

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Community & Military
 2 Affairs Subcommittee
 3 Representative Metz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) and (2) of section 267.12,
 8 Florida Statutes, are amended to read:

9 267.12 Research permits; procedure.—

10 (1) The division may issue permits for excavation and
 11 surface reconnaissance on land owned or controlled by the state
 12 lands, including state sovereignty submerged land, land owned by
 13 a political subdivision as defined by s. 1.01(8), or land lands
 14 within the boundaries of designated state archaeological
 15 landmarks or landmark zones to institutions which the division
 16 deems ~~shall deem to be~~ properly qualified to conduct such
 17 activity, subject to such rules and regulations as the division
 18 may prescribe, provided such activity is undertaken by reputable
 19 museums, universities, colleges, or other historical,

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20 scientific, or educational institutions or societies that
21 possess or will secure the archaeological expertise for the
22 performance of systematic archaeological field research,
23 comprehensive analysis, and interpretation in the form of
24 publishable reports and monographs, such reports to be submitted
25 to the division.

26 (2) Those state institutions considered by the division
27 permanently to possess the required archaeological expertise to
28 conduct the archaeological activities allowed under the
29 ~~provisions of the~~ permit may be designated as accredited
30 institutions which will be allowed to conduct archaeological
31 field activities on land owned or controlled by the state,
32 including state sovereignty submerged land, land owned by a
33 political subdivision as defined by s. 1.01(8), ~~state-owned or~~
34 ~~controlled lands~~ or land within the boundaries of any designated
35 state archaeological landmark or any landmark zone without
36 obtaining an individual permit for each project, except that
37 those accredited institutions will be required to give prior
38 written notice of all anticipated archaeological field
39 activities on land owned or controlled by the state, including
40 state sovereignty submerged land, land owned by a political
41 subdivision as defined by s. 1.01(8), ~~state-owned or controlled~~
42 ~~lands~~ or land within the boundaries of any designated state
43 archaeological landmark or landmark zone to the division,
44 together with such information as may reasonably be required by
45 the division to ensure the proper preservation, protection, and
46 excavation of the archaeological resources. However, no
47 archaeological activity may be commenced by the accredited

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

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

56 267.13 Prohibited practices; penalties.—

57 (1) (a) Any person who by means other than excavation
58 ~~either~~ conducts archaeological field investigations on, or
59 removes or attempts to remove, or defaces, destroys, or
60 otherwise alters any archaeological site or specimen located
61 upon, ~~any~~ land owned or controlled by the state, including state
62 sovereignty submerged land, land owned by a political
63 subdivision as defined by s. 1.01(8), or land within the
64 boundaries of a designated state archaeological landmark or
65 landmark zone, except in the course of activities pursued under
66 the authority of a permit or under procedures relating to
67 accredited institutions granted by the division, commits a
68 misdemeanor of the first degree, punishable as provided in s.
69 775.082 or s. 775.083, and, in addition, shall forfeit to the
70 state all specimens, objects, and materials collected, together
71 with all photographs and records relating to such material.

72 (b) Any person who by means of excavation ~~either~~ conducts
73 archaeological field investigations on, or removes or attempts
74 to remove, or defaces, destroys, or otherwise alters any
75 archaeological site or specimen located upon, ~~any~~ land owned or

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76 controlled by the state, including state sovereignty submerged
77 land, land owned by a political subdivision as defined by s.
78 1.01(8), or land within the boundaries of a designated state
79 archaeological landmark or landmark zone, except in the course
80 of activities pursued under the authority of a permit or under
81 procedures relating to accredited institutions granted by the
82 division, commits a felony of the third degree, punishable as
83 provided in s. 775.082, s. 775.083, or s. 775.084, and any
84 vehicle or equipment of any person used in connection with the
85 violation is subject to forfeiture to the state if it is
86 determined by any court of law that the vehicle or equipment was
87 involved in the violation. Such person shall forfeit to the
88 state all specimens, objects, and materials collected or
89 excavated, together with all photographs and records relating to
90 such material. The court may also order the defendant to make
91 restitution to the state for the archaeological or commercial
92 value and cost of restoration and repair as defined in
93 subsection (4).

94 (c) Any person who offers for sale or exchange any object
95 with knowledge that it has previously been collected or
96 excavated in violation of any of the terms of ss. 267.11-267.14,
97 or who procures, counsels, solicits, or employs any other person
98 to violate any prohibition contained in ss. 267.11-267.14 or to
99 sell, purchase, exchange, transport, receive, or offer to sell,
100 purchase, or exchange any archaeological resource excavated or
101 removed from ~~any~~ land owned or controlled by the state,
102 including state sovereignty submerged land, land owned by a
103 political subdivision as defined by s. 1.01(8), or land within

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104 the boundaries of a designated state archaeological landmark or
105 landmark zone, except with the express consent of the division,
106 commits a felony of the third degree, punishable as provided in
107 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
108 equipment of any person used in connection with the violation is
109 subject to forfeiture to the state if it is determined by any
110 court of law that such vehicle or equipment was involved in the
111 violation. All specimens, objects, and material collected or
112 excavated, together with all photographs and records relating to
113 such material, shall be forfeited to the state. The court may
114 also order the defendant to make restitution to the state for
115 the archaeological or commercial value and cost of restoration
116 and repair as defined in subsection (4).

117 (2) (a) The division may institute an administrative
118 proceeding to impose an administrative fine of not more than
119 \$500 a day on any person or business organization that, without
120 written permission of the division, explores for, salvages, or
121 excavates treasure trove, artifacts, sunken or abandoned ships,
122 or other objects having historical or archaeological value
123 located upon land owned or controlled by the state ~~on state-~~
124 ~~owned or state-controlled lands~~, including state sovereignty
125 submerged land, or land owned by a political subdivision as
126 defined by s. 1.01(8) lands.

127 (b) The division shall institute an administrative
128 proceeding by serving written notice of a violation by certified
129 mail upon the alleged violator. The notice shall specify the law
130 or rule allegedly violated and the facts upon which the
131 allegation is based. The notice shall also specify the amount of

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132 the administrative fine sought by the division. The fine is
 133 ~~shall not become~~ due until after service of notice and an
 134 administrative hearing. However, the alleged violator has ~~shall~~
 135 ~~have~~ 20 days after ~~from~~ service of notice to request an
 136 administrative hearing. Failure to respond within that time
 137 constitutes ~~shall constitute~~ a waiver, and the fine becomes
 138 ~~shall become~~ due without a hearing.

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

143 (d) The division may apply to a court of competent
 144 jurisdiction for injunctive relief against any person or
 145 business organization that explores for, salvages, or excavates
 146 treasure trove, artifacts, sunken or abandoned ships, or other
 147 objects having historical or archaeological value located upon
 148 ~~on state-owned or state-controlled~~ land owned or controlled by
 149 the state, including state sovereignty submerged land, or land
 150 owned by a political subdivision as defined by s. 1.01(8)
 151 without the written permission of the division.

152 (e) The division shall adopt rules pursuant to ss.
 153 120.536(1) and 120.54 to administer ~~implement the provisions of~~
 154 this section.

155 Section 3. This act shall take effect July 1, 2012.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 591 (2012)

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160 Remove the entire title and insert:
161 A bill to be entitled
162 An act relating to archeological sites and specimens; amending
163 s. 267.12, F.S.; providing that the Division of Historical
164 Resources of the Department of State may issue permits for
165 excavation and surface reconnaissance on land owned by political
166 subdivisions; amending s. 267.13, F.S.; providing that specified
167 activities relating to archaeological sites and specimens
168 located upon land owned by a political subdivision are
169 prohibited and subject to penalties; authorizing the Division to
170 impose an administrative fine on and seek injunctive relief
171 against certain entities; providing an effective date.