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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/04/2016 08:47 AM

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Senator Stargel moved the following:

**Senate Amendment (with title amendment)**

Between lines 1296 and 1297

insert:

Section 49. Section 492.117, Florida Statutes, is created  
to read:

492.117 Archeology.—

(1) The department shall implement a program to administer  
the discovery of isolated archaeological artifacts from  
sovereignty submerged lands. The program must, at a minimum:

(a) Require an annual permit to collect isolated



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12 archaeological artifacts from sovereignty submerged lands and a  
13 permit application fee of \$500 to be deposited into the  
14 Professional Regulation Trust Fund.

15 (b) Require a written agreement by the permitholder to  
16 report all discovered and removed artifacts to the department  
17 within 14 days after the discovery and removal and include a map  
18 indicating the location of the discovery and photographs of the  
19 artifacts; and allow the department to inspect, analyze, and  
20 photograph any such artifacts.

21 (c) Prohibit a permitholder from using tools for the  
22 excavation of any isolated artifacts.

23 (d) Provide a map of clearly defined areas and sites that  
24 are excluded from excavation activities. The map must be  
25 provided to the applicant when a permit is issued.

26 (e) Authorize the transfer of ownership rights for  
27 discovered artifacts to the permitholder.

28 (f) Provide penalties for violations of program  
29 requirements, including, but not limited to, an administrative  
30 fine of up to \$1,000 and forfeiture of the permit and ownership  
31 rights for any artifacts discovered under the program. All fines  
32 shall be deposited into the Professional Regulation Trust Fund,  
33 with \$500 of each fine collected distributed to the Division of  
34 Historical Resources within the Department of State to carry  
35 out, on behalf of the state, the programs of the National  
36 Historic Preservation Act of 1966, as amended, and to establish,  
37 maintain, and administer a state historic preservation program  
38 meeting the requirements of an approved program and fulfilling  
39 the responsibilities of state historic preservation programs as  
40 provided in s. 101(b) of that act.



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41 (2) The department shall adopt rules to administer this  
42 section. At a minimum, the rules must include:

43 (a) Procedures for sending a notice of violation.

44 (b) Procedures for imposing an administrative fine.

45 (3) For purposes of this section, the term "sovereignty  
46 submerged lands" means lands beneath navigable fresh water or  
47 beneath tidally influenced waters to which the State of Florida  
48 acquired title on March 3, 1845, by virtue of statehood, and  
49 which have not been heretofore conveyed or alienated. The term  
50 includes, but is not limited to, tidal lands, islands, sand  
51 bars, shallow banks, and lands waterward of the ordinary or mean  
52 high water line.

53 (4) A permit issued pursuant to this section does not  
54 authorize excavation on properties listed on the National  
55 Register of Historic Places as defined in s. 267.021(5) or on  
56 lands located in state and federal parks, preserves, management  
57 areas, or reserves where cultural resources are specifically  
58 protected.

59 (5) This section does not preempt the provisions of s.  
60 872.02, and a permit holder under this section who violates any  
61 provision of s. 872.02 is subject to the penalties provided  
62 therein.

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Between lines 143 and 144

67 insert:

68 creating s. 492.117, F.S.; requiring the department to  
69 implement a program to administer the discovery of



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70 certain artifacts; requiring an annual permit to  
71 collect certain artifacts from specified locations and  
72 an application fee; requiring a written agreement to  
73 report certain artifacts to the department within a  
74 specified timeframe; requiring certain information be  
75 included in the report; prohibiting the use of tools  
76 in an excavation; requiring a certain map be provided  
77 to permit holders; authorizing the transfer of  
78 ownership rights of certain artifacts to the  
79 permit holder; providing penalties; providing  
80 rulemaking; defining the term "sovereignty submerged  
81 lands"; providing that issuance of a permit does not  
82 authorize excavation on certain properties; providing  
83 construction;