By Senator Steube

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

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

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

267.031 Division of Historical Resources; powers and duties.—

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

(n) Protect and administer historical resources abandoned on state-owned lands or on state-owned sovereignty submerged lands. The division may issue permits for survey and exploration activities to identify historical resources and may issue
permits for excavation and salvage activities to recover historical resources. The division may issue permits for archaeological excavation activities for scientific or educational purposes on state-owned lands or on state-owned sovereignty submerged lands. The division may also issue permits for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The division shall adopt rules to administer the issuance of permits for all such activities. In addition, the division shall adopt rules to administer the transfer of objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

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

267.13 Prohibited practices; penalties.—

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

(c) Any person who offers for sale or exchange any object with knowledge that it has previously been collected or excavated in violation of any of the terms of ss. 267.11-267.14, or who procures, counsels, solicits, or employs any other person to violate any prohibition contained in ss. 267.11-267.14 or to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource excavated or removed from land owned or controlled by the state, land owned...
by a water authority, or land within the boundaries of a
designated state archaeological landmark or landmark zone,
except with the express consent of the division, commits a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084, and any vehicle or equipment
of any person used in connection with the violation is subject
to forfeiture to the state if it is determined by any court of
law that such vehicle or equipment was involved in the
violation. All specimens, objects, and material collected or
excavated, together with all photographs and records relating to
such material, shall be forfeited to the state. The court may
also order the defendant to make restitution to the state for
the archaeological or commercial value and cost of restoration
and repair as defined in subsection (4).

(d) If a minor commits a violation of paragraph (a),
paragraph (b), or paragraph (c), he or she must be given a
written citation for a first or second violation. Third or
subsequent violations shall be punishable as otherwise provided
in paragraphs (a), (b), and (c). However, this paragraph may not
be construed as superseding the requirement that any individual
who violates paragraph (a), paragraph (b), or paragraph (c) must
forfeit to the state all specimens, objects, and material
unlawfully collected or excavated, together with all photographs
and records relating to such material.

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

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