

By Senator Steube

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1                   A bill to be entitled  
2           An act relating to the Division of Historical  
3           Resources; amending s. 267.031, F.S.; removing  
4           superfluous language regarding the division's  
5           responsibilities in issuing permits for survey,  
6           excavation, exploration, and salvage activities on  
7           state-owned lands or on state-owned sovereignty  
8           submerged lands; amending s. 267.13, F.S.; revising  
9           for minors the applicability of penalties relating to  
10          prohibited practices regarding archaeological sites  
11          and specimens; providing for construction; repealing  
12          s. 267.0625, F.S., relating to the abrogation of  
13          offensive and derogatory geographic place names;  
14          repealing s. 267.115(9), F.S., relating to the  
15          division's authorization to implement a program for  
16          administering finds of certain artifacts from state-  
17          owned river bottoms; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Paragraph (n) of subsection (5) of section  
22           267.031, Florida Statutes, is amended to read:

23           267.031 Division of Historical Resources; powers and  
24           duties.—

25           (5) It is the responsibility of the division to:

26           (n) Protect and administer historical resources abandoned  
27           on state-owned lands or on state-owned sovereignty submerged  
28           lands. The division may issue permits for survey and ~~exploration~~  
29           ~~activities to identify historical resources and may issue~~

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30 ~~permits for excavation and salvage activities to recover~~  
31 ~~historical resources. The division may issue permits for~~  
32 ~~archaeological excavation~~ activities for scientific or  
33 educational purposes on state-owned lands or on state-owned  
34 sovereignty submerged lands. The division may also issue permits  
35 for exploration and salvage of historic shipwreck sites by  
36 commercial salvors on state-owned sovereignty submerged lands.  
37 The division shall adopt rules to administer the issuance of  
38 permits for all such activities. In addition, the division shall  
39 adopt rules to administer the transfer of objects recovered by  
40 commercial salvors under permit in exchange for recovery  
41 services provided to the state.

42 Section 2. Paragraphs (a), (b), and (c) of subsection (1)  
43 of section 267.13, Florida Statutes, are republished, and  
44 paragraph (d) is added to that subsection, to read:

45 267.13 Prohibited practices; penalties.—

46 (1) (a) Any person who by means other than excavation  
47 conducts archaeological field investigations on, or removes or  
48 attempts to remove or defaces, destroys, or otherwise alters any  
49 archaeological site or specimen located upon, land owned or  
50 controlled by the state, land owned by a water authority, or  
51 land within the boundaries of a designated state archaeological  
52 landmark or landmark zone, except in the course of activities  
53 pursued under the authority of a permit or under procedures  
54 relating to accredited institutions granted by the division,  
55 commits a misdemeanor of the first degree, punishable as  
56 provided in s. 775.082 or s. 775.083, and, in addition, shall  
57 forfeit to the state all specimens, objects, and materials  
58 collected, together with all photographs and records relating to

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59 such material.

60 (b) Any person who by means of excavation conducts  
61 archaeological field investigations on, or removes or attempts  
62 to remove or defaces, destroys, or otherwise alters any  
63 archaeological site or specimen located upon, land owned or  
64 controlled by the state, land owned by a water authority, or  
65 land within the boundaries of a designated state archaeological  
66 landmark or landmark zone, except in the course of activities  
67 pursued under the authority of a permit or under procedures  
68 relating to accredited institutions granted by the division,  
69 commits a felony of the third degree, punishable as provided in  
70 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or  
71 equipment of any person used in connection with the violation is  
72 subject to forfeiture to the state if it is determined by any  
73 court of law that the vehicle or equipment was involved in the  
74 violation. Such person shall forfeit to the state all specimens,  
75 objects, and materials collected or excavated, together with all  
76 photographs and records relating to such material. The court may  
77 also order the defendant to make restitution to the state for  
78 the archaeological or commercial value and cost of restoration  
79 and repair as defined in subsection (4).

80 (c) Any person who offers for sale or exchange any object  
81 with knowledge that it has previously been collected or  
82 excavated in violation of any of the terms of ss. 267.11-267.14,  
83 or who procures, counsels, solicits, or employs any other person  
84 to violate any prohibition contained in ss. 267.11-267.14 or to  
85 sell, purchase, exchange, transport, receive, or offer to sell,  
86 purchase, or exchange any archaeological resource excavated or  
87 removed from land owned or controlled by the state, land owned

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88 by a water authority, or land within the boundaries of a  
89 designated state archaeological landmark or landmark zone,  
90 except with the express consent of the division, commits a  
91 felony of the third degree, punishable as provided in s.  
92 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment  
93 of any person used in connection with the violation is subject  
94 to forfeiture to the state if it is determined by any court of  
95 law that such vehicle or equipment was involved in the  
96 violation. All specimens, objects, and material collected or  
97 excavated, together with all photographs and records relating to  
98 such material, shall be forfeited to the state. 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 (d) If a minor commits a violation of paragraph (a),  
103 paragraph (b), or paragraph (c), he or she must be given a  
104 written citation for a first or second violation. Third or  
105 subsequent violations shall be punishable as otherwise provided  
106 in paragraphs (a), (b), and (c). However, this paragraph may not  
107 be construed as superseding the requirement that any individual  
108 who violates paragraph (a), paragraph (b), or paragraph (c) must  
109 forfeit to the state all specimens, objects, and material  
110 unlawfully collected or excavated, together with all photographs  
111 and records relating to such material.

112 Section 3. Section 267.0625, Florida Statutes, and  
113 subsection (9) of section 267.115, Florida Statutes, are  
114 repealed.

115 Section 4. This act shall take effect upon becoming a law.