districts; amending s.
267.13, F.S.; providing that specified activities
relating to archaeological sites and specimens located
upon such lands are prohibited and subject to
penalties; authorizing the division to impose an
administrative fine on and seek injunctive relief
against certain entities; amending s. 1004.56, F.S.;
correcting a cross-reference; providing an effective
date.