FEASIBILITY REPORT ON A ONE-TIME ARTIFACT AMNESTY PROGRAM

Florida Department of State
Division of Historical Resources

OCTOBER 15, 2015

FLORIDA DEPARTMENT OF STATE
DIVISION OF HISTORICAL RESOURCES
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EXECUTIVE SUMMARY

The Florida Department of State’s Division of Historical Resources (DHR) is responsible for protecting Florida’s historical and archaeological resources under Chapter 267, Florida Statutes, which vests title in DHR to all artifacts and objects having intrinsic historical and archaeological value that have been abandoned on state land, both terrestrial and submerged. DHR is submitting this Report on the feasibility of a one-time artifact amnesty program of limited duration to the Governor, President of the Senate, and the Speaker of the House in accordance with Line Item Number 3083, contained in the 2015 – 2016 General Appropriations Act, SB 2500-A, Ch. 2015-232, Laws of Florida. Specifically, this legislation provides:

From the funds in Specific Appropriation 3083 from the Land Acquisition Trust Fund, the Department of State, in consultation with the Fish and Wildlife Conservation Commission, shall study the feasibility of implementing a one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state or on land owned by a water authority. By October 15, 2015, the Department of State shall submit to the Governor, President of the Senate, and Speaker of the House of Representatives a report containing the findings of the study and specific recommendations for statutory changes if necessary to create an amnesty program.

During July 2015, DHR convened multiple meetings with representatives of the Florida Fish and Wildlife Conservation Commission (FWC) in order to collect FWC’s input on the feasibility of implementing the proposed artifact amnesty program. Although DHR is charged with protecting archaeological sites on state lands, FWC provides the law enforcement resources vital to fulfilling this mandate, and implementation of an amnesty program has the potential to affect its current and future operations with regard to archaeological resource protection.

Together, DHR and FWC identified an outreach strategy for gaining additional input from stakeholders with an interest in Florida’s archaeological and historical resources, including state agencies and universities, certified local governments, and both professional and amateur archaeological organizations. By the end of July, the two agencies had developed website and press release content and designed a survey for distribution to the public.

To ensure broad public participation and input on the proposed amnesty program, DHR solicited public comment during the period from August 5, 2015, to September 4, 2015, via a digital survey and accepted all other written comments via email and letter. Results of the public survey show that a majority of respondents were aware that it is currently illegal to remove artifacts from state lands and believed that it should be so. Support for an amnesty program was mixed, with approximately 10% more respondents in favor of a program than against. Written comments received from professional archaeological organizations, agencies, and individual archaeologists unanimously expressed concern and opposition to an amnesty. Survey results and written comments are discussed in more detail in the “Public Comment” section below (p. 15).
Amnesties require sufficient consideration of the expected gains from the results, the balance between costs and benefits, the future of private collections with limited contextual details, and the implications of amnesty processes. Realistically, the loss of information from the archaeological record as a result of souvenir hunting and looting is incalculable. For an amnesty program to be feasible, the costs and implications would have to be outweighed by the value of archaeological information gained.

When viewed over the long term, the cumulative effects of looting, the ongoing and recurring costs of implementing and managing the program, including staff time and travel, storage, security, and artifact cataloging and curation expenses, and the implications of a diluted public policy that could cause confusion and hamper future law enforcement efforts will impose significant costs on the state. The limited amount of available information on other similar amnesty programs at this point in time makes it difficult to reliably predict the benefits of an amnesty program beyond the potential for acquisition of knowledge about the types of artifacts that have been removed from state lands. Such information, however, would likely be of minimal historical or archaeological value to the state, as artifacts removed from their original location (or context) have lost all association with the archaeological record.

Consequently, the costs, both tangible and intangible, of an amnesty program would clearly outweigh any value returned to the citizens by archaeological information that could potentially be gained. It is the opinion of the Department of State in consultation with the Florida Fish and Wildlife Conservation Commission, that it is not feasible to implement a one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state.
AN OVERVIEW OF ARCHAEOLOGY IN FLORIDA

Florida has a rich and unique history that stretches back at least 13,000 years. Because most of this human history is not written, archaeologists must learn about the past from the material remains people have left behind. Archaeological sites are non-renewable resources, for once they are damaged or destroyed, the information contained in them is lost forever. There are many threats facing Florida’s archaeological sites at all times, including destruction from construction and coastal erosion and illicit looting of archaeological objects from state lands and waters. A number of federal and state laws, however, provide protection for these valuable resources so that people today and in the future can learn about Florida’s fascinating history and heritage.

Public Policy Protections for Archaeological Resources

Federal
The value of archaeological sites and other historical resources was first established as a national policy in the Antiquities Act of 1906, 16 U.S.C. 431-433, which provided penalties for damaging federally-owned sites and gave the President the authority to designate “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” on federal lands to be national monuments. Three decades later, in the Historic Sites Act of 1935, 16 U.S.C. 461-467, Congress officially declared “that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance” and provided for monetary fines for violations of the act or its regulations.

Since passage of these seminal preservation statutes, a comprehensive system of laws and regulations has been developed at the federal, state, and local levels to make sure archaeological and historic resources are considered during planning and permitting of major projects. Additionally, government at all levels has expressed the will of the people to protect these pieces of the past by acquiring sites, managing them for public benefit, and interpreting them for public appreciation and enjoyment. These mandates have made a dramatic difference in the rate of loss of archaeological sites, especially on public lands and in large scale projects that require public review and permitting.

Neither the Antiquities Act nor the Historic Sites Act, however, effectively prevented or deterred deliberate, criminal looting of archeological sites on public lands. This situation led to a concerted effort by archaeologists and preservationists to strengthen the legal protections for archeological resources that resulted in the passage of the federal Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-mm (ARPA). ARPA affords additional protections to archaeological resources located on federal or tribal lands by prohibiting excavation, removal, damage, alteration, or defacement of such archaeological resources without, or in violation of, a permit. ARPA also makes it illegal to transfer resources obtained in violation of state law across state lines.

Another important milestone in the development of federal protections for historical and archaeological resources was the passage of the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. (NHPA). This landmark legislation established a strong national preservation policy that expressly acknowledged the value of prehistoric and historic resources to present and future generations of Americans. Among other things, the NHPA created the National Register
of Historic Places, established an Advisory Council on Historic Preservation, and encouraged the establishment of State Historic Preservation Offices (SHPOs). In Florida, DHR, as the officially-designated SHPO, works closely with federal and state agencies and local governments to carry out the programs of the NHPA.

One of the most significant NHPA programs administered by DHR is ensuring compliance in Florida with Section 106 of the act. Section 106 requires federal agencies to consider the effects of projects they carry out, fund, or approve on archaeological sites and other cultural and historic resources. The Section 106 review process encourages, but does not mandate, preservation. Because of Section 106, federal agencies must assume responsibility and be publicly accountable for their decisions that affect Florida’s historic resources. As part of the review process, federal agencies must consult in good-faith with the SHPO, Native American Tribes, and the public to gather information about archaeological sites, historic buildings, and other resources in a project area, determine how those properties might be affected, explore measures to reduce harm to those properties, and reach agreement with the consulting parties on measures to resolve any adverse effects to historic resources.

**State**

In 1965—one year before passage of the NHPA—the Florida Legislature created the State Board of Antiquities to establish rules and regulations for the protection and preservation of all property within state-owned lands, including submerged lands, and expressly declared the public policy of the state to be:

... to protect and preserve historic sites, buildings, treasure trove, objects of antiquity which have scientific or historic value or are of interest to the public, including but not limited to fossil deposits, Indian habitations or ceremonial sites, coral formations, sunken, abandoned ships or any part thereof, maps, records, documents and books relating to the history, government, culture of the state of Florida. Ch. 65-300, Laws of Florida.

In the 1970s, additional state legislation established a statewide historic preservation plan to address all aspects of the state’s history and prehistory. In 1989, Florida’s Conservation and Recreation Lands (CARL) program directed funds to DHR to initiate an archaeological program exclusively devoted to surveying state lands to identify and protect cultural resources. This program is now known as Public Lands Archaeology and is housed within DHR’s Bureau of Archaeological Research (BAR).

Although the Board of Antiquities has since been replaced by the Florida Division of Historical Resources, the public policy first declared in 1965 has remained and been strengthened since that time. Today, the **Florida Historical Resources Act**, codified in Chapter 267, F.S., not only directs DHR to protect, preserve, and promote the state’s historic resources, it explicitly provides that “all treasure trove, artifacts, and such objects having intrinsic or historical and archaeological value which have been abandoned on state-owned lands or state-owned sovereignty submerged lands shall belong to the state with the title thereto vested in the Division of Historical Resources of the Department of State for the purposes of administration and protection.” Section 267.067(1)(b), F.S.
With regard to Florida’s archaeological resources, Section 267.14, Florida Statutes, also expressly established the public policy of the state to be:

... to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology. ... It is further declared to be the public policy of the state that field investigation activities on privately owned lands should be discouraged except in accordance with both the provisions and spirit of ss. 267.11-267.145; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the division.

To help fulfill this mandate, BAR administers permitting programs for archaeological work on state lands, both terrestrial and submerged. The bureau issues permits for archaeological field investigations on all state-owned lands pursuant to Chapter 1A-32, Florida Administrative Code. Requiring permits for research ensures that state-owned cultural resources are administered in a spirit of stewardship and trusteeship on behalf of Florida’s citizens. Chapter 1A-32 permits are only issued to professional archaeologists who have histories of responsible work and project completion. The permitting process holds archaeologists accountable for turning in reports, site forms, and cultural material within one year of fieldwork completion.

Pursuant to Chapter 1A-31, Florida Administrative Code, BAR also issues permits to commercial salvors for exploration and salvage of historic shipwrecks sites on state-owned sovereignty submerged lands. These lands include, but are not limited to, tidal flats, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, under navigable fresh or salt waters. The State of Florida acquired title to these sovereignty submerged lands upon becoming a state on March 3, 1845.

The Importance of Archaeological Context

Archaeology is the scientific study of material remains of past human life and activities. Archaeological sites are places where people left some sign of their presence. This typically means that artifacts, things people made or modified, are present. However, sites can also include changes in the land—a ditch, a levee, a mound. Sites usually contain materials in addition to artifacts, like plant and animal remains, soil, and charcoal.

Together, these form an archaeological deposit. When people stay in one place for a long time, deposits accumulate, one on top of the other, over decades or centuries. Because people and environments change over time, deposits differ from each other. Moreover, any single deposit may contain evidence of many different activities. Archaeological sites and the artifacts associated with them are messengers from our past. Without archaeological research and excavation, these unique pieces of our history would be lost.

Archaeological sites are surprisingly common on the Florida landscape and come in all sizes and a variety of types. Some archaeological sites are completely buried and remain unknown until uncovered by digging, or until they are found during an archaeological survey. Archaeological sites range from large, prominent prehistoric mounds, historic forts and plantations, to smaller
sites, such as small scatters of artifacts that represent temporary encampments of Native American people. Regardless of size or complexity, all archaeological sites have the potential to tell us something about people and environments of the past. More than 34,000 different archaeological sites of all periods are already known in Florida and recorded in the Florida Master Site File, the official statewide digital "inventory" and map of over 200,000 of the state’s known historical and archaeological sites and resources.

Thus, clues to past events and previous ways of life remain in backyards, pastures, forests, hammocks, and streambeds all across the Florida landscape. Pre-European archaeological sites (before A.D. 1500) offer clues to Native American hunting and cooking methods, social organization and family life, artistic and religious expression, and past environments. Archaeological evidence of later cultures, more like our own, also exists. Early European exploration and settlement, as well as Florida’s territorial and statehood growth, left their unique signatures on and under the ground, creating a Florida landscape that is a mosaic of different natural and historical events.

Consequently, the single most important characteristic of archaeological sites is association, that is, the relationship between all of its components. Artifacts and other cultural remains that are associated together represent single activities or events that can be revealed through careful excavation and analysis. When artifacts and remains that are from separate time periods or separate events are mixed together, it is difficult or impossible to recreate what happened at the site. This simple fact leads to the most basic principle of archaeological site management. Things should remain in their original location or context. When the artifacts and surrounding material are disturbed, archaeological information is destroyed. An artifact might be aesthetic in its own right, but its greatest value to the historical record—the information about its user that was learned from its context—will be lost if it is removed from its original context.

Looting of State-owned Archaeological Sites in Florida
Most people have an inherent curiosity about the past, but in varying degrees of intensity. The romanticism and mystery of the past lead some people to seek higher levels of understanding through reading and other educational outlets. For many people, however, this same curiosity, undirected and unchanneled, evolves into unwitting and even purposeful destruction of significant archaeological sites. The level of destruction wrought on archaeological resources by looters cannot be overstated. Archaeologists often refer to archaeological sites as being "pages of our history book." Each site destroyed is a page torn out of that book. Many sites are left with the appearance of an artillery battlefield. The resulting loss of information for researchers, and ultimately the public-at-large, is staggering and irretrievable.

In addition to overseeing the Chapter 1A-32, F.A.C., Archaeological Permit program and handling discoveries of unmarked human remains pursuant to Chapter 872, F.S., BAR’s Public Lands Archaeology (PLA) program works closely with FWC on responding to reports of looting of archaeological sites on state lands. When an arrest is made for cultural resource crimes, PLA staff conducts a damage assessment, as required by Section 267.13(4), F.S.

A damage assessment is a standardized calculation of lost archaeological value, lost commercial value, and cost of restoration and repair due to a cultural resource crime, which are all outlined in
Section 267.13(4), F.S. The calculation of lost archaeological value is arrived at by appraising the scientific data that would have been available had the crime not been committed. Archaeological value includes the cost to prepare a research design, conduct field work for an equal volume of excavation, analyze artifacts, and prepare a professional report.

Commercial value or fair market value is added to cost of archaeological value. Professional archaeologists calculate commercial value using artifact collectors’ pricing publications, eBay, artifact sale websites, and other commercial market value sources. It should be noted that although commercial value may be significant to collectors and sellers of artifacts, the state does not engage in trading artifacts for profit.

Finally, PLA staff calculates the cost of restoration and repair, or the cost to reconstruct the ground surface and stabilize the site. If human remains were taken from a site, the cost to reinter them would also be included (see “Human Burials” section below for a discussion of laws protecting human burials). In cases where a court orders the defendant to pay restitution, the amount of restitution is the total damage assessment value calculated in accordance with Section 267.13(4), F.S.

Photograph of holes from 2015 looting site in the Aucilla Wildlife Management Area near Tallahassee, Florida.

Reports of cultural resource crimes to BAR occur regularly, from both state law enforcement officers and state land managers. For example, in the period from March 2015 to September 2015, twelve reports were received. For reports not associated with an arrest, a formal damage
assessment is not required, but whenever feasible, PLA staff works with land managers to assess the extent of the damage to the site and the archaeological record.

So far in 2015, PLA staff has prepared two damage assessment reports in association with looting incidents on state lands, representing a total damage assessment of $19,175.38.\(^1\) Although restitution to the state cannot be awarded in cases where no arrests are made, damage at those sites is often much more extensive. For example, the most recent documentation by BAR of looting damages on state lands estimated over 70 unauthorized pits at one site, equaling disturbance to approximately 66% of the site.\(^2\)

![Photograph of one hole and large spoil pile from 2015 looting site in the Withlacoochee State Forest near Brooksville, Florida.](image)

In February 2013, the FWC, with the support of DHR, completed a statewide undercover investigation of illegal looting and selling of artifacts removed from state lands. Known as Operation Timucua, this operation led to the arrest of 13 individuals from the Florida Keys to the Panhandle, for more than 400 felony violations of Chapter 267, Florida Statutes.\(^3\) To date, a total of 3,984 artifacts have been turned over to DHR for cataloging and curation, with more artifacts expected to be turned over as the Operation Timucua prosecutions continue to move through the court system. At least 3,770 of the artifacts received thus far came from the collection of one individual, which gives some indication of just how large privately held artifact collections can be.

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\(^1\) DHR Damage Assessment submitted to FWC (February 19, 2015) and DHR Damage Assessment submitted to FWC and the Florida Forest Service (February 26, 2015).

\(^2\) Calculated based on measurements of 72 pits. Volume of displaced soil compared to overall site size documented with subsurface sampling by professional archaeologists.

Because archaeological sites are our only sources of information for at least 13,000 years of human history in Florida, their unnecessary destruction adversely impacts all Floridians. The resulting loss of information for future generations is irretrievable. When viewed over the long term, the cumulative effects of selective looting, including the cultural and aesthetic loss to Native Americans and other ethnic groups, is beyond comprehension.

**Isolated Finds Program (1996-2005)**  
BAR initiated an Isolated Finds Program in 1996 to foster communication between river divers who collect isolated artifacts and state archaeologists. This program was authorized by Section 267.115(9), F.S., which provides that “[t]he division may implement a program to administer finds of isolated historic artifacts from state-owned river bottoms whereby the division may transfer ownership of such artifacts to the finder in exchange for information about the artifacts and the circumstances and location of their discovery.” Thus, the underlying intent of the program was to allow artifact collectors to remove artifacts from rivers in return for the BAR’s receiving more information about state-owned cultural resources being found in and removed from rivers.

Guidelines for the Isolated Finds Program were developed in conjunction with river collectors and distributed widely through brochures, a website, and at artifact shows throughout the state. Key elements of the program included the following:

- An “Isolated Find” was defined as an artifact that had become displaced from its original archaeological context through erosion or water currents, such as stone tools and points (“arrowheads”), coins, bottles, bullets, and other small objects.
- Divers were allowed to collect exposed or disassociated artifacts from state-owned and controlled submerged bottomlands in Florida’s rivers.
- Divers were required to report the find to BAR within 30 days, using an Isolated Finds Reporting Form.
- Upon receipt of an Isolated Finds Reporting Form, BAR had 90 days to determine whether title to the artifact would be granted to the collector, request further documentation of the artifact, or retain possession of the artifact.
- Collectors could apply for legal ownership of artifacts collected before the Isolated Finds Program was initiated.

Between June 1996 and June 2005 DHR received 1,115 Isolated Finds reports from 150 individuals, with 54% percent of the reports being submitted by only 7 individuals. A total of 10,720 artifacts were reported under the program, collected from 51 rivers and lakes. In two cases, divers reported locating significant sites and donated their finds to the state; in all other cases, ownership of the artifacts was transferred to the finders.

Archaeological artifacts are also of value to the descendants of the people who made and used them. Representatives of Florida’s federally recognized Native American tribes spoke out against Florida’s Isolated Finds Program at public hearings in 2004. They argued that state law did not allow for private ownership of state property, and that the Isolated Finds Program was not legal in any sense. They also noted that hobbyist collectors rarely contribute to furthering knowledge about Native Americans because they keep their collections private. The Native American
representatives specifically valued working with professionals who create new knowledge from the careful, scientific investigation of archaeological sites. This new knowledge benefits both Native Americans and the general public. Finally, representatives of the Florida Native American tribes expressed concern that many of the locations impacted by illegal collecting are sacred sites that may contain burials of their ancestors. They objected to collectors disturbing these locations in the search for artifacts.  

The Isolated Finds Program was discontinued in 2005 on the recommendation of the Florida Historical Commission (FHC). At a public meeting on May 21, 2005, the FHC heard testimony from interested parties and deliberated three options identified by BAR for the future of the program, namely: 1) discontinue the Isolated Finds Program, with no substitute program to take its place; 2) formalize the existing Isolated Finds Program guidelines as an agency rule with little or no modification; 3) develop a new permit-based program for river collecting formalized by the rule making process.

The FHC’s ultimate decision to discontinue the Isolated Finds Program without a replacement was based on low participation and problems with enforcement of reporting within the program. Thus, the experimental program was not successful for several reasons: 1) only about one fifth of collectors reported their finds, 2) geographic analysis of reported finds indicated that many of the artifacts were not “isolated,” meaning people were collecting from potentially important sites, and 3) there was no public benefit for the majority of Florida’s citizens, as more than half of the Isolated Finds reports came from seven individuals.

South Carolina currently administers a program similar to Florida’s Isolated Finds Program, and is finding similar results. The South Carolina Sport Diver Archaeology Management Program (SDAMP), allows citizens to take artifacts from submerged shipwrecks, archaeological sites, and river bottoms in exchange for reporting information about the find. South Carolina SDAMP officials report that only 60% of divers currently licensed through the program submit the required quarterly reports. Many of the reports, however, have often been incomplete and lacking in basic information about location of the find. Carl Naylor who administered South Carolina’s SDAMP from 1991 to his retirement in 2013 wrote recently that “the best we can boast is sixty percent reporting rate. That is the best percentage. More often the rate is nearer to forty percent. That means, in theory at least, that forty to sixty percent of the artifact/fossil recoveries are going unreported.”

**Human Burials**

Section 872.05, Florida Statutes, protects unmarked human burials—those graves and burial sites and their contents that occur outside traditional cemeteries. While unmarked burials usually represent Native Americans who lived in Florida before European contact, there are many examples of more recent rural and ethnic graves that were never clearly marked or whose modest wooden markers have disappeared. Whatever the origin of the human remains, they are all afforded equal protection under Florida law. Under Section 872.02, F.S., it is a felony to willfully and knowingly injure or remove a tomb, monument, or burial mound or to willfully and

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5 Email from Carl Naylor dated September 3, 2015. See Appendix C.
knowingly disturb the contents of a tomb or grave. This law applies to Native American burial mounds as well as it applies to church and city cemeteries.

Additionally, pursuant to Section 872.05, F.S., anyone having knowledge of the discovery of human remains or associated burial artifacts at an unmarked burial site must report the incident to local law enforcement. Whenever human remains are discovered, even during permitted archaeological field investigations, all activity that could disturb the remains must cease and cannot resume until authorized by the state archaeologist or the medical examiner.

If the remains are involved in a criminal investigation or have been buried less than 75 years, the medical examiner will have jurisdiction and responsibility to authorize activities to resume once the remains are removed or protected. If the remains have been in the ground more than 75 years, and the burial site meets the definition of "unmarked human burial," responsibility rests with DHR. Different procedures are followed depending on whether the remains were encountered during an archaeological investigation or not, but the procedures are intended to provide an opportunity to arrange for protection of the remains. The law does not require or prohibit removal of the remains, but preservation in place is the preferred alternative. If remains for which DHR has responsibility are removed from the ground, certain steps are followed concerning identification, analysis, and final disposition of the remains.

Over the last decade in Florida hundreds of cases of unmarked human burials have been handled under the procedures specified in Section 872.05, F.S.

At the federal level, since 1990, the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq. (NAGPRA), has required all federal agencies and all public and private museums that have received federal funds to engage in a process to return Native American human remains, funerary objects, sacred objects or objects of cultural patrimony to lineal descendants and culturally affiliated Indian tribes. Section 4 of NAGPRA also includes penalties for illegal trafficking in human remains and cultural items. Specifically, to knowingly sell, purchase, use for profit, or transport for sale or profit human remains or cultural items in violation of NAGPRA may result in a fine or imprisonment for up to one year, or both. Subsequent violations allow for imprisonment up to 5 years.

Note: Chapter 872 of the Florida Statutes applies to all land in Florida, including private, state, and federal property. When human remains are discovered on federal or tribal lands, NAGPRA also applies.
ARCHAEOLOGICAL AMNESTIES

Archaeological sites on land and underwater have long suffered from human impact in the form of looting, souvenir hunting, or treasure hunting. Some countries have declared archaeological amnesties to either acquire lost or stolen artifacts or to document collections and information held in private hands. Very little information has been published to date on archaeological amnesties. Likewise, very little has been published on the informational value of artifacts received during amnesties. For maritime-related or submerged sites, there have been three amnesties declared around the world: in Australia, in the United Kingdom, and in Bermuda. While some benefits to having amnesties were seen in these cases, amnesties can also prove costly if little thought has been given for the short- and long-term consequences. How much information is derived from these private collections is dependent upon how much information the collector is able or willing to provide and how much effort is made to document information before they are permanently lost.

An amnesty, by its very definition, provides members of the public with the assurance that the main objective is to record "lost" information and that they need not fear being prosecuted for declaring materials protected by law. An important requirement for the success of any archaeological amnesty, however, is having sufficient resources available to manage the short- and long-term consequences. It is also important to make clear to the public the objectives and the process of the amnesty, such as the importance of recording and enhancing information for research, whether artifacts will or will not be returned permanently to authorities, and the penalties for holding artifacts illegally after the end of the amnesty.

Features of an Amnesty
Archaeological amnesties allow members of the public the opportunity to declare finds when they, over the years, might have either ignored the law or been genuinely unaware of it. Amnesties can be a way to fill the gaps in the archaeological record by documenting the existence of looted artifacts.

There are several factors that may influence the implementation and outcomes of an amnesty program. These include its main purpose; duration; level of publicity; availability of resources to deal with the public's response; the structures and procedures in place to deal with declarations from the public; the commitment of resources to conserve, analyze, and report amnesty collection; attitude of authorities and public towards the amnesty; relations between agencies and members of the public; and public perception of the authorities' motives for the amnesty.

Recorded Amnesties
So far there have been three international shipwreck amnesties declared: the Historic Shipwrecks Amnesty in Australia in 1993, the Wreck Amnesty in the United Kingdom in 2001, and the Wreck Amnesty in the British Overseas Territory of Bermuda in 2003. It has been difficult to determine if other terrestrial archaeological amnesties have occurred similar to these. Nevertheless, these amnesties have wider implications relevant to archaeology as a whole. There are differences between the three wreck amnesties in terms of the structure of administration, as well as the reasons why they were declared. Unfortunately, there is limited publication on them,
particularly on Bermuda, but some features relating to the processes and results can still be examined.

**Australia**

Australia’s 1993 Historic Shipwrecks Amnesty was declared to encourage divers and other members of the public with information about unrecorded wrecks or relics to come forward and give details without fear of penalty. In the context of this amnesty, once the material was declared and the state had recorded it, the item was returned or left in the custody of the notifier, provided it was kept securely, not damaged or modified, its condition regularly monitored, and it was not sold, transferred or disposed of without a permit. By the end of the amnesty, approximately 20,000 artifacts were declared by divers and private collectors. Not everyone who declared materials was the original diver or collector. Some had inherited them or declared them on behalf of institutions such as schools where materials had been donated.

An immediate response to the amnesty was that authorities were inundated by the public with reports of private collections. Many of these were donated to the state agencies or museums but a large number still remained in private custody. The absence of adequate financial support from the Commonwealth limited the ability of state agencies to deal with responses from the public. For those maritime units with a very small number of staff this proved extremely challenging. (Philippou, 2004: 31).

One of the long-term consequences of the program has been the on-going cost of maintaining the amnesty databases, records, and certificates for artifacts that were handed back to the public, as well as custodians wanting to transfer custody of or sell artifacts. Long-term staff time and resources are needed for this, as well as for monitoring the condition of the materials and for determining and undertaking appropriate conservation treatment. In addition, there is the possibility of custodians not caring for the artifacts properly, and also the problem of what happens to a collection if a custodian dies, moves, or gives away their artifacts without informing the authorities. Maintaining the records and dealing with the long-term consequences has proven to be a time consuming drain on government resources.

Research undertaken to date on samples from Australia’s amnesty program has served to highlight the potential value of this resource. Philippou (2004: 31) reported that Victoria’s significance-assessment project has seen a greater understanding of its amnesty collection, assisted in identifying gaps or inconsistencies in the collection, provided an increased understanding of the significance of certain artifacts, and renewed the unit’s contact with the public custodians. Furthermore, many artifacts have been found to possess high aesthetic qualities and inherent story-telling value, and the project also highlighted the usefulness of some objects for public interpretation and exhibition (Philippou, 2004: 31). The amnesty collection has also been recognized as having great potential to contribute to information about 19th- and 20th-century culture in Australia (Philippou, 2004: 25). These studies, while few compared to the volume of the collections, nevertheless highlight the potential archaeological research value of these resources, even where there is a perceived lack of historical significance due to the absence of context and possible site contamination.
There is no doubt that there were problems with the 1993 Historic Shipwrecks amnesty, notably that it was under-funded and a drain on the resources of the state agencies. The amount of staff time and resources which went into the project, and the responsibilities associated with the resulting collections, have yet to be fully analyzed for cost effectiveness. Based on the limited reporting on the program, it appears that amnesty collections can be an untapped resource to aid further archaeological investigations, and can potentially provide comparative data for archaeologically-recovered material. Australia’s experience has demonstrated the crucial need for sufficient resources, effective procedures and efficient management to be in place for an amnesty program to be successful. Further research is needed to determine whether the archaeological value outweighs the cost of implementing and maintaining the program (Philippou, 2004:32).

**United Kingdom**
In the United Kingdom, a wreck amnesty was launched in January 2003 for three months, resulting in a total of 4,416 reports representing 30,000 individual items. Unlike Australia and Bermuda, the UK’s wreck amnesty was not launched in response to any legislative change. The amnesty program provided divers and other collectors with the chance to declare finds not yet reported to the Receiver of Wreck as stipulated in The Merchant Shipping Act of 1995. The amnesty was also an attempt to identify objects that could be returned to their legal owner; identify sites of historic importance; identify live munitions and other hazardous material that should be made safe; to raise the profile of the Receiver of Wreck and educate sea users on their legal responsibilities; as well as to lead the way for more effective prosecution of persistent offenders (MCA, 2001:2). No publication to date provides a detailed analysis of the entire process and the consequences on resources, although the UK experience does provide an indication of how many artifacts could be brought forward during an amnesty program of limited duration.

**Bermuda**
Little information is available about Bermuda’s shipwreck amnesty, and there is currently available no report on the number and type of artifacts it produced. In late 2001, the Bermudan Government passed new legislation for the protection of Bermuda’s shipwrecks and submerged heritage sites. This legislative change transferred ownership of Bermuda’s 400 known shipwrecks from the British Crown to the Bermudan Government. In 2003, authorities in Bermuda announced a ‘wreck amnesty’ to encourage divers to declare existing finds after which a heavy fine and possible imprisonment would be imposed on divers who removed artifacts from Bermuda’s wrecks without permission. Divers were given the chance to declare objects they removed previously without permission.
PUBLIC COMMENT

Because the proposed amnesty program would affect the declared public policy of the state “to preserve archaeological sites and objects of antiquity for the public benefit” (Section 267.14, F.S.), solicitation of public comment was an important component of this feasibility study. During the period from August 5, 2015, to September 4, 2015, DHR distributed a digital survey (Appendix A), which was posted on DHR’s website and social media pages and was also sent via a targeted email campaign to known stakeholders. In addition, the Division accepted all other written public comments via email and letter and consulted with a number of groups with an interest in Florida’s archaeological resources, including the state’s recognized Native American tribes, the Florida Historical Commission, cultural resource management firms, and professional and amateur archaeological groups and individuals. Results of the survey, which was anonymous, and all other written comments are included with this Report as Appendix B and Appendix C, respectively.

Survey Responses
A total of 1,312 respondents completed the survey. Results show that 90.17% of respondents were aware that it is illegal to remove artifacts from state lands (Question 1) and 70.09% believe it should be illegal (Question 2).

Question 1

Did you know that it is illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>90.2%</td>
<td>1183</td>
</tr>
<tr>
<td>No</td>
<td>9.8%</td>
<td>129</td>
</tr>
</tbody>
</table>

answered question 1312
skipped question 0

Question 2

Do you think it should be illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>70.1%</td>
<td>907</td>
</tr>
<tr>
<td>No</td>
<td>29.9%</td>
<td>387</td>
</tr>
</tbody>
</table>

answered question 1294
skipped question 18

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6 The survey was created using SurveyMonkey.com. Survey and additional information was made available at dos.myflorida.com/historical/archaeology/artifact-amnesty-feasibility-study/. This webpage remains accessible to the public, although the survey is closed. The survey was distributed via email using MailChimp.com.
The remaining survey questions attempted to assess the respondents’ level of support for and willingness to participate in an amnesty program. Support for an amnesty program was mixed, with 55.33% of respondents in favor of a program and 44.67% of respondents against such a program (Question 3). A number of commenters questioned whether people would participate, especially serious artifact collectors and those who engage in looting of archaeological sites with knowledge that it is illegal. These doubts are somewhat supported by the results of Question 4, discussed below.

Although some respondents also found it difficult to provide substantive comment without a clear understanding of how the proposed amnesty program would be implemented, several clear themes emerged from the written comments provided in the survey:

- Potential negative outcomes identified by respondents include:
  - It will be costly to implement in terms of state resources required to inventory, catalog and curate artifacts, and the public (taxpayers) will ultimately bear these costs.
  - Context from the finds is already lost in many cases, so there is little information of scientific value to be gained.
  - An amnesty program will make laws prohibiting collection and sale of archaeological resources taken from state lands difficult to enforce in the future.
  - An amnesty program will not stop and may even encourage more looting of archaeological resources on state lands.

- Potential positive outcomes identified by respondents include:
  - Even if there is no context associated with the artifacts, some data, such as location of the find, may add to the store of knowledge about Florida history.
  - The return of artifacts owned by the state would be for the public good.
  - An amnesty program could provide an opportunity to educate those who do not know it is illegal to remove archaeological resources from state lands.
  - An amnesty program might help bridge the communication gap between collectors and professional archaeologists.

As these trends indicate, the survey elicited a wide array of responses both for and against a proposed amnesty program. In order to analyze the text and identify themes in the free response portion of the survey DHR staff categorized and grouped similar written responses to Questions 3, 5, and 6. The top five most common categories of responses to each of these question is presented below.
Question 3

Do you support the implementation of a one-time amnesty program of limited duration for persons who possess specimens, objects or materials of historical or archaeological value collected from land owned or controlled by the state or on land owned by a water authority?

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I support an amnesty program</td>
<td>55.3%</td>
<td>690</td>
</tr>
<tr>
<td>No, I do not support an amnesty program</td>
<td>44.7%</td>
<td>557</td>
</tr>
<tr>
<td>Comments</td>
<td></td>
<td>486</td>
</tr>
</tbody>
</table>

A review of the 486 free response comments to this question indicates that many of the respondents (75 or 15.43%) support an amnesty program in which artifacts would be returned to the state. People expressed through comments that they believe returning artifacts would ensure that 1) collections can be studied and appreciated by the public, and 2) items will never be sold on the open market.

Another frequent comment provided to this question (60 or 12.35%) was that an amnesty program would increase looting, selling, and collecting of artifacts. Some commenters feared that by setting a date for future forgiveness, amnesty could incentivize intentional looting prior to the planned amnesty period. Furthermore, people noted that if title to artifacts is transferred by the state to the amnesty seeker, there could be an increase in artifact sales. Respondents also noted that offering amnesty sends the message that the state condones collecting.

The third most frequently repeated comment (55 or 11.32%) asked the question “What does amnesty mean?” Because the parameters of this proposed amnesty program are not yet defined, many respondents felt that they could not effectively respond to a survey until a definition is provided. Comments include questions such as “do collectors keep or turn over artifacts?” Some wonder if information on archaeological context would be required for amnesty to be given and indicate that such stipulations might sway their support of a program.

There was also a trend in the comments (49 or 10.08%) expressing the sentiment that unauthorized removal of artifacts from state land is crime that should be prosecuted like any other crime and not excused. A number of responses (47 or 9.67%) also demonstrated a concern that amnesty will create future law enforcement problems. Some expressed practical concerns related to issues officers will face in future prosecutions of serious looting crimes, while others noted that the general effectiveness of the law could decrease following an amnesty period.

Question 4

Question 4 of the survey attempted to assess the willingness of survey respondents to return artifacts removed from state lands to the state as part of any future amnesty program. The majority of respondents (696 or 58.2%) indicated that IF they possessed such objects, they would return them, while 463 (38.7%) respondents would not. Of the 36 respondents who currently
possess such objects, significantly more (27) answered they would not return the items to the state.

If you were in possession of any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, would you return them during an amnesty program?

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, if I had any, I would return them during an amnesty program.</td>
<td>58.2%</td>
<td>696</td>
</tr>
<tr>
<td>Yes, I currently possess items that I would return during an amnesty program.</td>
<td>0.8%</td>
<td>9</td>
</tr>
<tr>
<td>No, if I had any, I would not return them during an amnesty program.</td>
<td>38.7%</td>
<td>463</td>
</tr>
<tr>
<td>No, I currently possess items of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, but I would not return them during an amnesty program.</td>
<td>2.3%</td>
<td>27</td>
</tr>
</tbody>
</table>

**Question 5**

Do you think other people would participate in an amnesty program?

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I think other people might participate in an amnesty program.</td>
<td>53.4%</td>
<td>634</td>
</tr>
<tr>
<td>No, I do not think that other people will participate in an amnesty program.</td>
<td>46.6%</td>
<td>553</td>
</tr>
<tr>
<td>Comments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**answered question** 1187  
**skipped question** 125

The most common free response to this question (102 or 27.35%) indicates a belief that serious collectors and looters will not participate in an amnesty program. Thus, although 53.4% of respondents to Question 5 think people would participate, many of the comments make a distinction between casual collectors or persons who inherited items and those individuals who intentionally collect or illegally dig on state lands with knowledge that it is illegal to do so. In a similar vein, another group of responses (26 or 6.97%) noted that individuals will be more likely to participate if they are allowed to keep and take ownership of the artifacts.

The third most common category of responses to this question (21 or 5.63%) predicts that amnesty would likely increase or encourage looting, selling, and collecting of artifacts. A similar
number of comments (20 or 5.36%) notes that because the context of the artifacts brought in is already lost, they would have no scientific value anymore. Such comments reveal an important distinction between how collectors and archaeologists view artifacts. Although collectors may see a commercial or other value intrinsic to the artifact itself, artifacts are valuable to archaeologists because of the information they contain. This information is lost at the moment an artifact is removed from its location (or context). This loss of scientific data about the context of the artifact significantly diminishes the benefits that would accrue to the people of Florida through an amnesty program.

The fifth most frequent comment to this question (16 or 4.29%) is that an amnesty program would provide an educational opportunity. The state could educate the public about Florida’s archaeological protection laws, as well as the value of archaeological context.

**Question 6**

![Table showing response counts for Question 6](image)

The most frequently mentioned theme in this final open comment field of the survey was also a common response in Questions 3 and 5. Many respondents (149 or 19.97%) believe that an amnesty program could have the negative impact of increasing the looting, selling, and collecting of artifacts on state lands.

The most common positive impact identified (128 or 17.16%) was the potential to gain some amount of information from the artifacts brought forth during an amnesty period. Although context would be lost, amnesty seekers may still be able to provide data on the location and nature of the finds. Such information would have the potential to add to the historical record in Florida.

Another positive impact noted by respondents (124 or 16.62%) would be that the state would get back artifacts removed from state lands. Of course, this assumes that an amnesty program would require the return of artifacts, and many of the commenters felt that doing so would be the most beneficial outcome to the people of Florida, who would otherwise not have access to artifact collections retained in private possession.

The fourth and fifth most common responses to Question 6 addressed potential negative impacts of an amnesty program. An increase in confusion over Florida’s archaeological protection laws was noted by many (103 or 13.81%). Some think that offering amnesty will undermine the significance and future enforcement of existing laws, and could possibly lead the public to believe that cultural resource protection is no longer a public policy of the state.
The loss of archaeological context associated with artifacts also troubled respondents (89 or 11.93%). As discussed above with Question 5 above, many believe that artifacts outside of context offer little positive value to the public.

Additional Written Comments
The Division also accepted written comments and input from professional and amateur archaeological organizations and individuals, as well as state and federal agencies and universities. The Division received thirteen such comments, all thirteen were opposed to an artifact amnesty program. Several also raised common concerns related to implementation of an amnesty, as indicated in the following summary:

*Florida Anthropological Society*
- The proposed Artifact Amnesty Program confuses the public about what is legal and what is not.
- It counteracts law enforcement action in support of existing legislation.
- There is no discernible benefit.
- It is in opposition to existing law.

*Florida Archaeological Council*
- A one-time amnesty program of limited duration will indicate that the State is not committed to the preservation and wise management of state owned lands and its non-renewable historic and prehistoric sites and objects, in a clear conflict with the letter, spirit, and stated intent of Florida Statutes.
- We fear that implementing an Artifact Amnesty program may open the door for attempts to reinstate the failed and discontinued Isolated Finds program, or even create a new program allowing non-professionals to collect artifacts from all state lands. Such programs would cripple the state’s efforts to protect and preserve Florida’s historic resources on public lands.

*U.S. Department of the Interior – National Park Service*
- The National Park Service is concerned that a possible outcome could serve to undermine the State of Florida’s ability to prosecute misdemeanor and felony violations of Florida Statute 267.13, which will in turn undermine the National Park Service’s ability to prosecute violations of the Archeological Resources Protection Act (ARPA) under 16 U.S. Code § 470ee.
- Distinctions between federal and state lands—national parks and state parks, for instance—are immaterial for some members of the public, and the National Park Service thus is concerned that an amnesty program that weakens preservation law on state property will inevitably result in violations of preservation law on federal property.
- The existence of an amnesty program in Florida, even temporarily, could cloud the legal standing and legality of looted artifact sales and threaten the successful prosecution of antiquity traffickers for many years in the future.

*Society for Historical Archaeology*
- The proposed amnesty program will only serve to dilute state law and cause confusion regarding the collection of cultural materials from state lands.
University of West Florida

- An artifact amnesty program would damage the state’s credibility, and would likely result in more long-term damage to the resource because collectors would be encouraged by the precedent set in loosening the law.
- The pressure for amnesty comes as a result of effective law enforcement after the Isolated Finds program was discontinued.

East Carolina University

- How can Florida claim to be a steward of its past while at the same time pardon those who took artifacts illegally from public lands and waters.
- At best it sends mixed messages regarding Florida’s commitment to safeguard its past; at worst it sets a bad precedent.

Florida Public Archaeology Network

- An artifact amnesty program would send a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archaeological sites contained therein.
- A program would not prevent future collecting or looting of archaeological sites on public lands or waters.
- Florida has always been a leader in state-level historic and archaeological preservation and its current policies are consistent with an international recognition of the importance of preserving the archaeological remains of our cultural heritage for the future public benefit.

Gulf Archaeology Research Institute

- The costs of an amnesty program both in operation and behind the scenes including restoration, conservation, and recording efforts is not unknown. It is expensive in time, space, and personnel.
- Meet whatever perceived needs or arguments in favor of amnesty with an education program.
- Without redressing educational programming first, adopting an Amnesty Program is a tacit admission of failure.

Central Gulf Coast Archaeological Society

- Even if the program requires that people taking advantage of it relinquish their artifacts and inform the state of the artifacts’ context, any information gathered would not offset the harm done.
- An artifact amnesty program is disturbingly similar to the failed Isolated Finds Program. This is an equally short-sighted idea, and stands in direct conflict with the legislative intent of the laws protecting sites, would encourage looting, and would give the public the impression that the legislature and the state do not value Florida’s history and archaeology.
OPTIONS AND POTENTIAL COSTS

Implementation of an artifact amnesty program will entail a number of additional or increased costs to the state. While the cost may fluctuate according to how amnesty is defined and enacted, foreseeable expenditures for both DHR and FWC could include costs for planning and executing amnesty events, including travel costs, salaries for staff to assess and inventory objects and to incorporate artifacts into the BAR Collections database. Long term costs and responsibilities such as the treatment, storage and display of artifacts must also be considered. The main objective of recording lost information can only be accomplished by a significant commitment of staff time. Valuable archaeological information can only be gleaned by tedious, sophisticated analysis of amnesty material in comparison to predicated forms with solid context. The following options for a potential one-time, limited-duration artifact amnesty program explore some of these potential costs in more detail:

<table>
<thead>
<tr>
<th>Options</th>
<th>Option #1: No Amnesty Program</th>
<th>Option #2: Amnesty Granted – Artifacts from State Lands Returned to State</th>
<th>Option #3: Amnesty Granted – Artifacts Cataloged and Ownership Transferred to Individual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario</td>
<td>Continue operations under current statutory requirements. Pursuant to Chapter 267.061(1)(b), F.S., all objects having intrinsic or historical and archaeological value abandoned on state lands belong to the state with title vested in DHR. FWC law enforcement personnel are empowered and authorized to enforce cultural resource laws. (Sections 379.3311 and 379.3313, F.S.)</td>
<td>Individuals will surrender artifacts removed from state lands without authorization. Five (5) regional locations for processing artifacts will be open for 2 days per week during a 3 month period. Information will be collected from the individual on the original location of the artifact(s). The artifacts will be cataloged by DHR staff; artifacts will be accessioned into the state artifact collection and stored and maintained at a facility managed by DHR.</td>
<td>Individuals will be required to transport artifacts recovered from state lands to the five (5) regional locations (during the designated 2 days per week for a 3 month period). Information will be collected from the individual on the original location of the artifact(s). After cataloging, ownership of the artifacts will be transferred by the state to the individual. Information about the individual and artifacts will be shared with FWC to incorporate into their law enforcement database.</td>
</tr>
</tbody>
</table>
| Pros                     | • Currently managed with existing staff and resources  
• Does not dilute archaeological protection laws  
• Avoids confusion about public policy regarding protection of historical and archaeological objects on state lands. | • Opportunity for data collection and additional information  
• Returned artifacts to state ownership would be for Public Good  
• Able to loan artifacts for educational and research purposes  
• Opportunity to educate public on laws pertaining to looting, resource degradation, and lost history | • Individual gets to keep artifacts  
• Possible opportunity for data collection and other information |
<table>
<thead>
<tr>
<th>Options</th>
<th>Option #1: No Amnesty Program</th>
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<th>Option #3: Amnesty Granted – Artifacts Cataloged and Ownership Transferred to Individual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cons</td>
<td>None known</td>
<td>Individuals and artifacts with amnesty will be very difficult to track</td>
<td>Individuals and artifacts with amnesty will be very difficult to track</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In direct opposition to DHR’s responsibility under section 267,</td>
<td>In direct opposition to DHR’s responsibility under section 267,</td>
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<tr>
<td></td>
<td></td>
<td>F.S.</td>
<td>F.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Thwarts efforts of FWC’s enforcement of cultural resource laws</td>
<td>Thwarts efforts of FWC’s enforcement of cultural resource laws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cannot be implemented without additional DHR staff and resources</td>
<td>The public does not benefit when artifacts are kept by the individuals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Costs of staff time, travel, supplies, security not feasible in current</td>
<td>Cannot be implemented without additional DHR staff and resources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>operating budget</td>
<td>Costs of staff time, travel, supplies, security not feasible in current operating budget</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Original context from the artifact location is lost, providing minimal</td>
<td>Original context from the artifact location is lost, providing minimal benefit to state</td>
</tr>
<tr>
<td></td>
<td></td>
<td>benefit to state and other researchers.</td>
<td>and other researchers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Program may encourage further looting</td>
<td>Program may encourage further looting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Significant long term costs incurred in order to glean archaeological</td>
<td>Significant long term costs incurred in order to glean archaeological</td>
</tr>
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<td></td>
<td></td>
<td>information from artifacts</td>
<td>information from artifacts</td>
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<tr>
<td></td>
<td></td>
<td>Dilutes archaeological protection laws</td>
<td>Dilutes archaeological protection laws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Creates confusion</td>
<td>Creates confusion</td>
</tr>
<tr>
<td>Options</td>
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</tr>
<tr>
<td>---------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Cost to Implement:** | None | DOS Staff: $65,394<sup>7</sup>  
Facility Fees: $37,500<sup>8</sup>  
Travel: $66,404<sup>9</sup>  
Cataloging Supplies/Equip.: $192,000<sup>10</sup>  
Secure Storage (at locations): $3,825<sup>11</sup>  
Ongoing Curation/Storage: $16,000 yr.<sup>12</sup>  
Offsite Temporary Curation Facility: $23,990<sup>13</sup>  
FWC Security: $172,800  
Total: $577,913 | DOS Staff: $65,394<sup>7</sup>  
Facility Fees: $37,500<sup>8</sup>  
Travel: $66,404<sup>9</sup>  
Cataloging Supplies/Equip.: $192,000<sup>10</sup>  
Secure Storage (at locations): $3,825<sup>11</sup>  
Ongoing Curation/Storage: $16,000 yr.<sup>12</sup>  
Offsite Temporary Curation Facility: $23,990<sup>13</sup>  
FWC Security: $172,800  
Total: $537,923 |
| **DHR Roles/Impacts:** | Maintain current role | The curation and storage of a large number of artifacts received through an amnesty program will severely tax the state’s collection facility. As is typical of many curation facilities, BAR organizes collections by accession: a group of artifacts received together. | In order to glean the most useful and beneficial archaeological information, and also to create a detailed catalog of amnesticied artifacts for future use by law enforcement, DHR must perform all of the same activities as outlined in Option #2. After the cataloging and |

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<sup>7</sup> Two Senior Archaeologists, at paygrade minimum $32,696.82. DMS Broadband Crosswalk (posted 9/21/2015).

<sup>8</sup> Estimated $2,500 per month for 3 months at 5 locations (Miami, Sarasota, Orlando, Pensacola, and Jacksonville).

<sup>9</sup> Travel for 2 staff to 5 locations, to man artifact processing facilities 2 days per week (requiring 3 overnight stays), for 3 months. Total travel costs include hotel, per diem, and gas expenditures, calculated in accordance with State of Florida travel requirements. Assumes use of state-owned vehicles.

<sup>10</sup> The cost to catalog and process one box of artifacts (including necessary supplies) is $120 (Miller 2010: 25). Although the number of artifacts placed in one box will vary based on size, the $192,000 estimate assumes 25 artifacts per box and 40,000 total artifacts returned to the state during the 3-month amnesty period (40,000/25=1,600 x $120=$192,000).

<sup>11</sup> Estimated $255 per month for 3 months for rental of 10X11 climate-controlled secure storage facilities at 5 locations.

<sup>12</sup> The cost for storage of one box of artifacts is $10 per year (Miller 2010: 31). Estimated cost assumes 1,600 boxes produced by the 3-month amnesty period.

<sup>13</sup> Estimated cost for offsite secure climate-controlled storage in Tallahassee, Florida, for approximately 1,000 square feet for 2 years.
<table>
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<tr>
<th>Options</th>
<th>Option #1: No Amnesty Program</th>
<th>Option #2: Amnesty Granted – Artifacts from State Lands Returned to State</th>
<th>Option #3: Amnesty Granted – Artifacts Cataloged and Ownership Transferred to Individual</th>
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<tr>
<td>DHR Roles/ Impacts:</td>
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<td>Accessions vary in size from one artifact to tens of boxes accounting for hundreds of contexts and tens of thousands of objects. Artifacts are stored in 4 mil plastic sealed bags. Many objects warranting special care or individual tracking are bagged (and tracked) individually, but the bulk of objects are tracked at the group level by bag. Typical bags contain pottery sherds, shells, glass fragments, flint chips or lithic projectile points. Each bag is accounted for in the accession database, and multiple bags are stored in standard boxes approximately 1 cubic foot in size. These boxes are stored on compact metal shelving at the archaeological collection facility located at Mission San Luis in Tallahassee. The current estimate of collection growth indicates that this facility will reach its maximum capacity in 4 years. This estimate was based on analysis of twelve years of data from the Florida Master Site File, which concluded that normal annual growth in the state’s collection averaged 100 boxes each year. If the results of an amnesty program in Florida are similar to the amnesty programs in Australia and the United Kingdom, amnesty objects could require up to 1,600 boxes</td>
<td>processing of artifacts is completed, they will be returned to the individual, with documentation of transfer of title from the state. Because this technical and time-consuming work cannot be completed at the 5 amnesty centers located across the state, the artifacts brought in must be transported to Tallahassee for final processing before return to the amnesty seeker.</td>
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<tr>
<td><strong>DHR Roles/Impacts:</strong></td>
<td>of storage. The State’s collection facility will reach capacity after 400 boxes of material. Cataloging and ongoing curation of artifacts returned to the state during an amnesty program will require additional DHR staff resources. DHR currently has 2 full time FTE collections staff, supported by one part-time OPS staff. Each staff member can identify and process 30 projectile points a day, if they spend most of the day working on it. Identification takes time to do correctly and requires trained, skilled staff. Processing includes identification, photography, bagging, and placing the objects. Because of other duties and limited staff, often only 1/3 of a work day can be devoted to processing artifacts.</td>
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<td><strong>FWC Roles/Impacts</strong></td>
<td>Maintain current role</td>
<td>Provide security for amnesty events. Redirect enforcement activities of two law enforcement officers per regional area 2 days a week for a 3 month period (total of 10 officers impacted statewide). An option to ameliorate this impact to daily operations would be to allow officers to provide security in an off-duty employment capacity.</td>
<td>Provide security for amnesty events. Will redirect enforcement activities of two law enforcement officers 2 days a week for a 3 month period at 5 regional areas of the state (total of 10 officers impacted statewide). An option to ameliorate this impact to daily operations would be to allow officers to provide security in an off-duty employment capacity.</td>
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<tr>
<td>FWC Roles/ Impacts</td>
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<td>Events are anticipated to occur 2 days a week for a 3 month period at 5 locations (24 days). The hourly duration of the event is not specified – the hourly rate for an officer is $90 plus any overnight travel costs if necessary. If the events are scheduled for 8 hours per day for a total of 24 days (192 hours) – the cost per officer for the duration of the detail would be $17,280. For all 10 officers over the duration of the identified period the total cost to FWC would be $172,800. If the security detail were conducted by officers working in an off-duty employment capacity, the cost of security services would be less. Off-duty employment factored at $40 per hour would generate a cost of $7,680 per officer for the duration of the detail (24 days – 192 hours). For 10 officers - $76,800.</td>
<td>Events are anticipated to occur 2 days a week for a 3 month period at 5 locations (24 days). The hourly duration of the event is not specified – the hourly rate for an officer is $90 plus any overnight travel costs if necessary. If the events are scheduled for 8 hours per day for a total of 24 days (192 hours) – the cost per officer for the duration of the detail would be $17,280. For 10 officers - $172,800. If the security detail were conducted by officers working in an off-duty employment capacity, the cost of security services would be less. Off-duty employment factored at $40 per hour would generate a cost of $7,680 per officer for the duration of the detail (24 days – 192 hours). For 10 officers - $76,800.</td>
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<tr>
<td>Statutory Impact:</td>
<td>None</td>
<td>The implementation of an amnesty program would pose immediate and long term challenges to the successful prosecution of violations occurring under Chapter 267, Historical Resources, F.S., Chapter 810, Burglary and Trespass, F.S., Chapter 812, Theft, Robbery and Related Crimes, F.S., and Rule 68A-15.004(12)(c), F.A.C., which</td>
<td>Historic property (or historic resource) is defined in section 267.021(3), F.S. as any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials,</td>
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<td>Options</td>
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<tr>
<td>Statutory Impact:</td>
<td>prohibits the removal of rocks, minerals, or other natural resources on wildlife management areas without permission from FWC. An amnesty program sets a precedence of the state’s willingness to overlook criminal violations and could derail prosecution of any pending criminal cases. If this option is pursued, it is suggested that statutory language specify that amnesty would not be granted to any violations awaiting prosecution.</td>
<td>Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state. If citizens are allowed to retain historic property stolen from land owned or controlled by the state or water authority, such possession would require an extensive, flawless, cataloging database to identify the item, its location, its legal owner, and a method of attaching the item to the amnesty program for the time period such program is authorized. The absence of such database would allow future cases to be challenged if the archeological items in question are claimed to have been previously recorded during the amnesty program. The burden of proving the items were not reported would fall on the state, and would create the potential for a reasonable doubt. If this option is pursued, it is suggested that statutory language specify that artifacts granted amnesty under the program should not be transferred, sold, traded, or in any way given to anyone other than the</td>
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<tr>
<td>Statutory Impact:</td>
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<td>state – even upon the demise of the recognized legal owner.</td>
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<td>Creates immediate and long term challenges to the successful prosecution of violations occurring under Chapters 267, 810, and 812, F.S, and Rule 68A-15.004(12)(c), F.A.C. Under this option, an amnesty program could significantly hinder the ability of the state to effectively pursue penalties for the destruction of state lands and theft of artifacts. It could also create a perceived willingness of the state to allow for the retention of historic property illegally taken from public lands in lieu of prosecution. The precedence created by an amnesty program may provide leverage to negotiate a more lenient plea, dismissal of the criminal complaint, or a reduced penalty or fine. The defense could argue that based on precedence, the defendant should have been offered the ability to comply with the options available through an amnesty program. Criminal prosecution serves as a strong deterrent for theft of historic property and could be impacted by the challenges listed above.</td>
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<td>There is additional concern that individuals in possession of artifacts in</td>
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<td>Options</td>
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<tr>
<td>Statutory Impact:</td>
<td>violation of federal laws, such as the Antiquities Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act, could attempt to introduce them into the Florida amnesty program.</td>
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<td>Individuals in possession of stolen items (violations of Chapters 267, 810, and 812 F.S., and Rule 68A-15.004(12)(c), F.A.C.) could also attempt to introduce them into the proposed amnesty program. Possible scenario - an individual steals an artifact from a state park and holds the item until the amnesty program starts. The individual presents the artifact to the amnesty program claiming it was obtained years ago.</td>
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CONCLUSIONS

Amnesties require sufficient consideration about the expected gains from the results, the balance between costs and benefits, the future of private collections with limited contextual details, and the implications of amnesty processes. Realistically, the loss of information from the archaeological record as a result of souvenir hunting and looting is incalculable. For an amnesty program to be feasible, the costs and implications would have to be outweighed by the value of archaeological information gained.

As seen in Australia and the United Kingdom, amnesties can allow bulk information to be collected within a short span of time and allow recording of some level of information that would otherwise be lost forever. Some of the evidence studied to date from Australia’s amnesty collection suggests the potential for use of artifacts removed from original context for display and interpretation, as well as greater interpretation by means of more in depth academic research to answer general and specific research questions.

While seemingly a good thing in that archaeological evidence can be retrieved, even if in a scientifically unsatisfactory manner, amnesties nevertheless present many challenges. In cases where objects are returned or left in the control of the finder, authorities have an obligation to know the location of these collections and assist with advice where necessary for the conservation and preservation of the artifacts. Alternatively, if there is adequate realization that collections remaining in private hands may never be seen again, then a more strenuous approach should be taken, which includes proper registration and photographs of all artifacts, as well as accurate and sufficient description of each object and their location and context. Any other necessary information for future law enforcement or research efforts should also be documented.

In instances where objects are to be surrendered to the state, due consideration must be given to the short and long term costs and responsibilities involved in terms of treatment, storage, display and acknowledgement. Truly valuable archaeological information from amnesty collections can only be obtained from a significant commitment in resources to properly analyze and report the information. In addition, the potentially large number of artifacts that an amnesty program would return to the state for curation will accelerate current projections for reaching maximum capacity at the state’s current collection facility. Thus, any amnesty scenario could prove costly in many ways and risk draining the resources of an agency. Australia’s experience has demonstrated the crucial need for sufficient resources, effective procedures and efficient management to be in place for an amnesty program to be successful.

The implications of an amnesty program were identified by public input from the survey and from written comments received from professional archaeological organizations and agencies. Many of the implications identified should be considered as “costs” to the state. A majority of written comments stated that an amnesty program in Florida would damage the state’s credibility and indicate the state is not committed to preservation. Many stated that an amnesty would dilute state law, cause confusion regarding collecting, and hamper future federal efforts to prosecute the destruction of sacred Native American sites on federal lands.
Based on public input from the survey and trends identified in both Florida’s terminated Isolated Finds Program and South Carolina’s current Sport Diver Archaeology Management Program, it is probable that a small fraction of citizens will participate in and benefit from an amnesty program. As such, the potential costs of the program, ultimately funded by taxpayer dollars, would likely not be outweighed by a greater public benefit.

Some potential long-term impacts of an amnesty program are less tangible or quantifiable, but potentially much more costly to the State of Florida and its citizens. For instance, as many respondents to the survey commented, during the amnesty period and any anticipation of an amnesty period, it is reasonable to expect increased looting of archaeological sites on state-owned lands, particularly if the amnesty resulted in transfer of ownership to the individual. In addition, looting might increase following an amnesty period, as many individuals will assume that future amnesty programs will be instituted.

Perhaps most importantly, a major intangible cost of implementing any form of amnesty for artifacts removed from state lands would be the undermining of Florida’s archaeological protection laws. An amnesty program would create complications for future arrests made under Chapter 267, Florida Statutes. For example, during Operation Timucua, artifacts that had previously been legally collected and registered under the Isolated Finds Program (1996-2005) were not seized by FWC. Similarly, if amnesty were to entail transfer of ownership of artifacts to the individual, such artifacts would be exempt from the provisions of Chapter 267, Florida Statutes. As a consequence, law enforcement officers would need to cross-reference artifacts and amnesty seekers during future cases.

Activities like looting, souvenir hunting, metal detecting and forming of private collections with material from lands owned by the State of Florida have caused great destruction to archaeological sites, many of which contained the ancestral remains of Native American groups. The resulting loss of information for researchers, and ultimately the public-at-large, is staggering and irretrievable. Declaring archaeological amnesties to provide a legal avenue for collectors to surrender or declare protected artifacts as a way to document some of the lost information caused by these activities, with little anticipated reliable data on context or location, will be expensive and time consuming. Sufficient resources do not currently exist in the Department of State to effectively manage a successful amnesty program.

When viewed over the long term, the cumulative effects of looting, the ongoing and recurring costs of implementing and managing the program, including staff time and travel, storage, security, and artifact cataloging and curation expenses, and the implications of a diluted public policy that could cause confusion and hamper future law enforcement efforts will impose significant costs on the state. The limited amount of available information on other similar amnesty programs at this point in time makes it difficult to reliably predict the benefits of an amnesty program beyond the potential for acquisition of knowledge about the types of artifacts that have been removed from state lands. Such information, however, would likely be of minimal historical or archaeological value to the state, as artifacts removed from their original location (or context) have lost all association with the archaeological record.
Consequently, the costs, both tangible and intangible, of an amnesty program would clearly outweigh any value returned to the citizens by archaeological information that could potentially be gained. It is the opinion of the Department of State in consultation with the Florida Fish and Wildlife Conservation Commission, that it is not feasible to implement a one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state.
FLORIDA’S ARCHAEOLOGICAL PROTECTION LAWS

A number of state laws and regulations protect archaeological sites and other historic resources on state-controlled lands and waters. There are also laws specifically protecting the dignity of human burials on all lands, regardless of ownership. (See Appendix D for full text of these statutes and rules).

Section 267.061, F.S., “Historic properties; state policy; responsibilities”
- This legislation sets forth the state policy relative to archaeological and historical properties and defines the overarching role of DHR in managing archaeological and historical resources on state lands and waters.
- All treasure trove, artifacts, and objects of historical and archaeological value on state-owned and state-controlled lands and waters belongs to the state, with title vested in DHR.
- This statute applies only to state-owned or controlled lands and waters. Collecting artifacts on private property is not illegal unless human burials are disturbed and their disturbance is unreported (see Section 872.05, Florida Statutes, discussed below). Collecting or digging on private property is allowed only with the permission of the landowner.

Section 267.11, F.S., “Designation of archaeological sites”
- Protections afforded to archaeological sites and artifacts on state-owned or controlled lands may be extended to privately-owned lands that are designated by DHR as a “state archaeological landmark” or “state archaeological landmark zone.”
- No such designation will be made without the express written consent of the owner.

Section 267.115, F.S., “Objects of historical or archaeological value”
- DHR shall acquire, maintain, preserve, interpret, exhibit, and make available for study objects of historical or archaeological value relating to the history, government, or culture of the state.
- Objects in the DHR collections may be loaned, temporarily or permanently, for study or exhibit.
- DHR may implement a program to administer finds of isolated historic artifacts from state-owned river bottoms, whereby ownership of such artifacts may be transferred to the finder in exchange for information about the artifacts and the circumstances and location of their discovery.

Section 267.12, F.S., “Research permits; procedure”
- Permits may be issued by DHR for excavation and surface reconnaissance on land owned or controlled by the state, land owned by a water authority, or land within a designated state archaeological landmark or landmark zone.
- Permitted activities may be undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess archaeological expertise necessary for systematic archaeological field research, analysis, and interpretation in the form of publishable reports.
• All objects collected under a permit shall belong to the state, with title vested in DHR.

Section 267.13, F.S., “Prohibited practices; penalties”
• Unpermitted archaeological investigations and excavations are illegal on state owned or controlled property.
• Unpermitted disturbance of archaeological sites by means other than excavation is a misdemeanor of the first degree.
• Excavating archaeological sites without a permit is a felony of the third degree.
• Defacing, destroying, or otherwise altering archaeological sites and specimens on state owned or controlled property is also illegal.
• It is illegal to sell illegally-acquired artifacts.
• It is illegal to sell forged or falsely labeled archaeological items that derive their value from falsely originating from archaeological sites.

Section 267.135, F.S., “Location of archaeological sites”
• The location of archaeological sites may remain confidential and is exempt from the “Sunshine Laws” in order to protect the site from harm, theft, or destruction.

Section 267.14, F.S., “Legislative intent”
• It is the declared public policy of the state to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology.
• It is the declared public policy of the state to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas through the establishment of a network of regional public archaeology centers.
• It is the declared public policy of the state that that field investigation activities on privately owned lands should be discouraged except in accordance with both the provisions and spirit of ss. 267.11-267.143; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the division.

Section 379.33, F.S., “Enforcement of commission rules; penalties for violation of rule”
• The rules of the FWC shall be enforced by any law enforcement officer certified pursuant to s. 943.13, F.S.

Section 379.3311, F.S., “Police powers of commission and its agents”
• Each commission officer is constituted a peace officer with the power to make arrests for violations of law committed on lands under supervision and management of the FWC, Department of Environmental Protection, the Board of Trustees, or the Department of Agriculture and Consumer Services, including state parks, coastal and aquatic managed areas, and greenways and trails.
• The general laws applicable to arrests by peace officers are applicable to FWC officers.
Section 379.3313, F.S., "Powers of commission law enforcement officers"

- FWC officers have the full power to investigate and arrest for any violation of state law or rules of the FWC, the Department of Environmental Protection, the Board of Trustees, or the Department of Agriculture and Consumer Services under their jurisdiction.
- FWC officers may enter upon any land or waters of the state for performance of their lawful duties, which entry shall not be a trespass, and any boat, motor vehicle, or aircraft owned or chartered by the FWC or its agents or employees may land on and depart from any of the beaches or waters of the state.

Section 872.02, F.S., "Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties"

- It is a third degree felony to willfully and knowingly destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts.
- It is a second degree felony to willfully and knowingly disturb the contents of a tomb or grave.
- Prohibition does not apply to persons acting under the direction of or authorized by DHR or law.

Section 872.05, F.S., "Unmarked human burials"

- All human burials and remains will be accorded equal treatment and respect, regardless of ethnic origin, cultural background, or religious affiliation.
- Applies to all human burials, human skeletal remains, and associated burial artifacts not protected under Chapter 497, F.S., or other state law, regardless of where found.
- Any person who knows or has reason to know an unmarked human burial is being unlawfully disturbed must notify law enforcement.
- Upon discovery of an unmarked human burial, whether during an archaeological excavation or not, all activity that may disturb the burial must cease until authorized by either the district medical examiner or state archaeologist.
- In certain cases, including historically, archaeologically, or scientifically significant burials, DHR may assume jurisdiction over and responsibility for an unmarked human burial to ensure proper protection of the human skeletal remains and associated burial artifacts.
- DHR shall develop guidelines for the public display of human remains.
- It is a third degree felony to willfully and knowingly disturb an unmarked human burial.
- It is a second degree misdemeanor to fail to notify local law enforcement of known disturbance of an unmarked human burial.

Chapter 1A-31, Florida Administrative Code, "Procedures for Conducting Exploration and Salvage of Historic Shipwreck Sites"

- Chapter 1A-31, F.A.C., outlines procedures for conducting exploration and salvage of historic shipwreck sites.
- Salvaging and collecting on historic shipwrecks without a 1A-31 permit is a violation of Section 267.13.
• Individuals engaging in salvage operations on historic shipwrecks must have a copy of their permit on their vessel at all times.
• Diving on shipwrecks is allowable; collecting artifacts without a permit is illegal.

Chapter 1A-32, Florida Administrative Code, "Archaeological Research"
• Anyone conducting archaeological investigations on state-controlled lands or waters must have a permit issued by DHR pursuant to Chapter 1A-32, F.A.C.
• Permits are only issued to institutions and applicants that meet certain archaeological professional standards.

Chapter 1A-40, Florida Administrative Code, "Administration of Permanent Collections"
• Chapter 1A-40, F.A.C., sets forth the policies and procedures governing administration of DHR's permanent artifact collection.
• All acquisitions must have intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the state of Florida and possess potential for research or be useful for exhibition.
• DHR may loan state-owned artifacts for scholarly or educational purposes or to assist the division in carrying out its responsibility to ensure proper curation of state-owned artifacts.
• All decisions to remove a state-owned artifacts from the permanent collection by deaccession or disposal must be made in the best interests of the public and the artifact.

Chapter 1A-44, Florida Administrative Code, "Procedures for Reporting and Determining Jurisdiction over Unmarked Human Burials"
• All activity that might disturb an unmarked human burial, whether or not discovered during an authorized archaeological excavation, must cease immediately.
• Depending upon the age of the remains, either the state archaeologist or district medical examiner must be notified of the discovery.
• When necessary, DHR may assume jurisdiction over remains to ensure proper protection and respectful treatment.
• DHR may take possession of human remains and associated burial artifacts for which it has assumed jurisdiction, if such possession is necessary for protection of the remains and artifacts.

Chapter 1A-45, Florida Administrative Code, "Guidelines for the Public Display of Human Skeletal Remains"
• Human skeletal remains must be treated in a safe, proper, and respectful manner.
• These guidelines do not restrict the legal, medical, or educational use of human skeletal remains in settings not open to the general public, or display of human skeletal remains or associated burial artifacts in a manner not objectionable to persons with a kinship, tribal, community, or ethnic relationship to the displayed remains.
• The use of casts or replicas of human skeletal remains in public displays and exhibitions is encouraged.
• Exhibits of burials artifacts or customs shall be presented in a respectful and dignified manner.
• Institutions and individuals holding human skeletal remains must provide safe, proper, and respectful care of the remains; ensure they are not damaged or destroyed; and make them available for legitimate scientific study.

Chapter 1A-46, Florida Administrative Code, "Archaeological and Historical Report Standards and Guidelines."
  • Chapter 1A-46, FAC, provides guidelines for reporting cultural resources activities on federally-assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which DHR has review authority.
  • Reports of the results of all archaeological and historical fieldwork activities must meet the standards and guidelines contained in the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation.
  • Reports of archaeological fieldwork and historical fieldwork activities must contain Florida Master Site File survey log sheets for each report and site forms for each site identified, evaluated or documented.

Chapter 68A-15, "Wildlife Management Areas"
  • Rule 68A-15.004(12)(c) prohibits removal of plants, rocks, minerals, animal life, other natural resources or parts thereof where FWC is the landowner or lead managing agency without written authorization.
REFERENCES

Maritime and Coastguard Agency.

Miller, James J.
2010. Curation of Archaeological Collections in Florida. Prepared for Bureau of Archaeological Research, Florida Division of Historical Resources.

Philippou, C.
APPENDIX A

Survey Questions
The Florida Department of State, Division of Historical Resources, in consultation with the Florida Fish and Wildlife Conservation Commission, is conducting a study of the feasibility of implementing a one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state or on land owned by a water authority.

This study will be submitted by October 15, 2015, to the Governor, President of the Senate, and Speaker of the House of Representatives.

This survey will be open until September 4, 2015. Participation in this survey is anonymous. Your input is very important and will assist the Division in preparing this study.

**1. Did you know that it is illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?**

- Yes
- No

**2. Do you think it should be illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?**

- Yes
- No
*3. Do you support the implementation of a one-time amnesty program of limited duration for persons who possess specimens, objects or materials of historical or archaeological value collected from land owned or controlled by the state or on land owned by a water authority?

☐ Yes, I support an amnesty program

☐ No, I do not support an amnesty program

Comments
**4.** If you were in possession of any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, would you return them during an amnesty program?

- Yes, if I had any, I would return them during an amnesty program.
- Yes, I currently possess items that I would return during an amnesty program.
- No, if I had any, I would not return them during an amnesty program.
- No, I currently possess items of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, but I would not return them during an amnesty program.

**5.** Do you think other people would participate in an amnesty program?

- Yes, I think other people might participate in an amnesty program.
- No, I do not think that other people will participate in an amnesty program.

Comments
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<th>Artifact Amnesty Feasibility Study</th>
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<td>6. Please list the positive and/or negative impacts you feel that an amnesty program could potentially have on the stakeholders and historic resources of the state.</td>
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Thank you for participating in this survey. Results will be posted to the Florida Department of State, Division of Historical Resources website at dos.myflorida.com/historical after October 15, 2015.
Q1 Did you know that it is illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?

Answered: 1,312  Skipped: 0

Yes

No

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Answer Choices
Yes
No
Total

Responses
90.17% 1,183
9.83% 129
Total 1,312
**Q2** Do you think it should be illegal to remove, without authorization, any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority?

Answered: 1,294  Skipped: 16

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Q3 Do you support the implementation of a one-time amnesty program of limited duration for persons who possess specimens, objects or materials of historical or archaeological value collected from land owned or controlled by the state or on land owned by a water authority?

Answered: 1,247  Skipped: 65

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Comments

1. Many people that have done this probably do not realize that what they have done is illegal. This gives them a chance to return these items and also be educated about the laws and why these laws are in place.

2. Every year there are several plots of land torn up for either timber or backfill reasons. There is zero consideration whenever these types of projects occur. Environmental consultants can only do so much when presented with what they see on the surface. With the help of the public there could be more discoveries and more environmental protection so as to preserve Florida’s past. I would even go so far as to say it is vital to allow the public to share the ability to take part in discoveries of our past. This might change a young man’s direction in life and the way he treats our community.

3. How do you address providing amnesty when others have received felony convictions for the same actions? This will send a very confusing message to the public, to law enforcement, and be changing to deal with by state staff members. Legislation and guidelines must be clear and equitably applied. If there is confusion about state custody of cultural patrimony, then any funds to support an amnesty program or even this study should be routed to educating the public of the legislation.

4. This is an ill-advised, shortsighted, idiotic idea.

5. Theft of the state’s history is far more serious than the theft of replaceable state property. Until the legislators allow people to break into their offices and steal their furniture, they shouldn’t consider granting amnesty to people who have stolen from public lands.

6. Many collectors are honest and well-intentioned, but are simply unaware of the laws and of issues regarding the preservation of cultural heritage.
Artifact Amnesty Feasibility Study

This is another attempt at reinstating the failed isolated finds program, and absolutely should not be implemented. No, I do not support any kind of amnesty for those who obtain artifacts that are property of all the people, not just those who took it upon themselves to break the law and steal what was not theirs. Without the information and artifacts found by "hobby" collectors, Florida would be far behind in the knowledge it has on its own history, and they, the Hobbiest, are willing to share this information, to further learn more, if it's left in the ground or in the water, who will ever know? There was a time when a certain artifact was found in a Florida river by a "hobbyist" and the "authorities" said, no it doesn't exist in Florida, well when they found more and more, Florida had to realize: well yes, they do! We learned something new about our Florida History, what if they had just left it, we still might not know the valuable information of Florida History.

Firstly, I would like to say that I have yet to see a detailed description of what this "amnesty" program would entail. Is it a program meant to encourage individuals who have violated archaeological laws in the past (whether knowingly or not) to come forward with their collections to be documented by professional archaeologists for the sake of data collection? Or is it meant to provide an opportunity for violators to turn in collections without fear of prosecution in which case, due to fear/mistrust of the government and the lack of motivation, I highly doubt the state would have many willing participants. Furthermore, if the state does intend to confiscate artifacts from individuals willing to participate in such a program, the state would be ethically and legally required to properly conserve, document, curate, and display such artifacts. If this program has no monetary provisions for such action, it would be impossible to ensure compliance. From an archaeological perspective, any artifacts collected in such a program (and especially those recovered from a marine environment) would have most likely not undergone any appropriate conservation treatment and would be significantly damaged beyond repair. Lacking a verifiable provenance, these curios would provide no archaeological information and would be little more than relics for display. In this regard, the vast majority of what would be collected in this program will be the worst of many collections that individuals seek to offload to anyone willing to take it. Semantics aside, I believe that the entire concept of an archaeological amnesty program violates archaeological ethics and significantly contradicts the purpose of state and federally established archaeological programs. Similar programs initiated in this state (Florida's isolated finds program) and others (South Carolina SDAIP program) have all either failed or been the subject of significant critiques. As such, I believe any type of program established in the State of Florida (or anywhere else, for that matter) would be an ill advised and misguided effort to rectify a field that is required to present a united front in regards to ethical, moral, and practical standards to ensure the appropriate and accurate documentation of archaeological resources, a finite and nonrenewable source of information.

This is stealing from all the citizens of Florida.

Removal of artifacts from state lands is illegal for many very good reasons. Giving people amnesty for this theft sends the message that the state does not value its heritage and does not take its own laws seriously.

By doing so people who have illegally collected artifacts would be able to profit without penalty from those illegal activities. Collection will not stop by providing amnesty but instead encourage the activity to continue.

I do not support an amnesty program unless the private collections are immediately donated to an appropriate institution.

Only in my lifetime, and only in the past decade of it, has it been illegal to collect artifacts. Humans have done this for thousands of years. You make it illegal and that is discriminatory. There are other ways of protecting historical sites and artifacts. What I do is exactly the same thing as the archaeologist do. It is a dumb law. The waterways are for public use and enjoyment. Let us do what people have been doing for thousands of years.

Amnesty sends the wrong message that ignorance of the law is acceptable. More importantly it provides acceptance for the destruction of cultural heritage. This is rather an indictment of how poorly individuals are educated on the state laws and their selfish disregard for the archaeological record associated with cultural heritage which does not belong to the individual. Punishment and further education are the only ways to deal with this issue. Examples must be made.

No! Amnesty will only encourage more looting and destruction of archaeological sites. Tougher penalties and fines must be enacted in order to truly discourage these activities.

This question isn't very specific. It leads people to believe that anyone with a collection would need amnesty. However, one could assume that many, if not most collections were acquired before such laws were implemented making it illegal to pick up such objects on state owned land. Therefore those particular people wouldn't even need amnesty.

The removed artifacts will have no scientific value because the context of the artifacts has been lost. Granting a "one time amnesty" will really gain nothing for the state. Any artifact worth money will have been said. What is left will be a bunch of useless artifacts with no context that the state now has to spend money curating.
This may be the only opportunity for the State to become aware of, and hence provide future protection of, archaeological/historical sites on state-owned lands. Participating in such a program would also allow for the opportunity to educate citizens on the laws protecting sites on state-owned lands, as well as how unauthorized removal destroys information about the past and why this information is important for everybody. Emphasis on sharing information for everyone’s benefit.

Never should there be an idea that what you know is illegal might be forgiven once. Why not always. This effectively nullifies the law.

I only support an amnesty program where the items are turned over to a repository with whatever locality information is available. Providing an amnesty where these objects remain outside of the accessible record for researchers is pointless.

As long as amnesty means they surrender the materials, I encourage more collecting. "Get away with it this time..."

I support the idea of the program, however I understand how that creates difficulties in enforcing the laws. If collectors think they could be granted amnesty at some point in the future, what is there to stop them from picking artifacts up now? I think it is crucial that the information get recorded, and that the artifacts end up with the state rather than in private collections, however I am not sure a large scale amnesty program is the best approach.

An amnesty program would suggest a weakness in the State’s ability or willingness to enforce the laws that protect cultural resources, further confuse the public about the difference between collecting on private property versus public lands, and do little to discourage those who engage in illegal collections for personal gain. If surrendering the artifacts is part of the program, it is likely that less people will participate, and artifacts turned in may be damaged and have little contextual information that would add to our knowledge of Florida’s past.

I don’t believe there will be much archaeological value because much data will be missing. However, keeping the items will reward the scavenger. Let them return the items on this one-time basis and have a chance to learn.

R.

Yes, but the artifacts must first be returned.

Illegal looting is a serious concern throughout the United States, and especially in Florida. This amnesty program would undermine efforts to protect artifacts and sites on public properties, and I think it’s a bad idea.

We need to strictly protect all artifacts why limit such an act of kindness? Imagine if the Lord gave us a limited time to repent and ask for forgiveness.

This is wrong and should not be implemented. Florida’s focus should be on educating the public about archaeology and that it is illegal to remove artifacts from state lands.

It’s public property. The public should be able to keep whatever they find.

I support an amnesty program as long as it requires individuals to come forward and donate these artifacts to museums and allow them to be recorded by archaeologists.

I believe if you find something laying on the ground on state land you should be able to keep it to study it and teach other people about Native Americans that live in Florida. If you try to donate artifacts to a museum in Florida they don’t even want them so way shouldn’t you be able to display them and show people what Native Americans used to use for hunting.

I meant no on number two...it is illegal and should stay that way...they are stealing history from our children.

I am too sure what the amnesty program consists of, so my answer is just to move to the next screen.

As long as these items are recorded only and not required to be forfeited to the state.

Archaeologist Should Do Their Job. Home Truth, This History of All Florida Peoples, Not the So Called Ethnic Select. Who have a agenda. Not in the field doing their job...Really I Know Them & Seen them In action. Cover up... This is a special interest bill & law. They Keep Citizen Joe Out... I Know & Have seen it 1st hand. Be glad to speak about. Had Enough. Our Tax $$ Should be Spend on Local Historical Society that REPORTS to the State. I am against All Looting & Most Scholars have written their publication from the 95% normal citizen finds of arch sites & collections. NO Way this leg. will make interested citizen of Florida conform to this tyranny of this Law. They will shy & run from data of our past History from the kid finding a arrowhead to grapple old bottle finds. Should the Florida leg dwell on this type of legislation, We the People should have to reconsider. Who is Not doing their job for the History & Science of our great Florida past. We have more Important Matters concerning our Cultural Resources. Let the citizen in with Helpful Data like England and Scotland type programs. Not the few Let’s keep Florida free. Please Do Fund these groups that even propose this bills or laws Now. I Lets spend Florida money more wisely. They need to be fired & Funds Re-directed to the local Historical groups. Sincerely Thank You.
Not everybody knows about this law. We are only trying to preserve our history and show off to the public to enjoy it as well.

Archaeological sites should be protected and there should be heavy penalties for those who remove artifacts or damage the sites in any way. This would do little to protect archaeological sites.

It would be nice to collect and preserve items from states' waters once a year with a permit... I myself use to come into Florida and bring my kids. As a family, my father, all of my brothers and their kids use to visit the state parks in Florida and travel the water ways by canoe, while on the sandbars over the years we have found many artifacts, bottle, coins, fossils and shark teeth. However since the archeologist got in the way and the tree huggers... and the state started to prosecute anyone removing even broken arrowheads off the sandbars. We as a family of over 25 have not visited another state park in state of Florida in almost 3 years now this coming winter. We use to come down from Macon, GA because of the beauty and tranquility of each park we have ever visited. Now it is easier not to get for the fact I feel if my 4 year old picks up a rock and or artifact off the sand bar we will be prosecuted.

It should be legal to pick up a rock on the bottom of a river in the state of Florida.

This amnesty program could easily fuel further looting on state or other government controlled land or water. Such a window may cause individuals to believe there will be other periods of amnesty in the future.

How would someone know that they had picked up some item by accident if the land was not marked? This program would cost the tax payers money and much harassment to our law abiding citizens. If you are going to have such a law then you should check out what the government of England does. All finds are reported, listed and if the gov't wants them fine but if not the find is returned to the finder. Before such a amnesty program is instituted do some research on the cost and extra work to our local government. Who is going to pay for such a trivial system that will increase in price as it is instituted.

Most people who find an arrowhead or piece of pottery walking along the river bank are just lucky any archaeological value is irrelevant in my view

I also support a program like the Florida fossil permit program for artifacts as well.

It's a state land but we pay taxes. Without it there wouldn't be as much state land. Why is it illegal for us to use and or keep what is found. Are we not part of the state.

People who have knowingly and repeatedly stolen public property for joy or profit should not be permitted to escape all consequences for their actions. Please consider: 1. Items turned over may not include all items collected. 2. turning items over will not repair the damaged site. 3. Conservation of items returned to the state will be expensive... a cost that should be at least shared by the looters. 4. Professional looters and sellers should be excluded from any amnesty program. 5. Part of the Amnesty program should require offenders to participate in volunteer conservation programs.

Permits should be allowed for such activity with findings reported and significance weighed by the state toward value share and ownership....

There should be no problem with this the state has no problem taking that tax money out of our checks so we should be able to get some kinds return.

This will prove worthwhile only if any returned artifact is accompanied by information about where it was taken from and when.

If it is truly a one time, limited duration amnesty, and the laws against having such materials remain in place.

No other laws give away freebies, why should this one be any different? The amount of artifacts that have been looted illegally from state and water authority lands would be overwhelming and without clear context. There may be unreliable information submitted with the artifacts that could skew good scientific research.

Must be very limited and clear that it won't be repeated.

I support an amnesty program, because some may not have realized they were violating State law when they removed artifacts. They should be given an opportunity to return the artifacts without penalty. Unfortunately, those who knew they were breaking the law, the true looters, will not return what they took, even with an amnesty period.

Amnesty has to have a goal. What is it in this program? Is it to have artifacts returned? If so, how could anyone without first hand evidence ever know that an artifact came from state or water authority lands? This seems to be a way to have artifacts returned by those planning to do so without liability. I would guess this would only pertain to a small percentage of artifacts.

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Artifact Amnesty Feasibility Study

This sounds like the state wants to know who has what and that it would potentially be used against people. If there were another option, like anonymous reporting, etc... That may fly but this would NOT work especially with the past arrests and decimation of people's lives. I would suggest that you define what you are trying to do... why you are trying to do this and come from a perspective of serving the people of Florida and not "hunting" down people, arresting them and then charging them with crimes that are costing the state more than what the person did. Let me ask you to focus on: 1. Finding a humane way to keep bears out of our trash (beer proof trash cans) 2. Saving our springs, water quality and volume of our aquifer 3. Expanding Medicaid 4. Providing health care services to those who need it most and cost us as a society the most; mental health services and addiction treatment 5. Get these drugs off the street 6. Get the guns off the street! I don't know what people are doing in Tallahassee spending all this money to prosecute people for having arrow heads? Really? How can we as a state afford this? I don't support this as a tax payer. Additionally take a look at the Florida Museum of Natural History storage areas... You'll find all you need there.

Only if the artifacts are returned to the state and not sold for a profit.

The program should be of very limited duration. Those found to be in violation following amnesty expiration should be vigorously prosecuted.

Yes, I believe that it is important to have these artifacts reported with collection information for the benefit of archaeological research. The owner would then obtain clear title to these artifacts and this would clear up the ambiguity regarding the laws past and present in regard to such material.

I think it is not necessary to report to the state every fossil or arrowhead found by a private citizen. I do not think it should be illegal. I don't know anyone who wouldn't notify authorities if they found a historically significant artifact while diving in a river or lake.

I've been legally hunting for artifacts since age of 17. I love it so that I involve my children and I've met so many other hunters with the same passion as mine. I am involved with local museums and historical societies. I am very involved with my community with my collection and bring it to schools for education purposes. I hope we can come to an understanding in this matter. There is responsibility here, but we would like to continue our passion thanks.

If this program would lead to the recovery of some specimens or artifacts that we would otherwise not be able to save, then I feel it is worthwhile. The person or persons turning the property should be required to identify the location and conditions whereby they came into possession of the items.

Isolated finds, no. Gathered on land sites containing valuable info, yes.

If I have purchased an artifact 10 years ago that I was not told came from a river or lake then I have to figure out where it came from. How will the state prove or disprove where the artifact came from. This whole amnesty program is a game perpetrated on a hobby because of selfishness on the part of the State Archaeologist who would not know where to look for an ancient site. 95% or what archaeologists know today comes from the hobby of collecting. This whole thing is a shame to scare the hobbyists to the point that the State of Florida to the point the hobby has gone underground.

This program will weaken Florida. Amnesty is not needed. It is not illegal in FL to possess these materials, only to steal them or try to sell them. Currently, the FWC is heavily invested in catching looters and has recently had some big successes. Their hinges on investigations of trafickers of stolen artifacts. Granting "amnesty" to individual collections (potentially making them then legal for sale) will cloud FWC investigations and make them harder for them to prosecute. The National Park Service (and other federal agencies - particularly US Forest Service) partner with the State on these investigations. The proposed law does not make it clear if the individual gets to keep the artifact they stole or if it is to be turned over to the state.

This implementation will impede the execution of Florida Statute 267 and will hinder the tracking and prosecution of those individuals who traffic and / or sell archaeological artifacts that were taken illegally from State property.

This is vague. What is the end result of the amnesty? Does the state retain the artifact? Does the person retain the artifact? If so, would there be a run on illegal digging prior to the amnesty day? Would they be encouraged knowing a precedent has been set and amnesty is a possibility in the future? The state needs to stick to it's guns on conservation of natural and cultural resources, period.

Looters should not be given amnesty. The decision about whether or not to prosecute can be made on a case-by-case basis.

I have never understood why the state wants to leave things that have historical value under the ground or on the bottom of a body of water. I agree that the collection of these specimens on or in state parks should be illegal, but to have the state lay claim to all lands and rivers, in my view, is a waste of time and resources.

I absolutely don't think people should be punished for possessing artifacts that they keep and don't sell for money... it's a passion and they love and keep what they find as a love of the historical facts.
Artifact Amnesty Feasibility Study

The ends do not justify the means, nor the damage that such a law would do the protection of other sites in Florida. There is a big picture here that some are losing sight of. Without consequences for violators there is no reason not to obey the law. Archaeological/cultural resources are fragile and easily destroyed, and once destroyed they can never be regained. They can't even be studied. Artifacts have more than an intrinsic value and must be protected.

I don't think anyone should be punished for possessing anything they have found on land - nor do I think anyone should have to surrender any artifacts they have found.

My name is Jerry Dickey, Lynchburg, TN. I have been interested & involved in the study of early Indian cultures in the SE U.S. since I was 5. Pres. of local arch. club @ age 15, grad of U. TN with BA in Anthro. I currently work with the artifact collecting community. I was on back to become a pro. archaeologist but became discouraged as I saw the way professionals treated collectors. Wise archaeologists see the interested public as partners in cultural preservation and understand the FACT that the interested public [collectors] have made the majority of all significant finds. In many states, incl. TN, our Div. of Arch. people are respectful to the interested public cultivating cooperation w/ amateurs. Many states are like this. There is an underlying pressure in the pro. arch. culture against collectors. Why do your pros. want to alienate those who could be allies. They rant about the value of artifacts. They are in it for the money, too. Cut their salaries & see if they work for free. Public officials could (and should) work to encourage preservation.

Only left to be Lost In Time... Should go to Museum's and/or Colleges for Archaeological Studies, and to Indian Nation's Closet.

Do you REALLY think that anything worthwhile will actually be turned in? Not likely! Also, very few amateurs will have taken accurate notes or kept pertinent information about location, etc., so the artifact will have little/no historical value. Also, where the heck are you going to store all this surplus of STUFF that folks think are important artifacts? People will think you will need to display their precious finds, too. Serious people will contact the proper sources quietly and do the right thing without this amnesty effort. You are likely to get an audience who think this is like the "Antique Roadshow" and want a free appraisal of what they have. This is just another attempt at a "feel good" program. How could it have any real historical value to serious scholars and archaelogists? It would be costly, is unlikely to provide any significant finds, would be tons of work for the low-level staffers who would have to do the work in order that politicians could brag about how they created yet another program! Get serious!

If they allowed to keep the items no. They must turn over all items to the State to be housed in a Museum under the control of the State. That would be the only way this program would be acceptable.

The real problem with prosecution of those in possession of artifacts is that the artifacts could have been recovered from private property, or public lands or waterways prior to the ban / law prohibiting these recoveries. The state has the burden of proof that these artifacts or specimens were recovered illegally, of the state can't prove their case they should be required to pay all court costs and legal fees for the defendant. Artifacts should be allowed to be recovered from public rivers and the Gulf of Mexico UNLESS A Specific location in one of these water locations has need identified as a specific historic site or location. Thank you for your time and consideration.

There is nothing wrong with collecting artifacts and fossils. It's clean family fun and most items in my opinion should be kept.

I may or may not have any objects of historical or archaeological value because I wouldn't know if they had value, I have been collecting fossils here in Florida for over 30 years. And yes they have value to me not to you.

Amnesty is a terrible idea, the State of Florida needs to protect its rich cultural heritage, not destroy our history!

I don't think it is fair for individuals to profit from collection of our shared cultural resources. This value, financial and intrinsic, should be distributed equally among citizens and protected for generations to come.

Definitely not.

I do not wish to excuse anybody that has taken illegal objects from historical/archaeological sites, but most people are unaware of context importance. A majority of citizens lack common knowledge on the subject of anthropology and this can be attributed to a large portion of illegal activity. The one-time amnesty program allows for protection of individuals who are unaware of their wrong doings. I fully support this idea because it is a one-time deal. This will inform individuals who have taken actions against the state and history and hopefully prevent future criminal activities.

Although I do believe this to be an interesting idea, I do not feel that implementing an amnesty program will work. My biggest concern is for the state collections and conservation lab. If people are to turn in objects, I'm assuming most will have no provenience. Without a provenience we cannot learn about these objects or catalog them properly. I also strongly believe that an amnesty program will not solve anything when it comes to the repercussions of treasure hunting. If anything, I believe it will cause treasure hunters to continue their work without being punished.
Artifact Amnesty Feasibility Study

It is certainly better than having a legally obtained collection wrongfully confiscated but still far over reaching in my opinion. I would strongly agree with the position of some sites that are still in historical context but making criminals out of history buffs for picking up arrowheads along a river bank is ridiculous. Other states and counties have great success inspiring amateurs and professionals work together in similar circumstances and it is almost embarrassing how poor Florida has handled this in recent years.

This sets a precedent that looting is not a serious legal issue that steals valuable, irreplaceable resources from the citizens that own this state land. This would be a huge step back in the fight to protect Florida’s Archaeological sites. Additionally, I have seen the state repository, I have heard the issues regarding lack of resources for curation. Where is what the state going to do with illegally collected artifacts that have no provenance?

Inheritors, children and extended family persons may think what they find is junk. Often in cleaning out property the remnants are a mystery to the finders. “He was such a pack rat! Now some of the finds can be shown as a treasure or only junk. In the 60’s, 70’s, 80’s there was lots and lots of looters in Florida. Amnesty is a great method to get historical items back in science hands.

People who steal from state lands should be prosecuted to the fullest extent of the law.

Preservation and knowledge of our heritage is essential, with study by trained experts.

If they’re granted amnesty, do they get to keep the artifacts? I have a problem with that.

Amnesty is not needed, because it is only illegal to steal or sell artifacts or try to sell them. That’s a great thing, because it enables individuals who have collections to turn them over to the public without negative repercussions, and prevents looters from having access to a market. The existing legislation is in the best interests of the public.

This will not stop looting or selling of artifacts. Amnesty will render the laws basically useless. The law exists for a good reason and the best, fair, and most responsible thing to do is uphold the current laws. Why amnesty for this and not other illegal behaviors? Makes me wonder who is the state government breaks this law?

I am a professional Nautical Archaeologist and Maritime Historian and co-founder of a non-profit that is dedicated to the documentation, preservation, and conservation of the submerged cultural resources in my State. The proposed Florida amnesty is unnecessary and would weaken State and Federal laws pertaining to the protection of artifacts.

I have personally, in the course of my job, taken possession of State-owned illegally collected artifacts from submerged sites and re-patriated them to 2 different States - upon the imminent death of the looter. This type of thing happens all the time when family members don’t want bunches of rotten wood or rusted metal sitting around their homes after the death. The Florida amnesty is not necessary, but enforcement of current laws is completely necessary. If this amnesty was put forward in my State, I’d fight it until the end since it weakens our current laws and pretty much gives looters a green light to sell the 169 anchors sitting in their garage and the 1600s rowboat they dragged out of the river 30 years ago - without ramifications.

This would be a great chance to get back some items that might “disappear” since giving them back would send you to jail.

Yes, I support an amnesty program if I can keep the artifacts personally collected, collected by my father or by my grandfather. I will not forfeit my Florida artifact collection.

The Florida Division of Historical Resources has been given ownership and management responsibility for artifacts from state lands and state submerged lands for about 50 years now. I believe most collectors know it is not legal to collect artifacts from state lands without a permit. After the state increased the penalties for collecting artifacts illegally in the 1980s, River Divers collapsed, and a new isolated finds policy was developed to try to work with this special case of artifact collecting in Florida rivers. By 2004, it was clear that the policy was not working well, and looters were able to use it as a cover for increased harvesting of these publicly owned, non-renewable resources. In 2005, the isolated finds program was terminated after a series of public hearings. This allowed Florida law enforcement to finally observe clearly illegal activities and prosecute looters who were collecting and selling Florida’s heritage. The current push for amnesty appears to come from collectors/looters who are afraid they can be prosecuted for what they know from the start was illegal behavior. Providing amnesty will send the wrong message, and it is likely to complicate future law enforcement efforts. I think that this fear is a sign that the law is finally working as it should. I don’t see any good rationale for letting these collectors off the hook now. It will set a bad precedent.

There are three fundamental challenges with successful implementation of this program: 1. Ensure currentholders are not penalized for artifacts holding non-historical value. Thereby creating a cooperative agreement for assessing any artifacts in question. 2. Ensure current and future assessment of areas holding historical value undergo public prevariate to prevent transparency for the determination process. This prevent "eminent domain" or archaeology bias is not given competitive oversight during historical area determination. 3. Continuous engagement between community and incumbent historical organizations. There is little doubt that without engagement that this program will be completely successful.

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Of course I do not support such an amnesty program. This will only lead to a "hunting season" on artifacts which will lead to harvesting of artifacts if it means that people are allowed to collect for short period. If amnesty applies to artifacts in collections already, then it will simply lead to the whole-scale sale of artifacts on eBay which are now guaranteed to be covered by this new "amnesty." How about amnesty on Fish limits? Or hunting limits (need to legalize poaching too?) or the taking of surface waters? Or mining? Or on any other state resources? How can some citizens receive such state amnesty and other citizens not? How will state amnesty apply to interstate sale and commerce of Florida artifacts, which is a federal crime?

This proposed amnesty program may result in the return of significant historical and archaeological objects to state ownership where they belong. Hopefully, those returning the objects would also provide some contextual information, such as the terrestrial or underwater location where they were obtained.

As long as it is a one-time effort and clearly stated as such.

Providing amnesty to persons who collect or possess archaeologically or historically significant materials should meet a fate similar to the isolated Finds Program and the Citizen Archaeology Permit. The proposed program will not aid in better understanding Florida's history or heritage. The objects will be without their context and those who participate in the program may or may not reveal information critical to understanding the significance of the object and, therefore, its broader context. Information about the site, method of acquisition, related objects or records, and additional details may or may not be included. Why encourage individuals to reveal what they have collected illegally? History and heritage will not benefit. The past is already hurt. The amnesty program cannot ensure, and does not appear to encourage, protecting, preserving, or conserving the past for the present and the future.

Not needed and will prevent prosecution of those who actually steal and try to sell such artifacts

An amnesty program would be disastrous for many reasons. It will encourage more uncontrolled looting of state lands, destruction of important archaeological sites and desecration of unmarked graves. If illegally-obtained collections are obtained through the amnesty program, it will require enormous resources from the state for the processing and curation. In short, a one-time amnesty program is a major step in the wrong direction.

An amnesty program may encourage people to take specimens, objects, or materials from state lands figuring that they will get amnesty and will not be prosecuted.

I would be more interested in having the artifacts back than in prosecuting someone who had them if they give them back voluntarily. Otherwise, they might not be returned at all.

I believe that granting a one-time amnesty for persons possessing artifacts or historical materials will not have the desired results. In my experience, people fall into two categories. The first group is generally unaware. They either do not know they have violated the law; that they destroyed site context and archaeological information by removing objects; that they do not have the proper knowledge or training for conserving objects once removed. This group usually just finds something of historic interest and wants to keep it as something interesting at home or think they will sell it big and try to sell it on eBay. The second group is aware what they are doing is wrong, but still digs for or hunts out artifacts. This group typically consists of treasure hunters. For the most part, they know what they are looking for, ranging from prehistoric Native artifacts to Spanish gold to Civil War relics. They seek out "high-value" objects for personal display or to sell to other collectors. Granting amnesty may encourage the first group to report materials to the state, but will probably do very little to change the second group's thinking. Whatever artifacts or specimens either group deems important and valuable to themselves will probably still not be returned or reported. In fact, amnesty may actually encourage more people to pick up an artifact from in situ. If the public feels under the impression that they will not be in trouble for removing material from state property, they may be more likely to take it back home rather than notify the state.

May not bring forth many artifacts, but definitely will be more successful than the current situation wherein there is a reason not to volunteer collected artifacts.

I would like to know who is responsible for determining what is of "archaeological value" and what does it relate to.

I have seen such programs used in different regulatory contexts (e.g., the federal level for pesticide data provided under a "safe harbor" time window). They can be very helpful in many programmatic ways.

While I support the amnesty program in order to help archaeologists recover artifacts that would otherwise be lost, I feel it is very important to ensure that removal of artifacts is kept illegal and such illegal removals are enforced by law. Metal detecting is a big hobby, especially on Florida's beaches, but hobbyists shouldn't be allowed to remove artifacts and destroy whatever historical context they have.

Amnesty programs for underwater artifacts have been effective in Australia and Croatia because ownership of the artifacts was kept by the state. In both cases the individuals reporting the artifacts were allowed to "long term loan" the artifacts and upon their death the artifacts would return to the state. This policy is effective because it allows the state to find identify artifacts, but it also discourages looting because artifacts cannot be sold since it is state property. An amnesty can be effective, but they must explicitly state that the artifacts are the property of the state.
Artifact Amnesty Feasibility Study

I feel this is opening up a program designed to produce monetary reward for those individuals who wish to profit from our history instead of protecting it.

Archaeological sites should be protected by law and looters should be prosecuted. It may not be worth the possibility of encouraging further looting with an amnesty day which will recover artifacts without context.

Artifacts from State-owned lands or waters should be returned to the State, and amnesty may be the only way to get them back willingly from otherwise honest people...BUT if once we go down this path, there is a strong chance amnesty will become the norm, and "treasure hunters" will be encouraged to plunder historic sites knowing they can ask for forgiveness should they be caught. If there can be a GUARANTEE this is the ONLY time amnesty will be allowed, I am for it...IF and ONLY IF it does not become a Get Out of Jail Free mechanism for future treasure hunters.

Western Australia already tried this to mixed results. Yes, they did receive artifacts, but without any sort of context or provenience. For cultural resource management, any artifact taken out of context without documentation before removal renders the potential diagnostic useless. All the amnesty program would do is remind us "what could have been" instead of taking proactive measures to preserve our cultural heritage for future generations.

Why would there need to be amnesty? They can already donate the items to a museum and not be charged with a crime if they're not the ones who illegally collected them.

While no one is offering a Boy Scout who innocently collects an arrowhead from a state park, this measure would allow relic hunters and commercial pot hunters who have looted sites in the past, literally a free pass from prior activities and allow future legal disputes on when illegal collections were done. Who doesn't know it's illegal to take objects from any national or state land? It's clearly posted and these policies have been in place for decades.

But there needs to be limits.

In general, my answer is no. I feel if people are allowed to "get away with it" once, they will continue to do as they please and not follow the law. The biggest offenders are the repeat offenders who purposely don't follow the laws. However, not everything is black and white. I don't feel a child who probably did not know better and picks up an arrowhead while camping at a state park should be punished with a 3rd degree felony. Better education is the key for our future generations. Also, I don't believe there are any "treasure hunters" who want to clean the slate and start fresh. The "treasure hunters" are the least likely to actually participate in the amnesty, simply because they want to keep what they have. They already do not fear reprosecution. If they knew in anything it would simply be their unwanted and items and not the items they feel hold value. It would not be everything they have.

I support the amnesty as the one-time or as an ongoing program IF, and ONLY IF the specimens are given to the state. I do not support an amnesty program that allows persons to keep the objects or materials of historical or archaeological value collected from land owned or controlled by the state or on land owned by a water authority.

This proposed program would appear to negate penalties for illegal activity. That might lead to greater disrespect for the law. It is unclear what would be gained by such an amnesty, as artifact locations may be suspect or be purposely supplied incompletely.

I believe there should be a one-time amnesty offer to turn in any illegally obtained historical or archaeological material to the State without prosecution. If this program is to simply provide amnesty to looters and allow them to keep the property, then no, no amnesty. Go after them and prosecute to the fullest extent of the law.

It is the Division of Historical Resources job to protect sites and cultural heritage, to not enable and encourage knowing criminals to continue to destroy Florida's resources for their own personal gain. The statutes are clear in this regard. An amnesty program only establishes that the State government will not enforce its laws, and that cultural heritage is free to be looted and destroyed.

Do not implement an amnesty program. Doing so would weaken the positions of FL law enforcement attempting to protect FL cultural heritage for its citizens.

Who does this benefit? Some kid that picked up something at a park? Who will catalog, and inventory all of these items out of context from the sites? What is being done to deter, protect, and prosecute illegal poaching of sites? These are bigger issues. Who will fund all of this work, with minimal importance, since items are now out of context? This is like doing a gun donation program, and expecting it to make the streets safer. If somebody wants a gun, illegally, it can easily be had. If somebody wants to steal artifacts, and sell for profit, this will have absolutely no impact. Who introduced this? Why is this warranted? What value does this have? Who is behind this, including lobbyists? This is highly suspect. Strictly enforce the existing laws, and actively protect all sites, period. This is what is needed, not some feel good, do nothing waste of time and money.

This should allow for old private collections to share information with the archaeological community. Most important sites have been discovered by evocational collectors and then shared with professional archaeologists to investigate.

It will enable people who have illegally obtained artifacts to sell them legally, thus profiting from the illegal activity. It will also encourage/incentivize others to engage in this behavior.

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Artifact Amnesty Feasibility Study

What does amnesty program mean? Does it mean they can return these objects to the state without fear of arrest and fine? Or does it mean they get to keep what they removed?

My understanding of Florida Law is that it is not illegal to possess the materials that are being discussed here; only to take them from state property, coerce others to take them, or to sell illegally taken items. There is no need for amnesty as there is nothing illegal about possessing these materials. I fear that an amnesty program would only serve to weaken the law, because enforcement of the Florida 267 would be impaired by providing people who trade in illegally acquired antiquities an "out." Well into the future investigations could be stymied by people stating they "got amnesty" on materials that they are trading illegally (the primary way in which looters and traffickers are caught). Also, the idea as presented is vague. If such a program was designed to allow persons a limited window of time in which they could turn over artifacts (i.e. relinquish them to the state), it is possible that it could be a beneficial program. Though I'm not sure how interested the state would be in looted collections without provenience.

Artifacts on State land belong to the people of Florida and not to any individual. Theft of artifacts should be prosecuted.

This is ridiculous! I'll continue to pickup arrowheads anywhere I find them and it's nobody's business! I need more explanation of the program.

A one-time amnesty program does little to negate the impact that illicit salvage and looting has had on important cultural resources, and to grant amnesty for looters who turn collections into the state does nothing to deter their future actions. It is the responsibility of the state to safeguard archaeological sites located on state lands or in state waters. Asking looters to come forward to return their collections does not legitimize the custodial role that the state plays in protecting cultural resources nor does it mean that the resources brought forward will have any scientific value. Asking for un-provenanced artifacts undermines the credibility of professional archaeologists by implying that the looters can contribute the same data and information to the field that trained scientists can.

It promotes theft and does not safeguard the public property of the patrimony of the people of Florida.

What? I support the revocation of the unfair law that prohibits a person from picking an "uncontext" artifact from under the water, while at the same time the state of Florida sells at a profit the rights to salvage treasure off shore the beach. The double standard is mind boggling.

These items are out of context which is the most important information. While diagnostic dating may be assisted with the objects you could never really be sure where they came from unless a systematic excavation and proper field notes were taken.

In my opinion, amnesty accomplishes nothing. The artifacts context is already long lost and the probability that significant information can be gleaned from such materials is low. Not only that but amnesty programs can often lead to further destruction of archaeological sites. I am a professional archaeologist who encounters these problems everyday. Instead of amnesty, I advocate for public archaeology and education programs to inform people about the laws that necessarily protect historical and archaeological materials.

I think an amnesty program will actually end up encouraging people to take artifacts and dig on state owned land in the long run. I think this proposed amnesty program will end up having a detrimental effect on our historical and archaeological resources.

This will only lead further confusion among the public about what is legal or illegal.

The value of this amnesty will depend on the possessor being able to prove ownership of the artifacts. The objects themselves, without context, will be of limited value.

This program can have the effect of removing the teeth from this important prohibition.

As long as it does not encourage any additional trespasses on lands to look for objects.

Would this not simply encourage people stealing from our common past? History belongs to us all not treasure hunters.

Much like gun amnesty days, turn in artifacts and as much information as possible about the artifact so that State can do the proper cataloging and those museums and areas that can borrow and display will have greater resource for educational purposes to the unknowing public. A note about how the returned artifact was turned in through the amnesty program would go miles and miles toward understanding and compliance with the law.

The question is too broad to answer, I would support it for something trivial like a couple pieces of common pottery but not for an intact vessel.

It would be wonderful for State records and for State knowledge if people who have artifacts collected from lands owned or controlled by the State and/or water authority lands participate in a State-offered one-time amnesty program. I'm aware that all participants that qualify for this program will not disclose their personal collections but any and all knowledge gained will be a benefit to our history.
I support an amnesty program for all individuals who possess specimens, objects or material of historical or archaeological value collected from land owned or controlled by the state or on land owned by a water authority on two conditions. The first is whether the specimens collected were done so at a time in which the law prohibiting collection did not exist or the statute of limitations has expired on prosecuting individuals for the act of collecting particular artifacts that have been accurately documented when and where they were found. The second condition is all artifacts proven to be isolated finds should fall under the amnesty program, and each individual should provide convincing proof of the artifacts reason for being an isolated find.

First, the "one-time amnesty program" proposal is vaguely defined. Even if artifacts are turned over, the information on the location of the cultural resource and other details that would help to establish as much about the original context as possible would still be lost. Second, if we forgive those who obtained artifacts illegally from public lands and waters in Florida, I fear that this will set the stage for a push to make it legal to collect on these lands through a program such as the former Isolated Finds Program, or the recently proposed Citizen Archaeology Permit which I believe is also a bad idea for Florida's irreplaceable archaeological heritage.

I would want to read the exact language of the proposal before making a final assessment.

I also support the immediate implementation of a citizen archaeology permit program that would de-criminalize picking up an isolated, out of context artifact, and allow for information sharing between avocational and professional archaeologists. A said permit program exists successfully in South Carolina and used to exist in Florida before a handful of powerful people suddenly changed the law without reverence for both sides of this issue. Furthermore, it is perfectly legal to pick up a mastodon skeleton (or any fossil) remains through our Florida fossil permit program, but you're a criminal for picking up an out of context arrowhead right next to it? Makes no sense.

I support amnesty and highly recommend that the State implement a program to allow the recovery of human artifacts from foreign submerged state lands like the Isolated Finds program. The State has lost a valued resource in the people who dive and recover items from rivers. The vast majority of things laying on the bottom of rivers are not in context that is valuable from an archaeological perspective (not associated with other items of similar age in a stratified context). Rivers, by their nature, are erosive and the things in them have either eroded out of context from the banks or were discarded in them. Archaeologists can benefit from sharing of information regarding distribution of these artifacts, but don't have the expertise or resources to systematically survey river bottoms.

The State already "owns" this stuff but lacks possession. Job of Law Enforcement to re-acquire the EVIDENCE! Just because a political backer who's been broken the law many times, over many years, and now wants forgiveness... He'll buy his way out regardless, but this amnesty program is the cheapest!

Only if the private collections are allowed to remain intact. And can be shown publicly without fear of seizure by the state.

I think it's a great idea to benefit us all, the state of Georgia also needs an isolated finds program as well. I would certainly take part in the program!

Obviously, returned objects will have far greater research value if their provenance is known.

I do not support the "amnesty" because I do not know what is meant by the term "amnesty." Does this mean that there will be a short-term period when artifact collectors are allowed to remove artifacts from State property? Does this mean that folks who have previously illegally collected artifacts from State lands will be allowed to keep said artifacts? Or just some? Does it mean that they will be allowed to buy and sell them during the amnesty period? Or does it mean that they could turn them in to the State without fear of prosecution? I might be in former of the latter, but could not support any of the former possibilities.

What does "amnesty" mean in this context. There is no point in the state creating and legitimizing an economic market, which is what will happen, if the "amnesty" does not include a research documentation component. An example of this type of research is the multiyear artifact collection survey conducted by Tommy Charles in South Carolina.

It's a good idea. People who took things should be able to return them without penalty - but it will require quite a bit of publicity in order to get the word out.

It will not deter looting it the future.
I believe that amnesty should be given to people that may possess specimens that have at some point come from state on waters. I care deeply about the state of Florida and its resources. Although these resources are not renewable, many of the specimen resources that are in the water ways do not hold much historical value. Most of the specimens in the waterways did not originate in the particular area they were found. I believe that most have been washed in through floods and in many cases tumbled down the creeks and rivers. In contrast I do believe in protecting specimens on the land and in mounds. These type specimens do hold a lot of value that can be studied... Again I do not believe specimens found in the waterways should be deemed illegal. The people of Florida pay taxes and should have access to these particular specimens that do hold the historical value and land based specimens. I have seen through the years many great members of the community in many different occupations enjoy the hunting and collecting of specimens in the Florida waterways. When I was a young boy I watched my dad and the late Mr. Hub Chason (author of Chipola River Valley Treasures) take their collections to schools to show and teach the young students about the history that went on in our area. Many people were amazed at some of the evidence of what went on in our area thousands of years before our present time. Never once did my dad or Mr. Chason sell anything that they had found. Instead, they looked at the specimens as a treasure to share and the stories that came with finding them to anyone who showed the slightest interest to learn. I have seen teachers, doctors, lawyers, engineers, law enforcement officers and many many other occupations of people who love the sport of looking for specimens. To my knowledge all of these people are law abiding, great members of the community. When the laws were passed making it illegal to look for such specimens I watched many people lose a big part of themselves and something major that they loved to do. I highly suggest some middle ground and maybe perhaps having a system where collectors can buy yearly permits to look for such objects in the waterways and also submit pictures and and data the state could use for historical purposes.

I find people in general don't realize or take the time to understand certain rules and regulations governing such items. Amnesty programs are valuable because there are members of the public who take things as a souvenir of a visit not realizing it is illegal to do so, do a little research, realize the significance of an artifact in there possession, want to turn in. Unfortunately for all concerned they feel compelled by fear of fines or prosecution to hold onto something they'd dearly like to return. Amnesty gives those who at first weren't aware of the law an opportunity to unburden themselves, and the people of the State of Florida receive a piece of their heritage back. Of course these laws are in place for good reason, like going after those just looking to make money selling artifacts, and to keep those ignorant of the law, as well as the value of context, from removing something that could tell a greater story left in situ, etc. But for people who just made an innocent mistake while on an outing it presents an opportunity for them to rectify it, and us a chance to restore something of value to our state's history. Please enact and promote a limited amnesty program, they have had some success with them in the National Park Service so there is really no reason not to.

I would support amnesty if it meant a time to turn over collected items without risk of penalty so that historical or archaeological items may be preserved with public access for all.

ONLY IF: a) applicant returns ALL materials, photos, and notes associated with these finds to the State, b) provides mapped location of all finds to the State, c) signs an affidavit stating that he/she will NOT trespass, loot, pothunt, or collect in future from public lands owned or controlled by the State or a water authority.

I feel that no one should go through what collectors had to go through last year. Destroyed lives, when there's definitely nothing wrong with saving a piece of our heritage from the elements and the future from a black river or a place soon to be covered over.

State has enough archaeological specimens buried in museum basements. Leave the public alone and find something better to spend my tax money on.

Many who take, know it's wrong...

Cultural artifacts are a part of everyone's heritage and we are responsible for keeping them safe and protected. This means they should require proper curation and care as well as not be used as a source of profit or privilege for individuals. This amnesty program would encourage further looking of archaeological sites and amateur excavations as well as limit the protection of these sites and cultural artifacts through law enforcement.

I don't feel that it's right that artifact collecting is illegal no one let us know how else are we supposed to find out. our only other alternative is fine and loss of artifacts

It's a damn shame that a man cannot collect artifacts that his grandfather taught him how to do 50 years ago just because some gene warden that got fired was collecting on state time getting paid by citizens of the state of Florida he has one of the biggest collections in the state and the state is fully of aware of that his name is Robert Daniels why don't you break down his door and look at all his artifacts it has collected over the years he's a headache criminal in disguise I think the amnesty program would be wonderful I support it 100% thank you for the survey

Why reward people who have stolen artifacts? If this goes through once, people will assume it'll happen again, so they can just loot and wait for the next "one time amnesty." Plus doesn't taking artifacts out of the ground where it was first left change their ability to add to an interpretation? I don't see this being a win for anyone, science or law enforcement.
Artifact Amnesty Feasibility Study

It is clear from constant public and governmental agency contact that far more citizens and employees than do not know it is illegal to remove artifacts from public lands - a general level ignorance of the law. This is particularly true of tour operators and guides who competitively use Florida's rivers and springs and who do not issue caveats to their clients on underwater recreation. The recovery of artifacts is deemed just another underwater attraction.

The reason for implementing this program is not stated. Regardless, if this program goes forward the state should be able to do the following before accepting any materials; assess artifacts for conservation treatment, have funding to treat artifacts if treatment is required for long term preservation, and house the artifacts in a climate controlled environment.

It seems like a good idea.

I do not support amnesty for criminal acts - signs are posted on state lands and common sense implies that arrowheads at all are not for the taking. If the artifact was taken by one's father/grandfather before the stat law, that is different. But something taken recently should not be forgiven freely.

Amnesty in that the person will not be prosecuted, but will turn artifacts and specimens over to the proper authorities.

I do not dive so it does not affect me nor do I go to State lands.

If it doesn't involve returning old collections

I can't think of a single example. If a person is going to be arrested for something, they will be arrested for that, no matter what the artifact was. That's the way it is in this state.

Depends on how the object was obtained. For example, if someone walking along a lake or river area finds an arrowhead or arrowheads on the surface, then there should be no penalty. Many areas, including Indian mounds across this State are party central for boaters and full of trash. These areas are hardly being protected, so for those that do care about history and collect items they find in those areas and pickup the modern trash, why should they face a penalty? If the State is serious about protecting these areas, then protect them, otherwise it makes no sense to punish those that take surface finds from areas that boats are crushing them and trash is piling up.

Specimens found out of context have little value.

I personally know people that for the most part that are elderly and have found artifacts collected decades ago. Some of these items are rare, unique and powerful etc and belong in a conservatory, however, the fear of prosecution prevents these individuals from coming forward and when they are deceased the information attached will also be lost.

I think an amnesty program would only serve to incentivize looters, who would rob the good people of Florida of their rich cultural heritage. Looting is felonious. We would not have an amnesty program for people who rob Best Buy.

This amnesty program will result in further destruction of our historical and archaeological cultural resources. It has been tried before and has failed. Why return to a failed approach?

After a collector dies the artifacts end up in estate sales and at places like Good Will with no provenance known. If the collector has amnesty to turn in the artifact and explain where it came from, then it is possible to find a museum close to where the artifact came from and perhaps even sites previously unknown to academia could be found and protected. Also if we had a one-time amnesty program the opportunity to educate collectors about the damage to our ability to understand the past and Florida's cultural heritage pot hunting can do.

The amnesty program should continue into perpetuity.

Archeologists must not be given. It sends the wrong message to people who are only too willing to dig up sites. No excuses and no amnesty for illegal behavior.

We need to use our resources elsewhere. Like the illegal immigrants coming ashore in south Florida. I read an article a couple years ago about a two officer taking an arrowhead from a 7 or 8 year old boy that he found. They should be ashamed of themselves.

I have volunteered for the state of Florida on underwater archeological sites. They have trained me to help with the state's history. Have met great archeologists who I call friends. In return I and other river divers have shown the state of Florida many important sites. In the past, I would like to continue working with and sharing with these friends. I started looking for arrowheads before it was considered illegal. Just loved diving and the search. I wish it could stay that way.

No. People with illegally obtained artifacts should return them to the state. Let's not start down a slippery slope.

An amnesty program would set a bad precedent within the state. It would be akin to a support of looting and irresponsible destruction of irreplaceable resources.

Supporting such program sends the wrong message to looters who would be prone to repeat their misdeeds, and would also encourage others to loot or continue looting such cultural resources.
Leave our past in place so that others who desire to find it and learn from it can do so. Stop helping people make money off the rape of other cultures’ histories. If it is not their history why do they seek to collect it? Persons who wish to educate have no problem leaving sites as they are, however those that desire to gain monetarily do wish to remove these artifacts, and it is they who wish to gain amnesty.

If we forgive those who obtained artifacts illegally from public lands and waters in Florida, I fear that this will set the stage for a push to just make it legal to collect on these lands through a program such as the former Isolated Finds Program, or the recently proposed Citizen Archaeology Permit which we believe is also a bad idea for Florida’s irreplaceable archaeological heritage. Florida has always been a leader in state-level historic and archaeological preservation and its current policies are consistent with an international recognition of the importance of preserving the archaeological remains of our cultural heritage for the future public benefit. Regardless of how it might be construed, I believe any artifact amnesty program would represent a retreat from this position of leadership.

An amnesty program would be taken advantage of by those people who would and do currently remove archaeological artifacts from their context and destroy potentially valuable information in the process.

Anything collected should be immediately turned over to the local archeology society or university with an anthropology department. They will know where to send the artifact.

This is a very poorly thought out proposal. Who is actually benefiting? Is this proposal being driven by a special interest group or individual? It certainly does not benefit the people of Florida in the long run. And, it sends a terrible message about how our State values its cultural resources.

I cannot support this unless more information is provided. It is apparent that the people who devised this idea and are pushing its creation are the artifact dealers who stand to profit from selling artifacts. Would this program allow the possessors to keep the artifacts or do with them what they wish? How much and what types of information would they submit, and to whom? I am sure there are many people out there who have innocently collected artifacts from state land. As things stand now, most of these people would not be prosecuted if they came forward and returned the objects with pertinent information. Therefore, it appears that the proposed program is designed to protect those who have more seriously damaged or looted sites to build their personal collections or for financial gain. Those individuals knowingly broke the law, and in my opinion their actions should not be condoned in any way. I am ESPECIALLY opposed to any program that exonermates them and then allows them to sell the objects! The laws against removal of artifacts and prohibiting damage to archaeological sites on state-owned land are there for a very good reason—to protect resources that are irreplaceable. I cannot support any program that aims to thwart the intent of these important laws.

I answer yes, with deep reservation. I have mixed views about letting looters have a free pass. The value of these objects is often not monetary but in information gained about a shared history and culture. That information can only be gleaned properly from the object in context of where it was found, with what other objects, etc. If the looter can provide the context, identify the location that the objects were recovered, then return of the objects can be valuable. If not, then the State can be looking at a collecting a great many out of situ objects that it will be ethically obligated to curate/store/etc. The cost per curation is $10 for every $1 dollar spent in the field. Absolutely, looting should be continue to be illegal; and in fact enforcement and fines for looting both terrestrial and marine should be increased. I would like to see treasure hunting outlawed completely because of the destruction of the historical and archaeological records. No, I'm not an archaeologist.

This will set a precedent for those that loot and then expect amnesty.

To put it bluntly, the allowance of a one-time amnesty program undermines the legislation already in place to protect cultural resources. Only further damage will take place by allowing an amnesty program for any duration to occur.

More Information is needed to answer this. Will the items possessed by individuals be turned over to the state during the amnesty process? I doubt that a one-time amnesty program will solve the issue long term because there will be people in the future who remove artifacts from state lands until they are caught.

You break the law you get punished. We must protect our cultural heritage. Allowing an amnesty will set a dangerous precedent.

But only if they return the material recovered illegally to the proper authorities.

The definition of amnesty needs to be explicitly defined before providing a simple yes or no response. No was checked because the definition of amnesty or its implications to the preservation of Florida's heritage is not explained.

I would not want it to become a regular activity but as a one-time endeavor it would be acceptable.

I believe this sends the wrong message about artifact collection to the general public and could encourage further looting and disruption of archaeological sites.
Artifact Amnesty Feasibility Study

This amnesty program will only encourage unauthorized removal of artifacts, despite the fact that it is not meant to do so. This legislation would be like the failed Florida Finds legislation, which only encouraged people who were already illegally collecting to continue. Please do not pass this legislation, all cultural resources should be protected, and this would only lead to further destruction of cultural resources.

Much in the same way as if a teacher were to say "If you cheated on any tests this year, let me know now and that's okay, you'll be forgiven if you tell me now. But if you cheat in the future, there will be dire consequences." such an amnesty program confuses the message about whether or not looting is destructive and illegal. By allowing a one-time free pass, it makes it seem as though looting is not as big of a deal, and makes it unfair for those individuals who have been following the law.

I think this should be thought of as a more long-term program. Many people who collect those types of items might not be thinking about giving them up until they are much older. Sometimes after they pass away, their families retain possession of these collections, but can't find any way to get rid of them. This amnesty program could help bring many artifacts back to the state. The biggest problem with a program is an intake of a large amount of artifacts that will have no context and are therefore largely worthless, archaeologically speaking.

This is an excellent idea that will spread knowledge about laws protecting historical and prehistoric resources without making citizens feel singled out and prosecuted.

Not only do I support a one-time amnesty, I also support a program that would allow the future recovery of artifacts in Florida rivers and on state uplands. If the state can lease land to timber companies and allow them to use giant skidders to tear up the land, then why would I get arrested for walking behind said skidder and picking up an arrowhead?

Unclear what this means. Does this mean amnesty from prosecution for individuals who turn over collected items to the state? Or would they retain ownership of illegally collected items?

Yes I support the amnesty program, because destroying someone's life over doing something as to pick up an Arrowhead or a broken piece of pottery on public land that people has done for years with no ramifications and not against the law or thinking it's for people digging on public land, but not picking up something that's out of context that would have no archeological value. Now as far as catching someone knowingly digging archeological sites on public land is a different story, you have the evidence to prosecute, but to prosecute people that has collected artifacts all their life legally and no evidence as to where the artifacts came from is just crazy, the isolated find permit on river finds, how can either side prove where it came from. Personally I understand how important it is to protect these valuable archeological sites, and personally I know there were good hard working honest people that had there lives destroyed by operations Teconia that had nothing to do with destroying important archeological sites. Yes some may have recovered isolated finds on the river bottoms that thought it was legal, so YES I'm in favor of the amnesty program. Amateur archeologist is an asset to the State, not criminals. And I'm sure if the State would work with these amateurs, they would help put a stop to the one's that choose to destroy valuable archeological sites.

I think that any land that the Tax Payer's of the State pay for, the Tax Payer's of the State should have the right to have regulated hobbies of their interest on their land. Just because a few appointed State employees don't like certain interest of the Tax Payer's doesn't mean they have the right to not allow the hobbies. The appointed State employees are paid by the Tax Payer's and are there to regulate and manage the Tax Payer's land. Not to do as they think it should be without the Tax Payer's of the State having a vote. Other hobbies can be regulated and managed just like hunting and fishing to benefit everyone since we all know its about money the State wants the other hobby for their own gain.

under the understanding that all artifacts turned in would be retained by the state.

I would not support an Amnesty program. The unintended result would have treasure hunters and archaeological looters expanding their methods and efforts, resulting in destruction Florida's archaeological and historical materials, objects, specimens, and sites. Many archaeological sites are not known or surveyed. An amnesty program would open the door for untrained and self-serving persons to disturb these unknown sites. The loss of significant historical data and information with an untrained disturbance can never be regained. Question #4 is a very poorly worded question.

I support the return of illegally obtained artifacts, and would suggest that every effort be made to establish what provenance is possible for each item from the finder, including the location found, date found, and under what circumstances (depth, find, surface find, etc.).

I doubt much response will be received. But for those honest and thoughtful enough to come clean, they will respond with artifacts, which is still better than the state never reviewing ill gotten artifacts at all.

I am completely uninformed about this issue and am only doing this as a favor to a friend.

Not sure what this means so I can't really answer this question.
Artifacts are best and most safely kept by experts and as a means to inform history and educate the public. Providing amnesty to any individuals that have illegally possessed artifacts cannot be permitted, as each specimen has tremendous value to enhancing our understanding of the past.

An amnesty program for all Florida artifacts (objects or materials of historical or archaeological value) would be beneficial as it is difficult to prove whether an artifact came from private or public lands/Waterways.

Artifacts removed from State owned lands illegally should be turned over to BAR Collections. These are needed to advance our knowledge of the State's history and prehistory. If anything, collectors should be given credit for their finds by donating the artifacts to the State and naming the collections using the finder's last name. The Smith Collection, for example, I've found that most people, at a minimum, would like to take credit for their finds.

People who remove these items know they are breaking the law and ignorance of the law, as we know, is no excuse. Amnesty like this will only serve to encourage and embolden looters. The knowledge we get from learning of these stolen items is minimal because they have been removed from their original context. Therefore, any benefit from an amnesty program will be minimal and an emboldening of the "heli hunting" community will only serve to undermine the goal of preservationists.

It would be important to know how amnesty is defined.

No, because Amnesty needs to be defined.

These questions have no clear cut yes or no answer because there are not additional details on what "amnesty" would entail. The effectiveness of such a program and therefore my support would hinge on those details. I would also like to address the previous question. I believe there is a drastic difference between someone picking up a piece of an artifact out of a freshly graded dirt road, and someone digging in a recorded mound site. To make the individual into a criminal they pick up the artifact turned up by a management activity (in this case road grading), which would then be broken up by subsequent traffic anyway is ridiculous and shows our own ignorance when we make such laws. On the other hand the person who digs in Indian mounds is clearly engaged in nefarious activity, is a criminal, and should be treated as such.

I have tried this several times here in Palm Beach County. Little was ever brought in. However, this does not mean it was a failure. On the contrary it increased exposure about the need to preserve history and existing laws.

Not really sure what the means one-time for what? Turn in artifacts, confess for doing it, get caught once without prosecution?

Honestly, I don't believe the "State" protects or values these artifacts as much as the individuals who have collected them do. What is the goal of the amnesty program? To locate disparate collections and bring them to a centralized repository? Where? Would NAQPA items of cultural patrimony be reburied? How about instead you allow people to KEEP the artifacts they collected. Discourage them from continuing to collect or sell the artifacts. Let them be stakeholders, rather than saying the State has to reclaim and own these objects.

I believe it would set a bad precedent and is not necessary. Artifacts are already donated to museums, parks, and other public lands without consequence. It is impossible for me to answer the next question (#4) as none of the choices apply. Thus, I cannot continue the survey and answer truthfully. Please disregard my answer for question #4!!!

I absolutely do not support a one-time amnesty program because people will likely interpret this to be something that will occur again regardless of the "one-time" language. Are the individuals expected to provide provenience information as well? Without information about location, site contexts, environment, etc. these artifacts, that I assume are being turned over to the State, are not going to be beneficial for Florida archaeology. This program does not support Florida's long-standing preservation efforts.

Perhaps a process could be in place in which the archaeological/historical material possessed could be photo archived and/or listed then kept by the entity. DHTR would then know that it was collected on a particular property. Since the material is out of physical context, I am not sure what value it has to DHTR.

A case by case law enforcement controlled program may be a more reasonable approach.

I think it is a nice idea that no one will follow.

Fossils are of historical value and so are bottles, old rusty guns, etc. etc. so "historical value" is too broad a category. It should be that surface collecting, not related to an historical site, should be allowed and can be recorded and filed and the file passed along to anyone that obtains the object further down the line and the Information should be input into a computer system so that if one is studying the particular object, they know where it may be found.
Artifact Amnesty Feasibility Study

I support an amnesty program that does not involve surrendering artifacts to the state. The state already has more artifacts than they know what to do with.

This is obviously a balance of trying to recover important cultural heritage resources and maintaining a law to protect said resources. I understand that the intention is to recover items that might not otherwise exist, but the people that stole our collective past and have been either selling it or hoarding it should not be given a free pass. I would be amiable to amnesty with an associated fine, or amnesty with mandated public service, but a get-out-of-jail free card for all of those people that stole our history is unacceptable. There is an opportunity here to say to the world that Florida does NOT tolerate the pillaging of its history, and anyone caught doing so will be held accountable for their crimes.

Sounds like a trick to me. How do you get Amnesty in the first place? Do I have to show my artifacts to someone to judge if it’s another trick by the state to seize whatever they deem illegal or otherwise. Never trust a state that steals people from safety collecting little bits of history. After all the hobby is as old as the artifacts.

An amnesty program can (inadvertently or not) legitimize looting. The illegal removal of artifacts from protected lands must remain a crime in order to change the culture of collecting. Collecting artifacts destroys the archaeological record and deprives humanity of irreplaceable cultural resources.

Essentially these individuals through their unauthorized collecting on state-owned lands have robbed the state of not only these loot artifacts but the potential for a deeper understanding of the human experience in Florida. That should not be condoned nor should the implication arise that after this one-time amnesty that those who either continue or start their own looting may sometime soon receive another pardon.

As long as said materials are returned to the State.

I think an amnesty program would help publicize the fact that it is illegal to collect such items from state-owned lands.

There are many instances where artifacts such as arrowheads are found out of context (rivers, sea shore) and have no archaeological significance as to a site, but provide recreation and enjoyment to the finder. I am talking surface finds, not digging.

I realize the point of a one-time amnesty program is to encourage those who have illegally removed artifacts from state-owned/controlled lands to share what they have without fear of legal consequences. But, I also send the message that the state knows it happens and can’t do anything about it. This is certainly a better solution than the isolated finds program. In that it’s one time and may get those chomping at the bit to legalize the stealing public owned non-renewable resources to back off...for a little while, I am for it only to see how many people would actually come to share their information and artifacts, it’s ONE TIME and not repeat or considered permission to take historical or archaeological resources from state owned/controlled lands. Participants need to be reminded that this is illegal for individuals to take these from publicly owned or controlled land so that these resources benefit all, not just individuals.

It should be legal all the time, not just once, the same as fossil hunting is. Require a permit, and a reporting process.

I support implementing a licensor program similar to South Carolina, but if the law isn’t changed I do not support amnesty.

But proof of long term ownership must be provided.

As an archaeologist who has worked on state land, often the individuals who collect/artifact archaeological sites have the only record for the sites they discover. While I do not support the pillaging and destruction of sites on state-owned (or otherwise) lands today, one-time amnesty would go far toward opening the dialogue between professional archaeologists and amateurs/collectors. If we continue to stigmatize private collections, this rich material record will go unrecovered. What’s the difference between early ‘archaeologists’ like C.B. Moore and W.K. Moorehead, who we regard with respect and admiration, and the collectors, who we vilify? Wealth and published records of their pillaging efforts?

Will only get a few people with illegally collected artifacts off the hook - in other words, not subject to arrest. I believe most treasure hunters and collectors of Native American collections will not want to part with their finds.

Archaeologist must work with collectors and avocational archaeologists, who often have important information about sites and artifacts (regardless of how, where and when they were collected). In particular, Florida’s Paleoindian and Early Archaic artifacts are highly prized by collectors; in the past, this part of the archaeological record has benefited from data available from avocational collections. However, many collectors are wary of archaeologists and the repercussions of removing artifacts from state lands. Additionally, Paleoindian and Early Archaic data is sparse in some areas of the state, and collectors may have important information to share from those areas. A one-time amnesty program of limited duration would enable archaeologists in Florida to gather data that might not be available otherwise.
Yes, under certain conditions; The artifacts must come into the possession of the person seeking amnesty by gift or inheritance, and the person seeking amnesty must provide all provenance information in their possession or accessible to them. Also, this is a one-time offer per family. My reason: In the practice of CRM, I frequently have to interview persons who have artifact collections that contain artifacts that provide chronological and functional data that is not available to CRAS I survey. When I ask the origin of the diagnostic artifact, the owner frequently disassembles and/or lies for fear of violation. Since these artifacts are only rarely on open display, some relief from violation might make them more available for study. The value of artifacts is their context. Their context is has value for science, history and archaeology. I think such a promotion relegates the artifact to a thing that can be owned or traded. Or put in a box or on a shelf. The second question of this survey leads me to believe it is a subtle attack to slowly change the laws regarding state ownership of archaeological and historic sites on state lands. They belong to all of us. Not the single person or group that decides to remove them from public ownership. If sites and artifacts aren't protected then why not let me cut trees in state forests for use as firewood? Or pump water directly from the Appalachian River (divert it) so I can build a theme park or bleed my property to grow rice? Oh? Because it belongs to the state (citizens) ———!!!

illegal is illegal

since I don't think it should be illegal to keep an artifact (arrowhead, pottery shard, etc) then I don't think an amnesty program is necessary.

Although this idea may sound good in theory I think it would create a situation that looters would take advantage of long term.

This should never even be an issue. It was legal, Judy Bense put it on the floor, banned the IFP without anyone except herself. No public acknowledgement. It should be illegal that it was removed without notification. PERIOD

I support an amnesty program that allows collectors to keep their finds. Bring back the isolated finds policy or something similar!

I think a program to return State owned cultural materials should be part a educational/rehabilitation program that is ongoing and implemented by regional teams of archaeologists and agency representatives.

Not having such a program eliminates the possibility for the casual collector that may want to return artifacts. But I believe it shouldn't be one time. It shouldn't be illegal for collectors and amateur archaeologists to hunt and remove artifacts from waterways. Without them, these items would never be seen. There is very little that can be learned from water found artifacts due to no context clues and the artifacts migration. Let the public enjoy them

This seems too vague. Will the folks who possess these items be required to hand them over to the state? Or will these folks be allowed to keep the items? Will they be required to provide information the locations of the items? How long will the amnesty program last?

I support an amnesty program only if it is voluntary and provenience can be determined.

Believe that even a "one-time amnesty program" condones looting, further destruction of terrestrial and submerged archaeological sites, puts in jeopardy other protected wetlands and preserves by the destruction and disregard for environmental and cultural resources that quite often ensues by such activities (how do people think these items were "possessed") and in the process rob all citizens of Florida's cultural heritage. It is my belief that question #4 potentially contradicts a negative response to this question and could be used against one's opinion that there should not be an artifact amnesty program.

I feel this may be a way to engage with the public and provide an opportunity to educate them about the damage caused by looting. It will also provide an opportunity to collect at least some data from areas that have been looted from the artifacts that were held in collections.

This proposed amnesty program is poorly defined and would not result in the preservation of cultural resources.

Persons who possess these specimens and objects have committed crimes.

In theory, a few people might come forward with useful information on site locations. The former isolated Finds Program (1994-2005) is any indication, however, participation will be very low with a correspondingly low yield of meaningful data. Additionally, serious collectors (i.e., looters) generally will not possess information on context, stratigraphic or otherwise. Finally, such a program may send a message to the public that looting state lands is a forgivable offense.
Artifact Amnesty Feasibility Study

I do not see any reason why people who have violated the law should be given an amnesty for their crime. If someone broke into a state office building and stole furniture, should they be given an amnesty? If someone broke into a state museum and stole artifacts from the display cases, should they be given an amnesty? Why is it any different if someone stole artifacts from state land or state waters? The only time an amnesty should be considered is to encourage people to give back something that they stole or pay taxes that they evaded. I don't see anything like that in this proposal.

What are we thinking?!? Yes we might get artifacts back but they have lost their integrity. Why don't we just offer state-sanctioned looting of archaeological and historical sites.

One of my tenants used to dig for archaeological materials on land around Newman's Lake. He sold them to a local antique collector who I know, and probably other people who I don't know.

When people remove artifacts and specimens illegally they also damage the environment in the process.

The period would have to be very short in order to prevent ambitious parties from rapidly looting sites and then claiming amnesty. Additionally, the party should be required to turn over the artifacts they took and provide information about where any stray pieces of their collection may have gone (e.g., Ebay). If any artifacts are later found to be their former possessions, the original owner should be charged to the full extent of the law.

Bad idea.

because

Does this mean they surrender their collections? If not, what good is an amnesty program? I am not under the impression that law enforcement is out buying the bushes for antiquities violators.

This seems to be just another back door way to let metal detector hunters on beaches and into specific areas covered such as state parks and monument sites.

It is unclear how such an amnesty program would work. Does this mean individuals would get to keep the artifacts or do they have to return them to the state? Moreover, my fear is that it would open the flood gates of looting on state lands. And it assumes that individuals would actually admit to collecting artifacts illegally. That strikes me as being unrealistic.

For the record, I fully support a return of the Isolated Finds Program. While it may have been abused by a few, I believe that the data collected more than outweighed the risk of looting and I saw very little evidence that any looters were truly successful. There is a virtual army of amateur historians ready and willing to comb our great state and locate every cultural deposit at almost no cost to the state. To let that opportunity slip away because of a few untrained thieves is a tragedy. Not everyone is a looter, 99% of people trying to engage in historic exploration in this state do it out of a love for history, not greed or financial gain. Back to the original point, some people do deserve amnesty. I am currently the owner of hundreds of Texas arrowheads and spear heads that were handed down to me by my great grandfather. There were no patrimony laws in Texas when he collected them, but technically I am breaking Texas law by possessing them. If this sounds logical and reasonable to you, then I worry about the future of our great state and country.

Although I personally no of no one who would knowingly seek to collect artifacts from illegal places

I believe that this program might encourage the return of some artifacts that have been illegally removed from public lands.

As citizens of this State/Country we all co-owner the land controlled by the State/Country. That is why it is PUBLIC land. Because it belongs to the PUBLIC!!! The government exists to serve the people, not the other way around!
I believe the amnesty program should be implemented. I also believe a system similar to that used in England should be considered to replace the outdated methods used by Florida. Just briefly, in the English system people who find and/or recover objects of antiquity on public or private lands are encouraged to report these finds to the government. If the finds are deemed to be of truly archaeological and/or historical importance the government has the right to acquire the specimens through the payment of a fair market value to the finder. The English government is not interested in the random collection of vast quantities of artifacts unless they are truly of archaeological and/or historical importance which in the vast majority of cases and when viewed with a truly scientific eye are not. Just as in Florida if the find is judged not of archaeological or historical importance the finder may keep it, after a record of the find is made. This has resulted in far less illegal collecting, expense of law enforcement and prosecution and the acquisition of significant specimens and collections that would have otherwise gone unreported, while avoiding vastly redundant collections. It also makes government archaeologists have to prove to the government through logical and scientific means that an object or collection is worth paying for to keep. A check on balance to the archaeological community which seems to regard everything as important, unlike every other branch of science. It is a win-win for everyone. Of course a system like this will not work until Florida archaeologists actually look at Florida's and the the world body of archaeological and historical data in a truly scientific manner and come to the realization that the vast majority of items recovered in Florida or on Florida bottom lands have no real archaeological or historical significance and must have been previously well cataloged and identified.

Well, it all depends on what amnesty means.

I support amnesty for all of the knowledgeable amateurs who have always been the source of almost every discovery that the so-called professionals do not have the time or money to do on their own; thank goodness for all of the well documented private collections that are available for teaching and learning.

I would only support if such collections are to be legally enforced to be publicly available for research and educational purposes by relevant experts on the subject.

Why one-time? Why not ongoing? Particularly to recapture materials at a future date, from individuals that learn of the program at a later date.

Collecting arrowheads should not be illegal. The 50 year antiquity law is ridiculous. Old wheat straw pennies and Beatles figurines would be covered by this law.

This would pave the way to better understanding about archaeological resources and could lead to improved, statewide, legislation. Salvage is still legal in Florida and needs to be abolished. This is a step in that direction.

Some collections are passed through generations of proud Americans, others sit in museums...

There is no methodology in place to prevent future collectors from looting and then claiming it is part of the amnesty program. The only suggested methodology is FULL inventory of a collection, to be filed with the State, without transferring any portion of an inventoried collection without State approval.

How will you ascertain if all materials are returned? Amnesty will only apply to state laws but not to federal laws.

This would give persons who have taken significant archaeological resources from either type of lands an opportunity to “do the right thing” by returning these objects.

This amnesty program should include all artifacts collected from the State of Florida as there is no way to prove whether the man made objects were removed from private or State controlled lands or when they were recovered.

I am concerned about the term “one-time” and would prefer to see a program that would allow return of artifacts obtained without authorization that continues for many years for artifacts obtained before a specified year. I would also prefer something that allows for a measured increase in penalty over the next few years. I am concerned about the vagueness of the term “value” and would encourage a much broader and firmer standard such as just don't take anything but photographs.

Florida has already implemented an artefact amnesty project - and as such, at this stage, those who have recovered objects illegally should be fined.

Florida state law is in place to protect and preserve archaeological remains on state lands for the benefit of the people of the state of Florida. Florida's millions of visitors benefit as well through the information gained from scientific investigation and the opportunities for heritage tourism to archaeological sites and museums. This proposed amnesty program will only serve to dilute state law and cause confusion regarding the collection of cultural materials from state lands.

I have donated artifacts to the Florida museum of natural history in Gainesville and to this date they still can't locate them.
Artifact Amnesty Feasibility Study

8/17/2015 11:56 PM

8/17/2015 10:39 PM

8/17/2015 5:57 PM

8/17/2015 4:27 PM

8/17/2015 2:25 PM

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8/17/2015 10:32 AM

8/17/2015 9:33 AM

8/17/2015 5:42 AM

8/17/2015 1:52 AM

8/16/2015 8:18 PM

An amnesty from what? The law never said that artifacts collected before the law was changed, making it illegal to collect from state property, would also be illegal and confiscated. Just like changing the legal drinking age, some of us were automatically grandparented into it as it should be. As a member of the state, the artifacts belong to me as much as if not more than they belong hanging on the wall in Tallahassee behind some supervisor's desk (true story there).

8/17/2015 10:39 PM

What I have are gifts from nature, to show and pass on to another generation. Most have been surface finds.

8/17/2015 5:57 PM

It's about time to have something for people that enjoy artifact and collecting what is the state going to do with all the artifacts on their land put them in a closet where nobody can see them? Display mind people see them.

8/17/2015 4:27 PM

It should not be a one-time amnesty program; not everyone will have heard of it and of course education is more effective than punishment. Send out DHR archaeologists to explain why it is not good to rob the heritage of all. Offer the amnesty program maybe 25€ a year for 3 years and figure out a way to evaluate it. Get the address of collector to help participate - they always know unethical collectors.

8/17/2015 2:25 PM

Annesses work where there have been serious enforcement actions for an extended period of time. Instituting annesses without sanctions or legal, and/or unethical activities continue just sends a message to the community that if they collect now, there will be an amnesty just around the corner. In Florida, the laws and regulations (especially allowing hunting) should be strengthened and ENFORCED for an extended period of time before you let people know better get away with their theft of cultural property.

8/17/2015 12:56 PM

I support it, as well as making the amnesty program widely known to the public. People may not have been aware that what they were doing was illegal, or they may have artifacts that were passed down as family heirlooms. If they know they will be punished for having these objects, they'll understandably keep it secret. However, returning the objects without repercussions will make people feel safe in returning artifacts that we can learn from and protect.

8/17/2015 11:10 AM

Absolutely not. This would only encourage and support the looting and destruction of our limited and important historic resources. Please do not implement this program.

8/17/2015 10:32 AM

This survey seems very odd. There is no information related to what the amnesty program would include or the duration. I would have chosen "I don't know", but that option isn't made available. If that is on purpose, then your answers may be skewed.

8/17/2015 9:33 AM

I have participated in Artifact Amnesty days before with limited success. Some people would honestly turn artifacts in. Some people would simply want archaeologists to identify the artifacts (or find out how much they are worth) but not give them up. I don't think anyone would walk away from these things with a better understanding of archaeology and the importance of context. In fact, it sends the message that artifacts can still be useful without context (which is sometimes true but not something we want to promote as it will encourage more sanctioned digging). I have also worked at a state facility before where we received a large collection of artifacts that had been dug up from the site in the 1950s. The donor wanted people to be able to learn from and enjoy the items so he donated them once an educational center was built at the site. The people who have those collections and this mentality will continue to donate their collections without having a sanctioned day for it. And honestly, these collections aren't really that helpful. This particular collection currently sits in a giant box in a closet. This is what happens because we have no information attached to these artifacts at that point and therefore, no real interest in them or use for them apart from a general teaching collection (and we have plenty of those already...). Yes - this could be a great way to gain a little information about a few sites that have been picked over. But more realistically, the State will get orphaned collections that they have no storage space for and still gain no new information. And I think the overall message from having an amnesty day will not be "Don't collect things from state property because it's illegal." People will see it as a way to unload boxes of crap they no longer care about or a way to find out more about the things they have looted.

8/17/2015 5:42 AM

There has to be something done here. I don't agree the old Florida isolated finds program was a fail in more ways than one. It would be a good benefit to the state of FL to come up with a new one but one with a real yearly permit just like a hunting or fishing license the state could charge $150 a year or more the taxes made off of it alone would make it worth it for the state. I just don't understand not having something but is about the only state that doesn't have something in place.

8/17/2015 1:52 AM

South Carolina has a program of tracking finds by enthusiasts/hobbyists in which permits are issued and quarterly reports are submitted. It does not solve the problem of illegal artifact collection, but it does give the state archaeologist more information than simply turning a blind eye - particularly when resources for artifact regulation are remarkably limited. I also see potential problems with an amnesty program documentation and implementation. The problem of illegal collection would remain and it seems that addressing the problem would be a better use of resources, particularly time and money, than offering amnesty to people who almost certainly could not care less. Where is the incentive for collectors to return objects? Without incentive, I feel response will be negligible. Perhaps more time spent with collectors (e.g., at artifact trade shows, dive shops, and in internet forums) may give a better perspective from this group and insights into what MIGHT offer incentive. Clearly the idea of possessing an artifact is more enticing than a potential legal hassle.

8/16/2015 8:18 PM

Only if those artifacts are post-Columbian Native American in nature.
You have purposely neglected to specify what "amnesty" means in this case. If it means that thieves or possessors of stolen property are allowed to turn ALL such material over to the state (aka "rightful owner") and avoid prosecution, then OK. If it means that the thieves tell us that they've got some illegal stuff and we, as the rightful owners, are expected to say "Thank you for sharing that with us. You can now keep whatever you've stolen from US and sell it," Then He'll No!

The law is here to protect the people, not to incarcerate those citizens who abide by it. Floridians have a rich culture. St. Augustine is the first established European city in what is now the continental United States and Native Americans hunted Mammoths long before that time. What would you have us do forget about our interest in this? When my father found artifacts while building my fence, he did not destroy any history. No, he rescued some of it! By doing, so he gave me a deep respect for our pass. These people have done no wrong in my eyes.

Any amnesty program, limited or not, would convey the message that the state does not value its history or the knowledge that can be obtained from the archaeological record.

As long as it is done in a way that does not encourage further looting, it seems possible that such a program might improve relations between archaeologists and looters, and provide an opportunity to educate the latter group as to why archaeological sites are protected by law.

When they make fire lines you see some thing laying there your not going to leave it if you pick it up you broke the law.

This Amenity is a travesty, a voluntary admission of guilt. All that was needed was to just talk to the private collectors, not set up sting operations and arrest them, you will never get another great find due to the persecution of the private collectors, putting someone in jail for picking up an arrowhead in a river or creek or firebreak was and is STUPID, that said artifacts do not belong to the state, nor to individuals who govern, it belongs to the ancestors of the indigenous people who created them, the native Americans, not the politicians! The state never considers sites destroyed by developers in the name of progress, not when state officials are getting kick backs from big business, where's the laws, the big social cry, the archaeologists? Now I'm against people who purposefully destroy state land to obtain said artifacts for monetary gain. I am not against people picking up artifacts that are clearly out of context from where they were and are not useful to archaeologists, ask the professionals!

If a person has artifacts which could provide research material for educational purposes, and wishes to donate them to a museum, school, county history center, or other place qualified to curate them, he/she should not face potential criminal charges. Of course that would also be based on the original artifact's provenance. If said artifacts are items collected from surface scatter, like on a beach, a storm, or items from river edges, or even private land gathered with permission, I think context might be significantly lost to change them with looting. I'm really not sure, but I feel that the educational opportunity to study artifacts from Florida should be supported. If an amnesty encourages a person to turn over materials for learning, I'm for it.

I have to hide my childhood artifact collection curio cabinets from my cultural resources employees friends.

The resources and objects of a state belong to the people, not the elite few who have given themselves the authority to decide for everyone else.

Context of where artifacts found is important. Setting precedent for future amnesty programs, thus encouraging illegal gain of artifacts.

Question #2 Is not specific enough. Yes it should be illegal to remove artifacts from state controlled lands, but waterways are different and should be allowed as the artifacts are of no archaeological value and will only be destroyed by dredging, currents and other environmental factors.

There should have to be a question of amnesty. As a tax payer I would expect by dollar to go toward something worthy and not prosecution of something so incredibly tiny. Shame on the state of Florida!!! This is very heavy handed!!! These state government needs to remember it must work for the tax payers not the other way around!!!

I believe that the public should be entitled to preserve relics that are on land that is protected with their hard earned money, along with private land that they are given permission to hunt on.

I don't agree with a one time amnesty. I believe that these artifacts belong to whoever finds them. As long as it's an isolated find that holds no greater significance and no lands or waterways were compromised during collection.

I support the amnesty program so long as it does not involve surrendering artifacts.

I would support it if it only applies to people returning the removed items.

While I do support this program, I don't feel confident that very many people will take advantage of it. Too many people are all for themselves and resent government intrusion.

Yes, I believe there are many private collectors that might value an opportunity to return their artifacts to the state for preservation. An amnesty program would allow them to do so without fear of prosecution. I think it should be of limited duration, obviously, but is a good idea.
Such a program not only may recover important artifacts and bring them back into public ownership but is probably even more important as an educational tool to make the public aware of the issue.

I feel it may recover some of important artifacts that would otherwise be lost. You may want to add a word or two. Perhaps calling it "Amnesty and Conservation Assistance" or "Helpful Citizen Action" or "Public Archaeological Support." You know, something positive so people don't feel like their seeking asylum, but at the same time are made aware by the language that keeping a found historical item is wrong.

Such programs have been implemented in other places in the U.S. (namely the Southwestern states) and other countries. I hope that Florida is looking at successes and failures of amnesty programs in those places in order to ensure that this program is effective.

Only in the sense that individuals should have a single opportunity to return looted items and should be prosecuted to the fullest extent of the law thereafter.

This is a terrible precedent to set.

Recovering artifacts from state lands is a good thing and as an archaeologist, I strongly support this legislation.

This is a completely asinine idea—reward looters and lawbreakers, muddy the waters so that in the future artifacts can be bought, sold, traded, and said to have come from "the artifact amnesty." A dilution of law enforcement's ability to protect the heritage of all Floridians. And let's be clear here, this amnesty was slipped into the budget at the last minute to protect the particular interests of wealthy patrons of the state government who want to keep their own purloined collections as well as add to them. Bad idea, Bad precedent, Bad policy.

Stupid.

The Division of Historical Resources has a poor image problem. 1. There is no process for the public to obtain permission to collect artifacts. 2. The Isolated find that was in place was turned against very people who supported it, making them targets for investigation and prosecution. 3. The DHR policy that artifacts can remain where they are for hundreds of years shows contempt for the public who accidently or with intent look for artifacts. 4. What has the DHR done or hopes to do with the artifacts already in their possession? 5. How is the DHR supporting the amateur archaeologist? 6. Historically amateur archaeologist have been the people on the ground that discover important sites that need to be controlled by the DHR for further protection and study, without these sites on the ground most sites would remain hidden.

I am unsure if this means each person caught with illegal artifacts would be given one warning and then subsequently charged and prosecuted if ever caught again in illegal possession of artifacts or if it means that there will be a one time amnesty period announced and then forever more considered a violation. Either way, I do not think either type of amnesty is advisable as some violators may possess substantial illegal artifacts resulting from a sophisticated operation the first time they are caught and others may have casually picked up a artifact and taken it not knowing it was illegal. It should be up to the sole discretion of the law enforcement officer who caught them depending on the severity of the violation and whether they have been caught before to issue a fine, prosecute them or give them a one-time only warning. And, of course to the judge if they contest it.

It would allow people to return items they may have picked up without knowledge of it's illegality, but are now afraid to do anything with the item for fear of legal action or other repercussions.

My support for an amnesty program would be conditioned on the specimens, objects or materials of historical or archaeological value be returned with as much information as is available about the location(s) of origin. This would ideally include maps with the plotted location(s) of origin.

Many of those who have artifacts/materials from state lands are well aware that they're not supposed to have them. They enjoy having a personal collection to show their friends and family, and would not bother turning them in. Someone will have to maintain a database that tracks who/where/when what was turned in. It may be a lot of work for little return. And, those collectors who look for money won't participate. That said, it could be a good demonstration by the state to encourage a few honest individuals to come forward.

You will receive artifacts with mostly no, or very general, provenience from what will likely be a very small subset of collectors. Scientifically the information is nearly useless, and aesthetically I doubt collectors will turn over their "best" finds. Furthermore, you would foster the notion that illegal acquisition of antiquities is not "really" illegal. It removes the deterrence factor from law enforcement activities, it undercuts the legal underpinnings of state and federal preservation law, and it may make pending law enforcement investigations difficult to pursue and complete.

Paired with an active and targeted public relations campaign, this might bring in a few collections that may otherwise remain out of the archaeological community.

There is nothing to lose and something to gain by doing this.

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Artfact Amnesty Feasibility Study

How the hell can you implement this? Get the malfeactors to list everything they have taken and make their boards part of the public record. That will necessitate a whole separate documentation section at the Bureau of Archaeological Research. And without it, how ever tell that the thieves aren't utilizing an amorphous one-time get out of jail free card to launder whatever they steal in the future? And why should thieves of cultural resources be different that thieves of, say state vehicles or state computers or state fuel? This whole thing stinks of some con of an elected official asking for a pass on past illegal behavior and a guarantee of a safe way to avoid jail for those in the future. And BTW, I'm going to write letters to newspapers, post on FaceBook, and generally do everything I can to insure that this doesn't sneak by the public's notice.

360
I think an amnesty program is a great idea. It will be a good opportunity to both get artifacts back and publicize the fact that it is illegal to take artifacts from state lands — education is very important. I've known park rangers who treat state property as their own. So again great idea.

361
The State needs to think about how to prevent future salvage as well as what to do with the artifacts that have already been salvaged. I would support amnesty only if these individuals are made aware that what they did was illegal and that they sign some sort of document that they will not do so in the future.

362
Terrible idea. People who steal from state lands are either criminals or just plain selfish!

363
Never mind that individuals who have taken artifacts from state lands probably have broken the law, the concept of an amnesty program may encourage people to pot hunt or salvage on land or under water if they think their crime will be forgiven. Moreover, I can foresee the "one-time amnesty" program turning into an "annual amnesty" event. How can the agency that is responsible for protecting and preserving the state's cultural heritage even consider this option? This clearly is a sign of poor leadership. By the way, does the legislation that is encouraging the amnesty program require collectors to turn over their ill-gotten goods?

364
This allows every person who has broken the law, knowingly or not, to be given a free pass for stealing artifacts from Florida and the people of Florida who they rightfully belong too.

365
I'm not sure why the state would want to implement a one-time amnesty program of limited duration? Bring back the "Isolated Finds program" and get the public involved with archaeological research.

366
If an amnesty program was implemented, I would think it should be conditional upon return of the item.

367
It is well known in the State that it is illegal to remove artifacts. This seems like a "get out of jail free" card for those who have knowingly broken the law and now want to dump items with little or no value for research or museum display on the State.

368
Terrible idea; it validates illegal behavior.

369
If amnesty is offered, it must be clear and unambiguous that it is an admission of guilt. Amnesty means the personal applying for it acknowledges they performed an illegal act and cannot do so again. Amnesty does not condone or excuse the action taken by the individual for whom amnesty is offered.

370
No if it has been removed after the passage of any laws that prohibit such activity, I suggest immunity might be considered in cases where someone has artifacts recovered before passage of legislation prohibiting unpermitted removal.

371
In Florida, it is not illegal to possess artifacts. I don't understand how a one-time amnesty program will be productive. This would not help FWC officers enforce already soft laws that protect the illegal selling and trading of archaeological materials.

372
Times have changed and the salvage and hobby collecting, beginning in the 1980s, are now over. Although grandfathered for some salvage, I fully endorse a one-time amnesty program. The duration should be long enough to allow all persons to be informed.

373
In a decade or so another legislator would introduce another bill to implement a one-time amnesty program. Etcetera.

374
As archaeologists, we should be building bridges rather than walls between academy/law enforcement and the artifact-collecting/educational public. Many people want to do the right thing and would be motivated to do so by this amnesty, but are otherwise afraid of prosecution, especially given the news recently of many prosecutions of people for illegal artifact collection. There are many things that could be learned from objects turned over to the state, particularly regarding historic period archaeological site locations that scholars may have been looking for for years or decades, and also regarding unrecognized but nonetheless important prehistoric sites from under-represented time periods in the state's prehistory. This is a win-win proposition, and one that will establish some degree of trust that may be lacking otherwise.

375
Who is going to curate the material?
Artifact Amnesty Feasibility Study

To be fair, I'm on the fence. What is the purpose of offering the amnesty? Would it be to encourage people to turn in artifacts acquired illegally without any legal consequences? If so, then yes, I think there is no need to persecute if they will be turning the artifacts in.

No one gets one free DU? Only Monopoly has a get out of jail free card. Once artifacts are removed from context they are degraded to historical heirlooms/antiques.

Not clear- would they get to keep their ill-gotten goods? I think this is a bad idea because they should not have been stealing from public lands - but under no condition should they be forgiven if it does not come with forfeiture of the stolen artifacts.

A program like this will not do any good. The importance of artifacts is not only knowing they exist, but the location that they were found at. In the past, it has been seen that the people who illegally collect artifacts are not likely to divulge the correct information for fear of losing their "spot." Not only that, but it legalizes, however temporary, this collection and encourages rather than deters.

The purpose of such a one-time blanket amnesty program would be to shield stolen property, which should not be something the state should sanction. However, if this goes forward, a better approach would be to require people to register their finds, identify the locations, and allow the state to keep significant finds- it is our property, after all. People who are only interested in keeping material for later sale would object to this solution, and folks who want to sell artifacts should not be protected. I understand the desire to collect and keep things we find so we can enjoy them, share them, learn from them, etc. But this is fundamentally different from the desire to sell them. I also see different categories of people, some who should be shielded- picking up the odd artifact, not knowing doing so was illegal, etc. But to confide an amnesty from prosecution with allowing people to keep significant artifacts - and information about where they were collected - is not the same or a necessary aspect of amnesty. Would we give amnesty to someone who takes a portrait out of the state's capital? If not that, why this?

So this proposed amnesty program is somehow intended to "forgive" people for breaking the law by stealing our heritage? How does that work? Will these people be required to surrender their illegally-collected items to the State, along with information on where each item was collected? Do you really think anyone at all is going to comply with that? And if they're not required to surrender their collections, then what good is an "amnesty" program? Next will poachers be allowed to hunt Florida panthers but get forgiveness and still keep their trophy head? This is a terrible idea. The law is the law and it's in place to protect what little remains of our state's deep past. Collection is legal on private lands with permission of the land owner. Let State lands and the artifacts - end animals and plants and geological features and waders - on it remain the property of the people of our state, not open to scavengers and "collectors" to take things for their own purposes, and don't "forgive" them when they do.

Land subject to restrictions involving historical and/or archaeological values should be clearly identified otherwise individuals have no indication that the State places any unusual value on the land or the items on it. If State planners or archaeologists merely assume that the General Public knows their attitudes or values, they may find that this Public knows little or nothing about the potential value of the land or the items on it.

How many of us have found an arrowhead or shard of pottery as we walked through the woods or along the beach? The excitement of a child finding such an artifact is a beautiful thing to witness. Large artifacts (i.e.: Anything larger than you could pick up and put in your pocket.) Should probably be left alone, but please do not take away the wonder of finding our own little piece of history. If the State really cared beyond the fines and punishment that it can impose they would have their lands properly fenced, posted, and warning signs in place. The people who are currently under indictment for having arrowheads, collected in childhood, in their possession should be cleared of all charges, and the State should have to repay all legal fees, and other moneys they have had to pay for their defense.

I think the State should return everything they seized when they took artifacts that were reported in the Isolated finds Program and the artifacts that were seized and not from Florida (from Georgia and Alabama). The FWC overstepped their bounds when they took anything that was not from the State of Florida and violated the constitutional rights of those they took from, when they took legally found artifacts.

People do not deserve amnesty from such crimes. I support investigation and prosecution of looting.

Must be one-time and limited duration of approx 30 days. It must be widely advertised, state-wide several times in diverse media lasting at least 120 days prior to commencement of the amnesty period.
In general, I very strongly support a one-time amnesty program. Artifacts are among the most treasured commodities in the world, often those that are sacred to the people who used them in the first place prior to their being taken. While it is a shame that researchers may not gain the full context from these artifacts not in situ, communities and stakeholders can still benefit from returned artifacts. Having temporary amnesty can allow small-time "collectors" or their descendants to return those artifacts without a threat of legal punishment. However, I have some questions regarding this program that I believe should be taken into consideration. Namely, What institutions, tribes, and other entities would be involved in the store, collection, or disposition of artifacts? What say do the Seminole Tribe of Florida or the Miccosukee Tribe of Indians have in the process? What about tribes in Florida that do NOT have federal recognition? What about descendants of slaves or those of free black communities? What sort of research has already been done on similar programs in the United States and beyond? And how could the program utilize the success or failure of those projects to make this amnesty program effective? If this passes, what are the plans for informing the public of the existence of such a program and how they can return artifacts?

To be effective the program will have to be widely publicized: radio, TV, newspapers, newsletters, club meetings, and anything else you can think of.

If it was illegal then, is it now. I would be for amnesty ONLY if the items are returned, not to let them keep it. What's wrong with that? Most all of us know you can't even pick wildflowers in state or national forests/lands, much less artifacts! Why is this even up for discussion? I think this needs to be more widely distributed to the paper and radio for input and discussion. Who is for this? Where did it come from? Thanks.

provided that the Division of Historical Resources doesn't commit to accessioning everything. Selection should be based on value for research and interpretation.

Use existing laws/means to prosecute persons who possess such property.

I support an amnesty arrangement with some caveats. I think that the looted archaeological materials should be registered through the state with at least brief details about location, context, etc. This wouldn't necessarily include identifying information about the individual who currently possesses the materials, if they had concerns about their privacy. In a perfect world, these looted materials (or even a subset of them) might be collected into local "museums" or a traveling exhibit that could educate the community about the importance of archaeological context through displaying the information collected through this type of program alongside similar materials that were excavated by professional archaeologists.

The most important thing here is that this must be a one-time only program. There should also be provisions in place to prosecute people who are clearly trafficking artifacts for profit. Once artifacts and cultural heritage is being looted and sold for profit, the people involved should no longer be eligible for amnesty.

I believe that many people who pick up and keep artifacts found on public lands do so knowing it is in violation of law. (Many are also ignorant of the law in the first place.) Should those folks decide they want to return their finds to the state, they may feel that they will suffer some fine or punishment, and so do not attempt to return them. I think an amnesty program would encourage people to return stolen artifacts and would thereby help the state recoup historical objects, which could then be shared with all tax-payers. I would go so far as to suggest an amnesty period each year or on some type of regular schedule - similar to the tax break holiday. Looters who just want to make money by selling stolen artifacts would still be subject to lawful punishment if caught.

Implementation of such a measure will lead to confusion as to what's permissible.

Depending... from the statement it is very unclear what this means. If this gives amnesty to people who collected in years past and want to dispose of their collections, that might be permissible. But to tell people who get caught stealing objects from state lands that they have no penalty is another matter. Such materials need to be confiscated or returned to their original locations and some kind of penalty assessed.

How would this be handled? I have a large collection of relics from the midwest and other states as well as a few from FL. Most were found, many were purchased on eBay.

With provision that provenance information is also provided.

Amnesty infers criminal behavior. As a legal collector I see no reason for it. But criminals will continue without token amnesty and will actually benefit from it. I would support an isolated finds program with a paid permit system.

It perpetuates collection of significant artifacts until legal action is taken

I live in Wakulla County. There's a lot of private collecting here. The Wakulla News has a current article on 'collecting' along the Wakulla River. In this case it's some kind of novelty item but it's most often Indian artifacts.

http://www.thewakullanews.com/content/wakulla-mystery-alot You need a program to get the private stuff recorded.

Simply making it illegal isn't working.
Artifact Amnesty Feasibility Study

What was found in Florida should stay in Florida. If people are unsure of whether or not any objects or materials they have found or currently possess bear any historical or archaeological value to the state, then they should notify the nearest local resident DSO historian or archaeologist. Anyone who is fully aware that what they possess bears historical or archaeological value to the state of Florida and intentionally leaves the state with such objects are thieves and should be punished under the full extent of the law. No such excuses should be made, and I would also want to see whoever thought giving amnesty to such thieves be publicly ridiculed for such a horrendous idea.

Absolutely not. These individuals have not only broken the law and should be held accountable for their actions, but they have permanently and irreversibly created a loss in our state, national, and human history. An amnesty program, such as the one proposed, sends the message that the state does not care about its resources or the people who live here, and it falsely supports the looting of other historical and archaeological sites. I strongly and fully oppose this amnesty program.

Not enough info on what the state means by amnesty program. Items that were collected on state lands before it was illegal. Have to be exempt or NO DEAL!!

Amnesty programs generally are only for newly enacted laws, allowing citizens to "catch up" to the legislation. These laws have been around for many many years.

Why? They were stolen. Crazy idea.

An amnesty program would give persons a chance to return items to the state but is the state prepared to collect, catalog, and appropriately document such items?

This encourages looting of our cultural history. I would never support even amnesty for those who have stolen our cultural history.

Note: I am the retired Vermont State Archaeologist (after 38 years) and do not live in Florida.

Sincerely,

I support an ONGOING amnesty program, one-time is ridiculous!! There are people all over the country with Florida artifacts that need to be recorded and they might not even hear about the program until later. People that have collected and moved away, people that have inherited collections, even museums like the Heye and Smithsonian that have Florida artifacts need to be informed.

I DO NOT support any amnesty that wishes to take the artifacts from the owner (finder). I DO however support a program that grandfather's a collection from the owner (finder) that he or she keeps the artifacts they found on all lands, except State Parks and National Parks. I will click yes on this ONLY because I wish for a amnesty program that lets the owner (finder) keep his or her finds.

Individuals who have broken state law by stealing historical resources should not, under any circumstance, be granted amnesty.

Provided records are kept with as much information submitted with the items as to their provenance and as much information as the person who is submitting them knows about them.

Very few collectors will want to give up things that they think have a monetary value. I believe the people will not participate.

No. I support a return to an amended version of the previous isolated finds program. Artifacts found without context and as "float" in a river should not be in the same classification as a site such as a shipwreck or burial.

Yes, I do support an amnesty program as stated above. That said, what the State of Florida truly needs however is a codified law permitting system allowing for the recovery of isolated finds in the State Waterways similar to South Carolina's system and incorporating a permit system as they Florida Hunters abide by for in state and out of state holders where they state can actually receive revenue from and is much easily enforced by FW aya say a stickler or decal on front of boat. The old IFP had many problems but was supported by the majority of the State Archaeologist not a few. The support came from at the time many of top Archaeologist in the country. Dr. Bob Austin, who at the time of his letter of support for the IFP was President of the FAC. (Florida Architectural Council) Dr. Barbara Purdy, Professor Emeritus of Anthropology at the University of Florida, Dr. Albert C. Goodyear of Columbia SC, probably the top Paleoarchaeologist in the Southeast US. Dr. Michael Gramley who I consider probably the top Paleo Archaeologist living today and who has published more than any other in his field, Dr. Scott Mitchell, past curator of the University of Florida collections and present Director of the Silver Springs Museum. These individuals mentioned are the top of their field and all supported by letters to the Florida Historical Commission there support of the IFP, some with modifications and support of the avocational. They all supported some sort of IFP and were against the abolishment of the program. I have all mentioned letters to support this, believe some or all are on the web.

If it is available to all US Citizens

If you don't find it you can't share and learn .... nuff said. Just need to respect the land and not leave a mess ....

We people of the state of Florida own the land not the government finders keepers.
I support a full on isolated finds program. This "amnesty" only affects buyers and sellers, IMHOP.

no, because I question the authority of the state over these materials...I support a general ongoing amnesty, coupled
with a program of education, for citizens AND law enforcement...

A lot of people didn't know that this law was on the books because it was never enforced. Now suddenly, since the
government has decided to enforce it an amnesty should be in place.

Random archaeological specimens on river bottoms or beaches have no historical or archaeological value, as they are
out of context, and so the State should have no interest in their collection; other that some interest in knowing where
they were found for legal or site location purposes. It has been a time honored tradition and hobby for
...is never the intent of the legislation to make illegal the collecting of isolated archaeological or historical finds.

Individuals should be encouraged to include any available information about the artifact and spot where it was located
from to help add knowledge that was lost when the object was moved out of context.

If they surrender the artifacts without penalty, yes. Then the public can benefit from their existence, rather than have
them languish in a private collection for the lifetime of the collector.

Collecting of redeposited materials in stream beds should be allowed as long as no bottom disturbance takes place.
...has destroyed any chance of cooperation with the collectors.

It is hard to support something when there is no description of the program. Is this for the purpose of turning over the
objects to the state. What if you purchased the item? More information in detail would need to be provided to answer
this question with a yes.

This question is very non-specific. Do you mean before it was illegal? Since it became illegal? Back to the beginning
of time? It is impossible to answer accurately without knowing more. My answer is yes for the period starting when the
law changed.

It is better to collect and preserve that letting them rot back into the earth.

It is hard to answer this question. It is aimed at making more laws to prosecute collectors of arrowheads for items they
found before such laws existed. Is the state looking for a way to make arrowhead collectors criminals by making
retractive laws.

This is wrong. If I picked up a point 25 years ago on a lake shore that the waves had exposed this makes me a
criminal. Professional archaeologists are trying to shut down a good clean hobby that has been going on for a couple
hundred years. Picking up an exposed arrowhead against the law, give me a break. And if I don't approve the
amnesty program FWC will take their automatic weapons and break down all the doors of hundreds of law abiding
citizens in this state. If I did approve this program I would have to give up a treasure that I found 25 years ago that
the waves uncovered on a lake shore and become a criminal. Ludicrous.

Wake up and smell the coffee...and look at what England does for its "booters"...ancient artifacts worth millions are
hunted and turned in to the government every year...cooperation will yield much more favorable results than
intimadation, oppression and greed. Try working with the collectors...change these archaic laws so we can help you
instead of hiding from you and you'll be AMAZED at how much information/artifacts you will acquire!! Respectfully, Ed
edalusalam@gmail.com

I strongly believe that with the cooperation of the public, more information can be derived from ancient civilizations. If
the public is involved, I think it should be by permit only with special requirements. I also think that some training
should be required to teach proper excavation techniques and recording methods. In the rare occurrence of a very
significant discovery, I think the artifact should ALWAYS be on display for the public to admire and learn from with
credit given to the person who made the discovery.

I would love for this to happen

We need to return the artifacts

Yes. Because the majority of collectors are good honest people with clean records. They are usually not aware that
they are breaking any laws. Especially to such an exaggerated extent.

Most commonly found artifacts, especially if collected in rivers, have an exceedingly small historical or archaeological
value. Very few artifacts in private collections are of value to the state.

[Continued on next page]
Artifact Amnesty Feasibility Study

It has been published in hundreds of professional archaeological articles that once an artifact has been removed from its original location there is zero scientific information that can be obtained. So if an artifact is in a waterway, nature has removed that page of the history book, therefore all the information of the civilization has been lost. I do not think someone should need amnesty from picking up a rock that is sitting on the bottom of a waterway. The state should spend more of its resources to study the hundred of archaeological sites being paved over to build a parking lot.

I don't live in Florida. But this program sounds like seizure of personal property which one may have no means of verifying the location of discovery. Or it sounds like a program where the state might seize the artifacts owned by a collector and expect him to provide authentication and documentation of where the objects were found, else they become the property of the state. My father gave me a collection of Native American artifacts he found on farmland spanning more than 85 years. So if my state came knocking on my door demanding location of find documentation, I would have none and the state might seize the collection.

It's a past time my family of 4 generations have enjoyed. Hopefully this amnesty program will help limit the over zealous seizure of artifact collections through Nazi-like tactics by FWC.

There is no need to do something that DHR has already done in the late 1990s???!!!

The previous question is not targeted enough and too general. It should be separated to distinguish public lands, parks and farmed archaeological sites, and waterways divided to isolated finds and submerged sites. To answer in yes or no doesn't clarify the current problem for public diggers and divers.

I'm a 20 year old male who lives in Georgia, and whom is also an avid artifact collector in my state. The preservation of our nation's Native American history is paramount to me and the majority of fellow amateur collectors I know. Anyone worth their grain of salt in the collecting community knows that Florida has been extremely blessed with a plethora of Native American sites that are known for their exceptional artifacts. That being said it saddens my heart to see this amazing historically rich state all but attempt to shut down the amateur collector by utilizing the FWC to shut it down. That being said, I am a Georgia native would be MORE than happy to pay a registration fee to purchase some sort of permit, gas for travel, and equipment to search for Indian artifacts in the state of Florida. Not only would it be a win for the economy of Florida, but it would also be an overwhelming win for the preservation of Florida's former history which is something that is desperately needed.

I think supporting such a program downplays the importance of cultural heritage. People should have a chance to report their collections but the materials should belong to the state/county/etc. and that governing body should decide what to do with the material.

Doesn't all of Florida belong to the state and what is a state if not it's people?

Of limited duration? What does that mean? If it's gone, it's gone.

Objects important to research should be available for research. The best way to encourage that participation is to tag the returned item so that any research published on that artifact would notify the person who surrendered it.

I support the one-time amnesty program of LIMITED duration only if it is used by the state to gather information on the illegal provenance of the artifacts in hopes of finding looters and dealers.

Amnesty should not be extended to individuals or organizations that knowingly mine public archaeological sites such as Civil War battlefields for the purpose of selling material culture.

After a certain period of time I think the "finders" should be able to own it.

You can bet a national memorial's heritage that I have something to say about this artifact amnesty feasibility study being conducted by the Florida Division of Historical Resources during your public comment period. What kind of state agency thinks it can grant amnesty to others when they can't even recognize the historical significance of anything archaeologically important when it doesn't agree with their own popular mainstream opinions, long standing traditions or the million dollar theories of their own lifetime achievement award winners in Florida Archaeological Excellence, They treat our national treasures worse than the dreaded looters and pot hunters for their own personal gain. Since when did Robert Bendus the SHPO Officer and Director of the FDOHR even start caring about ALL of Florida's historical, archaeological and folk culture resources when he hasn't lifted a finger or said a single word to support preserving and protecting a national memorial's past in Bradenton? Even Mary Glowacki can park her own archaeological desk on top of De Soto's famous 1539 First Winter Encampment and still cannot even recognize or admit publicly the historical significance of that same site in time while holding it in the palm of her own hand. You'd have to grant amnesty to yourselves before you can even consider granting these same privileges to the public. And honestly speaking I don't even think the State of Florida has the courage to admit when they were wrong about their own CRM Cultural Resources Management Decisions. Trusting instead on the testimony of knowledgeable experts who let their own conflicts of interest affect their better historical judgment and everybody in your entire Florida Department of State has to buy into it whether you like it or not. And that's definitely a problem. What makes you think you can manage a single piece of Florida History after such a blatant cover up of our national treasures? You could have saved America's rich cultural resources unimpair and willingly, but no you had to be forced into it by getting
Artifact Amnesty Feasibility Study

your Inspector General’s Office Involved. And now that you did accept our kind donation of your precious heritage, why
it simply vanishes from sight and hasn’t seen the light of historical day ever since and not even Melinda Miguel can
officially say what happened to it or investigate and report on any misconduct by this same Division of Historical
Resources that cannot be trusted especially after these dreaded looters of time have to step up and do their jobs for
them at the FDHR and FLBAR otherwise your precious Florida history would get lost again and forgotten forever and
nobody in authority thinks that’s such a bad idea. Your FLBAR is corruptible and simply cannot be trusted with the
handling and care of our cultural treasures like they claim they can. Otherwise, the De Soto National Memorial would
proudly display the very reason for their own existence instead of being lied to turn their backs on it and no longer be
of any assistance just like the offices of Robert Bendus and Mary Glowaski, and Associates. Governor Rick Scott
knows about this problem and so does the Congress of the United States of America and the ACHP who reports
directly to the guy in the White House on matters of historic preservation. Your lips are sealed all of you. So what are
you all afraid of a tiny piece of Florida history for? You even have another relic just like it that was supposed to be a
perfect example of early contact with Spanish Conquistadors and your Florida Native Inhabitants. Isn’t it wrong to stand
up for Florida’s Cultural Affairs when the people who’s very job it is to do so have had such a lack of respect for their
own laws and comprehensive historic preservation plans that they aren’t fit to even understand what their own mission
responsibilities even are let alone abide by them. And here you are wanting to grant us amnesty if ever we found
something on your public lands? Hypocrisy doesn’t even begin to describe thefeasibility of commemorating your own
past when you still have to pretend it never happened and the archaeological evidence that supports it doesn’t even
exist as far as Florida is officially concerned. I fought the EPA when they started dumping your heritage down a super
fund repository using federal funds without even conducting the required archaeological surveys to see what impact it
had, where were you at the Florida Division of Historical Resources? Nowhere to be found. Did it even matter that this
eligible national historic site has a portrait of Heflin hanging in our national roundhouse in Washington DC? Not at all. Not
to the NPS. Not to the SHPO’s or the State Archaeologists. Why would you even want to grant amnesty to the
discoverers of our past when you can’t even appreciate those who have already donated your priceless historical
pieces of our national heritage and what we have to offer science in the better understanding of our past? You can’t
answer the question because to find fault in those who blame is not something you are prepared to tolerate for it
would expose the real truth about how our state government and federal agencies regularly operate. Nothing is sacred
and anything can be expendable. Keep your amnesty, and just let Florida history speak for itself. Instead of constantly
relying upon the opinions and theories of your usual suspects who can only lie and deceive to save their own precious
reputations to go along with Florida’s long standing traditions even if they may not always be accurate. That would be
appreciated on behalf of the De Soto National Memorial. Does it really matter where an artifact is found or who
discover it as to whether it gets preserved and protected as advertised? You bet and herein lies your own problems
with historic preservation. Nothing does not. History is the same no matter who finds it or where that was. Integrity is
everything and honesty used to matter as well, but not lately. Archaeology is good at covering up our past when they
don’t want to bother explaining things. It simply vanishes from the historical record. No amnesty granted at all for even
being found. No accountability for even failing to do your job in trying to save it. And you want to punish us for
even standing up for Florida’s rich cultural heritage unimpaired? Why make laws that don’t even apply to you, but
Florida expects everyone else to abide by them? That’s not comprehensive at all and neither are your preservation
plans when you can just pick and choose to do whatever you feel like. And yes, I still want to know what the State of
Florida did with a national memorial’s heritage worth untold millions of dollars that I donated to you people as
witnessed by Kirby Mole, Ju-Dee Dawkins and Lt. Henderson of the State Capitol Police. It was the only archaeological
evidence found in Florida with a Spanish Conquistador’s name on it. Thank you PS. Do I need amnesty for digging it
up in a Florida State Park that doesn’t even care about Florida History and taking it home with me for 23 years before
forcing Florida to accept it even when you didn’t want to have anything to do with your own priceless historical past, but
you covered it up anyhow after giving me a worthless deed of gift and making me sign a statement saying you could
flush it down Clam Bayou with your raw sewage if you felt like it? I trusted your state to do the right historical thing and
it was probably the biggest mistake I EVER made, but you’re right. It’s your history. Just don’t forget it also belongs to
everybody, including ME. Ask Sandi, she’ll tell you. Culture Builds Florida and this is why you are supposed to do your
jobs amnesty or not. It doesn’t matter when you can’t even respect your own historic preservation laws yourself.

This will allow people who may have received illegally collected items of historical value from parents and/or other
family members to return those items to the proper authorities. Also, it allows for people to return these items who
may have previously been ignorant to the laws.

Prior amnesty policies—particularly the isolated finds policy—were found to attract the frequent participation of a very
few individuals. I fail to see how this would be substantially different, even if it is designed to be of limited duration. If
we’re going to put government time and dollars into preservation of historical and archaeological resources, better to
spend it on prevention. In other words, if people genuinely don’t know that artifact collection is illegal (thus meritting
amnesty), we need to better publicize the law and its value.

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Artifact Amnesty Feasibility Study

If we do this, it will open the flood gates of looting our archaeological heritage. There are so many sites on public and private land that need protection. How can we even begin to think about those when the state is considering the allowance of collecting on protected state land? It took years to protect these sites and this program is a step in the wrong direction, a very backward, thinking, troublesome direction. People already don't understand that collection on these lands is illegal. If you allow them to do so now all our work for education and why it is wrong is for naught. Don't make the work of previous legislatures and devoted archaeology enthusiasts insignificant. This is 2015 and we should be way past the point of considering these types of programs.

Said valuables MUST be returned.

This sets a horrible precedent and encourages lack of respect for the artifacts now and in the future.

See question 1. It is illegal, period.

Hopefully, an amnesty program would result in the recovery of many otherwise lost / unknown artifacts valuable to our further understanding of FL history.

I think such an amnesty program would create a convenient excuse for any future illegal collections. Anyone collecting illegally in the future who is not caught in the act could bring likely claim they procured their finds before the amnesty date.

 Looters should be prosecuted, otherwise their behavior will continue to the detriment of not only our current society but that of future generations.

Conditional. Volume of materials with poor provenience (and, therefore, limited research value) could cause a curation problem.

To do so would further the accepted understanding by looters that they will not suffer any real consequences for what they destroy. Law enforcement does not do enough, in my opinion, to enforce the laws already in place to protect cultural resources.

No, I do not support a one-time (not a recurring) amnesty program. An amnesty program does nothing to protect resources, as the person has already acquired/dug up/blown up/boosted sites in order to obtain said material. In all likelihood, additional historical and archaeological material was destroyed during this process. Asking someone to then bring in this material without any consequence does NOTHING to protect the resource. And still does NOTHING to educate the person on the proper laws and regulations so that s/he will not continue to acquire material illegally. Time and money should rather be spent on educating the public on what they can and can't do in this regard. This is the only way to protect resources - education. An amnesty program is ineffectual in this instance and is a useless expenditure of the state's time and money.

The usefulness of an artifact without provenience and provenance information is questionable at best. This amnesty program may encourage people to loot artifacts so that they may "return" them depending on the amount of positive or negative recognition/response the Division gives. Tread carefully.

Some people are unaware of the law, or do not understand the significance of the artifact they stole ("it's just a cool rock/plant/thing"). A warning issued the first time would be appropriate as long as they return the items.

Once an artifact is taken out of its context, its scientific value fades quickly (often, the scientific value is completely gone). I do not know how the state having a large collection of unprovenanced artifacts advances science or the state's heritage. Citizens need to be educated about the law, but excused from it.

Are you insane? Why would you do this? Would reverse all preservation efforts since state land became protected. Bad, bad, bad idea. I'm not sure what compromise the state is trying to make, but there is no way forward with saying any taking of artifacts is legal, one time only or ever.

It would encourage further removal of artifacts, in anticipation of future amnesty programs.

It would be a good idea to go back to an exception to any law.

An amnesty encourages further looting of archaeological sites on state lands and in coastal and underwater areas. Stronger laws are needed to protect these assets from destruction, and strong laws require enforcement. Any archaeological material on state lands and underwater belongs to the state's citizens, not private individuals, who likely are not as concerned about this material as professional archaeologists. Such material should be excavated and studied when possible and the results should be made available to other researchers and especially to the public, through museum exhibits, publications and websites, and lectures, site tours, and other public outreach programs. This way, all of Florida's citizens can benefit from the material. The first step is to educate people that such looting is illegal and that far more can be learned from a professionally excavated site than from looting and treasure hunting by amateurs.

I support a one-time amnesty program that incorporates education on what current laws are, how they are vitally important to Florida archaeology, and how they are going to be enforced.
Although artifacts submitted during the amnesty program will be without archaeological context, there could be opportunities to identify new sites not on the Florida Master Site File and/or provide a teaching moment to individuals submitting artifacts.

If they turn over the artifacts taken and give information about where it was found, I don't condone taking artifacts, but it could be a way to obtain pieces in the archaeological record that were thought to be lost.

Only if the artifacts were collected before a certain time. Like around the time that the laws were put in place.

Such a policy would set a terrible precedent at the state level, entirely counter to state permitting of other sovereign activities such as mining, water resources, etc. How would artifacts from state lands, which are the public property of the citizens of Florida, be forever "immunized" by said brief period of amnesty be tracked?

I think this eats a rather bad precedent.

I believe I understand what is intended by "one-time amnesty program" as an opportunity to return stolen property without penalty. Although this sounds like a good idea, there is the danger that people would go out and collect artifacts "for fun" and then turn them in as though they have done the state and archaeologists a favor. This would be very ignorant behavior that would remove artifacts for their informative contexts and likely disturb or destroy archaeological sites. If instead this is a get out jail free card for persons who steal historic cultural resources from the people of the state! Part of the purpose of having state-owned land would seem to be the protection and preservation of natural and cultural resources for the enjoyment and education of the public; for the overall benefit of the citizenry. The ignorant and illegal collection of archaeological and historical specimens, objects, and materials should be penalized. If "one-time" means a one strike rule, then I believe that would only encourage people to return their "one-time opportunity. Furthermore, Native American specimens, objects and materials are Native American cultural patrimony that should not be considered anyone's for the taking to do with in whatever way they wish. Of course, except in the case of cemeteries, there is essential legislation for preserving and protecting archaeological and historical resources on private property. Why make this the case for state property?

There should not be amnesty for committing a crime. Removing artifacts from state lands is theft and should be treated as such. Those artifacts essentially belong to everyone - a person who removes them without permission is stealing from everyone in the state. Removing these artifacts also denies scientists the opportunity to study and learn from them. A pocketful of artifacts contains much less useful scientific information than an intact archaeological site.

Although removed illegally, the return of these artifacts would provide the state with specimens that could be of interest to researchers. For those who participate in the program, the willingness of the state to receive these without penalty could foster better relationships with the public, educate these individuals on the negative consequences of collecting on state lands, and foster better relationships with the public.

This undermines the statute and purpose of the Bureau of Archaeological Research and the Division of Historical Resources. We need to protect Florida's cultural heritage in order to learn about our history and make the resources available for all those who are interested.

It is never okay to destroy an archaeological site, ignorance of the law is no excuse.

I do not think there should be amnesty to persons who possess stolen cultural properties. The irreparable damages inflicted on cultural resources, which belong to all of the citizens of Florida, should not be encouraged in any form or fashion.

One time and one time only, I wholeheartedly believe in protecting our cultural resources and this may be a good way to get back artifacts that a now deceased relative collected that the current family cares nothing about. Good idea, but only once.

But only once. This is not a precedent I think that should be set for the future. There are too many other problems that could result. Historical materials should be left alone for professionals to move or study, not the public. Those who do not do the right thing should deal with law enforcement, fines, and jail time, not reoccurring amnesty...

Will the Legislature also be providing adequate funds to stabilize/conservate, research, and permanently curate these surrendered artifacts?

It is stealing from every citizen of Florida. Why would we cater to those that are actively and knowingly breaking the law? What good are our laws if we bend them for those that break them?

How likely are we to get context, of any sort, for these artifacts? Is it worthwhile if the majority look at least county level IDs.
Artifact Amnesty Feasibility Study

What is the purpose of a one-time amnesty program? Laws are in place. It is illegal to remove artifacts from state-owned or controlled lands and water authority lands. I believe an effort to educate the public about the benefits to us today of archaeological protection and historic preservation and current laws would be a much better use of time and taxpayer money.

This is a gateway for allowing looters and people who steal artifacts for monetary profit on state lands to have a get out of jail free card. If someone was cutting down trees from state owned land and selling the timber they would be punished; why should we give amnesty to individuals who are doing so with historical objects?

This is a terrible idea with far reaching consequences outside Florida. No other state would consider this. Amnesty of any sort is only useful if the legal side gets something in return. Archaeology gets zero in return for displaced artifacts. It will cost money to launch this program and the money will be wasted.

Are you kidding? You are essentially rendering an important law meaningless so rich looters can feel like they're Indiana Jones. Breaking the law is breaking the law.

Amnesty in any degree would only encourage more looting and would be irrevocably detrimental to preserving our history.

Granting "one time amnesty" is going to result in nothing but the destruction of untold numbers of archaeological sites and completely undermine the laws currently in place to protect these precious non-renewable resources. The plundering greed of a few will undoubtedly result not only in a catastrophic loss to the archaeological record in Florida but will destroy any credibility Florida might have in academic and scientific circles. Oh, and if it passes, count on Florida being the butt of even more embarrassing jokes.

What would be the purpose of such an amnesty, allow looters and wealthy collectors a free pass on stealing heritage that belongs to all of us. If the amnesty is enacted, would it then be followed by a major crackdown on looters and illegal collectors. Somehow, I doubt it. How about a one time amnesty on the dispatching of idiot politicians and bureaucrats who come up with this kind of stupidity and wealthy (or poor) idiots who feel they must own or profit from collecting pieces of history. This amnesty will encourage looting, selling, and collecting and will end up damaging our ability to research and better understand the past. Lock them up and throw away the key instead!
Q4 If you were in possession of any specimens, objects or materials of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, would you return them during an amnesty program?

Answered: 1,195  Skipped: 117

Yes, if I had any, I would...  

Yes, I currently...

No, if I had any, I would...

No, I currently...

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Answer Choices

Yes, if I had any, I would return them during an amnesty program.

Yes, I currently possess items that I would return during an amnesty program.

No, if I had any, I would not return them during an amnesty program.

No, I currently possess items of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, but I would not return them during an amnesty program.

Total 1,195

Responses

| Yes, if I had any, I would return them during an amnesty program. | 58.24% | 696 |
| Yes, I currently possess items that I would return during an amnesty program. | 0.75% | 9 |
| No, if I had any, I would not return them during an amnesty program. | 38.74% | 483 |
| No, I currently possess items of historical or archaeological value from land owned or controlled by the state or on land owned by a water authority, but I would not return them during an amnesty program. | 2.26% | 27 |
Q5 Do you think other people would participate in an amnesty program?

Answered: 1,187  Skipped: 125

**Yes, I think other people...**

**No, I do not think that...**

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tbody>
<tr>
<td>Yes, I think other people might participate in an amnesty program.</td>
<td>53.41% 634</td>
</tr>
<tr>
<td>No, I do not think that other people will participate in an amnesty program.</td>
<td>46.59% 553</td>
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<td><strong>Total</strong></td>
<td><strong>1,187</strong></td>
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**Comments**

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<tr>
<td>1</td>
<td>9/4/2015 10:41 PM</td>
<td>I am on the fence on some level. If you were in position to return items and did not, then the amnesty program would mean nothing. If I had a collection, documented to various levels, or I inherited a collection from a deceased relative and I wanted to “do the right thing” or resolve myself if guilt, an amnesty program might be a way of returning items, the state to receive items and perhaps provenience. How does one divest of a collection without fear of prosecution. No collector in the business is going to use the amnesty program. Only those who have a collection who want to relieve themselves of it for whatever reason will use it. I see no reason to continue to criminalize them. Did I say that?</td>
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<td>2</td>
<td>9/4/2015 6:59 PM</td>
<td>As I said before some of the stuff may have been taken out of ignorance. Or people may have known what they were doing is wrong but now want to make amends. Amnesty would enable them to return items without fear of prosecution</td>
</tr>
<tr>
<td>4</td>
<td>9/4/2015 5:27 PM</td>
<td>I suspect only those people that are currently being investigated or suspect they are being investigated would participate in this program.</td>
</tr>
<tr>
<td>5</td>
<td>9/4/2015 4:51 PM</td>
<td>There will not be significant participation, and unless all information about provenience and associated finds is given to the state with the artifact, it would be largely pointless.</td>
</tr>
<tr>
<td>6</td>
<td>9/4/2015 4:40 PM</td>
<td>Anyone who is so arrogant as to steal artifacts that belong to the whole of humanity would not be altruistic enough to return it to the state.</td>
</tr>
<tr>
<td>7</td>
<td>9/4/2015 4:15 PM</td>
<td>Difficult to say without making the attempt.</td>
</tr>
<tr>
<td>8</td>
<td>9/4/2015 4:09 PM</td>
<td>People who have looted artifacts will not relinquish them. If they cared about history, they would never have stolen the artifacts from the state to begin with.</td>
</tr>
<tr>
<td>9</td>
<td>9/4/2015 4:07 PM</td>
<td>If someone was motivated enough to procure the artifacts illegally, I don't think an amnesty program would make a great deal of difference in the reacquisition of these materials</td>
</tr>
</tbody>
</table>
I believe that if people knew that what they found was theirs, (lost from a people thousand of years ago, and had nothing to do with a state in this time and space), that it would not be taken away, or fear of loosing items, they would be, just as in the past, be more willing to share their finds, their information and knowledge with others and the State. This is how it uses to be, The state can gain the knowledge from photos and information, they do not have to have it packed away in a box in a basement. People use to meet just to share, now so many don't want to because of fear, like before the Hobbit and the State work, learn and grow together.

As mentioned in previous comments, I have been unable to locate a detailed plan detailing the explicit goals of such a program. If the goal is, in fact, to reclaim collections donated during the program, what incentive do individuals have to give up their collections? The allure of possibly having some of their finds put on public display is hardly worth an individual identifying themselves as someone who has illicitly removed artifacts from State lands, thus incriminating themselves in the event of future locating or drawing unwanted attention from the state.

This is a stupid question. The person who wrote this survey should be ashamed of himself.

If people did participate, their main reason would be to legitimize their illegally obtained artifacts. The state would be enabling looters to effectively launder their stolen artifacts, likely for future sale.

I do not think many would participate unless it resulted in a financial profit which would be sending a bad message.

Other people may be trying to avoid criminal charges.

Yes, I do believe people would turn over some artifacts. However, I doubt that hardened looters would perform any such act. It might ease the conscious of a handful to hand over context-less objects.

In the 4th question it asked if you were in possession of such items, would you be willing to give up items during an amnesty program? I would say from my knowledge that most people that love artifacts, fossils, rocks and history also love to share information. I have seen that they love to share what they or someone else may have found over the years. These are the types of people that can contribute so much. I know of several people that do have collections and have never sold a thing. It's not about money for them. And it's these people that also love to share what they have found. Most of these people were doing this type of thing way before there were laws written up against this sort of thing. The truth is, a majority of people don't care about artifacts and fossils, but through people like the late Hub Chason for example many people became aware and interested in our history. When I was young I watched Mr. Chason and my dad bring out their collections to take to schools, artifact shows, and open their doors for archeologist to come and study the specimens. They would give exact locations and dates as best to their memory as to where and when they were found. I wasn't anything to do about money, it was something they loved and had a passion about... I see a huge potential for the state to implement a program as to where anyone who wants to look for these specimens can buy a permit and be able to do so. Implement a research program that not only generates revenue, but also can provide lots of data by many people from all over the state, have something for young kids to do that's safe interesting and keeps them off of drugs and away from video games.

Unless there is an ongoing investigation against an individual, what real impetus is there for any person to give back the items that nobody knows they have? If there is an ongoing investigation, how will this amnesty affect that investigation?

Many people regret taking these objects in their youth or inheriting them from a relative. While there are certainly people who will not participate (and still continue to break the law), some people will be glad of a legal way to rid themselves of this burden.

It would be more effective if people knew the materials would be put on display so they could still see them later.

Some people will, but the people who do this as part of a large hobby will just continue to hoard their collections and continue to collect.

I think the people you will get participating in an amnesty program will be those who, for whatever reason, did not know they were doing something wrong or thought that one artifact wouldn't make that much difference. I don't think it will impact the heavy duty collectors that are usually the biggest part of the problem, or, they will use it as an excuse to do MORE collecting.

I have met collectors who possess high quality artifacts they have found themselves or purchased at trade shows. They are very averse to the idea of their collections being confiscated because these collections are not only a source of personal pride, but also profit in times of financial need. I do not believe an amnesty program will encourage any of them to give up their collections or stop clandestine digs. Many of them keep some informal record of the provenance of the artifacts but this information is vague and insufficient to establish proper context.
While I support an amnesty program, in my opinion it will have very limited response. The people I have come across who collect or "salvage" items from public lands have no intention of ever returning them to the proper state authority. They scour archaeological sites with the express intent of adding what they find to their personal collection. They are not interested in preservation of the site, historic interpretation of the item, or the concept of public ownership of cultural heritage. For the most part, I believe that this attitude is due to a lack of awareness regarding what the State does with cultural items and why it insists on controlling said items. Most of the collectors I have interacted with insist that the State controls these items out of sheer greed. They see laws protecting these items as just one more barrier to their "liberty" - an effort to impede them from doing what they want - a government overreach. Any amnesty law should be preceded by and coupled with a major outreach and education campaign by DH

Some reward for identifying ownership and returning them should be included, with the option to opt out of receiving the reward.

I think the percentage that would actually turn things in would be low.

I think those we have illegally acquired artifacts will not return them regardless of an amnesty program.

People that are worried that they might be open to prosecution or those that would like to continue to illegally remove artifacts from state lands will likely participate. This program, if implemented, will only go to further embolden the people who make private gains and/or profits from illegal removal of artifacts, destruction of archaeological sites, and subsequent illegal selling and trade of artifacts.

Govt should mind their own business. If a kid finds an arrow head, they should be able to keep it without gov't intervention. This is idiotic.

I find this ironic when one of the most important shipwreck sites in Florida waters - the 1715 Plate Fleet - was worked openly for months without a State permit. Amnesty is not needed if the Federal Court upholds the law of salvage.

As long as they don't have to giveaway stuff they have found years ago.

People who illegally remove artifacts know it's illegal but do so anyway for personal gain or satisfaction. I doubt they would return them...

No, This should not even be brought up for debate or discussion. Let's talk to the people of Florida. Not those who came up with this last minute Rush Deal, Leg, bill & Law. Close Door Special Interest All The Way. Let's talk to the people and let them decide. Also stop funding for the special interest that is promoting these laws. This will create a greater divide. Not a Team. We have more important matters in the state. As an Archaeologist we should reach out for the information from citizens. I urge that the House and Senate stop ALL Tax Doffers to these groups purposing this type of laws. They should be stopped Funding Now for those who purpose this type of leg and laws. Stop their funding in 2015. We have many more Cultural interest that have been ignored and swept under the rug. Along with the Florida citizens for many in the past years. Just plain Ignored. Just worse from the same group. Enough is Enough. Check it out for yourself, I will contact my local state and federal reps about replacing these some ole special interest groups.

Our Nation's History belongs to all of us. Not some ole past group. Who has ignored the citizens and the cultural resources of this great State of Florida. Thank You.

I think other people will participate as long as they are able to keep The artifacts after they are recorded.

Some might be if they had violated the law successfully thus far many still would not return any artifacts.

Why should they? They would get locked up in a basement or something like that and never be seen again.

Question four and five are loaded questions. Of course there will be a few that will turn in small collections or personal items, but the major collections and those engaging in illegal marketing of these objects will not be stepping forward to simply hand over their items. This amnesty window will only cause an increase in looting.

I would participate however I have no illegally found artifacts. All mine were found on private property or by deceased family members. I do think its sad that it is illegal to take artifacts or bottles from waterways in which they were displaced from their original context and there fore lack archaeological significance. It is also a waste of tax payers money and time to arrest and patrol for such when there are drugs, vagabond pelt finance that need this attention.

This question and question #4 are misleading. First off, I cannot imagine anyone taking any artifacts, etc. from such property, but this is almost like saying...you can have some which you removed, but will you return them. If there is a law and you know of persons who have removed such things from an archaeological dig, etc. then the powers that be should go and retrieve them.
Artifact Amnesty Feasibility Study

This program is a waste of time and money. Someone who walks the beach and picks up a artifact will never know about the program or return it. Quit wasting tax payers money and time for the benefit of the cry baby archaeologists.

Sure why not if the state archaeologist thought they where of any significant value or not!?

It is a well known fact that the museums sell artifacts that were stolen from the citizens of Florida for profit. If there was a permit that Florida citizens could purchase like other states have, a lot of history would be saved before condos were built on top of them.

I think people would participate, however, items recovered from the sea and not put through appropriate conservation may already be damaged or destroyed, will be expensive to repair, consolidate. Much of the archaeological detail pertaining to context and meaning of the artifact is already lost. The artifact recovered from a looter is often not more than a trinket. The looter looses interest in after it sat in a closet and begins to fall apart, or he becomes fearful that his actions will come back to haunt him.

I cannot imagine that many holders of such artifacts would be moved to participate unless the program were preceded by a serious educational effort.

Treasure hunters and looters will not participate, but people who have inherited or taken such objects without realizing it illegal may participate.

Most people probably won't, but it would be worthwhile for the few that would.

I think some others may participate in the amnesty program, but to what end? Reuniting all the invaluable artifacts and holding on to the good stuff most likely.

Only those who were not aware of the laws and did not intend to violate them.

It seems that a very small number of people would participate.

There is NO TRUST in your department based on how many lives were ruined... be transparent... no one trusts you.

Yes I believe in my comrades I would like to think that they all believe in the same values as I do in protecting our artifacts and our wonderful states core values I think the state would see something in U.S. What we bring to the table with our hunting and knowledge thanks for your time hope we can resolve this to share to everyone that it is all about to hold history in your hand.

We would never get 100% compliance. Look to the exotic/invasive/heat repellent amnesty program for an analog of how this may or may not work. Artifacts cannot envenomate the handler and do not eat, so mileage may vary.

We have people all the time who come into the museum/visitor center wanting to turn items that they have had for years.

This has become warfare on a hobby that has gone on for a couple hundred years. Besides everyday goes by the State buys up land with my tax dollars to say its theirs.

Again, vague. If it means turning over their artifact, no. If they get to keep it, maybe. The people who aren't going to participate are the diggers and looters who operate in the black market.

I think this would do no good and much harm. In future, all anyone would have to do was claim, "oh - I had this BEFORE amnesty; therefore, it's legal to possess in now." The laws now are BARELY able to protect cultural heritage. Don't weaken it.

Some would, but to what end. You get artifacts but you don't get to study them where they came from so that information value is completely lost. It threatens new sites if there are no consequences for looting. BTW the last question did not have enough answer choices. I would not have any stolen items period. I do believe some would return items if they could as they don't necessarily want them anymore, but they and future looters should be educated in the care and feeding of artifacts for their lifetime and what it easily means so that leave them at the site undisturbed.

I think that few people will participate.

Unfortunately, there are probably some people who will bring their junk that has no value, in the unlikely hope that they have made significant contributions. Aside from breaking that bubble of hope, what value can an artifact have once it has been taken from an unknown site? The average "finder" would not be likely to know how to have taken down the appropriate details, or might even provide false information that would not help determine whether to try to go back to the location to do the proper, scientific work. Most amateur treasure hunters and others who dig illegally have more sense than to admit that they "found" something on land where they should not be.

I hope they would but I assume some would not.
I believe that some people who possess artifacts (wherever they were found) would be inclined to give them up if they thought they were in violation of the law. My opinion is that farming and development have produced and will most likely continue to produce the majority of artifacts that are in collections today and in the future. It is far the easiest and most popular way to find an artifact. To ask people to leave artifacts to be destroyed or develop over is ludicrous. I do not see the benefit to the public or the state to make collecting artifacts a crime. I do not condone anyone disturbing undeveloped sites but I wouldn't expect a person that discovers an exposed artifact to leave it alone.

I believe it is in the best interest of Archaeology and the state of Florida to foster a working relationship with its citizen that are most interested in the science. Individuals who actively pursue and expand their knowledge, buy books, support museums etc. and yes, collect artifacts. Historically, the State of Florida and its Archaeological programs made its greatest advances when people worked together.

If the State did not know that you had them why would they let the State know. They have had them for years and not gotten in trouble. They would keep quiet and keep the items as the State does not have the resources to go into every house in the State and do an item search.

The real problem with prosecution of those in possession of artifacts is that the artifacts could have been recovered from private property, or public lands or waterways prior to the ban law prohibiting these recoveries. The state has the burden of proof that these artifacts or specimens were recovered illegally of the state can't prove their case they should be required to pay all court costs and legal fees for the defendant. Artifacts should be allowed to be recovered from public rivers and the Gulf of Mexico UNLESS A Specific location in one of these water locations has been identified as a specific historic site or location. Thank you for your time and consideration.

I have no idea if other people would participate in the program. This survey seems a little slanted in favor of the program, because questions like this do not give the option of not being in favor of an amnesty program. I am not sure about the purpose of this program. I feel it should remain illegal to dig or take artifacts from sites that could prove valuable to professional archaeologists, whose aim is to find answers to our past, without disturbing sites for future exploration. Any amnesty program seems to say that it is "OK" to take things as long as you turn them in later. Those taking things for personal reasons or financial gain are unlikely to turn artifacts in anyway. It seems like there would be the same results of asking people to turn in illegal guns. So what is the purpose of the program? I think more efforts need to be done to educate the public NOT to go digging for artifacts because it disturbs the soil which has important information for real archaeologists.

Seems logistically complicated for the donor and for the state.

Depending on conditions, and not under the law that have been given so far.

I believe that most people are not intentional criminals. I think there was a man who once claimed "All men are innately good." As long as people are aware of what the program means, then I honestly think people will participate.

I think that people might participate, but I don't believe an amnesty program would target the people who treasure hunt for a living.

What if these artifacts were obtained when the rules were different allowing such collection? And really, how is a arrowhead a kid picked up in the Peace River, which is a prize possession to him/her and has inspired all kinds of respect and interest in history, going to be more valuable locked up in a museum passed away with thousands of other items, probably to never be seen again?

Depending on conditions, and not under the law that have been given so far.

I think only a small handful of people will and they will only return artifacts that they do not seem to be valuable.

These artifacts would have no context and not be useful for archaeologists anyway. How do you plan to conserve all the new artifacts? Who decides what you keep and conserve and where will you store them?

Why bother, it would just show how little the state gov and officials care about the law. It just makes it obvious that no one would ever be prosecuted. Besides, why turn them over during amnesty when it would be more lucrative to sell?

Question 4 is a catch-22 for archaeologists, by the way, since we'd never loot artifacts in the first place. Anyway, we deal with SCUBA divers who have looted sites - they think we are the devil incarnate - and they will hold onto their 169 anchors and wooden rowboat that they bolted out of the lake sand rivers until their last breathe. They are all about "having the thing" - they are all about "having stuff." An amnesty will not affect them one way or another with the artifacts in their hands - they have the stuff on the manteplce or in their garage now - and Florida doesn't know about it. And, they can sell it if they want to and know one from the State of Florida would know, either. There is no reason for them to participate, but of the factors I know, they'd take it as a green light to dive down and grab more stuff, since it couldn't be proven when the looters grabbed the stuff in their possession. I can envision the Florida boatmen wanting to sell the State the stuff they've illegally collected, though. To them it's finders keepers and this stuff is theirs.

The question is - what would you lose by doing this?
Would someone who has the resources and money to afford precious historical artifacts truly be willing to part with their possessions, as if this amnesty program would suddenly enlighten these individuals of the irresponsibility and selfishness of owning such items? No.

Other Florida divers and artifact collectors will participate in the amnesty program as long as the artifacts are not confiscated by the State.

Some people. Not everyone.

The big-time collectors are making good money and I don't think they would turn in their collections or identify themselves in any way.

The people who this program would apply to don't want to give artifacts back. They want to sell and profit from them or keep them for themselves and destroy our archaeological heritage.

This is dangerous in that it provides a way for tooters to evade conviction.

Of course not. They took the materials in violation of state law in the first place, so why would they admit they took them, or even return them? Self-reporting does not work. Check with the IRS. In addition, they will point out that it is possibly seizure of property without due process if they have to return the items.

Hard to say how many would participate but, yes, I do think some would participate.

I don't think there would be a large positive response, but some would participate.

Those who would participate may have good motivations. Collections, at times, become heirlooms. These collections, or single objects, may be returned. Perhaps people who unknowingly removed an object may return it; however, would such a person–ignorant of state (and federal) law–become aware of the Artifact Amnesty Program?

Furthermore, individuals who remove objects from their context tend to want information about said object. Their interest is rarely to return an object to the site or to the proper owners.

This is difficult to predict. Some of the criminals that have stolen artifacts from state lands may participate in the amnesty program if they fear arrest and prosecution by the State. For others their livelihood and wealth is so closely tied to these stolen goods that it is unlikely that they will forfeit them.

I don't think people would willingly give up artifacts they are already have possession of unless they got caught doing it. The law just allows people to get away with taking artifacts and will continue to do it because they won't think they will get caught next time.

I think some people will participate in an amnesty program, but the majority will not. Most tooters and collectors will not admit to any wrongdoing or return materials. Avocational historians and archaeologists may.

I think results will be mixed. People who didn't know better will return items. Treasure hunters who are simply being selfish and are in it for money will continue illegal behavior.

On other people, I am assuming that the DNR is talking about 'hobbyist collectors' and/or systematic tooters. In which case I believe that neither would volunteer to return illegally obtained artifacts to the state. Reason being that the purpose of their collecting is to personally own/hold artifacts for sale or to simply possess a piece of history. This intent precludes a desire to follow the law. Why, if the collecting was undertaken when the activity was illegal, would someone voluntarily return the collection when given amnesty from the law? If anything, the complicit in the most damaging offenses, would probably take advantage of this amnesty to further loot/damage Florida's publicly entrusted sites on state held lands.

The program will beg the question as to what is of archaeological value and who determines it value. The issue will become a mea culpa, if there is something found, then it will be determined of archaeological value and items recovered will be considered intrinsic.

I believe those who illegally obtained these items, most likely for sale and profit, would not turn them over. They would rather risk the small chance of being caught than risk the loss of their profit.

Of course, it won't be 100%. Maybe not even close to 100%. Simply doing so would improve public knowledge and compliance with the law.

If it was clear that possession of unreported artifacts would be criminal, then people would participate.

My answer is: some people will, some will not. Honest people will participate. Less than honorable people / treasure hunters will not participate unless they believe the State knows they are in possession of artifacts and that there is some threat of prosecution.
Artifact Amnesty Feasibility Study

The treasure hunters I am familiar with are very proud of their private collections, although these collections waste away due to lack of conservation. They are worried that the state will "steal" their possessions. Honestly, if an amnesty program were in place, the state would receive artifacts with hardly any integrity left, including those with iron corrosion that would cost the state more money to conserve than it could afford. The state could better afford allotting funds to conserve artifacts excavated in situ by trained archaeologists and cultural resource management professionals.

I would say that people MIGHT participate, but most people would most likely want to keep the items, regardless of a feasible amnesty program.

I don't possess illegal materials so it's hard for me to conjecture what people might do, but I think the people who routinely do this would not give up their collections but would appeal to the program only if caught and prosecuted.

I also see my comments on question 3. I think some might, however I do not think the "treasure hunters" would. If they did participate I believe they would only return items they no longer wanted or valued, and would keep the rest.

I have a concern that people might interpret the amnesty program as endorsement or encouragement to continue collecting items illegally.

This is a bad idea. It would only increase looting of archaeological sites as persons possessing artifacts could legally sell them.

The people that lost these sites do it knowingly. These people are criminals breaking the law. An amnesty program would be appropriate if people were unaware that stealing artifacts was illegal and wanted to do the right thing, but that is not the goal of the looting industry.

Why should they? The state does not know what is missing, and does not have the staff and funds to process a bunch of random, out of context items. Not too long ago they were trying to find some civil war cannons. They were in a park, in plain sight, where they had been for over 50 years. I have seen many artifacts from forts sold by the state on the open market (St Augustine Fort, and others). There obviously is not the funding on a state or federal level to properly protect, excavate and research, document, publish, etc.

Years ago the state did not express any concern with someone picking up an artifact off the surface. Who in fact would leave such an object as an arrowhead on the ground even today?

The State of Florida already had a similar program (the Isolated Finds Program) in which collectors could report information about the finds they collected to the state, legalizing their collections. This program was ill-conceived, because it weakened enforcement of looting in the act (person encountered with stolen artifacts could claim that they intended to fill out the isolated finds form). Furthermore, and to the point of this question, it was generally not utilized by the public. Only a handful of individual collectors ever submitted forms on their finds. Thankfully, that program has been retired. Also, to the point of the previous question (that had no space for comment). I would never find myself in personal possession of a stolen collection, but if I somehow did, I would not need an amnesty program to contact the state and arrange for the stolen materials to be returned. These types of materials are turned over the over State all the time (typically when a looter passes away and his or her family decides they don't want any of the stuff.)

The unfortunate reality of the problem is that once an object, artifact, fossil, etc...becomes part of a private collection, it is likely to have been gotten by ill gains and money has exchanged hands. It is delusional to believe people would actually be willing to return these objects for a slap on the wrist. The only irony is that provenance and context has been lost, and the while an object may be priceless it becomes worthless. I feel that by creating an amnesty program for this type of situation we may as well be saying go ahead and loot, don't worry about the rules, there aren't any. It is a bad precedent. It is like a lock on a door, it only keeps the honest person out.

This question, like the previous question, does not account for the variation that is likely to occur when asking citizens to return illegally obtained cultural materials. I believe that if someone where to say inherit cultural materials from a family member, neighbor, etc., they might be inclined to turn them over to the state. If they obtained them for personal satisfaction or gain, I believe they would not be inclined to turn them over to the state.

People should not be rewarded for stealing the history of Florida.

I think the amnesty program sends the wrong message to the public about archaeological materials. I think it will encourage people to disturb historical sites because they know they will not be held accountable for their actions. Furthermore, once artifacts are removed from their context they can only offer very little meaning. Please do not allow artifact amnesty....

No opinion.

Yes, but not all of them - for any number of their own reasons. It might be considered reasonable not to submit them for, example, family or racial reasons. Many simply object to being told what to do. And there's always a "They're as much mine as yours" argument.
Artifact Amnesty Feasibility Study

Some persons would want to return the items which could overwhelm an already overtaxed and underfunded DHR lab. The ones that would return them are not the ones to worry about as they just need more education so they know what they did was illegal. What needs to happen is law enforcement needs to stop selectively enforcing the law. As a former state employee I have seen this happen time and time again especially with metal detecting on state beaches.

I'm sure people will participate in it, but that does not mean that it is in Florida's best interest to pursue this option.

There will be some that participate, but likely more that do not. Plus, there will be no reliable contextual information associated with the artifacts.

Some may; but many more would consider this amnesty a tacit approval of illegal artifact hunting; such treasure seekers may decide that they can continue and, if caught, say that they were preparing for the next Amnesty Day.

Some might but if artifacts were of monetary value, maybe not.

When the educational value of the artifacts is made clear to those who have taken them, it would allow people the opportunity to participate in creating the correct story for the people who lived before us. The more we know about and respect about our ancestors the better equipped we are to deal with each other in today's society.

Another too broad question, some will and some won't, no idea of the percentages.

Many will participate and perhaps encourage others to do so.

Collectors/hunters who trade in artifacts for profit would probably not participate but I believe others might.

People would participate in an amnesty program where they could report the knowledge and information of their finds, without becoming a criminal, but not have to give them up. I think that people would participate in a citizen archaeology permit program so much that it would generate much revenue for the state. Better yet, it would provide a way for an excited citizen who discovers an isolated, out of context, exposed artifact just lying right in front of them a way to share information of the find with the state. In this way, both archaeology and the people of Florida are winners. Remember, we are only talking about isolated Finds here, which comprise the vast majority of items that are lying on the bottom of or along rivers and lakes. Intact or buried sites should always remain protected for science or conservation, and be out of the realm of any permit program. It baffles my mind that South Carolina issues a permit to its interested citizens with great success, Florida used to do it, and you can pick up a mastodon skeleton here in Florida, proudly report it through a great permit program, but not the arrowhead or pottery right next to it. Senseless.

I think they could if the State would actually put some effort into reaching out to the artifact collector community and ask for their support instead of implementing a no collector sentiment and terrorizing otherwise law abiding citizens with potential prosecution. If you want participation you will have to establish a new relationship with the collector community that currently does not exist. The State has relied on collectors and the amateur archaeological community in the past to give them information on archaeological sites yet now we are treated like criminals. The State needs to ask itself how many submerged archaeological sites would they actually know about had it not been for amateurs? I can't think of any - certainly not the most important sites like Page-Ladson, Stoth Hole, any sites along the Santa Fe. My point is that before any amnesty program could be successful the State will have to establish a trusting relationship with the collector community.

Collectors collect things. It's what they do. If they turn anything collected illegally in, it'll be all the "crap" they don't want to keep, and was in a show box under the bed, not anything from the velvet lined showcase on the wall. Florida Had the old "isolated finds policy" for artifacts found in submerged lands. Basically, if you reported it, you could keep it. They junked it, because it just didn't work for shit, as only a few of the numerous artifact hunters reported anything. If it's a terrestrial site that got plundered on State Lands, That's even worse. I've seen such, as part of the now defunct Conservation and Recreational Lands monitoring program, where we did archaeological damage assessments for this behavior. The guy promoting the Amnesty program is a known fooler. He should have spent his money exploiting private lands, rather than going cheap and looting from the State. Even the Treasure Hunters, from the Key's to the space coast, pay to lease their turf, and Title the State a portion.

I think other people would use it as way to legitimize looted artifacts for the purpose of selling artifacts they have stolen from state land.

Only if private collections remain private

Rocks are rocks....what has been found tells no story historically that is already known. Way better things to monitor to try and help our world a better place!! If not a true process to obtain a grandparenting protection of personal hard earned and appreciated personal property, the public and myself will NEVER participate!!

I think people who don't care enough that they take it to begin with would return it.

Polyana.

Is there a way to return items anonymously? Otherwise I do not think many people will participate.

I think this might work, but again, I am not sure what "amnesty" is and how it might work.
Most people (currently they are criminals stealing from publicly managed resources) are not going to believe that this program is legitimate. If they obeyed the laws they would not have stolen these items to begin with. I think some might, but I also feel it is likely that most people who are in possession of illegally obtained artifacts, etc. will not, for fear of prosecution despite the amnesty. Perhaps people in possession of such items that they obtained via inheritance or similar means would be more likely to turn them in. I guess it is the guilt factor in play. I would hope that people would participate. It depends on a lot on how the public relations is done - if someone has an arrowhead or a shard and they think it is of no significance, they won't be enticed to return it. I think people would participate in an amnesty program but I do not think anyone would give up what possessions they may have. Many such objects may have family history and other sentimental value.

It really depends on that individual's willingness to do so.

Yes I do. People often pick up things on public lands not aware they are doing anything wrong at the time, only to find out later they shouldn't have and keep the article for fear of inquisitorialism themselves. Under those circumstances I feel people would be relieved to have an opportunity to return something they took out of ignorance.

Using my conditions (stated above), No I do not believe people would participate. Perhaps they would participate w/ no strings attached, but such an amnesty program would be pointless.

I feel the system is flawed being that the basements of museums are filled with artifacts never being viewed by the public. These are the same as the ones people are getting felonies for simply picking up.

I think it would be a smart idea for amateurs and professionals to be on the same page of archaeology. I believe there to be ways to bridge this gap like a permit to fish or scallop or hunt for deer etc. The amateur archaeologist loves history as well and could help archaeologist and the state of Florida! Some type of archaeological permit for the non-professional collector with shared findings and information would be helpful. The only reason I know about this program is from a friend of mine who says someone will contact me if they have been doing all the work.

100% of the art of factors I know will participate they have been doing all their lives.

People who have a hobby don't do it because of the story the artifact tells. Whether it be for souvenir or to sell on e-bay, people take them to have them. They don't feel like they have a "greater good" worth beyond what's good for THEM.

Mixed response to this question. I do think some people would return artifacts, but in large measure in Florida there is a distrust of government and the idea is strong that participating in such a program will actually result in prosecution or put them on the radar as potential violators. Those that collect out of ignorance of the law might be persuaded to return items - to do the right thing. Those that collect for profit will not likely want to participate. Unfortunately for the protection of Florida's cultural resource base these hard core collectors are already out of the loop on this issue regardless of existing or proposed statutory limits. This program may only serve the previously uninformed and hope that they will serve to educate others.

I think a certain number of people would participate depending on how serious they are as collectors. It's probably most important to point out how these materials will be used to understand our past. Many collectors don't want to give things back just to have the artifacts sit on the shelves unused, or not displayed. They want the research value of their collections to be realized whether or not it actually has much value.

Maybe put the artifacts in a museum exhibit to highlight the most interesting things that have been recovered through the Amnesty program. That way people can feel a sense of pride or accomplishment that they did the right thing and gave these artifacts back to the State.

I think some will but most would want to keep them because they haven't seen retribution thus far.

If they don't need to surrender their private collections.

No, I don't think people would participate. Because those that destroy areas are criminals, and those that respect history and collect surface finds etc. are doing a better job than the State of protecting the history and documentation of these locations. Maybe work with those interested in the history and mutual sharing of resources to expand knowledge of our State's History and more focus on the criminals that dig up protected areas that aren't being destroyed by boaters etc. Otherwise, it can't be taken seriously.

People would be more inclined to participate if there was more incentive. Example: England's antiquity laws as commonly used with metal detectors. Artifacts are reviewed, what's of historical value is kept and the finder is compensated for the work estimated worth. When the government works with the public, as in these cases, it's a win for both sides. Now we know for the most part hoards of buried gold will monetarily outweigh arrowheads, it just shows that system based on trust, not prosecution can effectively work.
I think this is a laughable proposal. I suspect it is likely a political favor for one or two very influential constituents.

I have no opinion on this question.

This will not prevent people from continuing to loot cultural resources.

People would participate in a program such as the short-lived Isolated FInds Program. Such a program would be best implemented through a low fee permit program similar to that for collecting fossils or for concealed carry.

Government these days is not to be trusted.

This ill-defined time period of amnesty concerns me the most. What's to prevent looters from going to state property, which is underfunded and understaffed as it is, taking artifacts prior to or during the amnesty period, and turning them in knowing they won't be prosecuted?

Where are you going to define amnesty? What will happen to the artifacts that are returned with no information regarding where they were found? Is the state going to sell them in park concession stands?

Either you obey the law or you don't. Ignorance is no excuse. We shouldn't change laws to accommodate ignorance.

It depends on how many people that have taken items from public lands/waters knew they were doing something wrong at the time of removal. Also, the public media campaign will have to be big to get the word out.

Very few as many are collectors and dealers.

No they will not, because as I have already said they were trying to make money. They probably have already sold the artifacts and if they haven't and they have had them all this time they definitely aren't giving them up.

No they would not return items because they would not have any incentive to do so.

People assume no one will find them out and/or that the item they might have is not all that important, even if it actually is.

Although I do not support an amnesty program, I do think that if citizens were made aware of both the current laws and the amnesty plan some would indeed participate. There is no way to know whether or not they would, however--any opinion is just speculation. A better strategy might be to better educate citizens of the existing laws and the reasons they exist. Once the items are removed from their original context most of the damage is already done.

I do, I think this is part of a movement by looters to try and be seen as good and to have the laws of the land overturned, I'd rather use it to show that these actions are destructive to Florida's historical record.

These people know the State law and know what they are and have done to be illegal. What is the objective, protecting an individual or the States artifacts?

I doubt most people will participate in the program.

Yes I think some might participate but I don't support the program.

One can only hope

I do not believe that people who sell artifacts would participate. I believe these individuals constitute the primary problem with looting on state land and possess the vast majority of artifacts taken from state lands.

Other than guilt of the idea of owning illegally collected artifacts, what would their motivation be? If the Amnesty effort is advertised more in terms of the benefit it would be to our collective knowledge, then the potential "donor" may have an additional impetus for participating in the program.

I suspect that the general mindset of heavy collectors would not be changed. Individuals who were unaware of the law and had no idea or two might participate but I think it would be a hard sell.

I think almost exclusively people who are already illegally collecting will continue to do so. I do not think this would be effective.

I think only a small fraction of those individuals who have material would participate in the amnesty program because such individuals most likely want to keep all of their artifacts. As such, I don't think the only thing preventing individuals with artifacts from turning them into the state is the fact that they would get in trouble.

But I think many people will also be afraid that it's some kind of sting so that they can be prosecuted.

There would have to be a good advertisement, and possibly a reward (however minimal) to get most people to participate.

Others will participate if they don't have their collections taken.

I doubt most collectors would be willing to give up their collections.
I know I would and hopefully anyone else would. We are all interested in the same thing—preserving and learning from archeology. I wouldn't want anything in my collection that would take from that, or that belongs to everyone in the state.

Yes I think other people would participate in an amnesty program but not having a program at all how would you know and isn't right. But you will surely let a State school go on State land and do what they want that the Tax Payer's fund.

I think people would only participate if they were allowed to keep the artifacts and didn't have to disclose where they were from.

I have no idea actually.

Not sure

If participation in an amnesty program translates to returning artifacts that were illegally obtained, I think many will not participate unless given reasonable motivation to do so.

I would participate in an amnesty program and turn in and photograph objects of historical significance for research if they are returned.

Maybe if given credit for their finds. Still doubtful though.

If the program was publicized in the right way, to the right people, some people might participate.

People like their stuff and I feel there is a sense of entitlement to be able to do this on public lands. Accordingly, they feel entitled to the stuff they find and would see no reason to return it.

Others will participate if they don't get their collections taken.

It all depends on the details. I could only answer this question if you provide more information. If you allowed the individuals to have title and keep the artifacts they have found, then you might get participation in such a program. If not then, I highly doubt anyone will participate.

Only a handful would do this willingly.

Some would and some will not.

What incentive have you given them to participate? Telling them if they hand over the artifacts they aren't criminals?

The guys with large collections (presumably the people you want to participate) are proud of what they have. These collections are extremely important to them, for the most part they keep good care of the artifacts, show them to others who are interested, and have a deep appreciation of prehistory—maybe not the same way archaeologists do, but an appreciation none the less. How will you convince them to hand over items they have painstakingly collected to be put in boxes at the State. Really you don't want people to sell the artifacts. Those people who are digging on State property to collect and sell artifacts are criminals. They would never participate in an amnesty program. Let the hobby guys keep their artifacts, even the ones from State lands. Document the artifacts, while these guys are still alive.

Photograph nice specimens and let them know they aren't in trouble, but objects from State property cannot be sold or exchanged. Something along those lines.

As previously noted, many people already donate artifacts. While the Isolated Finds Program was in effect, very few people participated. I don't believe this program would be any different. Rather, it may have a negative effect and show that the state does not seriously take its commitment to the preservation and protection of state lands.

I think that most people, if they were aware at the time of collection that it was illegal to take the artifact from the state property, and who only had one or two artifacts would probably return them during an amnesty program, but I think the people who specifically target state lands for illegal collection and "looting" of artifacts to later be sold for profit would certainly not return them in an amnesty program.

There might be a few guilty consciences in the State of Florida of those that didn't think their actions through at the time of committing this crime. However, I would say that the majority of individuals in possession of artifacts from State-owned lands knew exactly what they were doing. They didn't care to commit the crime of taking artifacts, so why would they care to return them. This could very well turn into a Regular Joe vs. The Man situation.

Too much uncertainty.

I think some people would but most would not. I think a permanent amnesty program would work if people offered up historically important specimens to a museum. People should not be convicted of a crime if they are giving a specimen to a museum for repossession.
Artifacts and Feasibility Study

8/25/2015 9:39 PM

I am not sure what artifacts you are inquiring about. One can obtain a fossil permit to collect fossils. Having these historic objects is legal but you are saying they need to be turned in as "illegal". Finding things in rivers or surface collections that are not done in places like Indian life settings, that are found "out of place" should be allowed and if the state has an interest in the items, then there should be a process to record the find and have it computerized and the information passed with the specimen to someone else.

8/25/2015 7:36 PM

People would participate only if they were allowed to keep their artifacts.

8/25/2015 5:39 PM

I am skeptical about the state's ability to make this program well known enough to make any amnesty period particularly effective.

8/25/2015 2:35 PM

Primarily through laziness to participate in the program or because they have obviously gone out to gather these materials and I would assume they would be loath to return them.

8/25/2015 2:09 PM

In order for the Amnesty program to work the state must be willing to spend the time and funds to prosecute those who chose not to come forth during the Amnesty period. Is the State of Florida prepared to do this?

8/25/2015 11:17 AM

I don't think the artifacts should be given back to the state unless a board of archaeologists and curators deem them to be historically significant. There are boxes of arrowheads and colonial artifacts languishing in museums that no one will ever see or have the opportunity to do so.

8/24/2015 8:34 PM

Very few people participated in the Isolated Finds Program and it is highly unlikely people will participate in an Amnesty Program. Furthermore, many items collected from state land are likely sold or traded already. The person's that remove specimens from any area don't follow any laws or rules. They don't care about any of them and feel they are above the law.

8/24/2015 6:38 PM

I've worked with collectors for many years, and while they currently possess collections from dozens of found sites, they care more about the history and preservation of what they've collected. They maintain detailed records of their private excavations, and are deeply concerned that when they die, their children will simply discard their collections and field notes.

8/24/2015 2:31 PM

I think participation would be limited to the few who don't want to be arrested if discovered.

8/24/2015 12:49 PM

However, it has been my experience that the vast majority of hearted collectors of artifacts owners fall into one of two categories. First, and more likely to participate are those who came into the possession of artifacts by inheritance or gift - usually within a family. The second category are kit hunters who knowingly violate the law and because they derive a financial benefit from their loot, are unlikely to participate.

8/24/2015 10:56 AM

Some might but most won't. It's a vanity thing. An amnesty program will only be used by those who feel guilty. However, I have noticed many people give artifacts to archaeologists or museums. And even leave them uncontrolled at active dig sites. Of course not knowing where they came from they are only useful as teaching tools.

8/24/2015 10:46 AM

Like I said I think "looters" who purposefully and knowingly take artifacts off of public lands would be the biggest group participating and benefiting from this program.

8/24/2015 6:09 AM

Others would participate if it did not involve surrendering artifacts.

8/23/2015 7:46 PM

The problem is that some people would participate and would be forthright but others would use it as a shield to obscure items that they would not return. Others, of course, would return nothing.

8/23/2015 11:20 AM

I believe the majority would do so.

8/21/2015 7:27 PM

It is my belief that most who have collected in past would maintain artifacts or use such a period of time during a "artifact amnesty" to sell them.

8/21/2015 1:18 PM

There is no indication that this amnesty program would result in the protection of State-controlled cultural resources.

8/21/2015 10:48 AM

The previous question seems biased to me, since anyone who has the artifacts illegally is not likely to admit it. Also I think anyone with the artifacts may be attempting to sell for profit and would not likely participate in any amnesty day.

8/21/2015 6:41 AM

People who steal artifacts from state land or waters did so in order to keep them for themselves or to sell them. It is hard to envision anything significant being returned to the state as a result of an amnesty. The principal effect of an amnesty in these circumstances is to underact the fact that it is a crime to steal artifacts from state lands and waters.

8/20/2015 4:11 PM

I know people who have looted (shame on them) & they would not return them. They are looking at them for their financial worth not the pricelessness of the artifact for the future.

8/20/2015 2:43 PM

No, they want to sell them and make money.

8/20/2015 11:39 AM

Only those legitimately concerned about breaking the law would participate in this program. Any parties that are in the process of being prosecuted for looting should NOT qualify for the program.

8/19/2015 8:06 PM

What would be the point? No one is really after violators now.

8/19/2015 3:58 PM
I think the proposal is a total waste of time and effort in the face of reality. More park rangers and state inspectors should be hired to patrol and enforce laws on the water or within state parks and other state lands — excluding the beaches.

Most of these questions don't have a simple yes/no answer. What's the definition of historically valuable? If it's an arrowhead I'd keep it. If it's truly significant, say an intact Native American pottery, then it might be returned (and should be).

I think most will assume that by participating in this program their name will go on a black list somewhere. The Division of Historical Resources has a long history of over-legislating the public, trying to slide illegal legislation in under the radar and several other activities that have destroyed the public's trust in the organization. In truth I believe the entire department has fully lost sight of why they are there. The DHR has become a police force dealing with protecting and preserving the states history. While this sounds great in theory, the public at large has a very different opinion of DHR's role. The public wants to see the states history discovered, excavated, studied and communicated to the states people. It is not about the artifacts, it is about the knowledge contained in the sites. The DHR should be using every resource at its disposal to find and study what little is left before it is gone forever. These artifacts are already being reclaimed by nature, and the longer we wait to explore them, the less there will be to learn. This is a fact that cannot be disputed. As a member of the public, I want to see history explored and studied, not legislated away into a corner where it will never be discovered at all. If you believe our fine archaeologists are going to have the time, funding and perseverance to get out there and locate these cultural deposits you are sadly mistaken. They prefer to sit in an office and legislate those who would actually do the work out of a job. This has not and will not ever be the role that public wants the DHR to take, yet sadly this is what we are given.

I believe most people want to do the right thing

I believe that some, but not all people, would participate — and that would be beneficial to the citizens of Florida, in order to reclaim some items.

But we should not be MADE to give back items we may have collected from trips or visits to park or State areas.

No, I do not think most people will participate in the amnesty program unless it treats them fairly and equitably. In carrying forward the previous comment, people might be more inclined to participate if 1. Their finds are judged to be of little or no real archaeological or historical importance, which the vast majority will be, they are allowed to keep them, and 2. If they are judged to be of truly archaeological and/or historical importance Florida will offer at least some compensation other than just amnesty.

Amnesty for what? Saving artifacts from being covered by trailer parks, asphalt and concrete or an artifact that is out of context and tumbling down a rocky river. The collectors deserve thanks. Amnesty from what?

It depends on the person's personal attachment to any object they may hold.

The state should have a program where people could report their finds and have an archaeologist determine if the items are unique. The state doesn't need anymore arrowheads, musket masts or megalodon teeth. What are the plans for the items turned in during amnesty. All the amnesty program is currently set up to do is make prosecution easier for people that have items they may have collected 30 or 40 years ago as kids.

The honest participant would return items to the State whenever they became aware of the law. A state-wide advertising program would accomplish that. Everyone else would keep their items, regardless.

However, what will be done if someone takes advantage of the amnesty program but at the same time turns in a friend or associate that has artifacts but has not applied for amnesty? Will the state pursue criminal or civil investigation against that person who did not come clean?

I find that there are people who have come into possession of illegal to have artifacts who don't know what they have — e.g., it's in a box from their late aunt and they aren't sure at the time they inherited the box where she got them, when she got them, or what they are — until they finally get a chance to look closely and find that there are some labels on some artifacts.

I think that those who are in possession of objects from State lands are aware they broke the law and will therefore not participate in an amnesty program.

No, I don't think people will return artifacts during an amnesty program. I also don't think the choices for question number 4 are adequate. Your survey forces me to answer the question, the response of which could skew the results to appear that people support the amnesty program, based on the response choices. There should be a response that states: I do not possess any artifacts.

These artifacts were passed down from gen to gen, the hobby as we call, its like the state would rather they be lost forever if they can't be the ones who finder, by the way I dare say majority of sites known to be. The state of FL would not have never been found if not for us sharing where they were, This is just a way to get a list of names of the state can harass and create revenue from, how many state archaeologists have collections massive collections, personal collections. I bet there many hypocrisy!!!
This is ridiculous. Bring back the Isolated Finds Program. Make it easy to report our finds as I have suggested to the state by using smart phone apps and prosecute those who collect and sell artifacts for a living!

But not many, since there are SO many out there who just don’t care. A very wealthy collector, like Ranev, is going around buying up huge collections from all over Florida, apparently just to have them, not caring about provenance. The DHR archaeologists (who are most diplomatic) should contact him and ask what he is doing!

But here is the problem... the people who will participate likely be the people who have collected while knowing it is illegal. Even if it marks the end of THEIR collection activities in Florida’s case it will send a message to others that there is forgiveness down the line. It sends a message to a new generation of collectors that they can get away with it too. Florida needs to strengthen and police existing laws.

Who are “other people”? What does this question mean? The previous question should have also included a “maybe” choice if you are really wanting data to implement this type of program.

I think some people would return them. I am frequently contacted by people who want to unload boxes of artifacts the collected years ago and are now just taking up space, but they don’t just want to throw them away. I guess a campaign to promote how to do this is not a terrible idea. But I don’t think having a big push to get these items back will be helpful. If anything, it tells people that it’s okay that they took these items and that archaeologists still find them useful once removed from context. While this can be true, I think it’s not the message we should be sending to the public. It will not discourage future digging.

Yes, but I think participation will be very limited.

I don’t think anyone will... your asking about someone that probably cares way more about artifacts than anyone who would be running a program like this... I mean what would be done with them after they were turned in to UF or FSU museum’s so they can just put them in a box in that warehouse. Those museums already have a 1000+ of every type of arrowhead that can be found in FL they damn sure don’t need more. If you took every single artifact in private collections in FL out of the millions of arrowheads UF AND FSU museums already have nicer arrowheads on display there is some out there like nice but just a hand full... there is no real reason to do something like this... but don’t get me wrong now if I had a type of arrowhead or any artifact that I thought was nicer than any other one out there and someone from a museum wanted to see it in pictures or notes or even take it if it was to be put on display I would be more than happy to give it up. But not to be boxed up and forgotten... I was born in FL and that’s were I grew up spent all my free time in the woods and I might my grand dad worked for foly timber and land and always took me arrowhead hunting with him on the weekends you can say I’ve been arrowhead hunting since before I could walk and never sold a one and never will but the fact is its a good hobby it keep me out of trouble when I was young. There not a hole lot for the kids to do in my part of FL when I wasn’t in school I was arrowhead hunting while my friends was drinking and trying drugs for the first time I was arrowhead hunting I would like to think it could do the same thing to other kids if the were give the chance to

Again, without incentive, I feel participation will be remarkably low.

Lots of people might participate. “Get out jail free cards” are hard to come by. But again this survey grossly and deliberately fails to specify what amnesty really means. Means, say, anybody who has illegally obtained treasure fleet goods. Such items could represent millions of dollars due, under Florida law, in significant part to the state. Even prehistoric artifacts can fetch thousands. Are we supposed to tell people that they’ve stolen such valuable things in knowing contravention of state law and then allowing them to avoid jail and profit from their thefts from the citizens of Florida.

I doubt that many people would return their looted artifacts. Far more would view this as an indication of future relaxing of the laws that protect sites, and as a green light to engage in further looting and destruction.

People would participate if they can keep their artifacts.

If you wanted help with this then you all shouldn’t have done what you did by persecuting innocent people over rocks, a man lost his life, others are financially destroyed, marriages broken, children without parents, bankruptcies, loss of lifetime collections seized illegally, peoples rights violated. You have made enemies of the amateur collectors. Good, hard working people. Lives ruined, criminal records, loss of jobs, you all have burned the bridge.

I am now scared of what I used to value the most in my possession, local artifacts from my local families past.

Bring back the collection program. The state learned more during that time from individual collectors that it ever has on its own.

Why would people give something up they have procession of. Having a amnesty program will not make people think this is opportunity to give the state there finds. Ridiculous.

If “Amnesty” is defined as persons turning over items found to the state to keep, then No. The amnesty program should focus on data and allow the finder to retain the item after it is documented, only then would the public participate in my opinion.
Artifact Amnesty Feasibility Study

I don't believe this program will have much participation. Mainly because of the way the FWC has handled the ongoing investigation and felony charges against a few individuals. In a nutshell, the FWC is not trusted or liked.

Others would participate so long as the program did not involve surrendering artifacts. Tens of thousands of artifacts were found on state property prior to the laws changing, these artifacts are perfectly legal and are currently subject to overzealous law enforcement seizure.

People who would participate wouldn’t take these items in the first place.

I think it is a good idea as it will allow artifacts that belong to all of us as citizens of Florida to be returned to us from private collectors. Many such collections were made years ago and I feel that collectors would value an opportunity to see the artifacts preserved for future generations.

I believe some would participate, but too many others heard artifacts or sell them, so they would not be apt to participate.

There are clearly a number of what one might call hard-core collectors of artifacts for whom possession is everything - they will not participate. But for those individuals who came into possession through more casual means I would expect a better rate of participation provided the program is widely advertised.

Some certainty will not.

We can only hope.

This depends entirely upon how effectively the amnesty program is publicized and how well the public is educated on the archaeological and historical value of these materials.

If penalties for not participating were stringent enough, yes.

Only those with a gain to be experienced would turn anything over, And further fuel looting.

They may participate, but the artifacts are pretty worthless out of context. They will probably just give you the junk that they found out isn’t worth anything on ebay

The amnesty program will not result in the return of artifacts, just the legitimation of what’s been stolen already. I believe it will actually increase the theft of artifacts in the hopes that another such amnesty will happen in the future.

Dumbest thing I ever heard of.

1. To what end would the DHR use these artifacts? 2. The current self serving DHR has no place for the amateur archaeologist in Their Policy. 3. The total disregard of the public interest would be furthered by such an amnesty. The DHR has neither the funds or resources to put feet on the ground to discover new important sites. It is the controlled excavation of important sites that should be the focus of the DHR in co-operation with the public. Learning to work with the public to further understand our past historical significant areas should be the focus, not authoritative enforcement that serves only to further alienate the general public from the DHR. As a miser clings to his gold protecting it from all others is not beneficial to the DHR aims. The question should be how can the DHR better work with the public for MUTUAL benefit. Working with the public will provide educational and financial co-operation to further document and preserve the past including the opportunity to donate artifacts to museums local displays and such. So much more can be accomplished with co-operation which is sadly lacking and appears not even to be within the policies of the DHR

Most people are not aware of programs like this and to reach those that may have artifacts might be difficult. I believe, only a very small fraction of people would ever become aware of such a program.

The amnesty program would also be an education for people who do not know the legality of removing items from state lands

I think a few people who collected artifacts unknowingly, or ignorantly, from state land may feel compelled by their conscience to turn over their objects. The vast majority will not. If they have collected artifacts successfully and illegally, they will have little incentive to turn them over. There is little chance they will be caught, and all they have to do to evade prosecution is simply lie about the provenience. Your sample of the collecting population who would feel their finds and finds' locations significant enough to report will be miniscule. This feels more like a political public relations stunt than any legitimate preservation endeavor.

 Looters are a special breed and are not likely to be cowed by the legality of the artifacts in their possession. That being said, this type of campaign could potentially engage a few of those individuals or even individuals who are tired of managing their own personal collection, God speed.
This is all vague as hell. Does an amnesty mean that all looted materials will be turned in to the state and that the looters in question would go free? Or does an amnesty mean lie to looters declare the items in question, have them documented and entered into the state record, and retain the stolen property? How about value? People find Spanish treasure under state permits and often fail to comply with state law as to how such finds must be reported and shared with the state. Could any politician's buddy be allowed to keep a couple of millions worth of dubious that they had failed to declare within the requirements of their permit?

I think anyone with artifacts that were not conserved correctly, that were taking up space, etc...would find this an easy way to dump unwanted specimens. I do not think many individuals would return specimens because they understood the ramifications of looting.

I believe that an amnesty program will have mixed results. I suspect that people who are not routine collectors and who uninvitingly gathered potsherds and/or projectile points will turn in these non-valuable items just to get them out of the garage. However, I doubt that people make a habit of looting illegally will not participate. Why should they? What is their incentive to do so? What is the objective of this program? Is it to relieve peoples' guilt or to stop illegal behavior and protect historical and archaeological resources?

People who break the law and especially repeat offenders do not participate in these types of programs. They don't like the government and law enforcement to begin with so they won't comply.

No, I don't believe people would participate in an amnesty program. Most people I talked to believe that the state of Florida is setting up a TRAP to capture names & addresses of people who would participate in such a program. Let's face the facts - the Florida Archaeological department despite the idea of the public owning artifacts.

I think that this would have limited appeal.

I would certainly hope so, anyway.

Not all will - hence you might consider an aspect of your law being that if you do not come in from the cold with your artifacts, henceforth possession is prosecutable. That is an accord with criminal law.

I am not confident about many members of the public's respect for cultural property laws.

While it is apparent that a few people will participate in a one-time amnesty and may even be the reason this survey endeavor is happening, Florida has tried this in one form already. The Isolated Finds Policy encouraged the public to report the finding and location of artifacts on state lands. One of the reasons the policy was redacted is because participation in the program was extremely low. The policy also made it more difficult for state officers to uphold the law that protects artifacts and archaeological sites on state owned and controlled lands.

Indiana University assisted California State Parks with a local program related to the FMC and Pomona shipwrecks, which was very successful. Hobby collectors donated objects back to the State, with no repercussions. Florida should give it a try and see if the next generation will be more receptive to protection of our underwater cultural heritage.

It's like gun buy backs - there would be some participation, but why would the State want cultural materials without their context? All the intellectual properties of the object are compromised at best.

I suspect that if participation in the program requires forfeiture of their stolen artifacts, many if not most would ignore the call and in fact destroy any evidence they might have that documents the collections that they do have as coming from state property. This is especially true, I think, of those who know that their collections were illegally obtained.

I believe that many of the people who illegally collect artifacts do not want them to be in possession of the state. They either want them for their private collections or to sell. Returning the artifacts to the state would put them on the map, which they do not want.

Some would, but collectors who think they have a right to keep artifacts they find would not.

The only way for this to be a true amnesty program is to require all illegally collected items to be surrendered to the State. No one is going to do that, or at least none of the serious collectors who already know that collecting from State lands is illegal but do it anyway. Let's say they do, however, for the sake of argument. What is the State going to do with all of these things - is there stuff to analyze and curate everything? Is there space to store everything? Do any of these things have information on where they came from that would actually tell us anything?

A citizen who picks up a small rock or shard is not likely to think anything about it other than its personal appeal. I collect rocks from all over the world. As far as I know there is no value to any of them, other than the beauty I see in them. Who doesn't gather sea shells or sea glass on the beach? They are objects that catch the eye. How is a person to know that the rock they like could have been a primitive tool? Most citizens do not think in such terms. When you remove the joy of a child finding an arrowhead, and taking it to school for show and tell, you are depriving that child of the joy of discovery. You might be thwarting a future archaeologist.
Artifact Amnesty Feasibility Study

I think a LOT of folks would participate - BUT NOT by returning anything to the State - not after the recent "theft under color of law" incidents in Operation Timrous. FWC took items clearly labeled from other states (that were collected legally) and took hundreds of items that were reported in the Isolated Finds Program (where ownership was granted to the individual, BY LAW) and has NOT returned anything to their rightful owners. The FBI has a division that deals with illegal seizures and theft under color of law, The Department of State should do the right thing and return those items. Hopefully you understand why no one would trust the state to return anything in an amnesty program with the recent track record of the shameful Operation Timrous. Its a flagrant tranglifying of the constitutional rights and a black eye on the State of Florida. Ask questions, dig around, and dont assume that the FWC or State Attorney handled everything properly. You wont like what you will find. A search warrant doesent give you permission to seize ALL artifacts, only those, if any, illegally obtained. Its not against the law to possess legally found artifacts.

The states now discontinued isolated finds policy did not increase reporting of sites or artifacts. Why would an amnesty day work?

I think anyone who feels they could get a "free pass" for doing something illegal or possessing illegal items, would do so to stay out of trouble should they ever be caught.

I am optimistic. But before this program, there should be a larger push from multiple channels (public archaeology networks, various local or state or even national institutions, stakeholders, and beyond) to inform the public WHY such a program is important. I think there is a real risk of vastly diminished project success without a proper outreach program in place.

I believe most would not participate if they are collectors or losters b/c many don't trust the artifacts will go anywhere but a box in a basement hidden from public appreciation.

Probably most serious pot hunters would not participate, but there are numbers of people who have picked up a few artifacts who probably would if convinced that their finds might be of historic or archaelogical significance. What's in it for them? The reward needs to be bigger than the punishment.

Average citizen might participate in such a program, perhaps those who felt a bit guilty or those who didn't know they were breaking the law. These folks would have a small number of artifacts of little value to the state. Big-time collectors of their suppliers are not likely to come forward. This latter group is the intended target of amnesty, i suppose, but wouldn't participate.

I think you might have to offer incentives to the general public. Is Harrison Ford available?

THEY NEED TO BE AWAWE OF THE VALUE OF RETURNING ARTIFACTS.

I think many people will be very skeptical and view this as a way to record them and track them after the fact.

I think there would need to be a good bit of publicity about amnesty to educate the public about these laws and why they are important. Maybe the amnesty period could coincide with Archaeology Month.

Yes and no, depending on the person and the value of the collection.

Only some people would participate.

If the proposed program is that people turn in their stuff to the state without facing prosecution, I think its unlikely that anyone would participate. If the program is that people are allowed to retain possession of things they've already collected on state lands and waters (and sell those items), then it would give impunity to those who break the law without any overarching public interest to support amnesty.

I don't know why an artifact thief would decide to cooperate and come forward, but I hope it would happen for at least a few artifacts.

People will generally retain artifacts instead of handing them over to authorities.

"Might" is the key word here. People who have artifacts or other objects of interest may only "return" the items they are not interested in keeping any longer. However, there may be people that think or may say they would not turn in items as they do not want a governmental entity coming back to them after the amnesty program is over with a search warrant looking for other items that may not have been turned in during the program.

Many collectors value their collections and do not value the state's efforts at preservation or education.

If anyone possessing artifacts or specimens of historic or archaelogical value to the state of Florida will not be punished for stealing such items from the state, then what possible reason would they have for following some silly amnesty rule? People, both residents and visitors alike, should know what belongs to the state of Florida and what should not be in the hands of any other agency or company.
This amnesty program is a joke. Have you spoken with any of these individuals who have artifacts? I have. They believe that they are above the law and have a right to keep the artifacts. They frequently argue: "I pay my taxes too, so I own these artifacts." I pay my taxes too, and I am a professional archaeologist who knows the loss that these people are creating by collecting and keeping these artifacts. In fact, it is not the artifacts that are of real interest, it is the context in which they were found and the fact that the context is lost forever. It is also part of my job to prosecute these individuals who loot and sell artifacts. People currently return materials without prosecution; there is no need for an amnesty period. I do not have artifacts so your last question doesn't make sense. No people won't turn artifacts in. The lockers want to keep things to SELL them. Did we learn anything in the FCW bust?

Based on my knowledge of collectors. After the evil/unfair Operation Timucua raids they would be very stupid not to do so. People will participate if they get to keep there finds. I don't see much participation if the State wants to grab it all up from honest tax-paying citizens. Let's get a grip people, we slaughtered the native-Americans with un/just practices and disease. What is wrong with picking up and keeping a worked artifact that has been washed up due to rain, flooding, etc. That is a major problem with this country, TOO MUCH GOVERNMENT!

I do not think that individuals who have looted state lands will voluntarily surrender the illegally obtained artifacts. Only people who are convinced will listen or participate. Amnesty will only be effective if there is mutual trust between involved parties... the "state" has not proved to be a good warden of these things, because "it" doesn't place the historical educational value as highly as private citizens may... it is more of an issue of control, when what is needed is a spirit of co-operation... too often, there is the feeling that only state sanctioned persons have the "right" to these objects... reality is, most of the "state" folks rely on the private citizens for info, but do not reciprocate with respect.

I think you guys have the amnesty program intent confused. It is not, necessarily, to get millions of undocumented artifacts returned to the State. If nothing else, there is no funding or space for the proper storage and curating of such a tremendous amount of artifacts. The Department of State cannot properly curate and store the artifacts it currently has in its possession. The intent and thrust of the amnesty program should be the ability of those who have artifacts to openly disclose that fact to professional archaeologists, share where those artifacts were found, and contribute to the store of knowledge about the past of this great State. I've read the Legislation and know about the intent of the scammers and it was not to get the artifacts returned to State ownership. It was to make legal to possession of artifacts that were never originally intended to be illegally obtained.

This is another question that does not give specifics. From the time the law was changed? What about objects that great grand-dad found? This is not a good survey without further information.

Your comments are misleading. I would support an amnesty program where people get to keep their specimens, but share with the state if the Info/location etc., similar to the former isolated finds program.

I wouldnt and dont think others would return objects that were found before laws that made owning these objects illegal. Some would participate because they are scared of the state while others wouldnt because they dont trust the state and its not right to take objects that were found before laws were made to make them illegal.

I think a true enthusiast would be very interested in participating.

First the laws need to be corrected between historical sites and isolated finds in water ways.

Many people would. However, I doubt if everyone would do so. Before 2004 it was legal to collect, so therefore should still be legal to own. As long as it remains legal, many people will not turn them in. Also, what would happen to them? Put in basement drawers? Lots of them would have poor provenance. How much actual value would these be to the state?

This is a red/bulous program and a total waste of tax payers money.

I think the key phrase is "of value." The isolated finds program should be reinstated and those finds of little historical value should be exempted and allowed to be kept. In that case, I think many people would participate in an amnesty program of historically significant artifacts.

What is meant by "return thm during the amnesty program"?

Others would participate in this program if it did not involve turning in seizure of artifacts.
For most of the history of Florida it has been legal to collect artifacts from Florida's rivers. Many people have legally collected artifacts from that time. Now that it is illegal to collect from rivers, people fear for their collections that were legally obtained. While operation Timucua seized many illegally obtained artifacts, they wrongfully seized far more artifacts that were obtained before laws forbid the practice and during the Isolated Finds Program. The collectors of Florida prehistory who have long been an aid to archaeologists, have gone into hiding because of fear. Amnesty needs to happen to ensure the public that actions done while they were legal cannot come back to haunt them because they are now illegal. There needs to documentation of all river found artifacts until now to distinguish between people that found them while legal and those that remove them illegally. This will help, not allow some objects that were illegally obtained since the end of the isolated finds program to enter into the realm of legal artifacts, but this is a sacrifice we must make to ensure that legal collectors are not wrongfully charged for illegal removal of artifacts. Furthermore, the program needs to be about documentation of artifacts and not about people turning in their collections. As long as it is about information, the public will willingly participate, but as soon as it becomes about taking away people's legally obtained artifacts, it will fail.

They would say the owned a Clovis point or other high market value projectile point so they could sell it. The items often fetch five digits and upon occasion six digit figures that can be sold afterwards once they are "legal". Makes one wonder just who the legislators friends are that make them want to contemplate this measure?

I think a key to the success of this program would be the implementation of a program such as the Isolated Finds Act. There must be some sort of incentive for the finder be able to reap the rewards of hours and hours of scouting, money spent on travel, and effort spent on finding these pristine treasures. Documentation of the finds by an FWC official by photos, detailed description, and possible contact info would be more than sufficient to address the historical significance of an artifact. The state of Florida already owns in the upwards of 10,000s of artifacts that are not displayed for the enjoyment and the education of the public. That is where the private collector plays an instrumental role in the education of others. We display our treasures with pride and are always eager to share the stories behind our artifacts with those who inquire.

If it is about giving up artifacts and not the process to obtain a grandfathering protection of personal property, then the public will not participate.

I think some may participate however most will not if they have to return their finds.

As a professional archaeologist in Florida I would hope that people come forward but I'm not sure the public would see the benefit.

If there were a "buy back".

Local archaeological societies in the northeast are excellent bridges between artifact collectors and professional archaeologists. Many collectors in Maine have either donated collections to the Maine State Museum and provide information about site location, degree of erosion, illegal digging, etc, to the Maine Historic Preservation Commission.
In the 16th century La Florida was not just confined to the boundaries of your current State of Florida. It included anywhere these Spanish Governors stepped foot. I support Florida Archaeology as much as I support Florida Treasure Hunters. You did away with your Isolated Finds Program and now you don't even think you have to document these types of artifacts anymore and that's another way to cover up our heritage by not even having to worry about what the public has to contribute to your history books. I'm tired of fighting you people over something you know truly happened, you can hold it in the palm of your own hand, a national memorial was dedicated in its honor, with a wonderful historical society to go along with it. And yet, you are forbidden to even admit these national treasures exist at all. What gives you the right to decide on anything when it comes to historic preservation when you cannot even be trusted to fulfill your own mission responsibilities. Is a crime if I discover your past but perfectly legal for you to try and hide it yourself? That's lost in its finest hour when you know better and get paid to preserve and protest it at the same time you let your own history get destroyed and or lost again only to be forgotten forever as JRM jumps for joy. People would love to get involved in your archaeology programs. Yes, I have other artifacts from De Soto's Lost 16th century trail I've even tried to have them included on our national historic register. They come from Kentucky and Missouri and support the Donald Sheppard Theory. Still there is not a De Soto Scholar in America who would stand up for them. The NPS didn't allow them their own feasibility study for a De Soto national historic trail, but Florida did manage to build a State Trail to honor it, without even knowing including the historical artifact in question here that you already have custody of somewhere down in your conservation lab in a very safe place according to the former Director of Florida Cultural Affairs but who knows now? You expect the public to be transparent with anything we find on your public lands but the State of Florida can darken their ship anytime you feel like it! Historic Preservation is a two way street here and just not your own way street. I truly hope you do include this in your report to Governor Rick Scott and Members of your Florida Legislature and Senate. Because like it or lump it Florida is only hurting itself when you let the people in charge of preserving our cultural resources get away with robbing your own history for personal gain while sending out the Antiquity Squad from the FWC to apprehend others you claim are trying to do the same thing you are. This does not make much logical historical sense. I think the powers that be would also agree with me, but nobody has the courage to stand up for Florida history and that leaves only me myself and I to continue the efforts of the FLBAR who even banned us from making public comments. The same as everyone else at your Department of State with the exception of Ken DeStefan who actually cares enough to listen to what I have to say. Though his hands are probably tied. And surely nothing can be done about this. I know you're hearing this. But you sure have a fine way of showing us how to properly preserve and protect our national heritage. Thank you, respectfully, Mr. Loren Bielock.

Some may, but I'm skeptical about the usefulness of such returns, as they now lack context and we can't verify what other artifacts may have been associated with them. They tell a sketchy, piecemeal story at best.

I think that the majority of people who take artifacts do not understand that it is wrong and most likely wouldn't even hear about an amnesty program. But if they did, they might participate. The type of people who know taking artifacts is wrong and do it anyway are not the type of people who would participate in an amnesty program.

The state should go after every one of them.

I'm answering no, because the amnesty program should not be considered at all.

My devil's advocate response reflects a distrust that's prevalent out there but others may not share - so they WOULD return artifacts. I'm not sure how this works, but seems to me that if I had illegal artifacts, unless I had a sense that the govt knew I had them, why would I expose myself to the possibility of prosecution or ending up on some kind of watch-list. Bottom line...an amnesty can't hurt...who knows what kind of response DHR would get...It's certainly worth a try. But I'd keep my expectations low. Just sayin'

Yes, so they can put the artifacts on E-Bay and profit from them. They need to be prosecuted.

'They want the objects for themselves, otherwise they wouldn't have done what they did in the first place. Why would they turn their stuff over even though legally it belongs to all of us?'

One of the biggest complaints that I regularly hear from looters, collectors, etc. is that artifacts taken by the state are mismanaged, disappear, or are not on display enough for the public. This is, of course, an observation made by these groups to justify in their minds their right to steal artifacts. In their mind they are doing the job that the state cannot do. I think whomever envisioned this program has not spent a significant amount of time dealing with the looter communities in this state.

What other people are you referring to????? Question is confusing.

See previous comment.

I think that people who loot artifacts illegally from state lands do not believe they should follow the law and will not take advantage of the amnesty program. I also think that it could lead people to believe that they can loot and just wait for the next amnesty program, even if it is billed as "one-time."
Not the people you are hoping for. Who's funding what it will take to ID all the non cultural material that will
undoubtedly be found on you as well? It's been previously demonstrated, only a small fraction participate in these
kinds of things, often repeat offenders. STOP!

While some artifacts might be in the hands of the children or grandchildren of collectors and they might be interested
in donating the artifacts, I do not imagine collectors giving up their "prizes."

People who steal artifacts do it for themselves, not to return.

I think very few people would participate in an amnesty program, out of mistrust of the government. Individuals who
frequently collect material from state lands are probably the least likely to stop and the least likely to participate in
such a program.

Obviously there are some individuals who will always be resistant to historical resource protection laws, but I think
many people are genuinely curious about their finds and are unaware of current laws. Individuals like these are perfect
targets for an educationally-oriented amnesty program.

If there were a program it should be greatly emphasized that their prior activity was illegal and Immoral. Preservation
and education should be the focus.

The state of Florida tried this before. The Isolated Finds policy of more than a decade ago asked people, primarily
divers, to report items they found on river bottoms. Over the years of that program, only 114 items were reported a
year, by all the thousands of divers operating Florida. Voluntary participation now is even more unlikely.

In my opinion, most people who ignored the law in the first place would continue to do so, amnesty or not.

In particular, this would allow family members of deceased collectors to return their materials.

I believe some people might participate in the amnesty program especially if they had the opportunity to be
recognized for their contribution to the archaeological or historical record; even though they obtain the object illegally
and likely have no real record of the context from which they collected the object. I would expect that they are a lack
of funding and personnel to properly analyze and curate many objects returned during the hypothetical amnesty
program, let alone put them on display. It would be great if experts were present during the return to answer questions
about the objects returned (not $ value estimates) and to discuss why it is important that cultural resources on public
property are not stolen or carelessly/willfully disturbed.

When individuals take these items, they often know it is illegal. The individuals that have large collections certainly
know that they committed a crime. They are not going to return them under an amnesty program. They have taken
them for various reasons such as to display in their home and to sell on the black market. Often individuals with large
collections have a complete disregard for not only cultural resource protection laws but other laws as well.

People who take things from archaeological sites do it because they want to own an artifact or want to sell it. Typically
they are not interested in giving it back, whether there is amnesty or not. Also, the scientific value of artifacts from
unknown sites is much lower than those that are from an intact archaeological site. Whether people give the artifacts
back or not, they have damaged the scientific value of the artifacts and the archaeological site from which they were
removed.

Not everyone will participate, and in fact, most of the bigger collectors probably will not. On the other hand, the PR
benefit for the state and the potential for those who do participate to go back to the collector community and spread the
good word about the negative consequences of collecting could help reduce it, especially among younger people.

The general public views artifacts as "finders keepers", not as part of a public resource. The monetary value is too
much of an incentive.

I would hope so, at least.

I think collectors would only agree to participate so they could have clear title to property stolen from the citizens of
Florida.

It's possible but I assume not many would be willing.

The isolated finds policy was a bust, this will be as well.

In general, the worst collectors wouldn't give up their "treasures" but a more feasible option might be documentation
without keeping looted connections

They keep them for selling value or personal bragging rights. They won't turn them in during amnesty, if you think they
will you are fool. Criminal penalty hasn't deterred them so far, that isn't going to change.

Looters will only participate in the program if they keep the artifacts. Looters will not turn in the artifacts because there
is NOTHING in it for them. They do not benefit. They want to SELL the artifacts therefore they must keep them, and
they want to keep them legally—not because it is right, but because it might keep them from being charged with the
felonies they deserve.
This is a question to incite comedy, right? Are the sponsors of this amnesty so naive as to believe that looters and collectors would do so? There might be a limited number of folks who "picked a few things up" on state land that might participate, but I am willing to be the vast majority will not. I suggest vigorous enforcement rather than a free pass.
Q6 Please list the positive and/or negative impacts you feel that an amnesty program could potentially have on the stakeholders and historic resources of the state.

Answered: 746  Skipped: 566

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<thead>
<tr>
<th>#</th>
<th>Responses</th>
<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>An amnesty program allows people to get away with looting sites. Additionally, the artifacts are not the only things that are important in the field of archaeology. An understanding of a site requires provenience (location) information, that is correctly given when someone just turns over an artifact to the state or archaeologists.</td>
<td>9/4/2015 10:41 PM</td>
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<td>2</td>
<td>See previous comment.</td>
<td>9/5/2015 8:05 PM</td>
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<tr>
<td>3</td>
<td>None</td>
<td>9/4/2015 8:39 PM</td>
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<tr>
<td>4</td>
<td>Positive: educates the public about laws and why they exist More artifacts made public and knowledge</td>
<td>9/4/2015 7:01 PM</td>
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<td>5</td>
<td>I believe this program has no flaws and only positives.</td>
<td>9/4/2015 5:54 PM</td>
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<td>6</td>
<td>Potential positive results: - public education (only if the funds are made available to do this effectively) - Increased funding to the DHR to properly convey the significance of cultural heritage and the non-renewable resources of our state Potential negative results: - undermining the authority of the State of Florida and various law enforcement agencies in governing illicit collection and sale of artifacts from public lands - confusing the public on what is illegal activity - setting a precedent for how to successfully break the law - create heroes out of collectors and looters who have damaged state lands and illicitly collected and sold cultural heritage</td>
<td>9/4/2015 5:31 PM</td>
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<td>7</td>
<td>It would encourage the loss of our History, negatively affecting all Floridians.</td>
<td>9/4/2015 4:52 PM</td>
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<td>8</td>
<td>It would encourage further theft of historic resources, depriving all residents of and visitors to the state of knowledge of the past.</td>
<td>9/4/2015 4:42 PM</td>
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<td>9</td>
<td>I think it could be beneficial (positive) in opening doors of communication and interaction. I do not anticipate any negative consequences.</td>
<td>9/4/2015 4:16 PM</td>
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<td>10</td>
<td>It would encourage looters to ransack sites in anticipation of future &quot;one time&quot; amnesty programs.</td>
<td>9/4/2015 4:11 PM</td>
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<td>11</td>
<td>If there were positives to an amnesty program, I would think that maybe some would in fact return artifacts obtained illegally, but the negative would be that I think it would be very negligible in terms of the actual amounts recovered. Those collectors who have illegal artifacts already know what they have and probably wouldn't be willing to interrupt or render their collections incomplete.</td>
<td>9/4/2015 4:10 PM</td>
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<td>12</td>
<td>I believe that there are no positive impacts to be had from pursuing this endeavor. While I expect the aims of such a program was to gain information regarding undiscovered sites or the use of previously unknown artifacts to learn about known sites, I feel that any of the relatively few individuals that would participate in the program will only do so to offload undesirable and severely damaged artifacts onto the state in the hope of some of it being put on display. The public are generally mistrustful of any government attempt to meddle in archaeology and would rather keep their personal collections rather than making themselves known to government officials who could then monitor the individuals or use the information against them in future violations. Perhaps more importantly, I believe that such a program undermines the current efforts of local, state, and national archaeological programs and sets a dangerous precedent both in this state and others i.e. its ok to loot and destroy our (collectively owned) archaeological resources as something there will be an amnesty program and I can absolve myself of any legal responsibility... Meanwhile, finite and nonrenewable archaeological resources are continuously destroyed by individuals unsure as to whether or not there actions constitute a real &quot;crime&quot; given the government's willingness to grant amnesty....</td>
<td>9/4/2015 3:36 PM</td>
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<td>13</td>
<td>People, collectors, Hobbyist, love to do what they do, finding artifacts, it teaches one much about our history and life, nature. Enjoying the out doors, boating, wildlife, the list goes on and on, families used to do this together and their kids were learning much more than in a classroom, learning on so many levels, and by them finding and learning this we all learn, because they were will to share the information with others, at meet, in books, word of mouth, talk, stories, sharing. But now with the fear that the State will take away what I have worked so hard in collecting, they won't share anymore, the knowledge is lost, the fun times of a family gone, now instead of kids out looking for arrowheads, they are stuck on a phone game... If Florida really wants to continue learning and growing in its history of early man, it needs all the help it can get, and as a Governor of another state said, We have much more important things to worry about than someone picking up a arrowhead!</td>
<td>9/4/2015 3:26 PM</td>
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Artifact Amnesty Feasibility Study

14. Hopefully, artifacts would be returned.
15. This is designed to give carte blanche to looters.
16. It would promote further plundering of the state's history.
17. Negative: Encourages more looting not only on state lands but federal and private lands. Would also allow people to pass federal property off as state property through the program.
18. Positive: Access to collections not previously available. Negative: Forgiveness for illegal actions (looting) that damaged or destroyed archaeological sites
19. Change the law
20. This doesn't teach anyone anything. Instead it just shows that the blatant destruction of the archaeological record will result in a blind eye without even a slapped wrist. There is no such thing as a one-time amnesty. This issue will just be brought up again and again. Furthermore, what happens with those largely useless artifacts? We can have additional collections with little attached information. The money for the curation and storage of those items would be better spent on prevention and conservation.
21. Notion of amnesty suggests that behavior was really OK after all, when in fact it was illegal. People who possess such materials are very unlikely to come forward. Curation of materials to be returned - has this been considered?
22. Positive: These people shouldn't have any question about what they may have and should be able to bring out and share openly with anyone interested. Negatives: It's all up to the state as to how it is conducted.
23. Amnesty would not discourage looting but rather encourage it. People don't learn that their actions are wrong (illegal, unethical, etc.) unless they are held accountable for it. Amnesty is NOT a good idea and will be counterproductive to historic preservation.
24. I believe that we should all work together to save, share, protect, and preserve objects of historical value found in state/public owned land land water sites. If objects found are in a stratified and viable historical context then we can all work together to find solutions for the preservation of said relics
25. I believe it really doesn't benefit the state in any way. The artifacts will have little, if any, scientific value. The state will have to use tax money to analyze and house the collections, and the amnesty may make convictions harder for anyone currently under investigation. Is this "amnesty" something that is commonly done for other types of crimes? Do you sometimes have an amnesty day for anyone that has stolen a car in the state of Florida?
26. This implies that it is acceptable to remove these items without penalty. There should absolutely be penalties for violating the law which was designed to protect these limited and fragile resources.
27. People may lose researchable artifacts - con People would understand context of artifacts better if people left things alone - pro
28. The damage is done. There is no reversing it. An amnesty program will only make people feel better about doing the wrong thing.
29. Negative Impacts: could include the belief that "I could continue (or start) to collect artifacts, etc., knowing that an amnesty program might be offered again in the future, so I can still collect now for fun, yet maybe return them later, and still feel OK about doing it in the first place." Positive impacts (see answer to #3): This may be the only opportunity for the State to become aware of, and hence provide future protection of, archaeological/historical sites on state-owned lands. Participating in such a program would also allow for the opportunity to educate citizens on the laws protecting sites on state-owned lands, as well as how unauthorized removal destroys information about the past and why this information is important for everybody. Emphasis on sharing of information for everyone's benefit.
30. Those who support themselves exclusively by illegally taking artifacts would not be stopped.
31. Positive: The return of historical artifacts to the state would be of incalculable value. Besides the obvious contributions to science and historical research, such objects enrich the story of Florida. Additionally, artifacts can and are often used as an economic driver as they contribute to historic tourism when they are publicly displayed. Negative: An amnesty program such as proposed really does not present a downside for the state.
32. Positive: create a large outreach collection, negatives: encourage more collecting, need curation space for artifacts returned
33. An amnesty program would only encourage people to remove artifacts from archaeological sites and undermine the entire purpose of DHR and BAR. It should not be enacted.

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Increase site reporting, invest communities in local heritage, turning in collections as contributing to knowledge base (opposed to punishment)

Positive: It shows that the state is concerned about the resources more than enforcing the laws. It makes the state seem more forgiving, more approachable by collectors or other stakeholders. Negative: I think that it will give some stakeholders incentive to do larger scale illegal collecting. It also gives the impression that the context of the artifacts isn’t as important as getting the artifacts back.

Positives: Some artifacts may be recovered. It would be a chance to educate the public about Florida’s past, the importance of having trained professional archaeologists excavate sites with established methodology, and the law governing cultural resources. Negatives: Artifacts may be damaged and have little contextual information. People may be further confused by the law or the State’s ability and willingness to enforce it. Those in possession of collections, those engaged in the sale of artifacts, and those who carry out illegal digs may simply ignore the program and assume their offenses can be easily cleared by amnesty, thus encouraging them to continue illegal activities.

The State would undoubtedly have the opportunity to reclaim some important historical resources that it may or may not know exist. With that being said, the vast majority of the material will come without any context or documentation. DHR will in essence receive material it can’t interpret or use in any scholarly manner.

An amnesty program is an opportunity to teach residents about the laws.

I think that the marketing of this type of program should be implemented carefully so as to win public support. Peer pressure may, in the end, be the most effective tool in reducing theft and regaining artifacts.

Positively, it might help encourage a few honest people to turn things in, but unless they had detailed information on where and when the artifact was found and were willing to further help professional archeologists with locations, the program would not yield much. Negatively, it would give the impression that it’s okay to dig on your own. If you simply turn the things in. This is not true... the soil and site will have been destroyed and unable to give archeologists valuable information needed for research. Also it is unlikely many would turn things in. Money would be better spent educating the public of why they should NOT go looking for artifacts themselves and that it is AGAINST THE LAW.

It could lead to confusion and further degradation of historical and archaeological resources.

Postive-state items could be returned Negative-could sanction further collecting from state lands and destruction of sites.

It will only encourage and validate the acquisition of artifacts. It will not deter theft

Return to the isolated finds program. Florida doesn’t need every single historical object found by citizens.

1. this program will soften already weak laws that pertain to illegal selling and trading of artifacts. 2. this program will make it more difficult for state law enforcement to enforce those laws. 3. this program does not support the legislative intent of the Florida historical resources act and does not support the mandate provided by state law for law enforcement to protect historic and archaeological resources on state lands.

We shouldn’t need this. Our gov’t should have a finds program more like Great Britain

In positive awareness of the Division and education as to the goals of maintaining a State collection negative: the presence of the Division as an "acquirer" not a protector

People would learn more about Native Americans in Florida

I do not believe people would come forward with artifacts... if any thin they would only hide them more... Amnesty could be given to anyone who comes forward with artifacts... but if you announce it more will just go looking for things to take or else hide what they have taken or lie about where it was taken...

If valuable artifacts are returned it would possibly help detail our understanding of the past; however, their significance is likely diminished without providing context of the find.

Save historically valuable material as much as possible.

Conflict of interest and shuts out the kid that finds a arrowhead to grena olo bottle finds. Then he calls the park ranger and archaeologist, Waste of Tax dollars that could go to local Historical groups. That would report to the state. Please Re-Organize and Fund each of the states local group. Like England. This is a bad piece of legislation and create a waste of Tax Dollars. There is nothing positive about this, When the citizens have been ignored for years from the groups who purpose these laws. I will contact my state reps.
Artifact Amnesty Feasibility Study

I see only positive coming from this proposed program. Thousands of artifacts have been recovered by private collectors over the last hundred years. This proposed amnesty program provides an opportunity for Florida citizens to share potentially significant archaeological finds with professionals responsible for recording Florida's historical past. It is time for Florida to be a state of cooperation between amateur and professional archaeologists as opposed to The current climate of persecution and isolation of private collectors.

It supports the looting and destruction of important historical sites.

The penalties for looting and destroying historical sites would seem less severe, it would do little to facilitate new dialog between the archaeological community and the public.

I think it will work it is positive.

I feel that artifacts should be returned to their original owners, the Native Americans. It should be done out of honor and respect, if nothing else. White Americans would not appreciate it if Natives started robbing their graveyards or "showcasing" artifacts that were their ancestors belongings. It is just plain and simple extremely disrespectful.

You should copy South Carolina artifact recovery program where collectors work WITH the State.

Don't know enough about it to say.

Submerged and land sites will see an increase in illegal removal of artifacts. Others who have considered taking items from state or government lands may believe doing so is now acceptable due to this amnesty period. All artifacts returned during this window will be practically meaningless in relation to the sites they came from. Without understanding the context and association of an artifact, it provides little to no information about the past. There appears to be only negative outcomes from this amnesty period.

Negative Impacts: will lose even more artifacts, will let people who have stolen artifacts to get away with it without being punished, will lost important archaeological data regarding the context the artifacts were found in and the artifacts themselves.

Positively I am hopeful people that have illegally gotten historic items, will think about returning them knowing they will not get in trouble so everyone can enjoy them.

Without an amnesty program, it would be futile to believe any of the artifacts would be returned.

Positives are that the state can make a data base of all artifacts and in the future can establish a working relationship and sharing of knowledge between archaeologists and hobbyists.

I responded in the remarks section of question #5.

Time, taxpayer money and a program that will never work. I forget it. There are more important things that need to be accomplished in the state other than trying to institute a law that will cost money and not work.

I think the state should issue permits just like the fossils permits and allow amateur hunters to contribute to any historical research they may passable stumble across. Remember it was the water boy who found King Tut's tomb just by accident, who to say another young man couldn't do it again? I'm just saying.

These people have stolen artifact that belong to all of us. There should be No stakeholders in any of this, these artifacts are for the people of the State of Florida.

Young people are afraid to go on state land because the Game and Fish will give you a fine, for any reason to generate funds for their department. When you rob the public, they stop hunting, fishing or enjoying public land and that is what's happening with our children. Every time I go out my boat I get harassed by the Game and Fish and threaten that they will get me next time.

This has the potential to further destroy archaeological sites. If this is passed it could put the idea out there that it is okay to remove historic artifacts without permission. Everyone should know that it is wrong to disturb any archaeological sites without permission.

1) There is a huge difference between State owned land and State owned water. 2) I support a prohibition of digging land sites, BUT, disagree with river bottoms. There is NO archaeological value to a water worn artifact. 3) Since the end of Isolated Finds in 2004, nobody can share potentially valid data for fear of prosecution. The State of Florida has lost a great amount of data for back-tracking finds to the source... NOBODY is going to send divers to sweep rivers for artifacts for leads to perhaps unknown sites... NEVER. Return isolated and allow it to help archaeologists like the Vert Fossil program has done for Anthropologists.

Amnesty will not provide future protection of sites, does not repair sites or artifacts already damaged. It does not provide funds to conserve, or repair. It does not utilize former looters as educators or stewards. The objects, returned will have already lost much of its significance per context, condition, and surface detail. The professional looters are the people most likely to benefit from this program.
Artifact Amnesty Feasibility Study

It would be sending a message that it is ok to take items. Publicity could remind dishonest people the resource items are there to be found.

Would recover some items but equally important it would raise awareness of the law and of archaeology, etc in the general community.

No efforts are made by the state that I am aware to bring up artifacts if someone is interested and gets a permit and shares his findings it’s a win-win...otherwise no permit illegal or unreported findings illegal.

I find this question non- pertinent to your purpose.

It is a really bad idea. It sends a message that it is ok to steal artifacts even though owned by the State of Florida.

Please don’t implement an amnesty program

There are a few artifacts that should belong to the entire community and these should be in museums or special places for all to enjoy.

I am concerned that an amnesty program like the one described could be used as an excuse by the legislature to weaken the very necessary laws that are currently in place regarding these objects. On the other hand, having such objects returned would be a positive thing, as long as the laws remained in place and are enforced before and after the amnesty period.

I think that the majority of artifacts of archaeological value have been stripped of their context. The state historic resources office archives would probably need to be expanded to accommodate all the returned artifacts, but again it would probably cost more of taxpayers money that did not do anything in the wrong in the first place, to fix the issue.

Being that the artifacts are out of context, I could see them being donated to universities and colleges for examples for education, but with the rise of 3D technology, it is just as easy to create and print a 3D model of the artifacts that provide context with them.

An amnesty program will not enhance the protection of archaeological sites in Florida. Those who have looted would still not return objects. And does nothing to prevent the future looting of archaeological sites.

I think there are benefits and risks associated with an amnesty program. Positive impacts are: *Discovery (via return) of artifacts that have been kept privately that could enhance the knowledge base of Florida history *Less congestion of court systems for cases related to this if the person willingly surrenders the artifacts

Positive - recovery of artifacts. Negative - might encourage looting if folks thought nothing would ever happen to them.

The amnesty will make more people aware of the problem of illegal digging which destroys evidence of Florida’s history.

I believe that an amnesty program would have many negative impacts. It would send the message that the Florida government does not take the protection of publicly owned lands/waters and the archaeological sites contained in them seriously. It would not prevent future looting of archaeological sites on public lands/waters and in fact would send the message that such activity is pardonable and not a major concern of the state government. It could lead to the reinstatement of the isolated finds program which legalizes looting of Native American sites in Florida Rivers and encourage a movement towards legalizing hobbyist collecting on all state lands. Archaeological sites are non-renewable cultural resources and what they can teach us has to the potential to benefit the public at large. Looting prevents anyone else from benefiting from these resources except the looter himself/herself. The message needs to be clear that archaeological resources deserve protection.

An amnesty program would allow the state to collect data that was retrieved illegally without the cost of persecuting offenders through normal process. It would be an opportunity to inventory what types of materials are recovered illegally and how common such an act is. I think it is a positive program that will raise awareness for site conservation and involve the public with the correct and legal ways to handle finds. It could be a great learning opportunity for both sides, and I think it is worth it to try.

Positive: some artifacts would be returned to probably be stored in a storage room forever. Returned artifacts could paint a broader picture of the past. Negative: one amnesty can lead to expectations of future one for artifacts collected after the discussed amnesty ends.

Clearly, the hope is that people would return artifacts to the state.

Sounds like a roose... People do not trust your office. Why is this issue? It has never been communicated to us as the public why your office feels compelled to know this information, I suggest you explain why. Provide exoneration to those whose lives you have destroyed, those who have committed suicide because you arrested them for one arrow head, those who you raided their houses, those who appreciate Florida much more than you and by doing so pickup an arrow head. Think about the human side of this not your departments side...you have some work to do to gain anyone's trust.
Artifact Amnesty Feasibility Study

Positive: You may be able to recover some items illegally obtained. Negative: You may encourage the illegal possession of protected items.

I think it would send a signal that you can get away with a crime.

It might serve as a reminder that it is illegal to remove artifacts from state lands and maybe some artifacts would be recovered but it’s doubtful.

The amnesty program could add to the current knowledge base regarding archaeological finds as information about found objects that are returned. Any attempt to legalize looting by decriminalizing the current protections in place regarding artifacts on State land would, of course, encourage the ability of researchers to enhance our understanding of Florida’s past.

Currently possessed artifacts would be reported along with site information to the great benefit of archaeological research. Inconsistent laws over the years and the confusing situation regarding current laws regarding such artifacts would be resolved.

I would not want to see fossil hunters arrested and labeled as criminals for hunting fossils. How would the state determine what is significant?

I like me to stay positive in my community about the artifact collecting as for the knowledge that we equally share if you could combine that in open without the stress of thinking you are a criminal for what you love doing it would benefit the state tremendously as far as negative there are bad apples in all areas of life I chose not to go that way look past them and maybe somehow regulate laws for us good ones we want to protect our resources as well as the state thanks for your time.

Negative: If not handled properly, it may lead artifact poachers to believe that another one will come along in a few years, so it is okay to keep a few artifacts until then. Negative: May send the message to other states or federal entities that we are “soft” on these kind of violations. Positive: the state may recover artifacts of real historic or prehistoric value.

Providing amnesty could encourage looting of Florida’s historical resources.

I have enjoyed collecting American Indian artifacts from plowed fields for over 45 years. About 20 years ago I discovered artifact shows where I could enjoy looking at what others had found. There were times someone was selling an “arrowhead” that I did not have that particular type. I learned that some of the points came from a river or lake and was told how it was found laying on the bottom out of context. Out of context means it is useless to the archaeologist for determining where it came from except the bottom of a waterway. So now the state archaeologist wants everyone to not pick up any artifacts or even them. I know two of the 17 folks arrested for owning artifacts that the FWC had deemed feons. And from what I understand the archaeologist that came into private homes by force took artifacts that came from other states and left behind artifacts that were easily identified as having come from inorganic water and were stained. They did not know what they are doing basically except they may have a degree from some university. Least to say I am upset about this whole mess.

Positive: Gifting back important items that were lost years prior. Regaining a piece of history. Negative: Storage, where and how would it be stored? The items may or may not be where the owner says they are from, therefore the context of the items was lost the moment items were taken.

If one does not have the proper knowledge or authority to professionally handle artifacts, then they should leave the artifacts alone. The selfish act of handling artifacts without the consideration of the historical community disrupts the artifact’s archaeological context and prevents archaeologists from informing the public of the artifact’s complete history. Private collections rob everyone of the chance to understand and connect to history at a physical level. It is selfish and unethical and just plain wrong. Leave artifact collecting to the professionals, that way everyone can enjoy them.

It’s show that people really care about saving the state’s history.

Positive: State gains items of archaeological significance, hopefully with some context or story behind them. Negative: Shows weakness and sets a precedent that amnesty is a possibility, even in the future. Run on illegal digging prior to. Won’t attract the looters or diggers; they will remain weary of anyone knowing what they have and continue to operate in the black market.

The impacts appear to be overwhelmingly negative since there is no inherent incentive to return illegally taken artifacts to the State if someone feels there is a sentimental or financial benefit to keep them. Such an amnesty may further promote the selling and trafficking of these artifacts and would make it extremely difficult for investigators to track them and the perpetrators involved.

See previous comments.

State will use this to take back peoples collections....
for the most part people who do collect are an honest group, sure, there are the bad apples in everything but a blanket punishment for all is not the way.

There should not be a law that stops citizens from collecting from water ways public or private, the lands belong to the people, this is a stupid law. Fathers and sons and daughters have enjoyed this hobby for years until some unknown group of government decided it what to their gain to create this law. I have had friends that have gone to the state museums to find out more about family items only to have the employees of the museum steal them! One was an Seminole Indian with his great grand fathers war hatchet, left to him, who are these nazi pigs? why can the state sell these items yet damn the public for collecting? Why is the fact that the big bust in Florida that ruined lives and what's splashed across news has not legal nor has produced a single conviction,yet the fish and game spent millions trying to prove their worth! I had friends strip searched and harassed In the woods and by water for hours by these so called professionals. Ones child 15 was threatened by game and fish in his own back yard on a canoe! He was told to let them search him or they would lacerate him! You know what this survey is about? Cover up the illegal practices of Game and fish? I think a bunch of people that had their houses broken into by the nazi swat team of fish and game and handcuffed the whole family including children and held them captive for hours while they illegally searched their homes and terrorized their family's are getting nervous about the law suits. I want them arrested, charged and in jail. I want to see their emails! Who authorized this contemptible abuse of power?

The people that collect are not doing it for monetary reasons and love the history and the beauty of the artifacts. freedom is taken away on every avenue of our lives... leave these people alone.

I believe that no one should be punished for finding &/or possessing historical items - most people doing this are not in it for any monetary investment, they truly are in it for historical purposes & have a passion for the history behind it all.

Already stated earlier

I believe with the program artifacts will be recovered that were taken by the land owners. Although during the amnesty I could possibly see people not willing to participate and keep the artifacts.

I covered this in my other comments. There would be MINIMAL VALUE to serious researchers to be bombarded with a bunch of STUFF that the general public has been hoarding away (without having made helpful scientific notations about location, placement, soil depth, etc.).

I don't know.

All I can say is, when you start arresting people for picking up rocks that is government over reach. There is a reason why these artifacts are in the ground. There owners didn't want them to walked away and left them.

If it's History it should be Revealed for Further Studies! Our History is studied by Students, Professors and Collectors whom know the Places to put Historical Evidence to help In the understanding of our Heritage! The Negative is no one should be allowed to Destroy any Property to collect or search for any type of Historical UNLESS done by Professional Studies

As a former near eastern archaeologist, I know the fascination in "collecting." Should the amnestied items be put on public display in museums and with credit to the finders, I don't see why the amnesty program would not work. Of course, I would not want this approach to encourage "looting." Local archaeological clubs could inform participants of the laws and let them assist in proper excavation and reporting.

Positive: - increased chance that artifacts of historical significance are returned or brought to light negative: - people who illegal took possession of shared cultural resources won't be held responsible for their crimes

I feel the word "amnesty" suggest the state is asking criminals to come forward. really? If this is Florida's attempt to facilitate their competent authority to bring Professionals and amateurs together in a working relationship that benefits its citizens the science and the state... we have a bigger problem than collecting artifacts.

It might encourage people to join in the securing of sites that would contribute to our knowledge of the past... and participate in those activities under the guidance of trained professionals.

Negative Impact: museums don't have room for all of the artifacts recovered from public lands over the last 2 to 6 generations of artifacts/fossil hunters. Where will the state get money to pay for all of these items to be stored. Will the state reimburse citizens for the time gas and effort to recover these items for the state? I suggest identifying photographing and letting citizens care for their artifacts.

If you do it once... look at the amnesty program for illegal aliens. There are now more here in this country then in the 80's when it was first done. People know that if you do it once you will have to do it again.

Amnesty might prevent the study of valuable historical and archaeological resources here in our great state of FL.

I don't trust the state to make the artifacts available for viewing. Private collectors do a great job of that.
Artifact Amnesty Feasibility Study

127 See previous comment. I see more negative impacts with an amnesty program, by the implication that it is ok to dig for yourself and take artifacts, if you only turn them in later. I think more efforts need to be done to educate the public NOT to go digging for artifacts because it disturbs the soil which has important information for real archeologists.

128 I think if you allow people to show what they have and give the State the option to study anything of historical value they would participate. If you are doing it with the intent of just claiming every artifact then the participation might be limited.

129 Seems to benefit those who would only take archaeological items if they had the chance not necessarily archeologists themselves which is bad

130 Positive - may get back some valuable items that were collected previously that may help decipher the past. Negative - logically complicated, how, where would they be returned? If asking collector to cover costs of return, may not be well received. Staff is currently stretched thin and being reduced. Who will handle influx of resources for cataloging?

Preservation?

131 This program may inadvertently encourage greater looting of historic resources. The penalties associated with illicitly obtained artifacts seem to be loosely enforced as currently stands and barely serve as a deterrent against such activities. Florida's historic resources are already jeopardized from rampant development; attempts by the governor to privatize public lands that may hold archaeological resources, and a sense among the public that the past can be owned. Additionally, where do you draw the line when it comes to the taking or destruction of other public resources such as water, trees, and/or endangered animals? And what of the rights and wants of the Native American tribes? Might there be persons in the state legislature who may directly benefit from this amnesty program themselves and/or their relatives and cronies?

132 I think those that currently possess artifacts taken from these types of sites are unlikely to return them during a amnesty period, being as they are likely to be part of a deliberate collection. However, those people who were unaware of the laws at the time they acquired artifacts may be inclined to return them.

133 Finders keepers.

134 I think it would negatively impact the historic resources of the state.

135 This would only positively impact wealthy collectors while disenfranchising small group archaeologist research teams.

This would also negatively impact the relationship between the government, the public, and archaeologists.

136 I believe that it depends on the program. Seems to me that this is just a political scheme to entrap more amateur archeologists who are the ones rightfully interested in the historic resources of the state.

137 Negative Impacts Include: the destruction of archaeological sites, the loss of scientific evidence once the artifacts are taken out of situ, and lack of punishment for those that broke an established law.

138 This does absolutely nothing to help protect the archaeological sites in the state.

139 It would do nothing to protect Florida's many archaeological sites from further looting and make the 'collecting' of artifacts seem much more acceptable. The removal of these artifacts is illegal and should remain that way.

140 Negative Impacts Include: destruction of archaeological sites that are on state held land. It would promote artifact hunting among amateur archaeologists, there by destroying any scientific evidence that may have been discovered when the artifact was in situ, and it allows those that have broken the law to avoid punishment.

141 In my opinion, an amnesty program would only be positive in one way. The program would allow the state to recover important objects and artifacts, and possibly learn valuable historic information. The negatives include the following: No provenance for objects brought in - Cannot catalog properly - Letting treasure hunters off the hook - Too much for conservation lab/collections

142 There may be people that have committed multiple crimes. Does the amnesty cover all illegal possessions or is it for only one item? If people managed to illegally obtain multiple items I think a note should be made of future potential threats. I also believe that while it is an amnesty program that noting the names of the guilty could possibly help in the future. The program has alot of potential, but I did not receive a ton of information about the exact details involved. The positive aspects outweigh the negative, at least from my perspective.

143 I think that the public should be able to pursue their hobbies and find and keep historical items. I think the amnesty program is admitting guilt. Like they did something wrong. It should not be illegal to find and keep historical items.

144 All of this effort should be directed towards building a better relationship between the amateurs and state/professionals. Make it heroic to find something of significance and alert the state/pros to decide if the item or area deems deeper research. The people of Florida as a whole deserve just as much access to these artifacts as do the state/pros. Again, some areas should be preserved but the current laws are over reaching and unfair.

145 none

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Artifact Amnesty Feasibility Study

It is appalling that the state would even consider such a measure. Stealing is a felony offense that the state is considering to waive all repercussions of simply because a few wealthy collectors, not criminals, are lobbying for you to do so.

We might be able to retrieve important artifacts from the past.

Amnesty program will likely encourage more looting because people will think they will get another "pass" in the future.

I don't think the amnesty program will result in recovering any artifacts. It's already illegal to take artifacts and those thieves do it ignore the law. So, what's the point?

Artifacts/fossils are not property of the state. They are property of the tax paying citizens. Citizens do a far better job at making said artifacts and or fossils readily available for viewing by the public than the state does. If an amnesty period were to come about, it could only positively affect everyone at stake.

I think an amnesty program would not prevent future looting. It would make current law enforcement more complex/difficult.

The state will not be able to handle the volume of useless artifacts with no context. People will return things from other states. Most people will just keep the artifacts or expect the state to pay or pick them up. It is not appropriate to acquire artifacts without a long-term conservation plan.

Positives would include retrieving said artifacts. These would be lost to the wind if there was no attempt to retrieve them. Negatives may simply be that it is ineffective as there is no positive incentive for giving them back, but only the promise that there is no retribution. There'd be a possibility of a "buy back" program, but this might lead to perverse incentives of people trying to find more artifacts to get the reward for finding them. A mixture of a promise of amnesty, as well as some positive incentive program could do this. I'd be wise to look at other jurisdictions to see how they implemented their amnesty and buy back programs, to see how best to implement it and tailor it to Florida's specific needs.

It incentivizes looting by creating access to markets in a legal fashion, and dis-incentivizes future owners of collections from bringing them over to the public through making possession appear illegal.

I think it's all BS for the government to try and say u can or can't have something u found from someone they took the land from and took over. What a shame.

It would be detrimental. Why allow this type of theft, and not others? What about wildlife poaching? Water theft? Timber theft? This is all part of protecting historical resources. Seriously, there are obviously "important" people who are either worried about prosecution and/or officials who participate in this illegal activity. Again, why amnesty for this and not other laws? Plus, what about respecting indigenous notions of historical resources? I thought govt was about protecting state resources for everyone...not just pleasantries.

Financial gain

Positives: None. Negative: Everything I listed in the previous comments, but mostly the amnesty would weaken state and by the domino affect, Federal laws and policies when it comes to the protection of submerged cultural resources.

We need to preserve the limited archaeological sites that we have! An amnesty program would be harmful to academic progress, which should be our first priority.

Negative: Punishment, such as fines, or serving jail time should be given to those who have such artifacts not a "get out of jail free" card. Individuals who own such items should hand over the artifacts as well as the location of where those items were found. Individuals who have personally looted excavation sites or historical land should be punished more harshly. Will not prevent people from continuing to loot, sell, or collect artifacts. Confuse the general population with a convoluted message about archaeological preservation. Positive: Someone to truly fear future repercussions from state government and give back such items I imagine that would be positive. But, as I mentioned earlier, I imagine these individuals know what they are doing (owning and procuring artifacts) and it is doubtful that this program will serve to enlighten such people.

Historic resources need the information of what was found, where and how for authentic and factual documentation.

The biggest impact would be getting back such a large amount of items that historic resources would be overwhelmed.

I don't see any downside to this.

There is no real incentive to return any historic resources and it would send a mixed signal to potential offenders.

An amnesty program for artifacts would be a positive thing in the State of Florida as it would once again open up communication between the avocational and professional archaeologists. As a result, professionals would learn about the countless unknown or unrecorded artifacts that exist in private collections and the site information that coincides with them. This is important because many of the archaeological sites where the artifacts were recovered no longer exist or are currently under threat of development or geological changes.
Artifact Amnesty Feasibility Study

165 | would do nothing to enhance the protection of archaeological sites in Florida, or facilitate a dialogue between the public and archaeologists.

166 | I don't see any positive impacts of an Artifact Amnesty program. Negative impacts: It will set a bad precedent, and may justify future attempts for amnesty or changing the law to allow collecting from state lands. It would weaken the state's ability to claim it wisely manages this non-renewable cultural resource.

167 | Getting items back, even if they are no longer able to be assigned to a particular site, would provide more information about the history of Florida.

168 | The positive impacts do not matter because the negative ones are so terrible. This program will set archaeology back 40 years and make everything that archaeologists in Florida have worked toward mean nothing.

169 | 1. From an experiential basis, most or all historical personnel I have encountered believe any artifact removal, regardless of having a metric or proper assessment could be considered illegal or unethical. 2. I believe the ethical considerations are not formal requirements that can be enforced and therefore should not be part of the study. Although important, are factors that have to be adopted rather than imposed. 3. Let the data speak for itself. In other words, what cumulative data regarding current historical sites or artifacts merit an economical or value based assessment? I believe items siting in a basement of a museum, for example, cannot be used as anecdotal information citing historical value given the needs for transparency throughout any implementation process/phase.

170 | This program would lead to the systematic stripping of Florida's historical resources, both on land and in the water. The public loss would be immense, and the program would only benefit a few, who only raise the issue now because they now want to get out of jail free card. The effects of the proposed program would be only negative. The oft-raised defense of artifact collecting is that "yes it is illegal, but it is very common," so apply that argument to date-rape.

171 | Positive - Items which were obtained from state-owned lands would be returned to state ownership where they belong. I cannot think of any negative impacts.

172 | Positive: It might raise awareness somewhat of the problem of unauthorized disturbance of sites and removal of artifacts Negative: It might give the impression that looting is OK if you plan to give the artifacts to the State some day, especially if the amnesty is presented as a recurring thing rather than a one-time effort.

173 | Positive: In the most ideal circumstance, objects may be returned to the State and some information or knowledge may be gleaned from the process. Negative: Artifact Amnesty is unlikely to develop the aforementioned ideal circumstances. Rather than encouraging people to participate in a program that provides leniency to those engaging in illegal behavior, repurpose funds or redirect efforts to develop new, or continued, methods for demonstrating and educating people why materials should be left in place, the existence and scope of state and national laws, and the work of professionals. Context does not travel with the object. What can the State learn from these objects and how will it benefit professionals or the public understanding or knowledge of the past? The answer to the former is minimal and the response to the latter is uncertain. Efforts that encourage and demonstrate the value of preserving the past are infinitely more relevant and desperately needed in Florida. Furthermore, without Artifact Amnesty, the State will provide a consistent stance concerning public lands and the preservation of archaeological/historical materials and remains. Additionally, avoiding such a program maintains strong support for the legal means of learning about the past— as a professional, student, or avocational associated with a legitimate organization or institution.

174 | There are no positive impacts. Negative impacts include, but are not limited to: 1. encourages looting on state lands 2. encourages desecration of graves on state lands 3. potentially creates huge backlog of collections for the state to manage 4. waste of state resources on management of collections that are of very limited scientific value because they have little or no provenance information.

175 | An amnesty program may promote the general public to report or return materials to the state, but does not encourage looters and treasure hunters to do so.

176 | Positive-allow for certain artifacts to be returned. Provide a chance to educate individuals on the Importance of preserving Florida's history and heritage. Many may not have know at time it was illegal..... Also, not providing a chance for people or organizations to return artifacts without penalty could result in many artifacts being discarded, sold, or destroyed due to threat of penalty.

177 | Positive- people who possess such material might turn it in and give information as to where it was found. Negative— people may be encouraged to haphazardly dig and/or collect materials figuring that they will just get amnesty.

178 | I think that an amnesty program would give the public the idea that taking things from public land is not illegal or not considered an important violation of law.

179 | No opinion.

180 | There are no negative impacts. An amnesty, if it meant objects of historical value would be returned for all to share and enjoy, would be beneficial to not only Florida, but anyone who is interested in history.
Artificial Amnesty Feasibility Study

Reinforce these ethical points for underwater sites: 1. don't take - it doesn't belong to you and there are laws that apply (even if it did before it sank; after that it probably belongs to the insurance company or the government... but not you unless a judge said so) 2. don't take - archaeologists learn more by studying an article where it fell (location gives context) eg cargo v crew item) 3. don't take leave it for others to see and enjoy too (more and more people are diving what if everyone takes a souvenir? U-352...) 4. don't take - most of what you bring out of the water begins dismantling immediately without proper conservation (30 year desalination schedule for Monitor tunnel, for example) 5. don't take - do not disturb the habitat that has formed around the artifact/week; plants and animals quickly colonize

Positive impacts of this program may include the return of looted or illegally obtained collections to the state. These collections or individual artifacts would likely be divorced from any meaningful context. The negative impacts of the program would likely be much greater than the positive. These would include the unintentional promotion of "hobbyist collecting" of isolated finds from rivers and state lands, as well as the systematic looting of intact terrestrial and submerged sites held by the state. This type of destructive collecting is a favorite pastime of many Florida residents, and as such, the state should take every measure to ensure that the archaeological sites within their purview are protected from these activities. The amnesty program would likely appear to be an endorsement of such behavior by the state, were it to be enacted.

May not bring forth many artifacts, but definitely will be more successful than the current situation wherein there is a reason NOT to volunteer collected artifacts. Additionally, interaction with amnestied collectors could identify others who have not come forward and could be persuaded to do so.

The program while altruistic in nature will be of little value to the overall archaeological value of any state owned land or waterway. In the end, people will just not go to those lands anymore in the long run if there is too much governmental regulations.

Negative: No context or provenance for items recovered. No storage space. NAGPRA Compliance. Setting a president that the law is less important than the objects, therefore giving the objects more value for those who would look to profit from their sale.

I don't think many people would return artifacts stolen from state lands.

Florida has many pirates. Many will go further underground, perhaps, but allowing people to come into compliance might amplify the percent of people who feel the resources belong to the public. Peer pressure and good examples change peoples' behavior.

Seeing this survey restores the hopes that anyone who took or possesses artifacts of historical nature taken under the circumstances given would return them. Not owning any such artifacts having removed any as most written law in all states is clearly understandable, if given a chance I think most would comply knowing there would be no penalty issued.

Positive: Artifacts would be returned to state resources, where they could be cataloged and evaluated by professionals. Artifacts would be available to be viewed by and shared with the public (as is their right, given the items were taken from public land). Negative: Amnesty programs might be viewed by some as making it OK to take objects, as they can "always turn it in later" presumably if they don't sell on eBay or what have you.

Positive: previously unknown artifacts and sites could come to light. Negative: an amnesty could reinforce looting if it does not properly enforce the state's rights of ownership over artifacts.

Positive: Looted artifacts could be returned to the public and made available to researchers and the general public.

Positive: The State might obtain data and location of unknown archaeological sites and thus increase our knowledge about Florida's past. Negative: It might be interpreted as a license to loot since the State may conduct another Amnesty in the future.

It would legitimize artifact theft.

See prior comment. The Amnesty Program has the potential to negate any not for profit studies and programs in the continual exploration of our rich heritage and history in this state of Florida.

Positive: Some artifacts will be returned to be curated and shared with the public. Negative: Treasure hunters will be encouraged to increase their plundering of historic sites with the knowledge they have an avenue to avoid prosecution should they be caught. Our historic resources are being stressed more and more with the uncontrolled development on or near these lands and waters; to provide amnesty would introduce more stress...instead, we should be providing stronger mechanisms to protect our historic resources.

I would not want to encourage looting. Artifacts stolen from sites probably have little or no contextual information, and have lost their primary value.
Artifact Amnesty Feasibility Study

Negative impacts - A nightmare conservation problem on the state's hands. How does the state figure it would document these artifacts? How does it place artifacts to sites without any context? How does it have the funds to conserve these artifacts and the room for repositories? - Is this program actually an "amnesty" for treasure hunters? Why? The artifacts removed from context no longer have any diagnostic or informational value. They are all but worthless as historic resources. A great tragedy. - Florida is already known as a "treasure hunter friendly" state. A program like this would only affirm its reputation and will severely deter interstate cooperation and collaboration. No one wants a state to be labeled as tied to looting activities.

This program will weaken FL 267. Amnesty is not needed. It is not legal in FL to possess these materials, only to steal them or try to sell them. Currently, the FWC is heavily invested in catching looters and has recently had some big successes, their cases hinge on investigations of traffickers of stolen artifacts. Granting "amnesty" to individual collections (potentially making them then legal for sale) will cloud FWC investigations and make it harder for them to prosecute. The NPS (and other federal agencies - particularly forest service) partner with the State on these investigations, weakening them weakens us. People turn over collections like these to the state all the time, with no criminal repercussions (again no need for amnesty).

I believe an amnesty program would suggest to the public that the Florida Legislature is not committed to preservation of public resources.

This program will simply weaken current legislation protecting sites from looting. Amnesty is in no way needed. It is not illegal in FL to possess these materials, only to steal them or try to sell them. Currently, the FWC is heavily invested in catching looters and has recently had some big successes, their cases hinge on investigations of traffickers of stolen artifacts. Granting "amnesty" to individual collections (potentially making them then legal for sale) will make such investigations more difficult and make it harder for them to prosecute these criminals. The NPS (and other federal agencies - particularly forest service) partner with the State on these investigations, and so weakening state legislation can lead to weakening federal legislation. People turn over collections like these to the state all the time, with no criminal repercussions, so calling for amnesty is not needed.

It sets a bad precedent for how the State views these resources, as if they were commodities, like guns, whose return has no intrinsic historical value. And I do think it will create legal problems with future prosecutions, especially with the volatile commercial divers' community. Again, I perceive the problem not with informal collection of a few objects by unaware constituents, but with the problem looters. Also, these laws are parallel to laws about looting other resources on state land - are you dismembering those laws too?

1) potential for learning more about certain sites 2) potential for bogging down the state lab and collections facilities with un-provenanced items 3) potentiality clears the conscience of folks who broke the law unknowingly 4) sends the message to "treasure-hunters" that they can get away with it, and that there is no punishment!

The positive: 1. This could be used to publicize the harm done to artifacts and the information lost when artifacts are collected as a hobby or for personal gain. 2. Friends and family might be more bold to confront those with illegally harvested items to surrender the artifacts and stop the harm they cause by illegally harvesting artifacts. The negative: 1. A great deal of staff hours might be needed for processing the items. 2. Funds will be needed to conserve and store items. 3. Decisions of what to do with items that aren't useful will need to be organized. 4. Those who illegally harvested items might think it is ok to do it again for the "next amnesty."

Such a program might lead people to believe that there will be other amnesties in the future, so they need not worry about being prosecuted for illegal activities. There is always doubt about locations supplied by people who collect artifacts illegally, so the scientific value of any items turned in might be compromised by this. A positive outcome might be to relieve people's consciences who participate in the amnesty, if they have collected one or a few artifacts without knowing it was illegal. But such people would not be prone to violate the law again in any case.

I think this could result in "new" historic material being made available for study.

Allowing an amnesty will give rights to "treasure hunters" who will go into lands, that ARE ALREADY protected. They will deface the grounds and take any "treasures" they find. This one takes away from the historical integrity. Two) allows an amateur to attempt to collect artifacts that will permanently damage them. Three) remove pieces of our past, a voice, that only few understand how to hear. It allows people to remove these voices for the sake of a "look what I found."

Amnesty's negative impacts: 1) Increased looting 2) Increased difficulty for law enforcement to prosecute looters. 3) Provides financial incentive for looters as it does not require them to turn over their looted artifacts.

An amnesty program would certainly encourage future looting of valuable historical resources and establish even further that Florida will not enforce its laws against looting. Telling people that something is illegal and then granting them the opportunity to get away with it time and time again shows that the State does not understand or value the historical resources in Florida for what they are, which is not their monetary value. Allowing people to loot these sites is also a show of disrespect to the Native American people whose cultural heritage is being picked apart. It is the Department of State's responsibility to protect these sites, not to enable criminals to destroy and make money off of them.
Nearly every Archaeological site in the country dealing with Paleo man was discovered by amateurs. Sadly, professionals do not have the time or support to roam the state hoping to find such sites.

It would open sites up to looting. Since possession during this window of opportunity would not be illegal. It would also give more publicity to the vulnerability of the sites, which are NOT actively protected.

It would reward the very behavior we are trying to discourage, and it could potentially generate confusion for future investigations.

Granting amnesty to individual collections will make them easier to sell, making it more difficult to conduct investigations into illegal activity and potentially dispersing an intact collection.

People will not return these objects.

The only positive impact "could" be the return of a significant collection. But, I doubt it would happen AND an amnesty program is not needed for a person to turn over antiquities to the state. Negatives include: "legalizing" stolen collections that will impair future investigations into trafficking of Florida's cultural patrimony. Weakening FL statute 267, as such a program would be counter to the intent of the law. By correlation, weakening federal and local preservation laws like ARPA and historic preservation ordinances. There are many Federal Stakeholders in FL (National Park Service, US Forest Service, etc). These organizations rely on joint investigations and shared resources with State officers. Weakening the state's preservation laws threatens federal manger's ability to prosecute resource crimes as well.

Negative Impacts: 1. De-legitimizes the role of the state in preserving and caring for cultural resources and archaeological sites. 2. De-legitimizes the role of professional archaeologists in working on and interpreting state archaeological sites. 3. Places stress on collections facilities to conserve and manage an influx of artifacts. 4. Potential lack of provenance provides little to no research value to the artifacts/objects.

none......If they are all given back

No comment

Good idea to counter a stupid law that was passed without consideration or input from the public.

Positive - None Negative - It will send a message that taking artifacts from state owned/controlled land is legal.

This seems like a positive way to encourage people that the material they have is important to our knowledge of human history and heritage -- and that they are helping by giving this material back.

Positive - education - recovery of botched cultural material - possibly getting diagnostic material back Negative - people are not being held accountable for their actions - over whem the lab that is already under funded - over whem the state land management agencies which do not have trained archaeologists on staff to properly document this material - in most cases this material will end up in boxes in a closet at the park or state managing agency.

An amnesty might widen our understanding of development in Florida. I can think of no negatives.

By forgiving people who have already broken the law, then it will only lead to more people abusing the land during the amnesty period. Would lead to the destruction of crucial archaeological sites. This needs to be discouraged. If something is found and moved, archaeologist will lose so much contextual evidence, and the artifact will have lost important contextual data that can never be recovered. Since Florida has an extensive history, we need to protect it. The only positive thing an amnesty program will do is forgive people who should have known the law. If a driver is driving on a road and the speed limit changes and they don't see the sign. I expect a cop to follow the law and ticket that person for speeding. We cannot bend the rules to forgive a few people. It is not fair and will only lead to more destruction in the long run. They should be held accountable for their actions. These regulations were put in place for a reason, TO PROTECT FLORIDA'S HISTORY. And amnesty program will only destroy this mission in the long run.

I think this will ultimately encourage looting and the destruction of archaeological and historical sites. Artifacts returned will have no contextual data, thus encouraging the erroneous belief that it is the artifacts that are important, not the contextual data. I can really see no positive impacts of this program.

There needs to be a greater emphasis on making the public aware of the applicable cultural resource protection laws and statutes. Many hobby/occasional collectors are not aware that it is in violation of state statute to collect artifacts, particularly from the exposed or eroded ground surface. There are, of course, those individuals who will willfully excavate known sites; however, there ought to be a distinction made between those knowingly destroying significant archaeological sites and those "opportunistic" collectors that pick up artifacts from exposed/eroded/disturbed surfaces. Any one-time amnesty program is not likely to bring forward the unrepentant, repeated looter. Condemnation and judgment is likely to make the hobby collector resentful and less likely to come forward. Public education should be the #1 priority; make individuals aware of the laws, let them know that these are their public resources, and offer ongoing assistance in recording site finds who demanding apologies, shame, and surrender of the materials. It is better to lose a few artifacts to private collectors then to lose the overall support for the protection of archaeological resources. Which is where we are heading.
An amnesty program trivializes the existing cultural resource laws on the books in the State of Florida. It encourages folks to think that it is OK to take items from public lands and if they possess any that it is OK as they will be able to return them without question.

Unlikely the program will have positive results unless there are some incentives to participate. Prospective participants need to know that their actions can have real impact on our understanding of the past. The program might have better success if participants were given information/interpretations of the material they turn in.

The effort to preserve our historic resources is always an uphill battle. Facing manpower and funding shortages, the state can't afford to water down its efforts to educate residents that intrasite hunting and private artifact collecting is against the law for a very good reason.

People still believe in a finders keepers mentality do not see how an amnesty program would make a difference.

Some artifacts may be turned over to the state. It could encourage others to go looking for artifacts.

May find new meaning to questions, not answered with current findings.

Bring attention to current rules/regs for protecting significant cultural sites and artifacts. Good PR.

Pros- Education Shared Resource Future Exhibition for Many, instead of Few Research advancements Societal Acceptance of Laws and Respect for our Ancestors and all they have made Cons- More work for State(Could be a good thing)

An amnesty program would allow for a greater sharing of artifacts, and consequently knowledge, between professional archeologists and amateurs. A larger pool of resources would be available for professional archeologists to utilize if the amateur community did not feel the threat of prosecution over their heads for possessing something that perhaps their grandfather found and has passed down through the family. Perhaps the artifact holds some archeological significance, but if the person who owns the artifact is worried they may be prosecuted or the artifact taken from them they may not come forward to share it for the purpose of scientific research. The only negative impact I can foresee is that a small number of individuals might exploit the amnesty program in such a way as to protect possession of artifacts that were gathered illegally. I believe this would be a very minute amount of individuals, therefore, the positive impact of stimulating more scientific research through amnesty for individuals and peace of mind concerning prosecution would outweigh the negative impacts of an amnesty program.

This type of program will encourage collectors to participate in something of value to the State's knowledge of its history. Not all collectors will do this, but the program may bring some recognition to these people of the value of the State places on its history and its archeological sites, both prehistoric and historic.

I think finding an artifact in waterways should not be illegal. They have been washed from original origin and have no value as to history. It should be legal to take what you find in the water with a permit, like the fossil permit.

Hopefully, if someone had something of real importance, it would be returned to the state, where it could benefit or be enjoyed by more people.

Implementation of an amnesty program sends a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archeological sites contained therein. It would not be taken seriously by many, including those who have systematically looted sites on public lands and waters. It would not prevent future collecting or looting of archeological sites on public lands or waters. It would probably encourage it. It would confuse rather than clarify the public understanding of law and regulation that protect archeological sites and materials in Florida. And it would provide rationale for calls to reinstate the failed Isolated Finds Program, which I also oppose.

It would likely encourage site looting.

The right kind of amnesty program would only have positive impacts for stakeholders...Only a said program that did not mandate that stakeholders in possession of artifacts from state lands turn over the items to the state. What's important is the information sharing, and decriminalization of many fine people who have ever had the exciting opportunity to discover a beautiful piece of history laying exposed at their feet or in the water. These people should not be criminals. They should have a way to report and keep their finds. So, the right amnesty program would positively impact all stakeholders by: —providing a way to share information between a citizen discoverer and an archaeologist —improve relationships between citizens and government —decriminalize good people who would greatly like to share information and exist within an era of goodwill between professionals and avocationals —many people would donate items that were deemed scientifically significant out of goodwill. —decriminalize a child or adult for having made an exciting discovery of an arrowhead, shard, etc., lying out of context. —allow for citizens to feel as though they can be a part of the discovery and information gathering process of archaeology. We are only talking about isolated artifacts that were not dug out of context on state lands...anything dug out of an intact site on state land by someone not permitted to do so should remain illegal...
Artifact Amnesty Feasibility Study

Positive - artifacts/resources would be returned to their rightful owners (all of the citizens of the state) for display, research, or curation.

All negative: • Send a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archaeological sites contained therein. • Not be taken seriously by many, including those who have systematically looted sites on public lands and waters. • Not prevent future collecting or looting of archaeological sites on public lands or waters.

New knowledge about archaeological sites/historic properties. New relationships with the people of Florida.

It could bring awareness to persons that didn’t know better. The real thieves, that do it for profit, are not going to have a change of heart and hand over their livelihood. They are well aware that they are stealing. The only people that will participate will be the innocents that found an arrowhead that they cherish and probably led them to take an even greater interest in our history.

Any program that would allow information exchange between the collector community and professionals would be beneficial. As it stands now the State is not benefiting from the vast expertise and knowledge base that exists among the collector community. The current climate is one of mistrust and suspicion. With the recent siege by FWCC on a group of collectors (who were not necessarily doing legal activities) in Florida and south Georgia, the State has now alienated anyone who might have been interested in working with professionals regarding sites and artifacts recovered from State lands. The people who are passionate about archaeology and enjoy hunting for and recovering artifacts from displaced context (like points laying on the surface of the land or on the bottom of a river) are now afraid the State will confiscate their finds and prosecute them. You cannot expect any collector to participate in any program while they perceive this kind of threat. My suggestion would be to have the State implement a new policy whereby isolated finds can be recovered and reported to the State. Once this has been established you may regain the trust of the collector community. Nothing positive will happen until trust is reestablished.

Pro- The State gets back some of what was looted. Con- It’ll be utter Crap. Undocumented, Crap. The failed Isolated Finds Policy all over again. Even if an interesting artifact is turned in, without provenance, it’s just an artifact. We’ve plenty of those, and the individual should probably have just left it on the wall where it made at least them happy, but will just piss off the Archaeologists who have to deal with another random item. Con- It’ll cost Trained Archaeologists to deal with incoming specimens, write reports, blah blah, blah… do what we do. Unless the purpose of the amnesty is to just get a bunch of artifacts ‘off the street’ and give out pardons for the committed crimes? What’s the point of that, if we don’t learn from what they can give us. It’s not worth it. They lost state lands, so be it. Every State Park has warnings against it, and it still happens. There are legal ramifications to doing it on State or Federal Property. Go find a private landowner if you want to dig.

The positive impacts would be even more minimal than the ones from the isolated finds program. The negative impacts would include the implication that the state allows looting; encouraging future looting; and encouraging people to view artifacts as isolated pieces of property, rather than part of our collective history.

The majority of everything found out by so called professionals was given them by amateurs. By being so full of their selves time and time again they have cut off the very arm that gave them what they have. It has been said the information is the most important versus the material item (by the state). By the states own actions they show their words untrue and are nothing more than collectors their selves. Trading, giving away items, and sometimes just throwing them away they do as much wrong, maybe more from what they skimp versus what they actually do. I guess I will always remember since being there the $4.00 cups of coffee the Historical committee members were more worried about getting than saving the ISOLATED FINDS PROGRAM. 6030 plus artifacts were given to them in picture and paper, but clearly that was not what they wanted.….What was the real reason???? Wondering minds pretty well know.…..JUDY BENSE…..pretty well a female want to be Julius Caesar….time for all the screwed up to be righted.

Perhaps it could help remove fear among collectors with private collections. Would be great if the shows could resume so that the public could enjoy the educational benefits of interacting with the collectors.

I see all pros so far, hopefully this will keep their hands out of our private collections and we will no longer fear of our relics being seized. Think this is just what the doctor ordered. This would both benefit us and the state. So far I don’t see any cons yet.

I believe the positive aspect would be that people could return objects they may have taken without knowing it was illegal to do so. The negative aspect may be that people return damaged artifacts that should have not been touched in the first place and can’t be fixed.

The possibility that the trust of and from both parties has been broken and un-repairable. Or it could be the start of a new Era where both professionals and amateurs/hobbyists can work together.

The state posses more than anyone will ever see. So if they would like to view/study artifacts from the public without prosecution and return such item after sufficient documentation the that would work.

It’ll show that the State is serious.
The amnesty program would promote rapid and intensive locating of archaeological sites, only to be "protected" by the law upon admitting they did it. It would foster the black market across the world, and promote those wishing to work the system. It is highly likely that those admitting to locating archaeological sites will either not turn over artifacts they had, or they could have already distributed them.

Hopefully, all artifacts are available for citizens to view and study. Artifacts sequestered in a state owned/controlled warehouse away from the public should be illegal. Taxpayers money supports the jobs of those in the division. It is only appropriate that taxpayers have unfettered access to those resources.

The program seems logical but I think people such as those who have done the taking are not of the mind set that returning anything is necessary unfortunately.

State lands, and the cultural and resources they contain, belong to all of the people of the State. I do not like the idea of a few people being allowed to take anything from State property and call it their own. I especially do not like the idea of State-owned cultural resources being disturbed or destroyed by people who want to collect State-owned property for themselves. Therefore, the negative impacts are the most obvious to me: 1) such an amnesty could send the wrong idea to people: that there is nothing wrong with disturbing/destroying State property and/or cultural resources, 2) that it is ok to collect things from State property because there will probably be another amnesty day or two sometime in the future as well, 3) I think an amnesty will undoubtedly result in further disturbance/destruction of State-owned cultural resources. The only positive I can think of is that the DHR may get some limited information from some collectors.

see previous comments.

I don’t see a negative side.

It would be wonderful for the both the collectors and state can come together to enjoy the treasures instead of someone keeping them locked away.

It’s a lot more reasonable than conducting ridiculous sting operations over arrowheads.

It will give people the impression that the state condones, or at least does not oppose, looting. It will be ignored by the serious looters. It will provide artifacts with bad locational information that will ruin our understanding of history.

I think it is a shame to label someone that looks for specimens in the waterways of Florida as a criminal. An amnesty program could potentially be good in that any specimens in doubt would be exempt.

on the positive side, the state could learn about some important resources.

Negative: the contact is gone when an object is removed from its environment. Positive: if the persons returning them
to someone of their find some of the details they give may enable state agencies to place the
to the story of their find some of the details they give may enable state agencies to place the
the object in time and place and recapture some of what was lost by its removal. Negative: the state may have to spend
the object in time and place and recapture some of what was lost by its removal. Negative: the state may have to spend
some money promoting this amnesty, and may not see a whole lot returned. Positive: the history/heritage of where one
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lives is priceless, so anything that does come back, however small or insignificant, has the potential to plug a hole in
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the fabric of our history, and tie two apparently disparate events together through an artifact or Eco fact once thought
the fabric of our history, and tie two apparently disparate events together through an artifact or Eco fact once thought
lost.

Artifacts that are submitted will have questionable provenance and therefore may not accurately help tell the story of
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our state’s history. Additionally, without education, many people may be holding artifacts will not relinquish them.
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They may view this process as simply taking possessions away from them. I believe that a clear description of what
They may view this process as simply taking possessions away from them. I believe that a clear description of what
will happen to the artifacts and why they are being collected should be made public.

POSITIVE: 1) Could potentially encourage looters to return items and provide map locations for their State
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lands/waters finds for future research. 2) Could encourage folks who are not "committed" looters to do the right thing
lands/waters finds for future research. 2) Could encourage folks who are not "committed" looters to do the right thing
and learn how to work w/ professionals, record their finds, and contribute to research advances on public
and learn how to work w/ professionals, record their finds, and contribute to research advances on public
lands/waters. NEGATIVE: 1) Could send a message to "committed" looters that they can continue looting from public
lands/waters despite laws that are already on Florida’s books penalizing it. 2) Could undermine established laws
governing removal of materials from public lands/waters by creating loopholes and/or conflicting policies.

Sends the message that the State of Florida is not committed to preservation of publicly-owned lands and waters and the
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archaeological sites found there. Actively encourages the systematic looting of archaeological sites on public lands
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and waters

I feel it will move things forward and help develop reasonable laws for something I feel the punishment doesn’t fit the
I feel it will move things forward and help develop reasonable laws for something I feel the punishment doesn’t fit the
crime. The state is not a safe place for our artifacts as it is now. Our museums have a terrible reputation as keepers of
crime. The state is not a safe place for our artifacts as it is now. Our museums have a terrible reputation as keepers of
our heritage.

Amnesty is for people who've done something wrong, like all the idiots in the Historical Society.

Amnesty is for people who've done something wrong, like all the idiots in the Historical Society.
I have seen private individuals bragging about the archaeological finds they have pulled from state lands. Now these items are lost and offer no interpretive benefit, and create a permanent vacuum where Floridians lose a sense of time and place.

Some type of archaeological permit would be helpful to bridge a gap between amateurs and professionals. For instance people who love to fish can get a fishing license people who love deer & hog etc. can get a hunting license, people who love history and archaeology should be able to get a license also and share their findings with the state. Nobody was informed that Florida changed its laws. Scuba diving teaches the younger kids responsibility a sense of accomplishment and it's a deep hobby. It's a proven fact that the museums have everything that an amateur archaeologist have there is nothing that we have that is significant and all the artifacts that come out of the river have been displaced they are not on any site where Native Americans were the water has this place them and move them.

I think the state spends too much time and money prosecuting artifact collectors as if they are a criminal drug ring. Most people just love history and artifacts and hate to see them go to waste, locked in the ground or washing away in rivers.

I think that it would be positive.

On the positive side, it is clearly intended to be a self-enforcement approach to compliance. It is likely to be perceived by most to be an effort by government to relieve the burden of non-compliance with respect to artifact collecting on public and private owned lands and water, it also gives state agency personnel an opportunity to relinquish materials heretofore collected and not surrendered from personal activity or project compliance projects. Some members of the public will likely participate. On the negative side, your agency may be inundated with unprovenanced artifacts whose disposition within or data contribution to the state collections will generate a fiscal and staff impact of unknown proportions. So, in addition to amnesty collaboration would reduce, if not prevent, information collection from participants about location and context such that the recovery satisfies some basic chronological data interests. This realization will be made by the hard core collectors, hence participation could be seen, result in the loss of prize collection sites and their being tagged as known collectors and the target of future investigation. Too bad about that, but it can lead to a groundswell of negative lobbying and call for legislative insight on government historic preservation compliance practices with the collecting public. The development of an amnesty program should be firmly rooted in a strong public education program that actually explains why protections are necessary with the collimation of participants to assist in the program on a phased basis. Site protection is not an onerous burden on the public, but how the program operates can be perceived as such. Making the program non-threatening and inviting as possible is the key to removing the negative overtones. And, this means early on gaining proponents from the very community that is most affected. The public outcry then goes away. It is not what you say, it is how it is said.

Negatives:- People "getting away with it": paints picture of state having a weak backbone towards looters. I don't think people will return anything especially for no reward (like they could with similar gun-return policies). Artifacts returned won't have location info or info of other artifacts that were around it to help the archaeologists tell the story of what was happening there (no one remembers that kind of stuff). I don't think a preservation message will be taught doesn't show people why this is bad (and selfish). There are better ways to engage the public in real/proper/legal archaeology. Positives: - Might get some stuff back.

Items may be of historical value to studies.

The greatest value is to continue educating collectors about the damage they do and to reorient their activities that support state programs. The problem with collecting is not going to go away but this is an opportunity to educate and open up communication with collectors that will in the long run be of some benefit to the state.

It will help to make people more aware that these artifacts on state land belong to all of us, not just a select few who actively hunt for them. I hope it will bring a positive change to reduce looting of state sites and increase donations of private collections.

The program appears poorly organised and is unclear in its current form. I am a proponent for the preservation of Florida's cultural heritage and this amnesty program represents a step backward.

The amnesty opens the door for continuing illegal acts. In the hope that there will be another amnesty in the future; amnesty basically, in this case, weakens the rule of law.

If all the people that turned over objects they previously recovered (river divers, casual finders), where in the world would the state keep all this stuff and what would they do with them??

Using an amnesty program could limit the amount of legal fees and time to recover important artifacts.

Some archaeological valuable artifact could be returned to the State for further study. For the hard core collector, they will not give up their collection.

Well considering the State is in possession of more artifacts than anyone will ever see I think it is just the fact of people that have collected on state or water that this pertains to 100%.
Artifacts Amnesty Feasibility Study

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289 positives include return of materials for study and increased awareness of laws. negatives are lack of storage facilities and possibly provenience for effective study

290 It would only be a win-win for the state... as well as hobby collectors if the state did not cease any more artifacts.

291 I do not see how any type of amnesty program would work at all. I do not think that a program such as this would encourage people to turn over collected artifacts or discourage those same people from stealing artifacts in the future.

292 It is a shame that an amnesty program has been proposed at all. I was born and raised in Florida. My father was born and raised in Florida. State lands, especially state parks, are some of the most beautiful and important areas left. This includes natural environments and the histories that are buried there. An amnesty program should not be passed. Such a program will only send a negative message that might encourage more theft.

293 The amnesty program suggests that the firm edit to "leave artifacts where they are found" is not so firm.

294 I think the idea of an amnesty program should go in a different direction. Instead of those having to turn over their items that are usually very well protected, displayed and researched by the collector, there should be a mutual sharing of knowledge type of amnesty. Allow these collectors to share their finds without having to turn them over. In this way they could be shared with state resources to learn more about these areas of historical significance and more information can be gained on what has been found. I think the state will find that most collectors are very into the history of their finds and have extensive knowledge of these items. The state should also know, that many areas that these items are collected are anything but protected. Often these areas are polluted, full of trash and often facing erosion. Focus penalties on those that go into the well kept protected areas and dig etc, not surface hunters or rural areas that nobody is doing any research on but these collectors. Mutual sharing would be the best path.

295 By and large people who collect artifacts off of state and federal owned lands know they are breaking the law and do not care. They have no interest in following the law and therefore would have no interest in an amnesty program. An Amnesty Program not only would not effectively "recoup" these stolen materials but would more be more likely to lead to an increase in looting.

296 I feel an amnesty program would result in the general public getting the impression that archaeological artifact possession is not a serious crime. I think it will spur looters into a type of derelict effect where a big spike in felony looting will occur. And I think the state will suffer by losing its irreplaceable cultural artifacts. This is a stupid and dangerous proposal. Don't adopt it.

297 This program would not reduce but may in fact increase looting of our cultural resources.

298 After the collector dies the artifacts end up in estate sales and at places like Good Will with no provenience known. If the collector has amnesty to turn in the artifact and explain where it came from, then it is possible to find a museum close to where the artifact came from and perhaps even sites previously unknown to academia could be found and protected. Also if we had an amnesty program the opportunity to educate collectors about the damage to our ability to understand the past and Florida's cultural heritage pot hunting can do.

299 Positive: The people who surrender artifacts under the amnesty program would no longer be under threat of 3rd degree felony charges being filed. The state may acquire a relatively few diagnostic or museum quality artifacts. Negative: Such limited amnesty reinforces the current us vs-them attitude of the people and the state. Individuals who possess artifacts will believe that turning artifacts in will bring them under greater state scrutiny. Artifacts collected through the amnesty will be from uncertain provenience and therefore of little, if any diagnostic use. Artifacts collected through the amnesty will be less likely to be viewed and appreciated.

300 Any sort of amnesty program like this legitimizes the looting of archaeological sites across the state. It sends exactly the wrong message to people looking to capitalize on historic and prehistoric material culture.

301 I don't think this will stop future looting. And those that regularly loot will not return what they take.

302 The only positive side is for people to understand that it is wrong to disturb unmarked burials or other ancient sites. Negative is to even consider amnesty. We all know this has been going on for years, will this amnesty program also encourage archaeologists who do this under the law who hold back items for themselves? We know there is a lot of this. What about St. Augustine and there archeological guidelines - they get away with a lot

303 Who exactly are the stakeholders? I think the lawmen should get on to real issues like poachers immigrants and the drug trade and leave the average Joe alone. State and fed employees cant collect all the "resources" there is too many

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The state could view many of the artifacts held in private collections. This doesn’t mean they should confiscate them. Many of these artifacts had been found prior to the laws existing today. Most of my pieces have been seen by state archaeologists already. Calvin Jones, Jim Dunbar, Jamie Levy, and others have seen artifacts I have decades ago.

The proposal, as stated, is simply too vague. The time period of amnesty is not defined, there is no stipulation to ensure essential contextual information is included with returned artifacts, there is no accounting for increased security to prevent looting at sites encouraged by the amnesty period, and the proposal in general devalues Florida’s existing historic preservation laws. It sets a precedent that these laws are not to be taken seriously, which is a serious threat to protecting the integrity of Florida’s cultural resources.

I agree with the following: In opposing creation of an artifact amnesty program, which we presume would be accompanied by forfeiture of illegally obtained Florida artifacts and disclosure of their find locations, we believe such a program would: Send a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archaeological sites contained therein. Not be taken seriously by many, including those who have systematically looted sites on public lands and waters. Not prevent future collecting or looting of archaeological sites on public lands or waters. Confuse rather than clarify the public understanding of law and regulation that protect archaeological sites and materials in Florida. Provide rationale for calls to reinstate the failed Isolated Finds Program, which we also oppose (see http://www.flpublicarchaeology.org/blog/?p=49). Florida has always been a leader in state-level historic and archaeological preservation and its current policies are consistent with an international recognition of the importance of preserving the archaeological remains of our cultural heritage for the future public benefit. Regardless of how it might be constructed, we believe any artifact amnesty program would represent a retreat from this position of leadership. If we forgive those who obtained artifacts illegally from public lands and waters in Florida, we fear that this will set the stage for a push to just make it legal to collect on these lands through a program such as the former Isolated Finds Program, or the recently proposed Citizen Archaeology Permit which we believe is also a bad idea for Florida’s irreplaceable archaeological heritage.

Allowing amnesty would weaken an already poorly enforced law. I support enforcement of the laws that exist.

Positive: the state gets back a lot of "stuff" with little to no provenience/context. Negative: the state gets back a lot of "stuff" with little to no provenience/context.

Bad precedent set within the state, the region, and the archaeological community. Would send a message that looting is condoned by Florida.

Supporting such program sends the wrong message to looters who would be prone to repeat their misdeeds, and would also encourage others to loot or continue looting such cultural resources.

The context is still lost. The artifacts become even more valuable on the black market.

Amnesty would give the impression that it is sometimes okay to disrupt or possess historic artifacts.

Our artifacts of our Country history or culture or religion should always be protected by state officials.

I believe that people need to understand that taking artifacts from historical sites is illegal and there are repercussions for it. People need to find ways to take advantage of an amnesty program.

Who would return item? They knew what they were when they took them. There is no incentive to return them and I doubt there is money available to fund the advertising necessary to guilt them into returning items.

If there are honest people who would return artifacts, it would add to the ability to document history, much of which has already been lost.

Without knowing the specific details of the program this is difficult to do. Positive: The state would gain information/objects from archaeological sites that had been damaged. There might be instances where information might be provided that would be of use in restoration or better interpretation of a site or locality. Negative: 1. The state would be shown to condone the flaunting of its historic resources laws. 2. If a one-time amnesty program is allowed, it sets a precedent, and who can guarantee that others will not be called for in the future? 3. It will embolden those who buy and sell artifacts by letting them off the hook for trafficking in illegally-obtained objects. 4. It opens the door for weakening the state’s cultural resource laws. 5. If the program occurs, how will steps be taken to ensure that artifacts later looted from state lands are not then claimed to have been legitimized by the amnesty program? 6. Will the amnesty program have limits in any way? What if someone comes forward who seriously damaged one or more archaeological sites intentionally? 7. It could potentially hamper future prosecutions of individuals charged with damaging archaeological sites on state lands.

1. There is no positive impact. 2. If an amnesty program happens once, it sends a message that amnesty programs will likely happen 3. again... why worry. 4. Who are we kidding... people who collect from State lands/waters know very well that it is against the law to do so. 5. Bottom line is that a program like this makes the State look like it does not really care about enforcing its laws and is willing to overlook collecting on State lands and waters.

regain control of SOME items, not all but some.
The only way I, or anyone that I know would provide the DHR with any artifacts and information about the finds would be if the State re-instituted the Isolated Finds Program that it had in the past. To provide a limited Amnesty Program is just nonsense.

This program is not well defined, first of all. It also encourages people to loot.

Negatives: First information loss is a problem. Real Example: A cannon from under the sea was stolen a few years ago from an archaeological site off Shore of St. Augustine, the nation's oldest continuously occupied Port City in the Continental US (San Juan, Puerto Rico is older). Cannon's such as this should be curated and the sits taken out. Let's say that has been properly done. If that is the case then the looter will return an object whose markings have been lost beyond any value to historians, because it won't be diagnostic of time and place anymore. If the looter shares where the object was gathered the information is more valuable, but if they are not willing to share...you now have a piece of cutting cannon that the state must either try to care for (impossible in this situation) or dispose of. (Bad press). Second Cost: For every 1 dollar that a true archaeology team spends in this field; a conservation expert will spend 10 dollars in the lab caring for an object. Are you going to do that for all these objects...hundreds of thousands of object may be turned in. Third: Press; The message this sends is...it's not that bad. It REALLY IS THAT BAD. Its theft and destruction of public property and public knowledge. Should this be given a pass on destruction of the Temple of Papyros? Same thing, different scale. Exact the same thing really. They are destroying history that can never be documented or studied again. Positives: The People of Florida might gain some important information about the location of unknown sites if the context is requested with the object. If not, its just another negative. Positives: If we can identify names of those working without a permit in Florida we may be able to train them to get a permit in the future, or to work through the system in the future, and I would hope we'd use this to teach them in the future, because they will do it again.

Positive: Speeding up the entire process. No need to pull permission each time, as can be done with an amnesty program. Negative: The archeologists would lose the mass of history that they would find in the returns. People probably would not return objects if they think they won't be returned as they are.

Positive: Having an amnesty program in place, for any duration, would send a clear message that state officials will forgive irreparable damage that has been done to a few archaeological finds without any contest. Archaeologists would not use these finds to include the stigma involved that these historical resources were turned over to the state and that the context the items are returned to would be based on the individual who turned the artifacts in rather than any scientific methodology that could be confirmed in any academic setting.

People should not get away with breaking the law. I think people would take advantage of this and continue taking artifacts as long as they were actually caught and punished.

The positive impact is that some people might willingly turn artifacts over to the state. A negative impact could be that people feel that there is no penalty for taking items from state lands. Sadly much archaeological information is lost even if items are returned because placement in the site and other information has been destroyed.

Positive: May provide a bit more data about archaeological resources and sites but only if provenance was noted. Negative: Gives the impression that it's not really important to protect resources. May encourage continued taking of resources on state lands since there is always the prospect of another (and another) amnesty period. May encourage taking of renewable resources from state lands such as orchids, trees etc.

By providing additional information to State agencies as to the types and distribution of material present on State lands in order to assess significance and sensitivity.

Positive - provide additional material culture data to our knowledge base - provide an opportunity for donors to feel a part of providing this additional data Negative - who would think its negative??

Objects collected long ago may have deteriorated from lack of conservation. What are the parameters; would the State want rusting or Trem-end painted anchors from outside restaurants and gas stations. There would be the perception that the State was after all the commercially valuable "treasure." It is likely only undesirable objects might be returned; it may be worth trying but I suspect the results will not justify the effort.

I oppose the creation of an artifact amnesty program, and believe such a program would: 1. Send a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archaeological sites contained therein. 2. Not be taken seriously by many, including those who have systematically looted sites on public lands and waters. 3. Not prevent future collecting or looting of archaeological sites on public lands or waters. 4. Confuse rather than clarify the public understanding of law and regulation that protect archaeological sites and materials in Florida.

This program would have negative effects, despite its best efforts. Much like the Isolated Finds program, this would lead to increased looting of artifacts, and would not protect serious illegal collectors in any positive way. Please do not institute this program.
Artifact Amnesty Feasibility Study

It should be written that anyone that has artifacts agree to have them photographed and documentation of where they were found so the info can be collected and stored in state files, but the current owner should be able to keep them. This will preserve history of different areas of the state.

It would show that the lawmakers and legislators do not take looting seriously since they are willing to give looters a free pass simply to get the (now contextless) artifacts back in state-hands. It would confuse the message that looting is bad and should be prevented because it shows that looting does not always result in negative consequences. One minor positive is the fact that artifacts might be returned to the state, but due to their lack of proper context, such artifacts use is very limited and would only be useful in museums or teaching collections.

The biggest problem is in taking a bunch of items that the state now has to care for and store. These objects will not have any context outside of knowing which state property they came from. What does the state really want all that stuff for? The damage has been done.

It would allow locals to become involved in protecting cultural resources, and get people to be more invested in the deep history of Florida. It would also inform people gently about an important law and allow them time to learn to follow it without punishing them immediately for their ignorance.

Bring back the isolated finds policy or something similar. The state is missing out on so much information by not working with amateurs. Artifacts are being found every day that the state will never know about.

We have enough government. If something of true historical value is found, there should be a place that welcomes artifacts openly so everyone can enjoy a bit of our history and for years to come.

May increase collecting on public lands immediately prior to and during the amnesty period. Could remove artifacts from illicit sales/exchange. Would add to the burden of Florida state agencies. Not enough details - what would happen to artifacts? What's the incentive for collectors to come forward?

Well, positive. It would show the honest collectors that the State doesn't want to destroy someone's life over something they have seen laying on the ground or in the river and picked up, that there are the real criminals that don't follow the laws. Can't think of anything Negative. With permit to allow people to pick up isolated finds and report it to the state would help the resources of the state and also encourage people to report illegal activity. It would be great for the State and people with an Interest in archaeology to work together.

If many artifacts are turned in, museums, schools, etc. will incur potentially high costs for storage, cataloging, display and more.

I only see a positive out of the program. There are a lot of historical resources in this world that people would love to know about but we keep them hidden from them and that is a shame.

It would be positive because maybe at one point something was taken without realizing it was illegal. If the person then wants to turn it in, they would be more likely without the worry of prosecution.

Presumably there would be an attempt by the state to catalog returned artifacts, but the information would always be suspect. What will the state do with boxes of artifacts with no reliable provenience? Keep and store? Release to public?

Negative a. Untrained disturbance of sites and flora and fauna areas. e.g. digging, excavating, coral, etc... b. Loss of historical information c. Treasure hunting d. A burden to land management best practices and preservation. e. Sends the wrong message to the public and our children...too many to list Possible positive: a. Return of unknown significant artifacts, specimens, etc.

The current level of infrastructure for collecting and cataloging artifacts may be unable to handle a large influx of such items into state hands at specific parks, and focus should be paid to training the employees which will handle these artifacts in the necessary procedures.

One of the major concerns about the amnesty program is that many archaeological sites, especially in south Florida, also contain human remains. Artifacts stolen from these sites not only violate FS Chapter 267 but also FS Chapter 872. In addition, an amnesty period may also encourage some individuals to actively dig at public sites during this time as they could declare the artifacts and not be prosecuted.
Artifact Amnesty Feasibility Study

As FPAN, FAC, and other agencies have noted, the terms must require that artifacts and as much data as possible be turned over to DHRI in exchange for amnesty. Data would at the very least be in the form of a printed map with a marked collection location. After the limited duration period, repeat offenders, those who did not come forward, and those who only returned some artifacts and retained others can be prosecuted as usual. I do agree with the sentiment that a state supported amnesty program underlines the letter and authority of FS Chapter 267, however I do not think it violates the spirit of the law. The State's duty to protect non renewable archaeological resources is based on their inherent value. Much of that value is derived from data, and the heritage of stakeholders, including the public. I believe that a limited, well defined (as above), amnesty program would positively affect both data collection and those public stakeholders who have recognized their error. And in so doing, maybe, generate a more positive relationship between professionals, the public, and the state. After Operation Timoqina, the public backlashs published by Ben Montgomery exposed a generally negative public opinion regarding state prosecution of collectors. Maybe some collectors didn't know they were in the wrong (which I doubt) maybe Montgomery has a chip on his shoulder, I don't know. But the message sold well. Forgiving people who recognize their mistakes, in good faith, is an important office of the state, and academies alike. If the law is well structured in order to protect the artifacts, I support forgiveness.

Eric Prendergast, RPA

Totally clueless about this.

It is obvious that the professional Florida archaeologist has benefited from the knowledge and information provided by amateur collectors and River divers. It would benefit both parties for this collaboration to continue. It is important that the current laws are revised to not make criminals out of Florida citizens Who sacrifice their own time and resources to rescue the remaining art objects from Florida's cultural history. I support bringing back and isolated finds type permitting system so that responsible collecting and reporting can occur.

An amnesty program would benefit archaeological research in Florida by allowing collectors to submit items of cultural interest without legal repercussion. Tremendous lapses in the archaeological record currently exist, partially due to unpublished, undocumented finds by collectors. The proposed program will have a positive impact, although at what level is uncertain. In my opinion, I don't foresee any negative impacts arising from this proposition. Considering the depth or knowledge present at this time, anything recovered could contribute to the very long cultural narrative that our state is capable of producing. Thank you for your consideration.

On the positive side artfacts would be returned and made available to researchers and displayed at museums for public enjoyment. On the negative side, looters and collectors may not be forthcoming with the extent of their collections. Many are repeat offenders and truly believe that they are entitled to keep what they find.

I think the state would use this program to take peoples private collections if you give anything back to the state, once they have your name they would get warrants to search your home.

It would be a great way to highlight what the state does with artifacts and historic resources. Would involve the community in a unique way, giving regular citizens more of a stake in preserving historic resources. Could provide new artfacts and resources to study and learn from. Might make a really nice exhibit if enough artifacts are recovered. I don't see any negative impacts at all.

I ultimately feel like this is counter productive to the goal of preservation of cultural and natural resources on state owned land. Not only do I oppose amnesty, I feel that enforcement and punishments should be increased to discourage the destruction of public cultural and natural resources.

After "Operation Timoqina" I nor anyone else has any trust in the state.

Collection is a natural human activity. The subject of collecting is the issue in this case. Artifacts and fossils have, in most situations, been the subject of prohibitions. Collectors, for reasons of their own, have ignored these injunctions and, in some cases, amassed impressive collections. In most cases these collections are not systematically done, e.g. the find locations; dates; etc., are not directly associated with the individual item or items but in some cases there are good records. Collections of the latter type would be the most beneficial under the proposed amnesty program. They would add both important information about Florida prehistory/history as well as, possibly, add real additions to public displays to be enjoyed by all and not just the private collector.

This does nothing to curtail the negative practices leading to this situation.

If this is granted, please may come to trust DHRI more and therefore be willing to talk more.

Positive: the state gets information about what has been found. Positive: collectors get to keep their finds and not face seizure of their collections and arrest. Do we really want to be arresting people and sending them to jail for picking up an arrowhead that was legal to find 10 years ago under isolated finds policy?? Florida needs to bring back the isolated finds policy or something similar.
If we resurrected the isolated finds program and DHR did a better job of promoting, educating, and following up with people, it would have the most benefit to the state. The fact is that DHR blames the failure of the isolated finds program on the people, when in truth it was the failure of the Division of Historical Resources to manage the program. DHR's mismanagement of the isolated finds program was scapegoated on the people of the state of Florida. And now they have given up the extreme and tried to make criminals out of a lot of honest people who are interested and enjoy archaeology as a hobby and have so for generations.

Florida DHR needs to stop viewing collectors with a us vs. them mentality. The State should try what MD DHR did and have the SHPO establish a neutral relationship with local collectors. Both groups should focus on their commonalities of interest in history/prehistory and not who has the rights to a given artifact. FL has FPAN which is a great organization and a real credit to the State. MD has the Certified Archaeological Technician (CAT) program. This program takes residents and trains them in proper archaeological techniques to identify and protect sites. Once trained these people have been called on by the SHPO to check the condition of sites given the states limited manpower and budgets. Often these CATs start out as minor looters and slowly become good stewards revealing the location of previously unknown sites. I employed this technique with a local collector and after 6 months or so revealed the existence of 6 new sites (Go look up the Steve Carr survey in the FLMSR). While I do not condone or tolerate looting it is going to happen. However, by working with the collectors trust can slowly be established and eventually 60% will come around to see that it is not "their" history but "our" history and should be protected and examined by more scientific methods.

An amnesty program is not appropriate. The law clearly states what the state expects. Creating an amnesty program will encourage site destruction and theft of state property. Sites are non-renewable resources and should be protected at all costs.

Positive: People under the amnesty program are allowed to keep their artifacts at home, encouraged to provide locational information as to where the artifacts are from, and asked to donate artifacts from State lands when they pass away, rather than sell or trade them. Negative: The biggest negative is if the program works perfectly. The State will receive thousands of artifacts, most with no provenience, and add to the already unfeasible curation nightmare. How about this, do a feasibility study first on how many people actually look at the artifacts you already have.

If enacted: Show the state does not take its commitment to protection and preservation of state land seriously. May allow for additional illegal activities on state lands. Cause confusion about state law. May set the stage for additional collection programs. Show the state does not care about its cultural resources, specifically archaeological resources. —Florida is a leader in preservation - please don't enact this legislation.

This program will never work if you expect people to turn over their finds.

Positives - The return of artifacts to collection (if collection site was known) would assist archaeologists in gathering information about the site - The promotion of an Amnesty Day may help to educate people, who were not already aware, that taking artifacts from state lands is illegal. Negatives - People may be reluctant to come forward -The people with the largest collections of stolen artifacts will most likely not be willing to come forward. If they were specifically targeting state lands for their collections, it will not deter them from continuing their destructive practices. Those people should be targeted by law enforcement anyway.

As a stakeholder, steward of cultural resources, and professional archaeologist I am appalled by this notion of artifact amnesty. I manage a State-owned archaeological site and I can't stand the thought of telling criminals that it is ok and forgiven to steal artifacts. There are no positive impacts to this program.

Unfortunately, I do not believe an amnesty program would stop the occasional collection of artifacts on public lands in the future.

This is a complete waste of time and taxpayer money. People that have broken the law should not be given amnesty. On the other hand, all artifacts found on state owned property are not the same. Ones dug and still in their original archaeological context are much different than isolated finds removed from their context either through erosion, construction, or other events. Finally, I do not trust a state bureaucracy to even attempt to honestly and accurately draw a distinction between the two.

Negative: Selective return of less valuable items by very limited participants. Positive: An event that may suggest items were recovered.

Positive: It would identify past violations and they could be catalogued for future reference if a site was plundered again.
Artifact Amnesty Feasibility Study

Things would be turned in that are of numerous same type things such as points (arrowheads), fossils, etc. that there probably are thousands. If the state wants to have this information, as I have said, there should be a formal way to record this information and send it to the state. Many people have been collecting for years when things were not illegal and now it is becoming unclear as to what is illegal, i.e., an old bottle, a fossil. It used to be legal to keep projectile points as a "casual find" so many have those but how would anyone prove that. Amnesty is not what is needed but people would be happy together. If the state wants "historic things" there should be an amiable way to preserve the information. Most things are found by "amateur" collectors and I would think most would like to know that they can record their finds and help the state preserve the information.

All positive.

There are no negatives. The state would get the information they want and collectors would get to keep their artifacts without fear of having them seized.

Positive: Reclaiming artifacts Cons: Falling to enforce any consequences for the disregard of an incredibly important law.

This could be a win-win for both the State and amateur collectors.

JUST BE HONEST HERE! The amnesty program is another method the state wants to place to obtain any and all artifacts from the private collector. Just look at some of the past of Raps. Like Buddy Daniels for example. You people make criminals out of law abiding citizens just for picking up a piece of Fla. history. Shame on all you greedy people. I guess you have all forgotten the fact that people "not afraid of the law" are willing to share there collections and isolated finds with the state... kinda how all our Museums became full in the first place! Remember??

Please see my earlier comment. Amnesty creates a grey area or sends a mixed message that looting is ok in certain contexts or that certain people can get away with it. The law must be applied equally to all in order to send a clear message that looting is illegal and never tolerated. Some might argue that it would be a loss if items obtained illegally were not donated during an amnesty program, but looters/collectors always have the opportunity to donate their collections to a public museum or institution, with or without an amnesty program.

I think that an amnesty would empower the continued looting of state-controlled lands as another amnesty in the future would no doubt be on the table to wipe away the next round of thefts.

The Amnesty program could bring to light the location of sites unknown to archaeologists as well as materials that would provide information on any new or existing sites. NegativelY, if the State is unwilling to prosecute individuals or groups who have illegally removed archaeological materials from state land and did not take part in the Amnesty Program it would show that there is no intent to enforce Historic Preservation Laws and likely lead to more looting of sites on state property.

Illegal is illegal. Period. No amnesty.

Positives: Publicity for the law regarding collecting. Possible new information about unidentified sites or resources. Unprovenanced items could be made into type collections for educational or non-profit organizations to use in public programs. Negatives: Possibly large quantity of unprovenanced items for the state to process.

Create a lot of paper work leave most valuable artifacts in private collections - that's why they have them - they are valuable and are sold on e-bay and other internet sites.

An amnesty program could bring in some significant artifacts and the locations where found but few will do so if they must give up the item. Much information is now hidden from the state because the finders fear retribution and confiscation of the item.

I do not see any value "beyond" the amnesty program unless representatives of the amateur and the professionals can sit down and recognize the value of both sides. If collectors want to play by their own rules then we do not deserve to advance toward a resolve. If the professionals do not wish to bridge the gap then they are near-sided grant grabbers that have no real regard for Historical Resources, mainly their self interest.

Positive - potential new information, perhaps even significant information. Negative - Sends message that the state cannot prevent this illegal activity, and also that there are no real consequences for engaging in the illegal activity.

Allowing people to "do the right thing" without penalty is essential in recovering precious pieces of Florida's history, throughout the state.

You would have more people searching and collecting artifacts, and therefore increase the number of items collected.

It would have no effect. The state has plenty of historical resources.

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Artifact Amnesty Feasibility Study

Without desecrating Florida's land, I would be in favor of allowing anyone to keep found items, but I would support having to turn them into the state to document any finds. I would leave it up to the state to determine if they would like to keep the artifact if such an artifact would be unique or exceptional for the state. The state should be required to purchase such an artifact. The state is in the business of looking for artifacts. Because of this, many artifacts are lost to development. Let the private sector find the artifacts and have a program to turn in for documentation.

You need a program for artifacts that mirrors the state fossil program that is educational and informative. This permitting program has promoted the study of palaeontology as a science and impacted many children to pursue a career in science and discovery including by own children. Any significant findings would then be given to the state as in the fossil program since they were found on state land. Imagine a young person's interest being sparked in the area of Florida History only to find out that they committed an illegal act by bringing back a broken arrow head to their school or parent's from a river bottom. The current law is flawed and simply wrong. This was promoted by a narrow minded, power hungry professor (now University President) with no interest in teaching the public or promoting individual finds - only selfishly promoting them selves for personal and political gain. The "amateur" is an important part of many sciences - Florida pre-history should be one of them. (and I am a full professor in the state university system of Florida.) The program should also be administered by the Florida Museum of Natural History. Fees and donations should be able to fund the program and be budget neutral.

The program will only have negative impacts. Ignorance of the law is no excuse. The artifacts are located on state lands and belong to ALL citizens. It is unlikely that law enforcement will be prosecuting individuals who happen to collect an artifact randomly. Enforcement is targeted towards individual who knowingly evade the law. And it sends the wrong message to the general public about the importance of our state heritage.

Recover important cultural resources for the state. Give collectors a safe venue through which to donate their collections. Many are concerned about their descendants breaking up collections, i.e. their life's work, and selling them into negative relations with the archaeological and the collector community.

Some collectors believe that this amnesty program is a trap, and feel that if they come forward with their illegal collections the government will use it as a chance to prosecute them. This program could backfire immediately, and cause the collectors to retreat further into the secret world of collecting, buying, and selling artifacts. Conversely, an amnesty program could create a useful dialogue between academics and other professionals, whose knowledge of culture histories could compliment the material culture of the collectors, who wish to learn more about the history of the artifacts they possess.

I do not believe you would have amnesty. Next thing you know the law would be knocking on your door. Even if you found it some were else they would say it was found on some land or in some water.

I think the State of Florida should stand firm against collecting of any artifacts on state land. Period. This is the only way to ensure security of sensitive sites. Anything that is done in that does not stand firm on this issue gives collectors an idea that they can push for more opportunities to ruin sites and make financial gains. The only good thing I can think of would involve proper curation of artifacts although you cannot always believe the collector when it comes to the source/location of the artifact source. Some of these artifacts could be used in museum exhibits and would probably be nice enough. Collectors do not save junk - only the "good" stuff.

An artifact amnesty project as currently defined does not provide significant protection of sites going forward. It also does not require any kind of information to be provided about the location from which the artifact was recovered. While the idea behind this program may be a good one there is not enough required information and specific requirements about what will happen to the artifacts afterward to be able to support this program.

See previous answer. I also think this would be a good time to develop an outreach program that specifically deals with collectors.

An amnesty for returning the items is a great idea. The items are owned by the citizens of Florida.

Positive recovery of information not otherwise accessible. Negative: Additional burden on curation facilities that are already overburdened. Also, might provoke additional intrusion into and destruction of historical sites due to ability to get relief from prosecution.

It will just enhance the public sentiment that an artifact is a thing to own. And not the comprehension that an artifact is valued for its scientific value to the archaeological and historical communities. Artifacts are only valuable when their context is understood. Otherwise it is just an old thing on a shelf or in a box - or possibly artwork on the wall.
Artifact Amnesty Feasibility Study

407 With so much corruption in the government, threats from ISIS, moral decline, and general negative trends in our society (crime rate, abortion, inflation, anti-Christian efforts, a Constitution that is in peril, etc.) the artifact amnesty program seems infinitesimal in scope. Who are the stakeholders? Are they folks who catalog the artifact then put said artifact in a box in a warehouse?

408 It is illegal to take artifacts from state lands and giving amnesty to looters will certainly not discourage them from looting again - this is just bad policy and goes against the protection of our cultural resources - I am completely against this idea.

409 Negative – Favors the negative impacts (physical disturbance of soil etc. and taking of artifacts for personal gain) of looters on our state lands without any repercussions. Would create more interest in the artifact trade and increase the market for goods. Positive?

410 If its a site, a burial, a ship wreck, a camp site, a quarry, an aircraft those are time capsules. A lone artifact 30 feet on the bottom of a limestone river base has been removed from its context and provide only two pieces of data, they type and the location, other than that nothing is viable. Where did it come from, banks are 20 feet high, river has migrated for 10,000 years, floods and droughts, eroded to bare limestone. The State doesn’t want commercialization of Artifacts. Simple make it illegal to sell artifacts! Don’t stop my children from being able to enjoy the possibility of finding a part of OUR past.

411 This could be a win win for both the state and amateur collectors. No one wants to see anyone getting into trouble over an arrowhead.

412 1. Site looting would not diminish. 2. The door to allow collecting on public lands would be open. 3. Some participants would deliberately falsify information regarding their finds. On the positive side, some participants could become valuable informants for archaeologists.

413 Positive: if required to return items and provide locational information, they may yield potentially important information that could be gained that otherwise would never be known. Negative: What’s to guarantee that folks receiving amnesty would turn their ill-gotten items over to the state? Would this amnesty program send the wrong signal to the public, i.e., if the state every so often will forgive people for illegally removing artifacts from state lands? If so, this would seemingly encourage continued collecting, even if it is against state law. It’s a tough decision. On one hand it would be good to get new information on potentially important finds, but on the other it could possibly continue to encourage illegal collecting.

414 A positive impact could be the discovery of new sites and potentially connecting the general public to archaeological research; however, this program would not curtail looting of sites or illegal collecting and would more likely add to the ambiguity of site's regarded as such.

415 The program would give individual clear legal standing as owners of the artifacts in question. They should not be able to gain amnesty and still keep the artifacts.

416 Even if only a few people would turn in objects, an amnesty would be worth it.

417 I strongly oppose this attempt towards an artifact amnesty program as it is my belief that this will undermine the carefully and seriously developed extant legislation and further promote looting and destruction of Florida's non-renewable terrestrial and submerged archaeological sites and thereby states cultural heritage. This comes across as a veiled attempt to weaken the legislative intent of Florida Statute 267.14, which could also place in jeopardy other preservation statutes and open the door to greatly impact all archaeological sites including human burial sites. Such a practice sends a message of disrespect of human remains and a disregard for cultural heritage. Thus compromising the state's unmarked human burial statute 972.05 as well as Federal law (e.g., the National Historic Preservation Act of 1966 and the Native American Graves Protection and Repatriation Act of 1990.) It is inconceivable to attempt to legitimize prohibited practices and the penalties that have been passed under Florida Statutes for the protection of its historical resources on public lands and properties. Florida has in the past, and I believe it should continue to uphold its historic and archaeological preservation practices as a front runner to other states, national and international communities and act as a great steward and leader for all citizens now and in the future by not pardoning the practices of a few at the great expense and loss to others.

418 I commented on the positive aspects in a previous question. I feel the positive aspects outweigh any negative impacts.

419 The collection of cultural materials from state-owned lands is illegal. Allowing for broadly advertised amnesty from this illegal act would be: 1. Confusing to the general population who does not collect 2. Ignored by people who collect for profit 3. Taken advantage of by a tiny fraction of the stakeholders who currently have illegal collection and fear prosecution. The disadvantages of this broad reaching program far outweigh the potential benefits for very few collectors.
Artifact Amnesty Feasibility Study

I think the proposed amnesty program will have primarily negative impacts. Persons may think if given amnesty, that in the future there will be no penalty if looting occurs. The historic resources will suffer with a perception of lower enforcement. In my opinion an amnesty program would not gather many resources. There would be staff resources used to promote and staff the program that would be better used for protection and enforcement programs. Florida has a unique and important archaeological history that should be protected, and correctly interpreted. State resources should be used in this way in my opinion.

An amnesty program will do nothing to prevent collecting/looting of lands held in the public trust. In fact, such a program may send a message to the public that looting state lands is a forgivable offense.

An amnesty would encourage further acts of theft by undercutting the fact that taking artifacts from state lands and waters without authorization is a crime.

Positive impact would be that more information would be gathered about our pre-history from "amateur"/collectors than in all the years past from the "professionals". The only negative I can see from an amnesty program is the state wanting to confiscate or keep the personal treasures of others.

None

Positive would be that we have historic resources that belong to the state back in the state's possession. Negative would be that we would not have the room to store everything or to pay people to catalog and display them.

This program continues to encourage bad behavior. Going off trails, digging and destroying the environment just for another trinket.

Positive: it would give individuals the chance to turn over artifacts that may potentially be significant without getting in trouble. Archaeologists may be able to locate additional archaeological sites that otherwise would not have been found. It would provide employment to archaeologists to process the collections donated by participants of the amnesty program. It will hopefully prompt public education on illegal artifact collection. Negative: Rapid and Intensive looting would take place during the amnesty period; people would likely turn over the artifacts they found; /People could lie about where they found artifacts with the intent to return to the site after the amnesty period ends. /Artifacts would still have no context. /Where to store all of these artifacts collected from personal collections? Who pays for the storage of all of these artifacts? A lot of people can't distinguish a rock from a projectile point = unnecessary paperwork, leg work, hassle, and time. /Budget. Offices would have to be opened nationwide to compensate for the amount of people who come forward. Other considerations: Parties should be required to sign documentation that they understand that finding artifacts on state controlled land, etc. is illegal and that they will not do it again. Participants should be required to turn over their documents, as well as report where other artifacts were distributed (Ebay). Participants should at least attempt to describe where the artifacts were collected. Interested individuals could take collections to local court houses to minimize building costs, but each location should also be required to employ an archaeologist to process any requests and collections. All donated collections should be stored within the state (within city, if possible) that they were found. In other words, if a party collected a projectile point from an Indian temple mound in Georgia but now lives in Florida, their donated collection should be stored in a state facility in Georgia. /Universities with active archaeology or anthropology departments would be ideal storage locations.

Looters want to keep the things they have stolen. No amnesty program will make them return what they have taken and it will not fix the sites that were destroyed.

It would create a situation in which it would be even more difficult to prosecute offenders after the amnesty program has expired. It would set a poor precedent and make the laws in place weak. Also, I believe that the majority of people would not participate, similar to what happened with the isolated finds policy.

I support the idea of professionals working with collectors to document their finds. I am not sure how an amnesty program facilitates that. It seems to me that it just lets site looters off the hook, whether they choose to turn in their finds or not.

I doubt if anything will be turned in. Even if anyone did the artifacts would most likely end up in a storage box ware housed atop the RA Gray building and never be seen again. If the state wants to locate and display missing artifacts they should start up a program.

Positive: education, discovery of significant unknown artifacts. Negative: no participation--wasted time and money.

Without any details on how such a program would work I think this is a bad idea. In all likelihood it would simply encourage further looting of archaeological resources on state land.

- gives people a chance to rectify past mistakes - gives opportunity for artifacts to go back to the public domain.
I believe some artifacts may be returned, which is the only positive I can see in the whole proposal. I think turnout will be dismal, and likely won't be worth the money it took to create this survey, much less the whole program. The fact that you call it Amnesty leaves a bad taste in my mouth from the start. To accept Amnesty is in itself an admission of guilt. If you weren't guilty of a crime, you wouldn't need amnesty. The public is not fond of imagining itself. If you want the program to WORK, then it has to be geared towards what actually benefits the historical record. While some artifact are nice to have and great on display, the KNOWLEDGE is what is really important here. Artifacts do not last forever, we must start looking towards the distant future, 2,000 years from now none of the pottery found in Florida will still exist. The DATA can still exist if we ever start focusing on collecting it, instead of making it illegal to collect. The negative impact of this is that people who believe they have a RIGHT to search for historic sites because they love history, will feel further distanced from the DHR and be even less likely to report any finding to the police at the DHR for fear of prosecution via ridiculous laws. The ONLY thing that PRESERVES the historical record, is finding and studying these site. The ONLY job the DHR should be focusing on is how to utilize the general public to accomplish the only goal they should. That goal should be to rescue as much history as possible before mother nature claims it all. Less police, more historians... after all, you are the division of HISTORICAL resources.

I'd like to think that it would free people from the fear of prosecution and the artifacts that get turned in would give us a better picture of Florida history. I'd also hope that this would be an opportunity to get more people engaged with the history of the state.

Positive = I believe those that have knowingly broken any Law would relish a clean slate. Negative = I feel few would turn over artifacts as so many know of instances where the states curators have stated they have no room to properly store the artifacts in their possession.

Positive impacts: The state could possibly recover important historic resources. The state could increase items on view in museums. The state could increase understanding of our history through the study of recovered items. The public could benefit by the potential to view (in museums) and study of recovered items. People in possession of historic items who did not personally take them, but received the items through inheritance (estate) or through gift could return items without fear of jail or penalty. Negative impacts: People who illegally took items would be relieved of punishment – however, if they are returning the items previously stolen, I believe that they must regret the theft, and therefore hopefully learned to not remove historic artifacts.

I think it will have no real impact. As we know from the historical evidence, people (not just archaeologists) have always and will always be interested in looking for and/or collecting antiquities. Until there is a fundamental change in the mind set of Florida archaeologists, which in turn will influence Florida government, in which they come to the scientifically based realization that not everything found is of archaeological and/or historical importance, I do not believe there will be any fundamental changes. A discussion of the implementation of a system similar to the English system would be a significant step in the right direction. Archaeologists are often fond of using the saying, "Those that don't understand the past are doomed to repeat it." I believe this quote is on the DHR website. And yet they above all seem always bent on repeating the mistakes of the past. This effort is just one more example of a missed opportunity to really influence the future in a positive way.

No comment.

better cooperation and relationships leading to the rescue of more historical objects

Cons - May lose historically/archaeologically important artifacts to private hands - Lack of public access to such artifacts

It remains to be seen the potential outcome of this, and the resources it may consume. However, there needs to be a very explicit plan to return or deaccession materials once acquired, and later deemed lacking cultural value – particularly with limited budgets to preserve and store such materials. Is the amnesty blanket for all cultural materials? Can it be done anonymously to further encourage and protect participants that they will not be flagged by the state? How will provenience, or the lack of it be used in determining whether or not to accept or keep an artifact? What is the expected value/ purpose of such a program? (especially without knowing provenience of a particular artifact)

The amnesty program is set up to prosecute anyone who has artifacts after a certain date. If someone has a collection that their father passed down to them, this pretty much has a turn it in or go to jail, if we catch you with it, set up. It has no provision for keeping collections that were amassed before current laws. Collecting arrowheads has been made a crime by overzealous law makers. One time amnesty is not the answer, bring back Isolated Finds Legislation and stop this persecution of citizens for a hobby that should not be a crime. I suggest that the people making these rules look at the British system and see how there is cooperation between professional and amateurs. The system in place now guarantees that people will not let the state know of any items they find. It is counterproductive. Yes, I realize that a request for stakeholder input has no effect on legislation that has already approved under the table by special interests.

Positive: A complete collection of state artifacts and cultural resources. Negative: Short term increase in collection on state lands.

I was forced to "donate" artifacts once before, and as we all know government intervention starts small, but...
Artifact Amnesty Feasibility Study

8/18/2015 3:54 PM

447 It would make the public more aware of the law, limiting future offenders to those that know they are collecting illegally. It would drive illegal collectors further "underground," making it harder to inventory existing collections.

8/18/2015 3:37 PM

448 As a maritime archaeologist, I would be keen for more communication between diver's and archaeologists. It leads to a positive impact within a region -- and may further aid in identifying and documenting sites which have previously been kept secret, for fear of litigation or bullying by state officials.

8/18/2015 2:56 PM

449 Recovery significant artifacts and specimens for the state and return to public custody. Raise public awareness of state laws pertaining to collecting from state lands. Locate important archaeological and environmental sites that state officials might be unaware of.

8/18/2015 2:54 PM

450 Positive: return of historically and archaeologically important artifacts - creation of a program that would allow the return of artifacts without punishment, this may encourage individuals to come forward Negative: - if this is a "one time" program, upon expiration of the program, more artifacts may be taken.

8/18/2015 1:35 PM

451 This would have a positive affect on the historic resources of the state because it will result in significant archaeological resources being back in control of the proper authorities.

8/18/2015 11:03 AM

452 Florida history and the artifacts left by past cultures is permanently lost each day to development, agriculture, industry and rising sea levels to name a few. The rescue and recovery of artifacts by private citizens insures that those artifacts and any information that can be gained from those objects will be preserved. An amnesty program would allow Florida citizens to share their artifact findings and the information regarding each object without the fear of having the State confiscate and prosecute those who care enough about Florida history to save the small traces that are left.

8/18/2015 10:07 AM

453 It supports people who play by the rules and play fair. It supports officials who are working to enforce the rules. It helps shift the focus from greed to scientific study values. Negative: It might drive some of the artifacts into a black market.

8/18/2015 9:50 AM

454 Since there was already been an Amnesty Program, a second Amnesty will just let people know they can take state owned property, and wait a few decades before declaring it in their possession. This highlights that the laws already in place - including the fines associated with them - are just for show. It should be emphasized that it is illegal to take historic objects from State lands rather than welcoming the act under Amnesty. On the other hand, if people are willing to share, this is the only way to find out what has been illegally obtained from State lands.

8/18/2015 9:49 AM

455 Whatever is returned is a positive result. Another positive result would be the publicity that draws attention to illegal actions.

8/18/2015 9:40 AM

456 I think the amnesty program will reward people for their criminal behavior and encourage additional looting and illegal collection on public lands. No individual should be allowed to take or collect those resources, and those who do should be punished according to Florida law. Persons possessing illegally obtained cultural material should be held accountable for their actions, whether collecting or purchasing.

8/18/2015 6:10 AM

457 Positive: It would allow inform us at state museums to steal the artifacts as they have been doing for years.

8/18/2015 6:26 AM

458 Respectfully decline.

8/18/2015 12:15 AM

459 It would allow people who are passionate about collecting and not looking for any monetary gain be able to pursue their passion a hobby without being labeled a criminal.

8/18/2015 12:03 AM

460 You can not trust the state, past, present, or future it seems.

8/17/2015 10:12 PM

461 How many specimens do the state need. Most collectors share their knowledge and promote the historical aspects of such artifacts.

8/17/2015 5:57 PM

462 No comment

8/17/2015 6:14 PM

463 I think it's a great idea. It will protect some of our grandparents collection if the state get some they're going to put them in a closet no one will see them mine on display in cases.

8/17/2015 6:01 PM

464 Real Collectors value their pieces as works of art and work hard to preserve them for future generations unlike others who hide behind their credentials for themselves or worse just leaving artifacts where they lie to never be shared and to deteriorate further.

87 / 104
The state of Florida cares nothing about the historical significance of any artifacts or fossils, only the monetary value. The state of Florida recently granted permission to Sleepy Creek to pump approximately 1.5 million gallons of water a day from Silver Springs. Again, no concern for the good of the environment or aquifer, only the dollar signs. The state of Florida recently granted permits to bear hunt in Florida. I, personally, have no problem with hunting animals that will be eaten. The black bear needs to be protected, not hunted. I doubt that the bears hunted are being eaten by the hunters. There is not a "rogue" bear problem in Florida. Again, no concern for wildlife or the environment, only the dollar signs. Right now, the state of Florida is actually considering allowing cattle grazing, limbering, cell phone tower expansion, and construction of golf courses in our state parks. Again, no concern for the historical significance of the land, nor the environment. Let's see, I'll go out with a hand held shovel and dig a few holes on STATE PROPERTY, it's not ok and illegal because I would be disturbing the environment and could be possibly displacing historical artifacts... However, the STATE can bulldoze and sod acres of STATE PROPERTY to plant timber, graze cattle, or build golf courses and PERMANENTLY cover up potential artifacts, for ever, and it's okay... I pay my taxes. Where's my shovel?

The state could have returned to us very important artifacts and items of historic significance that we do not know about and could contribute to a better understanding of Florida archaeology and history.

Positive: it might show good will of the state; you can spread the message that professional archaeologists are willing to work with collectors and all can benefit; there is no room in state collections anyhow and all the archaeologists want is the knowledge. Negative: it will turn more against the state and not really flush out more than a few. Education is the answer. Send in the public programs to offer amnesty often.

Positive: an amnesty would have no positive effect for archaeology since the context of artifacts illegally taken from sites has been completely lost. As such, artifacts handed over through an amnesty would provide little information aside from that used for material culture studies. Negative: the state would be responsible for the conservation and curation (in perpetuity) of potentially large volumes of materials, which would further contribute to already tight financial constraints placed on Florida's Bureau of Archaeological Research. Heritage laws have been in effect for decades and those in possession of materials know full well that they are not allowed to have them. Thus, an amnesty would allow people who should otherwise be held accountable to walk away from potential prosecution and would set an example that is possible to ignore the state's laws and get away with it.

They would be packed away or end up in a state employees collection and never be displayed to the public.

Negative: People may feel like they can take freely because they'll be able to return them one day. Positive: People will return artifacts they've kept secretly out of fear.

Sounds like this will make it legal for people who possess stolen artifacts to keep and own them outright, therefore allowing them to continue selling them with no repercussions or legal action. This is a very bad and dangerous idea. Black-market antiquities dealers will take this and run with it. I really can't see any positive impacts from this program.

Who are the stakeholders? Positive: State and archaeologists gain information on additional material culture. More interaction between the public with the archaeologists. Negative: Encourage looting (although there is no data to prove this). This survey really was difficult to answer, not because of any ethical reason, but because you are asking if I support a program where no details about the terms are provided. You also need to capture if the people taking the survey are professionals or collectors or else all of your data is skewed. Are the artifacts kept by the state afterwards? How is the state recording the finds that are brought to them? Where will these sessions be held? What archaeologists will be there? If they aren't professionals that are going to foster positive relations than what is the point of the program.

Positive: Returned artifacts can be added to the historic material for a particular site.

What assurances does the amnesty program have that collectors and boaters will cease their destructive activities? A onetime amnesty, merely grants them a reprieve; collectors/boaters should be prosecuted under the full extent of the law.

Positive: Regain artifacts and possible information. Find homes for artifacts at proper curatorial facilities. Opportunity to talk to people who are willing to turn in artifacts about the legality and ethics of taking artifacts from sites. Negative: The State now has to store these things. The information gained will be limited. The message sent to the public will not emphasize the important of context. The people who cause the most harm and do the most looting will not participate in nor be reached by this program.

Will let folks come clean who possess items of significance but who don't know what to do with them and will educate the public at large about it being illegal to remove such items — they belong to everyone.

Their removal was a criminal act that would be further reinforced by amnesty. Consequence free criminal acts should not go unpunished. Leave it to the Special Prosecuting Attorney to determine whether or not to plea out the crime.

Issuing of permits would be helpful.
Artifact Amnesty Feasibility Study

not many if any will do it. An amnesty program will more than likely be a failure for the most part not many people if any will do it. The only persons who might be someone like a black market type dealer who already knows he's being investigated and just use it to wash his hands of the hole mess but to my understanding all those guys have been kind of a fix on the law... but as far as the common collector I just don't see it happening there may be a 1 or 2 dealer turn some in but even that would shock me.

I would offer that hunting such items by permit should be allowed. Positive - The state re-collects some of its cultural heritage. Negative - Resource Intense - sends a signal of defeat to collectors - does not address the problem of illegal collection, only places a burden on the problem seen by authorities, but not necessarily the public - artifacts surrendered will lack context and without context, they are simply useless to the cultural heritage researchers of the state - probably low participation, therefore a wasted effort (albeit well intentioned).

The State of Florida does not have the resources to guard or collect all the artifacts in Florida. Leaving the artifacts in the water does not protect them! They will deteriorate, or be damaged. The State must work with the people to collect, and protect this resource.

Positive of a real amnesty program? Recovering items stolen from the State of Florida. Positives of an amnesty program that allowed thieves to keep their ill-gotten items from Florida's patrimony and even profit from their larceny? Zip. ZERO.

It would lead to further destruction of historic resources, and advantage only the people who have been stealing the state's history for their own financial gain.

It would open up an information highway between the two groups.

As I wrote before, I wouldn't want to condone the looting of archaeological sites and an amnesty program should be careful not to do so. It could be a good opportunity to improve relations between archaeologists and looters, an opportunity for archaeological information to be shared which otherwise would be lost, and an opportunity to educate.

I don't think there's anything negative about an amnesty program so long as the finders can keep their artifacts.

All I see in this is an excuse to confiscate collections from people, what about all the artifacts dumped in the landfill in Gainesville? Or thrown out in the dumpster? By the "professionals" You people have ruined a lifelong passion for a great many, so much for freedom huh? Maybe next time it will be something YOU are passionate about that gets YOU raided or gets YOU arrested, perhaps YOU will lose YOUR kids and YOUR wife/husband over it.

I do not know how the program is set up so I don't know what is good or bad from it.

Positive: educational, great therapy for the disabled, preservation for private collections. Allows law enforcement freedom in more needed and important situations. Negative: nothing can be preserved that is not found or known of. More educational materials for students without having to use other excavated resources. The potential to locate endangered sites based on information given by those turning in artifacts due to the amnesty Educating the public about archaeological sites and what constitutes artifacts, context, and looting. (Ex. Many people still feel that collecting fossils from sites in Florida is perfectly legal and even a fun hobby, but they don't understand that sometimes other cultural artifacts are associated with fossils and fossil sites. They may be focused on collecting shark teeth and destroy pottery or other Indigenous artifacts nearby.)

The real issue is that nearly all these items have little to no historical context that is scientifically valuable due to them being a loose river find. What needs to be done is proper authorization to be issued for collection and documentation of found artifacts for when the few relevant finds that do hold useful finds. Making more of the population criminals only drives lawlessness that is more and more embraced by the American population.

None.

The negative would be less artifacts in people's homes where they can be viewed. The positive, professionals could paint a better picture of some sites.

Positive - regular law abiding citizens will no longer be considered criminals. Negative - now there would be a clear state where do we go from here.

There are many artifacts out there in collections the state or residents will never know about or see as long as the state tries to make a criminal out of you for enjoying or cultural past.
Artifact Amnesty Feasibility Study

Ridiculous you think a few arrow heads the state might receive back is going to make a difference. Just maybe you might find some elderly woman whose deceased husband collected over the years and was afraid to have in her possession and would turn into the state. Other than that nothing significant will be turned in.

An amnesty program that was set up to only document finds and not take them would greatly benefit all parties involved. Data is collected on locations of finds and the person keeps the relics. The state of Florida does not need any more examples of common artifacts as they already have more than they need to study.

Potential for knowledge gained from recovery of artifacts. Public education and involvement as a result of publicity.

I feel as if it would be a negative impact for collectors to feel pressured to give up any Artifacts that they have preserved from destruction of natural and modern implements. It is those relics that we have gained knowledge and enjoyment from.

Positive: Those in possession of artifacts could stop living in fear of having their door kicked in, family held at gunpoint while a search warrant is served. Negative: Amnesty or not. The state would know exactly who to "keep an eye on" in the future. Don't get me wrong. I think things are headed in the right direction. But they still have a ways to go. As a show of good faith all charges could be dropped and all collections that were confiscated could be studied and returned to their owners. Let's admit it. 100% of the artifacts that were confiscated by the state would have never seen the light of day if these ppl didn't have the passion, commitment and nerve to find them. All of these finds were isolated. Not related to burial or village sites. In my opinion the isolated finds Program needs to be overhauled and re-implemented.

Need to spell out if the amnesty would actually result in the permanent return of artifacts with provenience - those with no provenience have little historical value. If amnesty is granted - the persons turning in the objects must provide funds for the stabilization, conservation and permanent curation of those objects.

The program would be a win-win for both the state and the amateur collectors.

Negative - possibly encouraging people to continue such activities, thinking at some point there will be another amnesty program. Positive - like with metal detecting. I think our best option is to try to engage with people's love for history and figure out ways to include them in what we do. This would be an opportunity that could help open some of that dialogue, as well as helping to educate more people about archaeology.

I hope it would encourage people to return items they otherwise would have kept. It also gives an opportunity to educate the populace on the legality of ancient items.

Positive: some artifacts could be returned; the publicity might reach people who are unaware that possession of such items is illegal. Negative: cost & benefit

On a positive note the amnesty window is a great idea. It gives citizens time to think and realize that what they possess belongs to all of us.

public education about artifact laws and rationale (positive)

Preserving our heritage is important. If even a few artifacts were returned, a brief amnesty period would be worthwhile.

The positive impacts are clear. An amnesty program would allow the return to the public of priceless artifacts collected by private individuals over many years from public lands and waters.

Few artifacts and those of limited value would be returned and there would be no means of deterrence for these scofflaws and future collectors.

Add to the base of knowledge even the artifact would not be in context. It might give the impression they could continue the practice and hope for another amnesty program. Meanwhile continuing to sell, etc.

The state can only gain - it may recover important materials and information and it will be enhancing an educational opportunity to inform the public.

The State needs to expend more funds in supporting engaged, public archaeology. It's one thing to say the archive belongs to all of us. It's quite another to create the conduit required to engage adequate public activity in this truth and practice. Do it.

I would really like to know why this has come up as an issue. Perhaps if I understood why this is an issue, I could support it more effectively.

There are numerous potential positive impacts that all involve the research value and value of these items for education of the general public regarding Florida's past, as well as the importance of educating people on why it is essential to protect these materials. The only negative impacts I can imagine regard the complications and cost of the program and the costs introduced by having to curate and store re-collected remains.

It will encourage looting!!

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A better understand of the human experience where we live.

Positive: Some data may be gathered from these additional items. People who accidentally took objects (perhaps as children or before they were aware of the law) would not have to worry about repercussions when turning in said items.

Negative: Since the artifacts were already removed from their original sites, valuable data has already been lost and this program may just be a waste of time and resources. Even though this proposed as a one-time event, it may encourage people to ignore the existing laws because they believe another amnesty program will come along eventually.

It would encourage more looting and offer no positive outcome.

An amnesty program supports the looting of archaeological materials that occurs in the past, present and future. It is illegal to take artifacts from such lands and should remain so. Such a program prevents law enforcement from protecting our state heritage and prosecuting criminal behavior. The State should use their funds in promoting the foundation of archaeological resource protection instead of an amnesty program.

Amnesty will promote the taking of artifacts and legitimize the theft others have committed.

recover Important part of our past that are shared by all citizens, reduce the sale of antiques, and find a proper home for these fragile artifacts.

Let's be clear here: "stakeholders" have a legitimate concern with the history and heritage of Florida, but looters and artifact collectors lost any claim to participation in any legal process the minute they decided to break the law. They shouldn't be able to have it both ways, that's what this study does. This is yet another example of the state caving into the craven greed of a few who wrap themselves in the guise of romantic treasure hunter/adventurer when what is really going on is the deplorable destruction of our shared heritage and the widespread desecration of Native American religious sites.

1. The total authority of DHR can be easily demonstrated by intimidation and threat of enforcement. 2. Some people will surrender their prize discoveries with no idea to what end it may serve. 3. Greater separation from the general public will be demonstrated. What if/else "stakeholders" co-operation is not furthered.

I listed them in an earlier comment.

I can't think of any negatives to the program. People may or may not participate, but it is certainly worth trying, in order to preserve our history.

Positive: Get the items back to their rightful owner; Items become available for use to educate or display; Raise awareness of taking items, illegally; and - Allow people to "do the right thing" by returning them. Negative: After developing the program at some undetermined cost, it does nothing; it drives artifacts deeper into hiding, with thoughts that they are "more valuable". A "black market" for them develops based on perceived value, which may not have previously existed; More items are taken, thinking they can always be returned at a later date without repercussion (annual amnesty date)

Positive: Raising public awareness of the illegality of collecting, but without driving people into hiding. Bring information of public value to light negative: boisterous opinions of "libertarians" that government has no right to impose laws on "public" land, but instead make it everyone's right to collect, leading to tragedy of the commons.

I would recommend some consideration of how to handle situations in present and in future where descendants of deceased collectors wish to repatriate materials to the State of Florida. Implementation of such a program should be mindful of the fact that some collectors may expect compensation, something that I am totally opposed to. Hopefully legislators wouldn't introduce this factor into the equation. Any promotion of an amnesty program must be clear about this important point. Is the State of Florida prepared to handle what may be an influx of materials and associated documentation? Who bears the cost of curation?

Positive? The whole thing would have to have been done with significant caveats from the beginning. Just how much can somebody declare and keep? A million dollars worth of Spanish treasure? A 20,000 year old Indian skeleton, perhaps the oldest in the hemisphere? The fabled Confederate gold? Only if it was clearly and explicitly spelled out from the beginning that only items of limited commercial or historical value was eligible for amnesty. Actually, there are no positive aspects of this, unless cajoling favor with some politicians can be considered "favorable." Negative? Well, willing off large chunks of the state history and - literally - treasure is negatives. Think of it this way: What would be the positives of granting amnesty to a state worker who's somehow managed over the years to steal a series of state vehicles and computers? Do we let him keep that stuff and just say, "Bad boy. Please don't steal any more."

Good Media attention for a day - get the word out about the law. Some people would turn in objects, provide location information, and not do it again. Bad Maintenance and upkeep of a tracking system! Will there be enforcement from this point forward? Why would people bother turning them in if there is no threat of arrest/prosecution? The real bad guys (bootes for $5) won't participate.
Artifact Amnesty Feasibility Study

Positive: Would have a chance to engage looting communities that operate outside of the legal system. Would occur in conjunction with a public relations campaign that would encourage a dialogue about looting and heritage, which is always a good thing. Cons: May not actually bring in a large number of collections. Could potentially encourage looting in the short-term as looters "prepare" for the amnesty day.

See prior comments.

What would the state do with items they receive?

It will raise awareness of the law and give people a chance to do the right thing. It will also bring in potentially useful archaeological material.

Make people more aware that it is illegal to collect artifacts on state-owned land. Possibly get better information on site locations on state-owned land.

People "inherit" artifacts from relatives and are willing to return them (do the right thing) With uncertain provenance, many of the returned artifacts may have little real value to research, and the amnesty program might actually lead people to think the artifacts have more monetary value than they do. Is storage and curation available for the returned artifacts?

There are no negatives. It is great publicity to educate people about the laws and a good opportunity to get back some artifacts.

Getting items back of historical significance is important for teaching and learning for current and future generations.

Getting items back of historical significance is important for teaching and learning for current and future generations.

The program will only be positive if those who loot are made aware that they have broken the law and that any future looting will be dealt with accordingly. I don't think many individuals will be involved and that the return of random artifacts will only create undue pressure on the state to house and curate artifacts that have lost much of their archaeological/historical value due to a lack of context.

What is broken here? It is illegal to take from public land why say not never mind...

If the state rewards illegal behavior, people who disregard the law will be encouraged to continue to do so. But more to the point, the agency that is charged with caring for cultural patrimony will become a national laughing stock.

This program supports and allows people in the past, present, and future to steal artifacts from the State who protects them for the people. It encourages people to think that was okay and maybe in the future there will be other amnesties so that they can continue their destructive behavior.

Amnesty program would encourage people to plunder state lands and waters for artifacts knowing that they can be commit the crime without fear of punishment. If they give up the items during the amnesty period. People who have removed items from state lands and waters would fear that their identities would be recorded if they turned in the items they have stolen.

Why does the state of Florida want such a program? A limited amnesty program has no value to amateur archaeologists.

Positive: Return of items illegally collected over the years. Opportunity to educate the public about the law. Chance to bring history enthusiasts into the fold and gain stakeholder buy-in. Negative: The items have no provenance. Storage/education limitations.

I think it's silly.

Potentially a huge long-term budgetary impact on the responsible department to inventory, assess, manage, and store the objects. Items with no provenance are not useful for research and have limited, if any, value for museum display.

Possible return/intention of our historical artifacts for enjoyment in the future.

Diminished effectiveness and seriousness of cultural heritage violation enforcement.

Possible impact: It would allow object holders to return their illicit holdings to the state without penalty. NEGATIVE IMPACT: None.

POSITIVE: It clears the decks - no ambiguity on collecting after it is enacted. It brings into the State's hands materials otherwise potentially lost. It hopefully comes with some sense of context and provenance. NEGATIVE: It could be seen as condoning illegal behavior. Artifacts without provenance or context of any sort will likely come in. The state will accept a liability for conservation and treatment for artifacts it neither asked be recovered, conditioned recovery of, or budgeted for conservation of.

8/14/2015 6:06 PM
It allows those who have already broken the law to get away with it thus removing the reasons that might prevent them from future theft.

- If accompanied by positive educational programs such as the Heritage Awareness Diving Seminars, more members of the public might be affected in a positive way. Public feels that management agencies have an "Indiana Jones" "warehouse" mentality and that recovered artifacts would disappear into bureaucratic world. If objects were to be exhibited, even a special amnesty exhibit, containing the finder's names, a possible pride of participation might be created helping some to appreciate public participation.

One positive is that this amnesty program can and hopefully will be used for is to educate the public about archaeological resources and their importance and benefits to us today. However, a negative result is the benefit this program will have for some folks that make a profit collecting and destroying archaeological sites. This program allows these folks to skate free and does nothing to deter them from promoting the same activities other folks who show interest. Amnesty programs have proven successful in places where it is illegal to possess artifacts. In Florida it is illegal to remove artifacts, destroy archaeological sites, and to sell or trade said objects that were illegally removed.

Negative impact is it opens the door for future amnesty programs which then allow the theft of cultural property to continue. Positive impact is it would get these items into the right hands, but unfortunately I do not believe many of the large collectors would participate.

The old timers are almost gone, no longer active, and a younger generation is upon us. The idea of private ownership of historic objects is no longer the driving force of the 1960-1970s. Positive impacts would include some objects being given back to the State, and demonstrating good will with the amnesty program. I do not see any strong negative impacts.

See my comments under a previous question.

Is a way for people who just don't want the artifacts to get rid of them as opposed to throwing them in the trash.

I would hope that people in possession of any archaeological pieces that could be important to the history of the state would realize the amazing chance it would be for them. To come forward with their object(s) without fear of persecution, and hopefully surrender their object for the good of society and the study of history. I know that if I was in possession of such an object, I would love to surrender it to the state, so that the object could be studied, protected, and preserved. Perhaps even put on display. Too often we persecute individuals for things that they likely did not even know was illegal, and by giving them amnesty to come forward, we are giving them a chance to feel like they are contributing to history, not that the government wants to harm them. Instead, we are showing that through diplomacy, society can move forward and grow.

There are many materials that we do not know of because they were acquired illegally. Having a group of archaeologists catalog the information of these artifacts will allow us to know more about potential sites, or more information about sites we have already found.

It encourages theft from public lands, it does not discourage it.

I feel that many people do not know it is illegal to remove items of historical or archaeological value from state-owned lands. Therefore, they have unconsciously committed a federal and/or state offense while trying to preserve history on their own terms. Many of these people have the idea that they didn't pick up someone else's mentalities and, although illegal and flawed, they are at least trying to preserve their cultural heritage. If an amnesty program is granted, many of those who illegally possess these items will understand their importance while not directly suffering the consequences.

People will be a bit more informed on the real value of their state's heritage.

I do not believe it would help measurable with any long-term change in people's attitude regarding collecting artifacts from state lands and waters. It might result in some collections being turned in with information on where the collections were found. What would prevent pressure for another amnesty down the road? I would not trust that this would be a one-time offer and any time enough pressure came to bear it might happen again—which would effectively make theft of state property legal.

The amnesty program encourages illegal collection of artifacts on state lands. Many of those who are in possession of the artifacts know the law and they break it anyway. Why should an exception be made? Those who illegally collect artifacts should be prosecuted not celebrated.

Artifacts would be returned to the state for inclusion in collections/studies. People with artifacts may not trust that there is true amnesty when returning artifacts unless there's a way to return them anonymously with a history of where and when the artifacts were collected.

1. Benefit: It would absolve the otherwise innocent collectors who have a few artifacts. 2. Benefit: If it required registration of artifacts, then it could have some benefit. 3. Benefit: If it allowed state to retain significant artifacts, it would have great benefit. 1. Negative: If it allows people to keep everything collected, it would have a negative impact. 2. Negative: If it lets people who knowingly violated the law on state lands, it would be negative. 3. Very Negative: if it lets people who collected in state parks, it would be ridiculous.
Artifact Amnesty Feasibility Study

574 none
575 Negative: First, no one is going to comply with this. It sends a message that State law is a farce and it’s ok to break the law because you’ll be forgiven for it eventually. It’s a slippery slope - if one amnesty is declared, why not others in the future? Go ahead and take that artifact or desecrate that grave or pick that seashell or vandalize that historic building or keep that underwater fish or molest that manatee - the State will forgive you for it. - If the State cares so little about it’s heritage, why are laws in place at all? Positive: It will allow some people who are in possession of illegally collected items to ease their conscience, or at least allay their fears of prosecution.

577 Positive - Would be a first step to restoring some trust between the public and the State, if handled properly. There is NO trust at the present time.

578 Looting and treasure hunting are serious issues in Florida. Historically, the state’s soft treatment of what should be felony crimes (isolated finds, permitted treasure hunting, etc) have led to attitudes like those of the Florida Keys (where treasure hunters are venerated). Amnesty with some sort of goal of taking some science out of looted and questionably provenanced artifacts, will be another example of weak policy. The State needs prosecutions of looters.

579 I believe that allowing people who have disrupted historical and cultural sites by removing artifacts are robbing from all of us the information and history which could be learned from those items. Giving those who have done so amnesty, even just once, sends the wrong message to others considering looting these sites. If it is illegal then they should be punished. Laws are in place for a reason.

580 There are many items of historical significance that will, if known, add greatly to knowledge and appreciation of Florida’s history.

581 This list is not all-inclusive by any means. Positives: Artifacts of spiritual significance can be returned to those who hold them sacred. Other artifacts, regardless of spiritual significance, are back in the hands of groups to have a say on what happens to them. People in the remains back of their ancestors. Fewer objects would be in circulation in artifact trade networks, which are often violent and destroy significant sites. Promote and create discourse on the value of artifacts to the communities they belonged to and giving them a voice. Provide insights for researchers and the public on life in Florida’s rich and diverse history. If there’s enough awareness and success with this project, can lead to future benefits for stakeholders, or better legislation protecting their cultural heritage. Negatives: Lots of potential to be mishandled, and thus, not given a chance to try again for many years. It’s possible that this program will not benefit all stakeholders equally, depending on the guidelines required for (federal) recognition.

582 If the location of artifacts could be determined perhaps better protection of sites particularly those undisturbed land sites could happen.

583 Even one or two items could be of historic or archeological significance.

584 It would encourage those who have items and are unsure of their legality to drop the items off. At the same time it might be futile to do so as I am not sure what kind of success rate it would have. Statistics from similar programs should be consulted for turn over rates.

585 positive: getting items back, no more poaching, negative: nothing!

586 It would allow persons who unknowingly removed artifacts to have them examined to determine if they are of value and have them appropriately cataloged and preserved.

587 I think it could be very useful if people cooperated. I am not sure they would. If someone knowingly do it in the first place, why would they be honest about it now?

588 Such a program would make known the primary value (knowledge) of artifacts and also advertise that it is illegal to collect.

589 returning important data needed for archaeology and public knowledge

590 + Greater awareness of existing laws and penalties. + The potential return of valuable cultural artifacts. - Little participation from black market dealers/collectors/looters. - Misunderstanding by the public.

591 A possible negative impact might be making people feel like it is ok to loot archaeological materials, as there might be another amnesty opportunity in the future. It also presents looting as something that everyone is doing, hence the necessary step of offering amnesty. It would be key in the marketing and promotion of the program to emphasize how few people participate in looting archaeological materials, that it is never ok, and that in the future the consequences might be much more serious. A pro might be the opportunity to educate the general public about the harms of looting to a non-renewable resource in their state, as well as the potential information archaeologists might get even from sketchy provenanced artifacts.

592 HELP TO ESTABLISH A VALUE IN OUR HISTORICAL AWARENESS
Some may take part in this program but I don't think the hard core collectors would take part in this. What's to stop them from going right back to collecting? We need a program that will stop them for collecting that has a strong enforcement element.

I can't think of any negative impacts. Some people might get mad, but it would be a volunteer surrender of objects so it would be up to the individual if they decide to turn in what wasn't theirs to start with. They would need to be told that if they decide to keep their ill-gotten gains, they would still be subject to lawful fines or punishment. That would need to be part of the education during the amnesty period.

It is likely many collectors will return artifacts under such a program, and its implementation will create confusion over what is legal to collect.

Positive: could result in repatriation of cultural remains in a way that preserves their value. Negative: what would the state do with large collections of items of provenance?

Positive- provenance recorded? Advertising value on legalities. Negative- many would not provide provenance.

Again, if it's a true amnesty program where people turn in their stuff to the state, I think it's unlikely to have a lot of participants other than maybe those who have inadvertently come to possess artifacts/cultural resources (like grandpa's arrowhead collection). This is not really tackling the larger issue of looting and dealing in stolen resources.

It would recover valuable materials.

While a few people who knowingly took/bought illegally obtained historic material might surrender them during an amnesty period, I seriously doubt many would.

Any returns would be positive. I suppose the negative part is the cost of advertising and collecting returned items. I don't suppose there is a way to guess how many items would appear or to determine how much should be spent for optimal results. And I can't imagine what benefit there is for the thief, besides alleviating a guilty conscience.

People must be educated so that they understand the significance of provenance for artifacts. If the artifact is already in someone's possession the important data on location and meaning have all been lost. An amnesty program will lead to continued collection of artifacts which leads to irreparable damage to the archaeological record. An amnesty program would have no positive impact on archaeological discovery and will instead perpetuate artifact collection by private individuals.

Financially it may have a significant cost associated with processing, cataloging, and storing these artifacts -- not to mention the cost associated with analysis. However, I think over all if costs are reasonable and there is some guarantee or no questions asked after the program expires then you will have interest in people returning culturally significant items. Positive is you receive the item -- negative is you have no way of correctly identifying where the item was found.

Your biggest problem is that the abundance of artifacts results in most being put into storage and never looked at again. The private collectors know that. They're not going to give up their 'treasures' knowing that they nor anyone else will ever see them again. The amnesty program will result in participation by those collectors who are no longer interested in their collections. That will be a limited number of collectors. If you want to document the majority of items, you're gonna have to accept folks showing their collections and keeping them.

Positive impact might include a better relationship between cultural resource managers and collectors. The negative impacts include the continued perception that removing artifacts is a victim-less crime and unlikely to result in any significant fine or jail time. Collectors who are actively looking state land are unlikely to participate in an amnesty program and abandon their 'hobby.' Furthermore, any artifacts returned to the state will have limited - if any - research value.

Only positive impact I foresee is providing leeway to thieves stealing relics of what made the state of Florida what it is today. The negative impacts would be Florida becoming more prone to losing its history through the more likely loss of its artifacts and specimens that tell the story of Florida's past, as well as the severity and cultural damage caused by what I stated for the positive impact. Florida history deserves to remain in Florida, and nowhere else would suit it better, and I, among many others In the cultural field, believe Rick Scott and Ken Datzner should not make a mockery of our state's great history by implementing this amnesty rule.

Think of it like this, do you think an amnesty program for murders is a good idea? It is an extreme example, but for the historic and archaeological resources and the professionals who work in those fields, the gut reaction is the same. If you would allow 1 day in which any murder could come forward and say, "Yes, I killed somebody" and then they could go away (notice how not even an apology is offered?) then I can see why this artifact amnesty program may be a good idea. As a professional, a teacher, a prosecutor of looters, this amnesty program is a terrible idea.

Allow only collection of artifacts in state waters, like the fossil program. Most artifacts in state rivers and lakes are displaced anyway from water movement, erosion, etc. These have very limited value to the state for learning. Why do we allow fossil hunting but not other artifacts? They are both non-renewable resources.
IF THE STATE WOULD SHOW THESE ITEMS AT A MUSEUM INSTEAD OF LOCKING THEM UP, THAT WOULD BE A GOOD THING.........ALOT OF PEOPLE WERE COLLECTING BEFORE THERE WERE IN LAWS.......THEY NEED TO BE GATHERED IN ...........

This should be, and approached as, a practical partial solution to get artifacts returned to the public for study and display. Punishment for past theft isn’t an adequate outcome in and of itself.

The Inju's won't like it.

An amnesty period only provides a mechanism to collect the items taken from destroyed sites on state lands. Only in proper collection of those items, by professionals, is information gleaned. An amnesty program would reinforce the incorrect belief that it is the thing, the item taken, that contains information instead of the surrounding context of the site. We know Indians used stone tools. We know the Spanish used silver coins. We know settlers used bottles. It's only in the proper collection of those items can we understand the site. An amnesty program would allow those who have knowingly broken the law to ease their conscience. Would we do the same for any other theft/destuction crimes?

Zero positive impact. Fuel more destruction of state property and restore our problem to where it was enforce FWC a made progress a few years ago. Only Florida would allow something so useless. It's a bad idea with consequences beyond the here and now.

This would be a great way for the State to recover lost artifacts which may hold answers to long sought historical questions. If the State can provide the resources to conduct such an amnesty program, this would be a win win for Florida.

Increase awareness of responsibility to our community of Florida.

Encourages looting and illegal behavior. Give looters validation. Could result in more looting of sites if they knew there were no consequences. Though it might provide some artifacts returned, it is not worth it in the long run to praise or give amnesty to those who have stolen goods. More programs about historical resources, laws and how they are protected would be a better use of the divisions funding.

It is very difficult to prove that artifacts came from specific sites without witnessing the actual removal. I don't think people will participate, and they are merely items of interest if we do not know the context.

I like the notion of reciprocity. The state gets the objects and associated information (create various fields of useful info) and collectors get to feel like they are helping and (for some) clearing their conscience.

The IFP should never been dissolved. It was 'run' like a voluntary program and not involuntary like the fossil program works. There should have been mandatory fee's and report's turned in yearly or when something was found. There are thousands of people with millions of artifacts and information around the state that the DHR could benefit from. Collecting will never stop; so DHR needs to implement another IFP along with an ongoing amnesty program for things to really work out for amateurs and professionals.

It depends on what the State's definition of this amnesty program is. All kinds of pluses if the State allows people to collect. All kinds of negatives if the State chooses to flex it's muscle and rob people of there finds. We need to reinstate the "isolated artifacts program". Maybe even charge a resident $50 to $100 dollars annually for a license to collect as long as they report there finds and location to the State Historical Society. Just an idea from a concerned citizen.

An amnesty program would forever damage the mindset that people have regarding historical resources. How serious could the crime possibly be if the state is willing to offer amnesty to individuals who have looted? What the state needs to do is go in the opposite direction from amnesty - and prosecute those individuals who have looted archaeological sites on state owned lands. The Florida Department of State is charged with the VERY important task of preserving and protecting Florida's historical resources. How does this proposed amnesty program possibly fit in with the Divisions statutory responsibility?

JayG

I think it gives some people who might have artifacts the opportunity to turn them in, which furthers our opportunities for study and for sharing. I don't see any negatives.

- the state needs to display the collections they have, instead of keeping it locked up for only a chosen few to view. - if we see something in water or on land that is totally displaced, we should have the right to pick it up, just like a penny or a shiny rock. Leaving it in its place is not preserving history.

The state will just take it away in a box never to be seen again. Everyone is tired of big brother having fingers in every little nook and cranny of our lives.
Artifact Amnesty Feasibility Study

I don't see many negative impacts of people turning in historical material. Curation and sorting could be a problem. Many people could believe they have artifacts, but these items may not be of curatorial value. The most valuable resources will not be turned in.

It does nothing to solve the problem of isolated finds. It is simply a chance for one group of 'stakeholders' (professional archaeologists) to gain access to objects that they currently do not have. Other states run successful isolated find programs in which amateurs and professionals regularly collaborate. Florida's fossil laws are one such example of this cooperation. This proposal does nothing to remove the burden from the amateur.

N/A

Potentially important objects may be returned to the state where they can be properly processed and maintained

Please define "of historical significance"? Does that include an arrowhead found in the bottom of the Peace or other river that has been washed down from its original site of origin?

Should do it like the gun buy back program. Pay a small fee for the return of items. People would be more likely to return stuff if they knew it would be thrown in a box and put in some dark storage unit run by the state.

The negative is that we tax payers really are the owners as our tax dollars pay for these programs and land. People who don't care about history don't care about returning items nor being on a list.

you can't have amnesty for something that is deep down in your soul, if you have this desire amnesty is of no use

No one is going to give up things they found. It is a heritage to find artifacts with a spouse or child, its what memories are made of. However these items should be found and shared, NOT SOLD FOR PROFIT.

I believe that artifact collectors should have the right to collect and keep their artifacts. Tens of thousands have been acquired/traded for over a hundred years. Many of those from privately owned land.

The only positive I can see would be, if people respond, tell/show what they possess, that the State would then return the object to the citizen...if the objects were utilized, rather than warehoused away from public view, the public might support amnesty more...negative side would be if the "amnesty" becomes a tool for future prosecutions...if the goal of amnesty is to make the state aware of the scope of private collections that exist, I can't see the upside for private collectors...remember, the STATE archaeologist, less than 100 years ago, declared that people had only been here for 600 years...many private collectors have inherited collections older than that...most sites are lost to development, therefore, the problem resides more in that area than in hobby collecting...

The artifacts that most people collect are such a small percentage of what is out there. I think the laws need to be changed. Amnesty will not work for those who hunt artifacts for pleasure and don't sell them for profit. By the way, what does it matter if there is a market for artifacts? Is it because the government doesn't oversee said market?

There is currently a wedge between collectors and archeologist. Anything that would foster co-operation would be welcome.

See previous answers.

The questions on this survey ASSUME everyone is a criminal especially #4,...what a joke

Bring back the IUP. Honest people contribute, there was nothing wrong with the program. Judy Benze felt it was her personal responsibility to make anyone and everyone a criminal. That is and was an illegal act by a State Officer.

Not everyone will be honest, why should anyone turn in anything found to the state ?? It's not like they have someone to go out and find them and turn in all their stuff....

Maybe this is not a negative or positive comment but when it comes to any archaeological finds in Florida, I knew that the specimens they have in the Museum, alot of those fossils and artifacts are ignored and let to sit in boxes till they fall apart and then get discarded as trash and also if an amateur or anybody with an important discovery should be rewarded somehow and not just a handshake or just a certificate.

I cannot think of negative impacts.

I predict you will get very few takers, "Amnesty" would imply people keep what they found, maybe have it recorded. I really believe people are delusional.

Doesn't make a whole lot of sense! What value would this bring?
I feel like the vast majority of artifacts recovered by amateurs would benefit from being publicized on a positive note at artifact/fossil shows instead of being frowned upon or never seen in the public...as are most in museum collections that are kept in some basement vaults. There would be a whole new world of knowledge concerning our past made public by sharing, if the law was changed. I for one, enjoy sharing my finds at artifact/fossil shows...all while telling stories of my thoughts/theories of our past ancestors to the future generations. Most of the "paid" archaeologists lack the public participation discussion that we get to enjoy while discussing our finds in artifact friendly states.

It has not always been against the law to collect artifacts. There has only been a small window in recent years where this has been the case. Once items have been removed from a site how are they significant any more? Removing a random artifact from a river does not hurt the archaeological community. Disturbing a land site is a different story. The state needs to focus on what is and is not significant. What excites young minds about archaeology is to discover it by doing it. Most people have no idea that picking up a broken point in a random creek could land them in jail. Could not our time be better spent elsewhere?

There has already been a very negative impact on donations and information since the isolated finds law was changed. Without the eyes and ears of the citizens being equally involved in the procurement the historic resources will deteriorate and/or be lost forever.

In my case, anything I have is for education, so its a different issue.

Persons are more likely to report significant finds if there is an amnesty program...and be more likely to offer finds for study, or possible donation. People are going to continue to find items and artifacts, the removal of the isolated find program and additional rules and regulations only create fear for the finder, making it less likely that any scientific information will be gained from the find as it will be kept in secret collections.

If people could legally collect artifacts, science would get a lot more information, and probably donations of specimens. Since the state archaeologists don't collect them, they otherwise just get destroyed in the next flooding event and irrevocably lost to science and the public.

Will the artifacts that are turned in be displayed for the public?

This seems to be directed towards arrowhead collectors who were busted in operation Timicau. The state has already lost the trust of collectors and the ones that haven stopped have went underground and become more savvy. The state in essence is not hearing of new discoveries and new sites. Now the positive. The state will have acquired objects that were illegally and legally obtained; therefore the state would have a larger collection. I honestly don't trust ya'll. This seems like a law going into effect to appease a state agency were they can bust more collectors for owning arrowheads passed down for generations, if they deem necessary.

I do not live in Florida, but I do support collecting and preserving historic items found on any land, private or government owned.

I have walked many fields looking for arrowheads. I had authorization from the land owners. Near one of the fields there is a free flowing spring. This law makes me a criminal the way it is worded in very broad terms.

Would bring to light important artifacts

see previous comments

The negative impacts I believe could be ecological damage to vegetation and burial sites should be considered off limits at all costs. Positive impacts could be: discovery of unidentified artifacts that would likely remain undiscovered without the help of the public...many amateur archaeologists have a very significant amount of knowledge that class studies cannot provide and this could provide cooperation to achieve even more information. In the event that there was illegally obtained artifacts (I'm sure there are a few), it would provide a great opportunity to study these without collectors worrying about legal repercussions.

Would help state of Florida find uncharted archeological sites that otherwise wouldn't be found. And those sites could be protected before it is lost to looters

I believe if you find an artifact from anywhere you should be entitled to keep it. Why should anyone have control over the past.

They state could share with state museums and more could see and share

Positive, it could prevent an honest person from becoming a felon. Negative, it will not solve the issue of isolated finds out of context that should be allowed to be collected.

The positive side of this would be that we could learn more about the artifacts from that time period and the people who made and used them...
Artifact Amnesty Feasibility Study

665 Positive: Increase the data base of artifacts, thus increasing the knowledge. Negative: The vast majority would be commons, with little value. Or un-provenanced, with almost zero value. Positive: The atmosphere of collecting the awareness- would be made known to more collectors. Many have no clue that they cannot collect an arrowhead found in a river. Negative: The state could be inundated with so much junk artifacts that curating it would be a nightmare. And many would be tossed in the dumpster.

666 No one is going to say where they got them! In my back yard is the answer you'll get! Unless it's a mammoth why bother

667 I believe that having this amnesty program will lead to more amicable relationship between archeologists and collectors that would help promote learning.

668 There is nothing positive on anything to do with this program, all this program will do is make private collections harder to view than the millions of Professional Collections stored in the basements of universities and museums that can only be seen if you have the initials of MS BS or PhD...

669 The only positive impact that I see would be the possible return of very important artifacts held privately. This would most likely affect only a few collectors. The average hobby collector has few, if any, "important" artifacts and the state does not have the capability to handle all these isolated points, flakes and misc artifacts, much less put them to any use. Please, reinstate the Isolated finds program.

670 Where does the burden of proof lie with respect to artifact seizure? Must the state prove that the material was found on state land, or must the owner provide proof that it wasn't? If you find an arrowhead in your garden or on state land, by what means of proof can the state say it was not found on private property or on state land?

671 The Information is shared with the state and the state doesn't waste money and manpower with prosecution of ordinary law abiding citizens

672 No negatives

673 I believe the state would gain knowledge about the distribution of historical artifacts. This is information that they otherwise would not receive. It would be beneficial for collectors since they would not have to live in fear of FWC raids if they participate in the program. It's a win-win for all.

674 Stated in question 5

675 There are no positive impacts only negative ones. 1. Supports the sale of antiquities by making it legal. 2. Encourages antiquity marketers to motivate the generally uneducated people who dig artifacts to plunder away. After all anything the diggers find will, of course, have been found before the time of the amnesty unless caught red-handed. 3. Makes the enforcement of the law so much more difficult by greatly clouding the lines cultural resource protection. 4. Florida will become a place where the destruction of this non-renewable resource is OK. Its a green light GO S. The idea of amnesty is a bad idea, it did not work before and it will not work again. 6. A giant step backwards, do not do this program.

676 Positive impacts: Historical artifacts WILL be rescued for the preservation of Florida's rich history. The state will benefit from the selling of in state and out of state permits, gas, resources, etc. The state will avoid incurring legal expenses from prosecuting people who are truly passionate about collecting artifacts (essentially somewhat historically rocks).

677 Negative Impacts: The state would spend money on training officials on how to handle an Isolated finds "like" program. With collecting anything there is the possibility of someone wanting to participate in illegal activity concerning collecting; HOWEVER, with proper educational programs (i.e. pamphlets, websites, programs) you could drastically reduce this.

678 Again it is a turning in of objects and not data on objects, then thus as another negative over reach of the State on the Public.

679 Positive impacts -people may actually turn in and repatriate artifacts. Negative impacts - people may see a forthcoming date of amnesty as an endorsement of archaeological looting - the "it's not that important" syndrome, which is already rampant.

680 First of all unless a person is caught removing artifacts from restricted land or they confess to doing so it's impossible to prove where they found them. Second I doubt that a single returned artifact will be return to the place it was found. They will end up in a cardboard box in a dusty closet somewhere where no one will see them again.

681 This program has the potential to elicit materials that may hold significant scientific value. On the other hand, what is the incentive for anyone to participate?

682 Positive impacts include any site provenience information gathered and the possibility of locating additional looters and dealers. The negative impacts include the potential for large scale dealers and looters to avoid prosecution.

683 It would allow "hidden" items to come to light for research, though those items have no context.

684 If there were a flood of returned artifacts, where would they be curated and stored? Who would do this? What would happen to artifacts that weren't real or just plain junk?
684
As a professional CRM archaeologist, I believe it is vital that the public learns how important our cultural heritage and why it is important that sites are not excavated without proper training. Positive impacts of an Amnesty Program might include invitation to volunteer on professional digs as field or lab crew; connecting collectors with the SHPO to help monitor archaeological sites; educate the public (start with elementary schools) on the value of its cultural resources and its state in protecting resources.

685
Some people might return artifacts. On the other hand, some people will not.

686
If a family has had coins that washed ashore 100 years ago it belongs to them.

687
Looking at the long term picture, I believe implementing a program could stimulate a conversation among the people about how irreplaceable artifacts often face great danger and risk of being destroyed. The world has seen how controversial it can be to take artifacts and pieces of history from its place of origin, we should try to support the idea that these can be used as tools to facilitate learning and curiosity. Preservation is vital because one will never know how simple evidence can influence a community's meaning of interpretation.

688
You should use any resources available to recover culturally significant items. This includes an amnesty program for those who may be in possession of items.

689
I really cannot think of any negative impacts but I do not think people would return items.

690
Con: it might lead to more people seeking for things due to the attention

691
The positive impact is that Florida's culture is that it builds Florida's and your stakeholders to know exactly what they are doing or else they wouldn't be in the positions they are in as Cultural Resource Managers. On a negative note some of these knowledgeable experts can do great cost to the people you are trying to protect here anytime Florida's history is discovered on public lands. Leading by example is important. So is honesty and integrity. For the love of humanity if you can't see what your own past has to offer you then you're probably in the wrong business. Some people might not know your rules and your regulations and just happen to stumble upon something they didn't even know what it was. I had to choose a long time ago what to do with your precious Florida's history and I chose historic preservation over my own personal gain. Little did I know that people at the FDHBA and FLBAR or the FDOS and NPS would do the exact opposite. Choosing personal gain and precious reputation and the cover-up of wrong doings over preserving and protecting America's rich cultural heritage unremarked. And then by some strange coincidence you weren't even given a choice in the matter whether you wanted to or not. I offered a solution years ago. Just welcome home your history and be done with it. Let people decide for themselves if it's worth it. You know it is, otherwise you wouldn't be giving people a chance to share what they have found even if it was mistakenly found in certain areas and collected or whatever. At the same time we also expect you as a state agency to share these cultural artifacts and what you have found about them with the public especially when they have great historical importance. I still have faith in the State of Florida but it's hopelessly lost when you can't even find the courage to face your own past and admit that it even happened. In all due respect.

692
It would allow for the collection of many artifacts by the state which would otherwise be lost. Unfortunately, many of these items will lose their provenance and be of little to no scientific value.

693
Positive: some artifacts may be returned. Negative: artifacts lack any context, which provides a large part of their informational value — adds to an already massive collection held by the state, which would matter less if the artifacts provided significant data that they inherently lack given methods of collection — promotes idea that looting state land and nonrenewable resources can sometimes be overlooked — potentially allows looters and collectors an easy way to unload artifacts that they found unworthy of retention, letting them simply hold on to the monetarily valuable items and easily unload the rest, with governmental support.

694
The program lends to the idea that if you break the law you will be forgiven. With an act such as looting that is so difficult to control and is performed by very few properly educated to what the laws are and why the laws are in place, this program is very dangerous for the field of archaeology. It makes it seem ok and it is NOT ok. We should not be focusing on amnesty, we should be focusing on education and outreach so that people understand why looting is illegal and what looting jeopardizes. Education leads to understanding which leads to appreciation which leads to preservation. A step on the wrist and returning items does nothing but fuel a fire. Most people don't understand that artifact collection on state lands is illegal and those people shouldn't be punished but they definitely should be educated. How do we expect them to know what's right or wrong if we don't help them to know? The only positive (but not actually positive) outcome to this is the recovery of looted items. Without the context these items have lost a lot of their archaeological value that we will never get back. Amnesty doesn't bring that information back.

695
An amnesty program would probably be useless. They need to be treated like the criminals they are.

696
Any program that returns historic artifacts to the state can only be positive.

697
I can understand how some folks might think an amnesty program might help recover lost artifacts, but I don't think many would take advantage of it. Having the possibility of amnesty waters down the effect of the laws governing the removal of artifacts. Keep the rules strong, regarding removal of artifacts...
Artifact Amnesty Feasibility Study

I am currently a CSO President for several State Parks. If this is put into place, all hell will break loose with illegal metal detecting in every State Park in Florida. The only way I would support it, would be for illegal artifacts to be returned to the State, but nothing else.

Positive impact would be possible recovery of historically valuable artifacts that would otherwise remain hidden and out of the academic/scientific mainstream. Can’t discern any negative impact(s).

An amnesty program reinforces the bad behavior of looting, either directly or indirectly, as it says it’s ok to be involved with such illicit activity as you have an “out” and will not be prosecuted. Those conducting illegal activity should be prosecuted, and more funding put into public education and awareness in order to try and curb the behavior.

As stated earlier, this could pose problems for curation facilities. Many items donated would likely have very little accompanying information. While it would be good to get artifacts off the open market, it is costly to curate materials. Selectively accepting artifacts/collections might be an option.

This program would have a wholesale negative impact on those working to preserve cultural resources. What little success the state may enjoy will be undercut by the willingness of looters to continue to enjoy relative freedom in destroying cultural resources. In short, efforts put behind this program could be better appropriated to the better enforcement of regulations in place to preserve these non-renewable resources.

Please see the comment section for question #3. As an additional comment, I’d like to point out that the state already has laws in place that address the legality of acquiring historical or archaeological material. It is the state’s responsibility to make sure the public knows what these laws are - make it concise, transparent and “disseminate the information clearly” to as broad an audience as possible - and then enforce the laws already written. This is the only way resources will be protected now and into the future. Educate and enforce. Forget amnesty.

Could encourage more people to “pick up and return” artifacts rather than leave them in situ. Praise by stakeholders could encourage this behavior in both positive and negative directions. Some could be said for negative recognition/responses. Essentially this amnesty program would be helping to define what’s more important to stakeholders when it comes to artifacts: is it the thing itself or its in situ context?

The most valuable items would never be returned.

On the positive side, the state could receive important archaeological collections. However, context has already been lost and location information from collectors may not be reliable. The state would then need to curate these unprovenanced artifacts. Even billing the program as a “one-time” chance for amnesty opens up the possibility in the minds of collectors and takes away some of the authority of the law. Looting is not mitigated by return of the artifacts because the site has already been adversely impacted and data irrecoverably lost.

Undoes preservation messaging of the last 50+ years. Puts cultural resource managers and employees on the front line of angry people who won’t understand the parameters. Artifact trade is an ugly business, don’t tarnish the state’s cumulative effort.

The positive: people who broke the law and removed scientific information and material heritage from state land are excused. The negative: people who broke the law and removed scientific information and material heritage from state land are excused.

It encourages further looting.


On the positive side, the state would come into possession of more ancient artifacts, most of which will have little or no information on their original archaeological context. On the negative side, an amnesty would signal that the destruction of archaeological sites on public lands is not a crime, or even a particularly important issue. Once an amnesty is given, people will expect that similar amnesties will occur in the future. It demonstrates that the State of Florida is not serious about protecting its archaeological heritage.

Items that would otherwise be recovered. Or maybe people don’t realize they should have kept certain items.

Items of historical and archaeological value could be cataloged and returned to the historic record as part of a museum or university. I think it is vitally important to advertise that it is a ONE time amnesty program, to dissuade amateurs from continuing to collect these items.

It would allow us to complete some archaeological record we would not have otherwise had (though not nearly as useful as artifacts in context). It would also allow people who just didn’t know any better to avoid facing charges. It might encourage more theft from sites if the penalty is not upheld or encourage those who turn over artifacts to steal again. However, I believe if they turn over the artifacts, they are unlikely to be repeat offenders.
Positive impact would include documenting and registering the artifacts and maybe identifying sites that may be impacted by future looting. Negative impact is that collectors are not going to hand over their collection. Maybe explore other options?

It would clearly commercialize artifact collecting in Florida, something which is already a problem (simply log onto EBAY and search for "Florida arrowheads"). It would also put the state of Florida in clear and direct opposition to decades of Federal laws (ARPA; NAGPRA) which make artifact collecting illegal. Finally, any Native American artifacts would have to be reviewed by both the federally recognized Seminole Tribe and the Miccosukee Tribe, because even if found on state property, the Native American artifacts would be theirs in most cases. Finally, one could foresee a time when DHR would be placed in the position of arbitrating numerous possession/ownership claims, with the artifacts later sold with a certificate of authenticity stating "amnesty approved by FL Department of State, Division of Historical Resources."

It gives a chance to get artifacts back into the right hands, even if the context is lost. On the other hand, it should not be made out as something that encourages people to collect. The tone should be welcoming, not educational.

Negative- In short, amnesty will not eliminate this type of destructive behavior by looters in the future, just as it has not worked for other types of illegal activities. For example, a study conducted by Brendan Moyle from Massey University published in the book "Illegal Markets and the Economics of Organised Crime" cited the example of an amnesty program granted in Cambodia in 2001 for poaching tigers. Yor Ngan, a poacher who pledged to stop his illegal activities during this period of amnesty that he was granted, was later convicted of poaching over 600 animals afterwards. Moreover, even when amnesty does result in the return of some artifacts, they will likely have sustained damage from their hazardous removal and certainly a majority of what has been looted will not be returned. For instance, in 2004 the Iraq National Archeological Museum in Baghdad was looted by professional thieves and locals. They stole thousands of artifacts, including from the public galleries and restoration rooms, the aboveground storage rooms, and the basement. Even with a massive investigation, seizure, and amnesty program coordinated by an international team of organizations, agencies, police, and military’s, of the 40 objects stolen from the public galleries and restoration rooms only sixteen were recovered, and most of these were from seizures, not amnesty. Of the total of 5,400 objects stolen during this time from the museum, amnesty accounted for 1950 returns, with the vast majority of the remaining 3450 recovered objects through seizures. One must keep in mind that this only accounted for objects recovered from a museum with internationally known objects, which would have been difficult to sell even on the illegal antiquities market. Even with an internationally known amnesty program like this in place, thousands of artifacts are still looted from Iraq’s archaeological sites every year. Negative- Regardless of whether amnesty is granted or not, property was stolen from the citizens of Florida with the intention of, at best keeping artifacts for themselves to show off, or at worst selling them for a profit. Would we grant amnesty to someone who stole benches from a state park, sold most of them for money, and returned a few leftovers they hadn’t been able to successfully profit from to essentially get away with a crime they committed? Negative- The act of removing these artifacts destroys their context. This is the most important value of an artifact and the information that the context could have provided is gone forever. Granting amnesty does nothing to recover the information, which is priceless. People who knowingly disturbed archaeological material should be held accountable for their actions.

As a teacher there would be a number of lessons that could be taken from this action for my students. Beyond the chance to recover parts of Florida’s rich and diverse history that belong to each native Floridian or transplanted Floridian.

Most importantly, I think an amnesty would help to engender the attitude that the state isn't really serious about protecting historical artifacts. And I don't think you want that.

It would encourage the idea that looting is acceptable. It would diminish respect for other laws dealing with public lands (fishing, hunting, etc) and foster a perception that such law breaking was not taken seriously.

Positive, collections that were taken from state lands get returned and we can learn what we can from the despite the lack of provenance. Negative, some of the worst offenders will get away with their illegal actions.

An amnesty program would encourage looters to steal artifacts from state lands. Archeological sites contain our shared heritage and should not be plundered for personal gain. They should only be excavated to provide further information about our shared past. The materials in an archeological site provide much more information about that shared past when they are intact and found associated with other materials - such as charcoal that can provide radiocarbon dates for associated artifacts, animal and plant remains that can inform about diet, past climate, human impacts to past ecosystems, past ecology and species ranges, tool-making debris that can inform about trade networks - all things that looters are typically uninterested in. The State has an obligation to protect our cultural heritage. This amnesty program would allow others to steal/damage/remove that heritage. Furthermore, I believe that recognized Indian Tribal governments would be VERY dissatisfied to hear that the state was considering allowing the plundering of their cultural heritage for personal gain.
In the off chance all the artifacts be returned... where will they be stored, who will curate them, where is that funding coming from? If the current cultural resource staff must add this to their list of duties, other processes such as getting permits will be slowed. There are simply not enough people currently working to handle that sort of work load. By removing artifacts from their exact location, so much information is lost. The artifacts alone do not tell the story. Just because the artifact is returned does not mean that the academic understanding of our past can be recreated. There is much more to understanding the past. Furthermore, I fear that allowing an amnesty program sets a precedent for future looting. It will create a "I got away with it before" mentality.

Negative Impacts would be the difficulty of cataloging, analyzing, and curating a windfall of artifacts turned into the state with no record of their archaeological context. It would also be important to emphasize that the context is essentially more important an an artifact when it comes to learning anything about the past through archeology. Also negatively, I believe that some (or many) people would consider this "amnesty" to be open season for collecting because some people just like to collect and really have no attachment to what they collect let alone the sites they destroy. I do not believe that this program would stem looting and collecting on state lands or from state waters.

Positive impacts would include the opportunity to educate the public about the importance of archaeology for understanding the past and to discourage looting and participating in the illegal antiquities market. Objects subject to NAGPRA may be returned and dealt appropriately in consultation with Native American stakeholders. Objects, especially those for which there is some context known, even simply the location of the find spot, will fill in gaps the known historic and archaeological record of the state. Also, these objects would then have a better chance of not ending up in the illegal market.

An amnesty program would lead to the destruction of archaeological sites and a destruction of the information that could be learned from those sites. This program would also open the gate for the destruction of state statutes that protect historical resources and of the Department of Historical Resources. In general, Looting, pothunting, and treasure salvage should be illegal across the board.

I think it would be positive, in that it would perhaps convince some people to return things they own and help to spread knowledge of the laws. But the objects returned are useless in an archaeological sense because their context has been obliterated. I also feel that it would set a dangerous precedent by going against the laws of the state and letting people evade consequences. Doing so once leaves room to do so in the future and will weaken the position of the state as an authority set out to stop looting.

Why not grant amnesty to bank robbers, poachers, wildlife smugglers, meth cooks, dog fighters, etc? Granting amnesty would not lessen the damages inflicted on the cultural resources and could increase the continued trade in illicit antiquities. Cultural resources are a non-renewable resource, unlike wildlife or other natural resources. Any weakening of laws designed to protect these sites and objects will only lead to an increase in the destruction of the record of our past. As I see it, if the State grants amnesty and transfers legal ownership of objects to someone, they can then legally sell them and this will encourage continued looting to feed the demand for cultural materials. The people of Florida rely on the State to protect resources that belong to ALL of the people of Florida, for as long as the State exists. That is an obligation the state has to its residents. I believe an amnesty program could be considered a shirking of this responsibility.

This will encourage looting.

Amnesty suggests a lack of value of the cultural materials that have been STOLEN from the state. Once artifacts have been removed from their original location, their research value becomes greatly diminished. Once a site has been pillared, there is no way to return it to its original state, destroying any value it would have had to researchers.

The positive is that some items may be returned for study. However, without being studied in the original place the item was found, context is already lost. On the other side of the matter, there are those who may view this as a loop hole. Knowing that amnesty happened once so it could happen again. Without serious repercussions, people may feel free to help themselves. What we need are better laws and people to enforce them.

We forget that these sites are non-renewable and that they belong to every citizen. They are protected for a reason! Would you give amnesty to a poacher hunting in a state park? This could open a can of worms that could have long range consequences for many current laws in the state, archaeological and otherwise. Take a close look at who is trying to pass this and what their motives are. Since when do we cater to those that break laws? How is that just for those of us that follow the law?

I foresee few negative impacts.

It would allow citizens who may not have known or didn't understand the consequences of taking artifacts to get right. It will also assist with inventories of site locations. I don't think it would encourage further collection. There are examples of this amnesty such as in Australia where they did a shipwreck artifact amnesty. This then allowed for the government to track the illegal sale of artifacts online via eBay and other mechanisms.
It could certainly increase the datasets. If it worked well, it could be a cure-all. It would be interesting to fund studies of collections by regions or some other division and then publish them together so the info would be widely available to all working in the state. As well as produce something that the general public would find interesting.

Increased awareness about ethics and archaeology - dialogue development/venue for public archaeology to take place - communication to the public that we are all stakeholders.

Neg: Additional materials to state collections most likely without useful locational/contextual information; wrong message to public about the collection of artifacts from public lands; confusion of "value" of archaeological materials.

As someone who has volunteered for both state and national archaeological programs while I am not an archaeologist, I am a geology major and know just as any archaeologist that once an artifact is removed from the ground all historical context that could be learned from its location, depth and soil type is lost. If we allow forgiveness it helps no one but those who took the artifacts as a pottery fragment is essentially worthless without the historical information provided by its location.

Amnesty will fuel the antiquities trade. Amnesty will cause rampant looting of state lands now and in the future. Amnesty will destroy natural resources on Florida's bottom lands and in state parks because it will be an OPEN SEASON on looting. If you do not see this coming, you are unaware of the looting problem. Amnesty will negatively impact other states, particularly those with right leaning politicians in power. Amnesty will forever affect state lands in Florida and it will tarnish our long standing history of conservation lands.

Looters are stealing from the State of Florida and its history, one of the greatest crimes. A person can commit against himself and the rest of Floridians. He should be punished accordingly.

An amnesty program would encourage more looting, more theft and more violation of the historic and prehistoric resources of the state. Amnesty in any form would prevent looters from experiencing consequences services from breaking established law. Granting amnesty would suggest that a portion of the stakeholders are above the law and are free to destroy state resources at their leisure.

Negative impact: It sets a bad precedent. That looting becomes "forgivable" because the state will provide amnesty. Looting, or unauthorized collecting by citizens, should not be permissible at all. Instead, it should be taught that collecting artifacts of any kind is illegal and damaging to the state's history and cultural record. These are resources that cannot be recreated after the damage of looting has been done.

Question number 4 does not offer the option of "I don't possess any, nor would I." It's incredibly sad that the Florida Division of Historical Resources, which exists to preserve and protect the cultural resources of our state, is being asked to weigh in on this nonsense. Florida is for sale to the highest bidder, and it would seem the looters are the winners. Shame on our state legislators for even considering passing this.

Positive - some poorly provenanced materials might be returned to the state. Negative - looter and collectors will see it as a green light and they will go! Who are the stakeholders anyway?

I think it will be misperceived and people will take artifacts.
APPENDIX C

Other Public Comments
Robert F. Bendus, Director  
Division of Historical Resources  
Florida Department of State  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

Dear Mr. Bendus:

We are deeply concerned about the proposed Artifact Amnesty Program.

- As proposed, it is vague and ambiguous with no discernable objective.
- To what degree tribal and other descent communities have been consulted is unclear.
- It confuses the public about what is legal and what is not.
- It counteracts law enforcement action in support of existing legislation.
- No funding stream or staff resources are identified.
- There is no discernible public benefit.
- It is in opposition to existing law.

Recently, the Law Enforcement Division of the Florida Fish and Wildlife Conservation Commission shut down a network of collectors possessing and selling artifacts taken illegally from state land. Individuals profiting from the illegal collection and sale of artifacts may be inadvertently or purposefully disturbing unmarked human burials. By providing amnesty in opposition to efforts of law enforcement, what message is the State of Florida sending?

The Florida Anthropological Society strongly supports the State of Florida’s protection of historic and archaeological resources on public lands, as mandated by Florida Statutes (FS) Chapter 267, and portions of Chapter 872.

We urge the State of Florida not to waiver in its obligation to protect heritage resources on state land.

Sincerely,

Theresa Schober, President  
Florida Anthropological Society
FLORIDA ARCHAEOLOGICAL COUNCIL, INC.

August 28, 2015

Robert F. Bendus, Director
Division of Historical Resources
Florida Department of State
R. A. Gray Building
500 S. Bronough Street
Tallahassee, FL 32399-0250

Dear Mr. Bendus:

The Board of the Florida Archaeological Council (FAC) met August 20, 2015 and voted unanimously to oppose the proposed artifact amnesty program recently posted on the DHR website at http://dos.myflorida.com/historical/archaeology/artifact-amnesty-feasibility-study/. The FAC is Florida’s organization of professional archaeologists who subscribe to the shared goals, ethics, and conduct expected of professional archaeologists. We believe that a one-time amnesty program of limited duration will indicate that the State is not committed to the preservation and wise management of state owned lands and its non-renewable historic and prehistoric sites and objects, in a clear conflict with the letter, spirit, and stated intent of Florida Statutes (FS) Chapters 267 and 373. There is not, and should not be, any statutory authority to create such an artifact “amnesty” program under FS Chapter 267.

We also have concerns about the Artifact Amnesty questionnaire, as it does not provide any background or define what the parameters of an amnesty program might be. Why is there pressure for amnesty at this time, who has called for it, and who will benefit from it? Is the proposed program a response to the casual collector with only a few artifacts, or large scale collectors who may be under observation by Florida law enforcement? How will an amnesty program benefit the citizens of Florida who are not collectors, but who value preserving our history? Would collectors of artifacts taken from state lands have to forfeit the collections they possess, or would they be allowed to keep them after reporting them? Would the collectors be required to disclose the locations where they found the materials, or would they be able to keep that information to themselves? How would an amnesty program benefit the state and enhance preservation of and research into Florida’s history and prehistory, if the context of these illicit collections is unknown? Because of these undefined elements, it is difficult to know how to respond to the survey questions, especially in the positive and negative comments section (Question 6).

We should point out that archaeological artifacts are valued by a variety of “publics”:

- To the professional archaeologist, artifacts are but one of the many pieces of evidence that are necessary to understand what happened over Florida’s 13,000 year long history of human occupation. Archaeologists must also study the water, soils, rocks, plants and
animals associated with artifacts, and the relationships among these variables, to be able to reconstruct past events and trends. Just as in a criminal investigation, a collection of stone tools or pottery fragments without their contextual information does not allow for any meaningful interpretation or generation of new knowledge for the benefit of the public.

- Archaeological artifacts are of personal value to the hobbyist collector often merely because they are interesting relics from the past, and they are fun to collect and possess. There are many state, federal, and international laws, however, against collecting artifacts from public lands. In Florida, collecting and possessing artifacts from private lands is legal, with the land-owner's permission, except in the case of burial sites. Artifacts on state lands and state submerged lands belong to the people of the state, and collecting them requires a professional research permit under FS Chapter 267.

- Archaeological artifacts are of monetary value to some collectors because there is an illicit market for them and they are often bought and sold. We should note that, in addition to state laws prohibiting collecting or selling artifacts from state lands, there are numerous federal laws, such as the Archaeological Resource Protection Act (ARPA), that prohibit collecting and excavating artifacts without a professional research permit from Federal and Indian lands. ARPA also prohibits transporting illegally obtained artifacts across state lines, and selling artifacts. Recently, some collectors of Florida artifacts have been successfully prosecuted under both FS Chapter 267 and ARPA.

- Some artifact collectors and dealers in antiquities even use artifacts as a means to raise money to support other illicit activities such as drug trafficking, or recently, to support terrorists, including ISIS. Globally, trafficking in illegally acquired art and antiquities is comparable to the trade in illegal drugs and arms. There are national and international agreements that prohibit the global antiquities trade, as well.

- Archaeological artifacts are also of value to the descendants of the people who made and used them. Representatives of Florida's federally recognized and state recognized Native American tribes spoke against Florida's Isolated Finds program at public hearings in 2004. They argued that state law did not allow for private ownership of state property, and that the Isolated Finds program was not legal in any sense. They also noted that hobbyist collectors rarely contribute to furthering knowledge about Native Americans because they keep their collections private. The Native American representatives specifically valued working with professionals who create new knowledge from the careful, scientific investigation of archaeological sites. This new knowledge benefits both Native Americans and the general public. Finally, representatives of the Florida Native American tribes expressed concern that many of the locations impacted by illegal collecting are sacred sites that may contain burials of their ancestors. They objected to collectors disturbing these locations in the search for artifacts.

In addition to sending a wrong message about Florida's commitment to historic preservation, we fear that implementing an Artifact Amnesty program may open the door for attempts to reinstate the failed and discontinued Isolated Finds program, or even create a new program allowing non-
professionals to collect artifacts from all state lands. Such programs would cripple the state’s efforts to protect and preserve Florida’s historic resources on public lands as mandated by FS Chapter 267.

Should the Artifact Amnesty program move forward, we request that DHR hold a series of statewide public hearings, conducted in accordance with Florida’s Sunshine laws, in order to consider more clearly defined options and explore all the implications of such a program. We further request that the Florida Historical Commission (FHC), as the legally constituted advisory group to the Director of the Division of Historical Resources, become involved in the process.

Please let me know, if you have any questions.

Sincerely,

Elizabeth D. Benchley

Dr. Elizabeth D. Benchley, RPA
President, Florida Archaeological Council
2910 Magnolia Avenue
Pensacola, FL 32503
ebench3@cox.net

cc: Dr. Mary Glowacki, Florida State Archaeologist
September 3, 2015

Mr. Robert Bendus, SHPO & Division Director
Division of Historical Resources, Department of State
500 South Bronough Street
Room 305
Tallahassee, FL 32399-0250

Dear Mr. Bendus:

Thank you for making the National Park Service aware of the Florida Legislature’s recent request\(^1\) to have the Florida Department of State’s Division of Historical Resources prepare a study of the feasibility of implementing a one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state or on land owned by a water authority. Thank you, too, for the opportunity to provide comments as part of your feasibility study.

It is presently unclear from the language in the State Appropriations Act exactly what type of amnesty program is proposed, and whether this may represent an opportunity for citizens to relinquish materials to the State of Florida, or may represent an opportunity to retain such materials while being pardoned for their possession. These issues may be part of your present study. If such details already are known, I would appreciate greater clarity on the intent and application of the amnesty program, so that I may prepare more informed comments. Because the nature of the amnesty program is unclear, the National Park Service is concerned that a possible outcome could be the undermining the State of Florida’s ability to prosecute misdemeanor and felony violations of Florida Statute 267.13, which will in turn undermine the National Park Service’s ability to prosecute violations of the Archeological Resources Protection Act (ARPA) under 16 U.S. Code § 470ee.

The United States National Park Service is our nation’s lead preservation agency and for almost 100 years has been working with our states and partners to, in the words of the 1916 Organic Act, create and manage parks that “…conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” In the century of our existence, the Service has provided millions of our citizens opportunities for exploration, discovery and growth. In

your great state of Florida, there are currently 10 national park units and one regional archeology center that celebrate the state’s and nation’s rich natural and cultural heritage.

Many of the National Park Service units in Florida have serious and ongoing issues with illegal excavations, theft of archeological patrimony, and destruction of archeological sites with local, state, national, and international significance. The National Park Service mission requires us to do everything in our power to ensure that archeological sites within the parks are not lost to theft and vandalism. Our concern therefore is that the as-yet-undefined amnesty program may send a public message counter to the legislative intent defined in Florida Statute 267.14, which has parallels in federal conservation and preservation legislation like ARPA. Distinctions between federal and state lands—national parks and state parks, for instance—are immaterial for some members of the public, and the National Park Service thus is concerned that an amnesty program that weakens preservation law on state property will inevitably result in violations of preservation law on federal property.

Another concern for the National Park Service is that providing amnesty to a person in possession of stolen antiquities could allow them to legally proceed to sell materials that are the cultural patrimony of the citizens of Florida, thereby catalyzing a market for stolen antiquities that could lead to increased market for looting on federal lands. In addition, National Park Service law enforcement investigations are heavily dependent on the investigation of the illegal sale of looted artifacts at trade shows, online, and in shops. The existence of an amnesty program in Florida, even temporarily, could cloud the legal standing and legality of such sales and threaten the successful prosecution of antiquity traffickers for many years in the future, especially for materials illicitly obtained from our Florida park units.

In summary, the establishment of an amnesty program could have practical, negative impacts on federal preservation efforts, especially for the 10 National Park Service units located in Florida. Because this is an issue that profoundly affects the people of Florida, we applaud your careful consideration of multiple perspectives, including how an amnesty program might be implemented; who will benefit from its existence; and why the current law, which is effective, requires this temporary feature. Thank you for considering our thoughts on the issue.

Respectfully,

[Signature]

David W. Morgan, Ph.D.
Southeast Regional Archeologist, National Park Service
Director, Southeast Archeological Center, National Park Service
August 28, 2015

Dr Mary Glowacki
State Archaeologist
Florida Bureau of Archaeological Research
1001 DeSoto Park Dr
Tallahassee, FL 32399

Dear Dr Glowacki:

The Society for Historical Archaeology is strongly opposed to the artifact amnesty program proposed by the Florida Division of Historical Resources. Florida state law is in place to protect and preserve archaeological remains on state lands for the benefit of the people of the state of Florida. Florida’s millions of visitors benefit as well through the information gained from scientific investigation and the opportunities for heritage tourism to archaeological sites and museums. This proposed amnesty program will only serve to dilute state law and cause confusion regarding the collection of cultural materials from state lands.

Florida’s public lands, and the natural and cultural resources they contain, belong to everyone. No individual should be allowed to take or collect those resources, and those who do should be punished according to Florida law. Persons possessing illegally obtained cultural material should be held accountable for their actions, whether collecting or purchasing.

With more than 2,300 members, the SHA is the largest organization in the world dedicated to the archaeological study of the modern world and the third largest anthropological organization in the United States. Members come from a dozen countries, and most are professional archaeologists who teach, work in museums or consulting firms, or have government posts. Through SHA’s close relationship with the Advisory Council for Underwater Archaeology, our members also include many of the world’s underwater archaeologists. The SHA and its members strongly support the protection of cultural and historical resources and sites around the nation.

The members of the Society for Historical Archaeology hope the Florida Department of State, the Division of Historical Resources, and the Bureau of Archaeological Research will not pursue the proposed artifact amnesty program.

Yours sincerely,

Charles R. Ewen, Ph.D.
President
September 3, 2015

Robert F. Bendus, Director  
Division of Historical Resources  
Florida Department of State  
R. A. Gray Building  
500 S. Bronough Street  
Tallahassee, FL 32399-0250

Dear Mr. Bendus:

I am writing to express my concerns and opposition to the proposed Artifact Amnesty program and to any changes to state statutes that would allow for such a program. The State of Florida has a positive reputation for the wise-management of its non-renewable cultural resources associated with state lands and state submerged lands. An artifact amnesty program would damage the state’s credibility, and would likely result in more long-term damage to the resource because collectors would be encouraged by the precedent set in loosening the law. I believe that the pressure for amnesty comes as a result of effective law enforcement after the Isolated Finds program was discontinued. The pressure is a good sign that the law is finally working as it should have for the last 50 years. Now is not the time to backtrack.

Who will benefit from such an amnesty? People who believe that public property is there for them to take and even profit from? Why should we let them? Do we let people dig up azaleas from state lands and take them home to replant, or sell? Do we let people cut down trees from state land without a permit? Do we let people dam up state waters, or remove state soils? Why are artifacts different from these other kinds of state property? Do we offer people who illegally take these other resources amnesty?

As the Florida Archaeological Council noted, there are many kinds of “publics” who value archaeological artifacts. Professional archaeologists value them because of the information they can reveal about our past, if recovered with their contextual data. Native Americans value them because they are part of their long heritage. Hobbyist collectors value them because they are fun to find and to possess. Some collectors value them because they can buy and sell them. Some drug dealers value them because they can generate cash to support drug habits and trafficking. And there is a tremendous global market for artifacts and antiquities that is comparable to trafficking in narcotics and arms. The point here is that illegal artifact collecting in Florida is part of a much bigger picture that involves all kinds of illicit activities, sometimes on a global scale. There is more to the idea of amnesty than merely forgiving a few citizens who happened to pick up arrowheads on state lands. The illegal collecting and selling of artifacts contributes to a serious criminal enterprise that extends across the state and well beyond Florida’s borders.
To the professional archaeologist, the bad thing about collecting artifacts is that it removes them from the very context that can help us figure out the story behind the artifact. That story can never be reconstructed if the clues have been removed. This is especially true if the artifact has been collected by excavation, because digging disturbs the ground and destroys all the spatial relationships among artifacts and clues in the soil. Archaeological site destruction results from collecting and looting, whether it is one object at a time or all at once. And there is no way to piece the site or the story back together.

Professional archaeologists discourage collectors because of the damage they do to sites and to our ability to scientifically discover and interpret what happened in the past. Professional archaeologists value artifacts because of the information they represent. Professional archaeologists keep artifacts in curation facilities and laboratories associated with institutions where they, and the excavations records that document their context, can be studied by future researchers and enjoyed by the public. Professional archaeologists do not have personal collections of artifacts. We do not buy and sell artifacts. We do not even appraise artifacts for collectors, because that could increase their value on the illicit market. Professional archaeologists often make information about our research and artifact collections available to the public through public talks, museum exhibits, websites, and social media. We also often incorporate collectors and the public into our research so the public can share in learning about the past through scientific investigations, and enjoy Florida’s many unique stories.

Some collectors will argue that this is a case of us against them, that we just want all the artifacts for ourselves. I see this as an issue of heritage preservation, and preservation can’t occur if we allow private collecting that damages public resources. The artifacts are just part of what it takes to tell our stories.

Please let me know, if you have any questions.

Sincerely,

[Signature]

Dr. Elizabeth D. Benchley, RPA
Director, Archaeology Institute and
Division of Anthropology and Archaeology
University of West Florida
Pensacola, FL 32514
ebenchle@uwf.edu

cc: Dr. Mary Glowacki, Florida State Archaeologist
August 23, 2015

Division Director Rob Bendus
R.A. Gray Building
500 S. Bronough Street
Tallahassee, FL 32399-0250

Dear Mr. Bendus:

I’m writing as a professional archaeologist to provide my input on the feasibility study that the state of Florida is undertaking regarding an artifact amnesty program. Although I’m now a North Carolina resident, I was born and raised in the sunshine state and, in fact, began my archaeological career there. Thus, I am familiar with the important archaeological and historical resources that are found in Florida many of which are present on state owned lands. As I understand it, if implemented, the amnesty would apply to individuals that possess materials of historical or archaeological value found on land owned or controlled by the state or on land owned by a water authority.

That said, I have several concerns about the proposed amnesty program.

First, in the absence of any explicit statement outlining the parameters of such a program nor a clear rationale for implementing it, I have serious concerns about its feasibility. At first glance one might think that returning artifacts to the state would be a good thing much like amnesty programs that occur at public libraries for overdue books. But such a comparison is mistaken. For libraries the value of the book lies with the book itself. Unlike a book much of the archaeological value of an artifact lies with the context in which it is found as much as it does in the artifact itself. Thus, I wonder if the proposed amnesty would also require the owner to reveal the location of discovery and other critical contextual information necessary to properly interpret the artifact? Even if this was a requirement, if the artifact was improperly excavated from a state site it is doubtful that the individual would have sufficient archaeological training to be able to provide accurate contextual information regarding its recovery.

Second, I am assuming that the amnesty would require the individual to actually relinquish ownership of the artifact. While I infer that this is the case from reading the survey questionnaire it is really an assumption on my part. Thus, I’m left with the appalling possibility that the amnesty program could actually allow one to keep archaeological materials stolen from state lands or waters! This may be a misinterpretation on my part but in the absence of any explicit statements regarding the parameters of such a program it leads me to think that the idea of an amnesty program has not been given serious thought.
Third, if such a program does come about I wonder how it would be implemented. Would individuals have to come to Tallahassee to return the artifacts? Assuming that individuals owning archaeological materials taken from public lands or waters are scattered across the state in much the same way that state owned lands and waters are spread, then how realistic is it to expect those people to travel the state capital to return them? Alternatively, several “stations” might be established around the state making returns more convenient but at what cost to the state might that occur?

Finally, my biggest concern is that such an amnesty program would belie the intent of Florida Statutes 267.14 which explicitly states that it is public policy to preserve the archaeological resources on public lands and waters for the benefit of its citizens. How can Florida claim to be a steward of its past while at the same time pardon those who took artifacts illegally from public lands and waters in Florida? At best it sends mixed messages regarding Florida’s commitment to safeguard its past; at worst it sets a bad precedent.

In sum, I would urge the Florida Division of Historical Resources to strongly object to any artifact amnesty program. In my opinion, what the legislature has presented with the survey questionnaire is a half-baked idea without any policy procedures nor any clear justification. In so doing it does a disservice to its citizens.

Thank you for the opportunity to provide my input.

Sincerely,

I. Randolph Daniel, Jr.
Professor & Chair
Department of Anthropology
East Carolina University
Greenville, NC 27858

cc: Mary Glowacki, Chief and State Archeologist
    Mike Wisenbaker, Archaeology Supervisor
    Elizabeth Benchley, President, Florida Archaeological Council
August 14, 2015

Dr. Mary Glowacki, Chief and State Archaeologist
Florida Bureau of Archaeological Research
B. Calvin Jones Center for Archaeology at the Governor Martin House
1001 de Soto Park Drive
Tallahassee, FL 32301

RE: Artifact Amnesty Feasibility Study

Dear Dr. Glowacki,

I am writing to express our opposition to the creation of an artifact amnesty program as described in the request for comments posted on the Florida Division of Historical Resources webpage (artifact-amnesty-feasibility-study).

In expressing our opposition to artifact amnesty for state lands, we refer to, and express our support for, the appropriateness and wisdom of the legislative intent expressed in Florida Statutes 267.14, "It is hereby declared to be the public policy of the state to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology." While this intent refers to all of Florida, it is particularly important for our public lands and waters which protect for the future what is uniquely Florida in terms of our natural environment as well as the remains of our diverse and unique heritage.

Our public lands and waters help us to ensure that the animals and plants, forests and wetlands, and springs and waterways that have always been a part of Florida will still exist and be accessible to the public for countless generations to come. Imbedded and submerged on these same lands are the remains of those who have come before. These remains are not just individual curiosities, they are complex archaeological sites where people lived, where they are buried, and where they have made their livings hundreds and thousands of years ago. Current law appropriately supports the public ownership of archaeological sites on public lands and waters and appropriately recognizes the value of their preservation for future scientific study by appropriately trained professionals.

As I know that you are fully aware, preservation of archaeological sites on public lands is all the more critical because of the rapid development of the State's privately-held lands. Over the last several decades, development of our coastlines for residences, hotels, and businesses, and construction of highways, airports, and other needed infrastructure, has resulted in the wholesale destruction and loss of many thousands of archaeological sites, often without any record or study.
In opposing creation of an artifact amnesty program, which we presume would be accompanied by forfeiture of illegally obtained Florida artifacts and disclosure of their find locations, we believe such a program would:

- Send a message that the Legislature does not take seriously its commitment to preservation of our publicly-owned lands and waters and the archaeological sites contained therein.
- Not be taken seriously by many, including those who have systematically looted sites on public lands and waters.
- Not prevent future collecting or looting of archaeological sites on public lands or waters.
- Provide rationale for calls to reinstate the failed Isolated Finds Program, which we also oppose (see http://www.flpublicarchaeology.org/blog/?p=49).

Florida has always been a leader in state-level historic and archaeological preservation and its current policies are consistent with an international recognition of the importance of preserving the archaeological remains of our cultural heritage for the future public benefit. Regardless of how it might be constructed, we believe any artifact amnesty program would represent a retreat from this position of leadership.

Sincerely,

William B. Lees, PhD, RPA

Copy: Rob Bendus, Director, Division of Historical Preservation
September 4, 2015

Robert F. Bendus, Director,
And State Historic Preservation Officer
500 S. Bronough Street,
Tallahassee, Florida 32399

Ref: Proposed Florida Amnesty Program

Dear Rob,

I wanted to write and address a few concerns I have about the proposed Artifact Amnesty program. I am speaking as much as the former State Archaeologist for the State of Indiana (1977-1991) as I am the director of Gulf Archaeology Research Institute (GARI), based in Crystal River, Florida. As to the former I was vexed by this type of suggested programming every several years by a small constituency believing this would remedy their problem with incessant illegal artifact recovery from state-owned lands. You’ll hear as I did, “I know what the signs said, but I just couldn’t help myself.” In my case and in part through my efforts we had the statutory authority to protect what rightly belongs to all the citizenry and for which I held in public trust. Every state has its fair share of innocent artifact recovery where the finds are purely accidental or fortuitous regardless of signage or public education to the contrary. Likewise, we have wholly purposeful recovery/looting of an artifact that, in effect, destroys the very context of the past during recovery, but where the items have economic value in the illegal antiquities markets. This is beyond the pale and an amnesty program will not curtail those activities. So, what constituency does the Artifact Amnesty target? Importantly, whose idea is this program?

As professionals we can sometimes be trapped by our very words which, if twisted, may bite back. For example, expect to hear it argued “artifacts out of context have little intrinsic value.” Well, they do have some value and there is a whole huge list for that, but in context they mean interpretation and then collectively some potential for explaining the past. In the world of collecting and antiquarianism these values matter little and indeed, once artifacts are removed from their depositional context some might actually argue they no longer have archaeological value. So, why would the state want them back or even care? Is it just because the state wishes to recover what is rightly theirs?
The costs of an amnesty program both in operation and behind the scenes including restoration, conservation, and recording efforts is not unknown. It is expensive in time, space, and personnel. That is part of the point. And, at some point someone will argue, and I have had this experience in defending historic preservation and archaeology programming, "then why would you go to such great expense to get such a low return of information." Indeed, why? It is a simple economic argument, and a clever one. It is one legislators listen to and often respond. I am worried.

We are used to government regulation. In our case the protection of cultural resources has been legislated and court validated as an intrinsic state right, particularly on properties that government holds in trust for all of its citizens. No need to open that door again anew. An Artifact Amnesty program however "white hat" it may appear is a loaded issue that has a subtle, nearly sub rosa economic component that may not appear until the process begins. In a nutshell, this is either 1) an innocent, well-meaning proposition to save the conscience of the casual collector or 2) a clever means of advancing a program to deliberately demonstrate a burdensome bureaucracy, one that is overbearing on hobbyists and, now, really too expensive to continue. We'll see, but I am skeptical from experience it is innocent.

My recommendation is to meet whatever perceived needs or arguments in favor of amnesty are out there with an educational program of graduated intensity targeted toward the general public who casually or opportunistically collect all the way up to hard-core collectors. The key to an abatement of casual collecting is signage, public education, and peer pressure to protect our shared heritage. This is doable and effective and far less expensive than amnesty in the short and long run. The FPAN program may be used in concert with your program staff to create such an approach. Obviously, not enough public education is taking place: This is not an indictment of your agency as I think your operation is doing a fine job. Indeed, the professional historic preservation community has both a stake and responsibility to assist in protecting the very resources they study. Their leaving everything up to your agency can and should be remedied. It ought to be a condition of every grant or permit to have a public education component with a report on applications and products. These are tough times but only for those not buying or selling artifacts. Without redressing educational programming first, adopting an Amnesty Program is a tacit admission of failure and opens the door for a legislative solution that may have real consequences on your operation. I like your operation, it has continuity and produces results in conservation and protection. Your agency already knows the key to the abatement of hard-core collecting is action, not absolution. Be resolute that criminal behavior is criminal behavior and virulently infective if not checked. If an amnesty program is initiated it will certainly not be the last call on that topic and an
attempt to further weaken preservation law and regulation will follow in the spirit of cost-savings to tax payers. Thanks for opportunity for a real déjà vu experience.

Respectfully yours,

Gary D. Ellis, director
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352-464-4274 lab
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August 27, 2015

Dr. Mary Glowacki, Chief and State Archaeologist
Florida Bureau of Archaeological Research
B. Calvin Jones Center for Archaeology at the Governor Martin House
1001 de Soto Park Drive
Tallahassee, FL 32301

RE: Artifact Amnesty Feasibility Study

Dear Dr. Glowacki,

The following members of the board of the Central Gulf Coast Archaeological Society wish to express our opposition to a proposed artifact amnesty program. Our group is a chapter of the Florida Anthropological Society, and is comprised of professional and avocational archaeologists.

You are well aware of Florida’s significant archaeological resources. Fortunately, past legislatures had the wisdom to provide for the continued well-being of our archaeological record – provisions currently set out in chapters 267 and 872 of the Florida Statutes. According to the Florida Legislature’s staff director at the time of enactment, the statute was “intended to elevate the consciousness of historic preservation within the state” (Jack Overstreet to Craig Meyer, letter, 13 March 1985, House Transportation and Economic Development Appropriation, Series 19, Florida Archives, Tallahassee, Florida). Allowing amnesty to people who possess illegally obtained artifacts would do the very opposite. Such a program would convey the message that the state does not value its history or the knowledge that can be obtained from the archaeological record. Even if the program requires that people taking advantage of it relinquish their artifacts and inform the state of the artifacts’ provenience, any information gathered would not offset the harm done by the appearance that the state condones the past looting.

Archaeological sites located on public land belong to the public, and should be preserved, studied, and curated in such a way that adds to our knowledge of the past. They should not serve
as sources for collectors to appropriate our collective history for their own personal aggrandizement or monetary gain. Years of development have adversely impacted Florida's history, destroying countless sites and structures, and erasing the knowledge they could potentially provide us. The development of private land shows no sign of abating, making the archaeological sites on state lands all the more valuable. Fortunately, chapter 267 protects the history and archaeology existing on state lands. However, the effectiveness of the current laws is already limited by disinclination of police to arrest, prosecutorial discretion, and judicial unawareness regarding the importance of archaeological sites. The residents of Florida would be poorly served by the implementation of any program that would reduce the protection offered by existing laws.

Chapter 267 charges the Division of Historical Resources with the responsibility to “[t]ake such other actions necessary or appropriate to locate, acquire, protect, preserve, operate, interpret, and promote the location, acquisition, protection, preservation, operation, and interpretation of historic resources to foster an appreciation of Florida history and culture.” An artifact amnesty program would directly oppose this instruction. As you know, when artifacts are removed from their context without proper recording and analysis, they become mere isolated, individual curiosities, with little meaning other than their market value. Any action by the state that would encourage this looting would not foster an appreciation of Florida history and culture, but rather would encourage an idea that the acquisition of trinkets at the expense of history is permissible.

An artifact amnesty program is disturbingly similar to the failed Isolated Finds Program and the proposed (and thankfully never enacted) Citizens Archaeology Permit. This is an equally short-sighted idea, and stands in direct conflict with the legislative intent of the laws protecting sites, would encourage looting, and would give the public the impression that the legislature and the state do not value Florida's history and archaeology.

Sincerely,

Dawn Hayes, Ph.D., President, CGCAS

P.p.:

Rebecca O'Sullivan, M.A., Vice-President
Cheryl Shaughnessy, Treasurer
Marcie Connors, Board Member
David Burns, Board Member
Kassie Kemp, Board Member
August 20, 2015

Secretary of State Ken Detzner
Florida Department of State
R.A. Grey Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Louis D. Tesar
788 Winding Creek Road
Quincy, Florida 32351

Cell phone: 850 300-8040

Re: Study of Proposed Artifact Amnesty for Looters and Collectors of Illegal Antiquities

Dear Secretary Detzner,

I realize that it may be a waste of time to submit these comments, as they are in a printed format and have been transmitted by surface mail and, thus, may not be included in the Department’s feasibility study. However, I do not have a personal e-mail account (and for identity theft and risk of receiving computer viruses will not do so. Experiencing that problem once was enough). I learned of the study on the agency computer at my temporary work station. As it was before my retirement as a career service employee with the Florida Department of State, I deem it to be inappropriate to use the State’s PCs for personal purposes, especially when it would take time away from the performance of the tasks that I have been hired to complete. Further, such use would be an employee action not a personal action. I have prepared this response at home using my laptop and printer, thus there is no conflict of interest issue and it is a personal response. Regardless of its format, I hope that you will take the time to read and consider my comments.

As a preamble, I obtained my Master’s degree in anthropology at Florida State University in 1973 and immediately upon its receipt became a contract archaeologist. My work has been primarily in the State of Florida. Following archaeological survey of Gulf Islands National Seashore, I worked in Mississippi conducting an archaeological survey of a proposed reservoir followed by multi-year investigations at a site near Clarksdale, before returning to Florida. As an OPS archaeologist I worked on Leon County bicentennial site investigations and report preparation followed by Levy County highway salvage site investigations until July 1977, when I was employed as a career service archaeologist by the Department of State’s Bureau of Historic Sites and Properties. In 1982 I became supervisor of the historic preservation compliance review program which I administered until March 1991 when I accepted a promotional position as the supervisor of the archaeological research section in the Bureau of Archaeological Research until January 2000, following a stroke. On February 2000 I returned to work, accepting a demotion to Senior Archaeologist, reclassified as an Archaeologist III, in which capacity I worked until my retirement at the end of April 2112. Over the decades I worked and met with most of Florida’s professional archaeologists, have interacted with and assisted Florida’s Native Americans, and provided information and advice to members of the public and employees of public agencies on archaeological issues, the management of cultural resources, and the identification and collection of artifacts. These activities have furthered the stewardship of Florida’s cultural resources and an awareness and appreciation of our multi-ethnic cultural heritage. They are also the qualifications (KSAs in bureaucratic jargon) that govern my response.
I am responding to the request for public comments regarding "the feasibility of a possible one-time amnesty program of limited duration for persons who possess specimens, objects, or materials of historical or archaeological value found on land owned or controlled by the state or land owned by a water authority" (emphasis added). The wording of that notice implies that no previous such amnesty has been given, which is not the case. Material taken by individuals digging without permission on state owned and controlled land prior to the passage of Chapter 267, Florida Statutes, was permitted to be retained by the antiquities thieves and the buyers of that technically stolen property, as the law was not made retroactive and the earlier legal authority under the Governor and Cabinet acting as the Board of Trustees of the Internal Improvement Trust Fund and in other land management capacities was not enforced. Thus, an amnesty was effectively granted to those who had acquired antiquities from state owned and controlled lands without permission prior to the passage of Chapter 267, FS., and for various reasons to those who continued to collect "exposed" artifacts on Florida's river bottoms until the antiquities market transformed the avocational pastime to a market driven activity for a few who began illegally using vessel prop-wash and dredging equipment to exposed objects to be collected.

Subsequent to the passage of Chapter 267, FS, illegal digging and surface collecting of artifacts on state owned and controlled lands continued. Various clarifications occurred so as not to make criminals of those innocently surface collecting objects that they came across on state owned and controlled property, particularly along public beaches where tidal action and storms resulted in shoreline erosion or scouring of the water bottoms to expose objects; and, for several years with an "isolated finds" program that permitted the collection of artifacts found exposed on Florida's river bottoms and the conveyance of title to found objects reported to the Bureau of Archaeological Research in accordance with program procedures; the State retains ownership of unreported items collected before (and after) the program was terminated for reasons of nonreporting and illegal dredging and collecting in closed to collection areas.

For more than fifty (50) years the public has been advised of the law regulating archaeological resources on state owned and controlled property through public lectures by Florida Department of State archaeologists, through publications, brochures, property signage, and other means. The vast majority of Florida's residents understand that digging or removing plants and animals and objects of antiquity or even of modern fabrication from public or private property without the permission of the property owner or his/her designated property manager is against the law and considered an act of theft. Over the years, a growing number of citizen support organizations (CSOs) and other private organizations have become involved in assisting state agencies in the management of natural and cultural resources, including furthering public awareness of resource management issues and the laws governing the resources. Their resource stewardship assistance is much appreciated.

Those who dig without owner/land manager permission at archaeological sites to collect artifacts, whether on public or private property, are knowingly committing a crime. The sale of antiquities ranks second only to the sale of illegal drugs in terms of monetary consideration. I will not suggest that the loss of our cultural heritage is equal to the pain and suffering resulting from the illegal drug trade; however, the loss of that heritage is a serious cultural matter. In my
opinion, the proposed amnesty being considered would exacerbate not resolve the problem since it would demonstrate a willingness to void the State’s resource stewardship responsibility.

The formation of an archaeological site may be thought of as a hand-written journal of the activities in the lives of the people occupying and using that site. As with any journal, the record is incomplete as it only highlights elements of what occurred—it this case only the material items that are discarded or lost. Yet the appearance and manner in which items were made, their distribution within a site along with their contextual association with other cultural remains—as with the material found at a crime scene—can inform us about the actions of the people at a site. It takes years of training to become recognized as a professional archaeologist with the field experience and artifact and other cultural material analysis experience required to properly recover and interpret the information contained in the “site journal.” Through time, aspects of the material culture in a site are degraded, as organic objects decay, and are disturbed by roots and animals at abandoned sites that become overgrown, or by the activities of later site occupants, who dug their fire and storage pits, post holes and the like into the older depositional layers and distributed that material on the then ground surface. Archaeological documentation requirements are constantly being upgraded and as a consequence we are learning more about the culture of people from their site remains than had previously been the case.

Unlike plants and animals, which can reproduce, archaeological sites are unique finite resources. As noted, each is like a hand-written journal of the activities at a site and each has been degraded in part by natural and subsequent land use processes. When an archaeologist excavates at an archaeological site, her or his task is to recover as much information as possible, since the digging is akin to removing pages from the site journal. Without proper recording, those pages are lost. That is what happens when site looters dig for artifacts on public and private property. They are effectively tearing the pages out of the site journal and destroying the information that they contain with the exception of the lost-context items that they keep. It is like cutting the illustrations out of a book for display and discarding the book with its explanation of the context of the illustrations presented in its text.

A special class of site located on both public and private property is that of human burials, regardless of when the burial occurred or the race or ethnicity of the individual buried. Those burial sites and their associated grave goods, markers, and other associated objects are protected by state law—see Chapter 872, Florida Statutes. Section 872.02, FS, pertains to marked burials, while Section 872.05, FS, pertains to (now) unmarked burials. Putting aside surficial damage by vandals or the knowing or unknowing damage by modern land users, the looting of grave sites to collect artifacts (of high antiquities market value) has been and continues to be a serious land management matter and well as a cultural ethical issue. While some graves of people of European ancestry have been looted in search of precious metals and gem-stones (i.e., gold and silver jewelry and teeth fillings), most of the affected burials have been those of Native Americans. In recognition of an enforcement problem the wording pertaining to 872.05, FS, jurisdiction burials was changed from “wanton and malicious” to a “willful and knowing” act. And yet the felonious act of looting unmarked human burial sites continues.

While most occupation sites contain primarily broken artifacts for which the pieces have been scattered, human burial sites are noted for complete and/or broken in place artifacts. Ethical
issues aside, an amnesty was granted to those possessing grave goods, whether with or without property owner permission, from state owned or controlled lands and private property prior to the amendment of Section 872.02, FS, to make such acts a felony for their willful and knowing removal. Of course, dated photographs and/or other documentation are needed to show that such items in collections or being sold on the antiquities market may legally occur. Such is not the case with grave goods removed from human burial sites after the amending of Chapter 872, FS. And, yes Native American burials on state owned and controlled lands have been looted for their artifacts after the willful and knowing language became effective. Among those looters who have been caught the majority was looking for items to sell; only a few were involved for personal collection purposes. The buyers of stolen antiquities, as are the buyers of any other stolen objects, are responsible for their knowing and willful purchases and, as with other stolen items, are subject to forfeiture of those stolen items to the State for custodianship and where appropriate repatriation. And yes again, archaeologists in the Florida Department of State, Division of Historical Resources, Bureau of Archaeological Research have been involved in reburying human remains and associated artifacts in protected locations in cooperation with Florida’s Native American leadership.

Indeed, I participated with representatives Florida’s tribes, physical anthropologists, other ethnic group representatives, and other Department staff in discussions leading to the amendment of S. 872.02, FS, and development of the Department’s rule implementing the unmarked burials law provision. I also participated in public awareness measures through the publication of articles in popular publications and in the preparation of an agency brochure. Over a thousand copies of each publication and over 5000 copies of the brochure were distributed. I would not like to be a legislator voting in favor of granting an amnesty for Native American grave goods looted or purchased after the mid-1980s, as I firmly believe that Florida’s Native Americans and those sympathetic to their cultural heritage and the right to expect their grave sites to be protected will take umbrage with such apparently “uncaring” individuals and likely would encourage people to vote for whoever next runs against them.

From land to water, we transition to state sovereignty submerged lands along the Atlantic and Gulf coasts, as well as the land under water between Florida and Cuba, navigable rivers, and lakes with multiple owners (the Murphy Act waters). When 1715 Spanish plate fleet shipwreck treasure was found and recovery efforts authorized by the Governor and the Cabinet the authorization for those activities on state-owned sovereignty lands included in-kind payment to the State of about 20% of the recovered items.

Later, with the passage of Chapter 267, FS, the Division of Archives, History and Records Management (since reorganized as the Division of Historical Resources) in the Florida Department of State was assigned management responsibility for historical/cultural resources abandoned on state-owned and controlled lands. Two rules were prepared and implemented; and, have undergone public hearings and amendments during the past nearly 50 years.

The first, Rule 1A-31, Florida Administrative Code, governs activities concerned with the exploration for and salvage of shipwrecks on submerged lands within three miles of the Atlantic Ocean coast and three leagues along the Gulf of Mexico shoreline, as well as within the bays, rivers and inlets along those coasts. It followed the president established by the Governor and
Cabinet with a fee per permit and payment of a percentage of any recovered material stipulation; although the later transitioned to a point system in which the salvors and DOS representatives agreed on point values for objects based on their rarity and other factors and the State then selected items for the State’s share equal to about 18-20% of the total assigned points for the state-owned material. Title for the remaining material was conveyed to the salver.

The second, Rule 1A-32, FAC, governs the authorization and issuance of permits (without fees) for the conduct of archaeological investigations on state owned and controlled lands, including sovereignty submerged lands under Atlantic and Gulf waters, coastal embayments, navigable rivers and lakes with multiple owners or wholly within state owned or controlled lands. It implements the provisions of Section 267.12, FS. The State of Florida retains ownership of all cultural material collected during any such permitted projects. The permit conditions require the permit holder to prepare a report documenting the location and manner in which investigations were conducted and a description of what was found and the resulting conclusions, as well as analysis of the collected material, its inventory and submission of the collected material and copies of associated project records to the Florida Bureau of Archaeological Research in a manner compliant with the agency’s rule governing collections. The records are stored for reference and the material accessioned and/or catalogued for curation, further study, or loan for public display. I was involved with coordinating the 1A-32 permit program for several years.

As noted above, so as not to make criminals of those innocently surface collecting objects that they came across on state owned and controlled property, particularly along public beaches where tidal action and storms resulted in shoreline erosion or scouring of the water bottoms to expose objects, it was deemed permissible to collect and retain artifacts found on Florida’s beaches between the mean high and low tide lines. Digging of the eroding embankments along those shorelines was and is prohibited and state land managers are authorized to exclude collecting in other select areas.

Further, when the collection of artifacts exposed on Florida’s river bottoms transitioned from a few active hobbyist collectors to include growing numbers of individuals interested in collecting object for their market value (with a minority of those individuals using illegal dredging to facilitate collection of marketable objects), the Florida Department of State Bureau of Archaeological Research was faced with the dilemma of either having Chapter 267, FS, amended to exclude artifacts occurring within Florida’s rivers or implementing a program in an effort to facilitate the hobbyist collector and restrain illegal activities. The later course was chosen and an “Isolated Finds Program” was implemented. Effectively an amnesty was granted for all artifacts collected from Florida river bottoms before the Isolated Finds Program was begun.

The Isolated Finds Program, except within a few designated areas, permitted the collection of artifacts found exposed on Florida’s river bottoms and the conveyance of title to found objects reported to the Bureau of Archaeological Research in accordance with program procedures; the State retains ownership of unreported items. That program lasted for several years with most participants complying with its terms.

However, disinformation by site looters (i.e., those involved in illegal dredging and collecting in closed areas with submerged intact sites) and those collecting high market value artifacts that
they failed to report convinced a growing number of individuals that the State would take and not convey ownership for any high value artifacts. During the life of the program NO ARTIFACTS WERE TAKEN OR KEPT by the State, although we did make molds and cast copies of selected unique artifacts for inclusion in the State’s artifact collection. As the non-reporting problem and number of illegal dredging activities and collection in closed areas increased, the FWC and historic resource management advisory bodies and others declared it to be a law enforcement problem and not an appropriate cultural resource management activity. Indeed, the clusters of reported material indicated that there were more submerged site areas with relatively intact archaeological material than expected. Following public hearings, the Isolated Finds Program was terminated. A grace period lasted for about a year following the ending of the program during which time collectors of artifacts were provided with an opportunity to report unreported items in accordance with the Isolated Finds Program procedures. Those who did so were granted title to the reported artifacts. That grace period for retroactive reporting may be considered as an amnesty action. The unreported items collected before the program was terminated, as well as those collected after the program was terminated, remain state-owned property.

So what we are dealing with today are objects in which the collectors failed to comply with (that is knowingly chose not to avail themselves of) the several previous amnesty opportunities and/or who apparently knowingly have been involved in the illegal looting and removal of artifacts from state owned or controlled lands, including submerged lands, without legal authorization and the sale of those stolen items. We also apparently are dealing with individuals who knowingly or suspect they may have purchased such stolen items and who, therefore, are concerned that they may be charged with the purchase of stolen property and its forfeiture. Since purchasers of high value antiquities items have for years required that the seller provide documentation that the item being sold was legally obtained and its provenience, that documentation would limit the buyer’s liability and if it was determined to be false would constitute legal grounds for recovery of the payment for the stolen property that would be seized by law enforcement. Essentially the same laws and procedures apply to the recovery of any stolen property. Further, purchasers of antiquities without such documentation knowingly do so with the understanding that they are or may be purchasing stolen property and willingly and knowingly accept the risk of doing so.

Nonetheless, should the State of Florida chose to void its cultural resource stewardship responsibility and offer an amnesty to antiquity thieves and the buyers of stolen antiquities, I offer the following two suggestions:

(1) A condition of any amnesty must be that the recipient’s collection of Florida artifacts be completely inventoried with the inclusion of digital images of each of the objects depicting details by which they may be incontrovertibly identified. The amnesty would apply only to objects included in that base line inventory. Objects included in the collection at a later date that are not in that inventory shall be excluded from that one time amnesty. If the collector and/or buyer cannot present documentation of their legal collection and possession under previously authorized programs, regulations and laws AND if it is determined that they came from state owned and controlled land, including sovereignty submerged lands and navigable rivers, then those items shall be treated as stolen property and forfeit to the State (as the owner of record) in the same manner that any other recovered stolen property would be returned to its owner of record.
(2) As a caveat, I would recommend the recovery of any demonstrable grave goods and their exclusion from the amnesty. While the objects would be forfeited along with any known provenience information, an amnesty from prosecution for the purchase of that stolen property may be offered for that one time event during the period in which the collection is being inventoried. The Bureau of Archaeological Research would be assigned custodianship of any such items and include them on future notices to Native American representatives in accordance with U.S. law—the Native American Graves Protection and Repatriation Act.

There are a number of arrests and completed and pending court actions, as well as ongoing investigations, concerning the illegal collection, sale and purchase of artifacts from state owned and controlled lands, including sovereignty submerged lands, and from Native American burial sites on both public and private lands, in accordance with the current provisions of Chapter 267, FS and 872.02, FS, and their implementing rules. There are also associated violations of other state laws and rules where the illegal excavation of state uplands includes property vandalism and require restoration of surface conditions and in state waters where illegal dredging has occurred to facilitate the exposure of items to be illegally collected.

A blanket amnesty would have the effect of conveying ownership of thousands of artifacts with an estimated market value of well over $100,000 of stolen state owned property to the antiquities thieves. [I have been involved in assessing seized artifacts from antiquities vendors and have routinely noted sticker prices averaging between $300-$600 for individual flaked stone projectile points and other items with $10,000 price tags. I have even noted items with “make an offer” tags.] With conveyance of ownership to the looters the defense attorneys would move to have the cases vacated since no stolen property would then be involved and the charges would then be without merit. One could also expect the attorneys for recently settled cases to have those cases vacated, their client’s record cleared, the forfeited stolen—excuse me, inappropriately seized personal—property returned, and for the State to reimburse their clients for attorney fees and court costs.

And then there is the precedent of granting a “one-time amnesty” to those guilty of stealing and selling State-owned property, as well as to those knowingly purchasing that stolen property. How can the State legislature and Governor not pass comparable bills granting amnesties to individuals who collected and/or sold rare and endangered plants from state owned or controlled property, or who illegally hunted panthers, bears, or whatever on such properties, or committed some other act, such as illegally dredging to facilitate the collection of fossil bones in Florida’s rivers? After all, the property damage and monetary gain from those activities is generally considerably less that that associated with the looting and sale of Native American artifacts. They would have a point—if the State of Florida’s legislative body is willing to waive the State’s cultural resource stewardship responsibilities and thumb its nose at its law abiding citizens, why not go all the way and figuratively poke its citizens in the eye by granting amnesty for other resource violations on state owned and controlled land.

The thwarted citizens will be those who approved the Governor and State Legislature’s actions to acquire and manage undeveloped lands as wilderness, parks, managed forests, and the like in
order to protect the natural and cultural resources on those properties. What kind of resource stewardship message would an amnesty to the looters, sellers and buyers of State-owned antiquities convey to the public?

It will be an embarrassing event if the proposed amnesty proceeds, especially in light of all the previous amnesties that have been granted. When will it end? How can we expect our citizens to respect our laws and see people incarcerated for low value crimes, if we are willing to void law enforcement for high value crimes? If needed, treat it as a plea bargain in which the purchaser of the stolen property is not prosecuted if the owner (the State) recovers that property and any associated records. The justification would be that course of action is less costly and time consuming then the resources that would need to be allocated should a criminal case be pursued to trial.

However, looters of human burial sites are a separate issue. Why should those who desecrate and loot Native American burial sites be treated more leniently than someone conducting the same heinous activity at the local church cemetery? If denigrating words are considered offensive and subject to disciplinary action, then why should the looting of the burial sites of other ethnic groups not be prosecuted as the felonious act that it is deemed in Chapter 872, FS? Furthermore, when the unmarked burials in question are located on state owned or controlled land and are determined to have been buried more than 50 years the site in question also comes under the overlapping jurisdiction of Chapter 267, FS, and even further under Chapter 258, FS, state land management jurisdiction where the unauthorized digging may be treated as an act of property vandalism governed by that law. If the rule of law has any meaning...

Well it’s time to bring these comments to closure. It should be obvious that I consider granting the proposed amnesty to be ill advised and yet I have tried to offer conditions that would help make it potentially a “one-time” amnesty. If you should have any questions or seek additional supporting information, please do not hesitate to contact me.

Respectfully yours,

Louis D. Tesar

Cc: Rob Bendus, Director, Division of Historical Resources

Please do not grant amnesty to knowing and willful looters of state lands and to those who buy the stolen state property. [For the latter, at least do not let them keep the stolen items if they are from human burial sites.]
From:       Christian Davenport <cdavenpo@pbcgov.org>
Sent:       Thursday, August 27, 2015 8:24 AM
To:         Bendus, Robert F.
Cc:         Byrd, Julia C.
Subject:    Amnesty Survey

Hello,

Amnesty periods seldom work as intended. In the ten years I have worked with Palm Beach County we have done three
or four. Few artifacts are actually recovered at these events. However, the press releases or news stories that
accompany them are the real benefit. These make the public aware of the history and its importance beneath their
feet. These same outlets make people aware that there are laws that prohibit the removal of artifacts. I encounter
minor looters all the time at our parks. They are teachers, accountants, plumbers they are not making money off the
things they find, they just have an interest in history/prehistory. They have no idea what they are doing is illegal. They
are often quiet embarrassed when they learn about the various laws. I do this in a non confrontational manner it is just
me and them having a simple conversation. I do not demand the artifacts back at that time and there is a long story
behind why that I can relay if you are interested.

If the state would work with the minor to moderate collectors and focus on the commonality between the groups, a
passion for prehistory and history looting will go down. Now the ones who do it to make money, what I call true or
major looters, nothing will stop them. When I worked for the TVA and we did sting operations on this group and what
we found slowed this level looting down was not taking the artifacts, fines or prison time but seizing all the equipments
involved in the act of looting (metal detector, guns, boats, trailers, fishing equipment and trucks). Taking all this made
the professional looters stop for 2 or 3 years but eventually some returned to their old ways.

If you want to see how my methods pay off read the Steve Carr Cultural Resource Report in the FMSF. Mr. Carr was a
local collector who had enough archaeological training to realize the importance of what he was finding was not in
monitory value but lay in its historical importance. Knowing this did not stop him from collecting and metal
detecting. He feels (and he is correct) that nobody locally or at the state level was doing anything to save the
local history from being destroyed by developers. We focused on that commonality to establish trust between
us. Eventually by working with him not only did I recover 100+ artifacts for the Loxahatchee Battlefield but he also made
me and by default FMSF aware of 6 new sites. He also paved the way for me with other such likeminded people and
now more these collectors are willing to at least talk to me. At least I hear rumors of what is being found in Palm Beach
County or other SE FL counties. As the MD SHPO once said to me would your rather have some idea of what is going on
and being found or be totally in the dark and despised.

If you want to know more of how I operate in the county lets set up a time to talk.

Chris
Hello,

My name is Carl Naylor. In 1987 I went to work for the South Carolina Institute of Archaeology and Anthropology. In 1991 I was transferred to the Institute’s Underwater Archaeology Division, now the Maritime Research Division. From then until I retired in 2013 I administered the state’s Hobby Diver Licensing Program. As you may know this program licenses divers to collect and keep artifacts and fossils from state waters. In return they are required to report the location and descriptions of their finds. The collectors are also required to report any shipwreck or structure they come across during their recovery activities.

I understand Florida is considering a licensing program similar to South Carolina’s. I would advise careful consideration.

The heart of the Hobby Diver Licensing Program is the reporting, yet despite the penalties spelled out in law, the best we can boast is a sixty percent reporting rate. That is the best percentage. More often the rate is nearer forty percent. That means, in theory at least, that forty to sixty percent of the artifact/fossil recoveries are going unreported. In addition, when they do report, there is no way to judge the veracity of the report. Actually, this isn’t hard to understand. Imagine the diver sitting in his or her living room with all the artifacts and fossils recovered in their recent diving spread out in front of them. They then fire up their computer, go online to the reporting site, and are faced with either trying to provide detailed descriptions of their finds or just checking the box that says “No recoveries.” No law can quell the temptation to check that box.

And when they do resist that temptation, the information they provide is, for our purposes, often useless. I frequently received reports that simply list their finds as “old bottles” or, under the ceramics section, as “various pieces.” Also, I would receive reports that stated the recovery location as nothing more than the name of the river. When I would contact the diver for better identification and locational information they frequently lacked the ability to be more precise. I often wished the law required the diver to submit photos of their finds and maps or GPS coordinates of their dive locations.

I and my colleagues have spent endless hours brainstorming ways reporting could be improved, both to increase the percentage of reports and precision of information we receive and to make it easier for divers to report their finds. To make the divers feel more comfortable in reporting their finds, we amended the law to do away with the stipulation that we could appropriate a portion of the diver’s finds, we made all information received from divers exempt from FOI stipulations, and we initiated an online reporting system, and yet reporting remains in the forty to sixty percent range.

More importantly we instituted an educational program aimed at both the dive community and the general public. Over the years I have given hundreds of talks explaining the law and its importance to literally anyone who would listen. I have talked to dive clubs, historical societies, archaeological societies, senior citizen groups, metal detector clubs, country clubs, and even a homeowners association. I have given talks open to the general public at libraries, schools, churches, museums, book stores, and community centers. At the risk of sounding self-serving, I also wrote a book, published by the University of South Carolina Press, with the intent of promoting the understanding of maritime archaeology in South Carolina.
We also offer classes directed at divers but open to the general public. These include artifact identification workshops aimed at promoting better understanding of artifacts and improving reporting abilities, small boat recording workshops intended to provide divers with the skills needed to identify and report shipwrecks or structures they may encounter while diving. Also, we instituted a basic “field school” intended to teach divers the rudimentary skills needed to act as volunteers on our various projects.

Although I have received tremendous enjoyment in talking to divers and the public and have met some great people, some of whom I still see as friends, I would be hard pressed to provide any proof that these activities have improved our program.

Another aspect of the licensing program was the requirement that the divers report any shipwreck or structure they came across during their collecting activities. And while many of the underwater sites recorded in South Carolina came from diver’s reports, the simple truth is that we lacked the resources (i.e. funding) to follow up on many of their reports. Credible accounts of Civil War wrecks, prehistoric canoes, and even a WWII submarine have never been visited for verification by staff. This has led to frustration with us on part of the diving community. I have no way of knowing how much this discourages divers from reporting shipwrecks or structures to us, but I suspect it is substantial.

I also understand that Florida is contemplating some sort of amnesty program for artifact collector/dealers who have violated state law in the past. Again, no matter what form this amnesty takes, I advise careful consideration. I see no upside for Florida’s archaeological community and I agree with FPAN’s and FAS’s objections. I believe that an amnesty program would only lead to a loss of respect and trust in your efforts. I have learned over the years that without the respect and trust of the public you will lose their support and without that you have nothing.

I hope my comments have proven useful. Should you have any questions feel free to contact me. Thank you.

Carl Naylor
Why grant amnesty to lawbreakers? This is an abhorrent idea and condones looting. I am absolutely opposed to this idea and embarrass our officials would even consider it. Strengthen the law don't water it down. Glen H Doran

Sent from my iPhone
Glen H Doran
APPENDIX D

Relevant Statutes and Rules
The 2015 Florida Statutes

Title XVIII  PUBLIC LANDS AND PROPERTY

Chapter 267  HISTORICAL RESOURCES

267.061  Historic properties; state policy, responsibilities.—
(1)  STATE POLICY RELATIVE TO HISTORIC PROPERTIES.—
(a)  The rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations. The destruction of these nonrenewable historical resources will engender a significant loss to the state’s quality of life, economy, and cultural environment. It is therefore declared to be state policy to:
   1.  Provide leadership in the preservation of the state’s historic resources;
   2.  Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
   3.  Contribute to the preservation of non-state-owned historic resources and to give encouragement to organizations and individuals undertaking preservation by private means;
   4.  Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;
   5.  Encourage the public and private preservation and utilization of elements of the state’s historically built environment; and
   6.  Assist local governments to expand and accelerate their historic preservation programs and activities.
(b)  It is further declared to be the public policy of the state that all treasure trove, artifacts, and such objects having intrinsic or historical and archaeological value which have been abandoned on state-owned lands or state-owned sovereignty submerged lands shall belong to the state with the title thereto vested in the Division of Historical Resources of the Department of State for the purposes of administration and protection.

(2)  RESPONSIBILITIES OF STATE AGENCIES OF THE EXECUTIVE BRANCH.—
(a)  Each state agency of the executive branch having direct or indirect jurisdiction over a proposed state or state-assisted undertaking shall, in accordance with state policy and prior to the approval of expenditure of any state funds on the undertaking, consider the effect of the undertaking on any historic property that is included in, or eligible for inclusion in, the National Register of Historic Places. Each such agency shall afford the division a reasonable opportunity to comment with regard to such an undertaking.
(b)  Each state agency of the executive branch shall initiate measures in consultation with the division to assure that where, as a result of state action or assistance carried out by such agency, a historic property is to be demolished or substantially altered in a way which adversely affects the character, form, integrity, or other qualities which contribute to historical, architectural, or archaeological value of the property, timely steps are taken to determine that no feasible and prudent alternative to the proposed demolition or alteration exists, and, where no such alternative is determined to exist, to assure that timely steps are taken either to avoid or mitigate the adverse effects, or to undertake an appropriate archaeological salvage excavation or other recovery action to document the property as it existed prior to demolition or alteration.
(c)  In consultation with the division, each state agency of the executive branch shall establish a program to locate, inventory, and evaluate all historic properties under the agency’s ownership or control that appear

to qualify for the National Register. Each such agency shall exercise caution to assure that any such historic property is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

(d) Each state agency of the executive branch shall assume responsibility for the preservation of historic resources which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for the purpose of carrying out agency responsibilities, the agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties, the mission of the agency, and the professional standards established pursuant to s. 267.031(5)(k), any preservation actions necessary to carry out the intent of this paragraph.

(e) Each state agency of the executive branch, in seeking to acquire additional space through new construction or lease, shall give preference to the acquisition or use of historic properties when such acquisition or use is determined to be feasible and prudent compared with available alternatives. The acquisition or use of historic properties is considered feasible and prudent if the cost of purchase or lease, the cost of rehabilitation, remodeling, or altering the building to meet compliance standards and the agency’s needs, and the projected costs of maintaining the building and providing utilities and other services is less than or equal to the same costs for available alternatives. The agency shall request the division to assist in determining if the acquisition or use of a historic property is feasible and prudent. Within 60 days after making a determination that additional space is needed, the agency shall request the division to assist in identifying buildings within the appropriate geographic area that are historic properties suitable for acquisition or lease by the agency, whether or not such properties are in need of repair, alteration, or addition.

(f) Consistent with the agency’s mission and authority, all state agencies of the executive branch shall carry out agency programs and projects, including those under which any state assistance is provided, in a manner which is generally sensitive to the preservation of historic properties and shall give consideration to programs and projects which will further the purposes of this section.

(3) DEPARTMENT OF MANAGEMENT SERVICES.—The Department of Management Services, in consultation with the division, shall adopt rules for the renovation of historic properties which are owned or leased by the state. Such rules shall be based on national guidelines for historic renovation, including the standards and guidelines for rehabilitation adopted by the United States Secretary of the Interior.

History.—s. 6, ch. 67-50; ss. 10, 25, 35, ch. 69-106; s. 5, ch. 81-173; s. 19, ch. 83-216; s. 2, ch. 85-281; s. 47, ch. 86-163; s. 2, ch. 87-33; s. 1, ch. 88-351; s. 1, ch. 90-259; s. 243, ch. 91-224; s. 2, ch. 92-61; s. 197, ch. 92-279; s. 55, ch. 92-326; s. 3, ch. 94-190; s. 108, ch. 94-356; s. 854, ch. 95-148; s. 3, ch. 95-235; s. 9, ch. 96-418; s. 7, ch. 97-68; s. 4, ch. 2001-199.
267.11 Designation of archaeological sites.—The division may publicly designate an archaeological site of significance to the scientific study or public representation of the state's historical, prehistoric, or aboriginal past as a "state archaeological landmark." In addition, the division may publicly designate an interrelated grouping of significant archaeological sites as a "state archaeological landmark zone." However, no site or grouping of sites shall be so designated without the express written consent of the private owner thereof. Upon designation of an archaeological site, the owners and occupants of each designated state archaeological landmark or landmark zone shall be given written notification of such designation by the division. Once so designated, no person may conduct field investigation activities without first securing a permit from the division.

History.—s. 1, ch. 73-166; s. 55, ch. 86-163.
The 2015 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 267
HISTORICAL RESOURCES

267.115 Objects of historical or archaeological value.—The division shall acquire, maintain, preserve, interpret, exhibit, and make available for study objects which have intrinsic historical or archaeological value relating to the history, government, or culture of the state. Such objects may include tangible personal property of historical or archaeological value. Objects acquired under this section belong to the state, and title to such objects is vested in the division.

(1) Notwithstanding s. 273.02, the division shall maintain an adequate record of all objects in its custody which have a historical or archaeological value. Once each year, on July 1 or as soon thereafter as practicable, the division shall take a complete inventory of all such objects in its custody the value or cost of which is $500 or more and a sample inventory of such objects the value or cost of which is less than $500. Each inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled. Objects of historical or archaeological value are not required to be identified by marking or other physical alteration of the objects.

(2) The division may arrange for the temporary or permanent loan of any object which has historical or archaeological value in its custody. Such loans shall be for the purpose of assisting historical, archaeological, or other studies; providing objects relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and the programs of the division; or assisting the division in carrying out its responsibility to ensure proper curation of the objects.

(3) The division may determine from time to time that an object which is in its custody and which is owned by the state has no further use or value for the research, exhibit, or educational programs of the division, or that such an object will receive more appropriate maintenance and preservation by another agency, institution, or organization, and may loan, exchange, sell, or otherwise transfer ownership and custody of such object to another agency, institution, or organization for the purpose of ensuring the continued maintenance and preservation of such object, or for the purpose of acquiring another object which better serves the interests of the state and is more appropriate for promoting knowledge and appreciation of Florida history and the programs of the division.

(4) For the purpose of the exchange, sale, or other transfer of objects of historical or archaeological value, the division is exempt from chapter 273.

(5) All moneys received from the sale of an object which has historical or archaeological value pursuant to subsection (3) shall be deposited in the Historical Resources Operating Trust Fund and shall be used exclusively for the acquisition of additional historical and archaeological objects or the preservation and maintenance of any such objects in the custody of the division.

(6) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 that prescribe criteria for the inventory and for the loan, exchange, sale, transfer, or other disposal of state-owned objects of historical or archaeological value.

(7) Any custodian as defined in s. 273.01(1) who violates any provision of this section or any rule adopted
pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Notwithstanding any provision of s. 287.022 or s. 287.025(1)(e), the division may enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title.

(9) The division may implement a program to administer finds of isolated historic artifacts from state-owned river bottoms whereby the division may transfer ownership of such artifacts to the finder in exchange for information about the artifacts and the circumstances and location of their discovery.

History.—s. 14, ch. 2001-199.
The 2015 Florida Statutes

Title XVIII  
PUBLIC LANDS AND PROPERTY  

Chapter 267  
HISTORICAL RESOURCES

267.12  Research permits; procedure.—

(1) As used in this section and s. 267.13, the term "water authority" means an independent special district created by special act whose purpose is to control and conserve freshwater resources. The term does not include any water management district created pursuant to s. 373.069.

(2) The division may issue permits for excavation and surface reconnaissance on 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 to institutions that the division deems to be properly qualified to conduct such activity, subject to such rules and regulations as the division may prescribe, provided such activity is undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs, such reports to be submitted to the division.

(3) Those state institutions considered by the division permanently to possess the required archaeological expertise to conduct the archaeological activities allowed under the permit may be designated as accredited institutions which will be allowed to conduct archaeological field activities on 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 without obtaining an individual permit for each project, except that those accredited institutions will be required to give prior written notice of all anticipated archaeological field activities on 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 to the division, together with such information as may reasonably be required by the division to ensure the proper preservation, protection, and excavation of the archaeological resources. However, archaeological activity may not be commenced by the accredited institution until the division has determined that the planned project will be in conformity with the guidelines, regulations, and criteria adopted pursuant to ss. 267.11-267.14. Such determination will be made by the division and notification to the institution given within 15 days after receipt of the prior notification by the division.

(4) All specimens collected under a permit issued by the division or under the procedures adopted for accredited institutions shall belong to the state with the title thereto vested in the division for the purpose of administration and protection. The division may arrange for the disposition of the specimens so collected by accredited state institutions at those institutions and for the temporary or permanent loan of such specimens at permissibly holding institutions for the purpose of further scientific study, interpretative displays, and curatorial responsibilities.

History.--s. 1, ch. 73-166; s. 56, ch. 86-163; s. 1, ch. 2013-204.
The 2015 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 267
HISTORICAL RESOURCES

View Entire Chapter

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 such material.

(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).

(2)(a) The division may institute an administrative proceeding to impose an administrative fine of not
more than $500 a day on any person or business organization that, without written permission of the division, explores for, salvages, or excavates treasure trove, artifacts, sunken or abandoned ships, or other objects having historical or archaeological value located upon land owned or controlled by the state, including state sovereignty submerged land, or land owned by a water authority.

(b) The division shall institute an administrative proceeding by serving written notice of a violation by certified mail upon the alleged violator. The notice shall specify the law or rule allegedly violated and the facts upon which the allegation is based. The notice shall also specify the amount of the administrative fine sought by the division. The fine is not due until after service of notice and an administrative hearing. However, the alleged violator has 20 days after service of notice to request an administrative hearing. Failure to respond within that time constitutes a waiver, and the fine becomes due without a hearing.

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

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

(e) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(3) Any person who:

(a) Reproduces, retouches, reworks, or forges any archaeological or historical object originating from an archaeological site as designated by ss. 267.11-267.14 and deriving its principal value from its antiquity or makes any such object, whether a copy or not; or

(b) Falsely labels, describes, identifies, or offers for sale or exchange any object with intent to represent the same to be an original and genuine archaeological or historical specimen,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) DETERMINATION OF ARCHAEOLOGICAL OR COMMERCIAL VALUE AND COST OF RESTORATION AND REPAIR.--

(a) Archaeological value.—For purposes of this section, the archaeological value of any archaeological resource involved in a violation of the prohibitions in ss. 267.11-267.14 or conditions of a permit issued pursuant to ss. 267.11-267.14 shall be the value of the data associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

(b) Commercial value.—For purposes of this section, the commercial value of any archaeological resource involved in a violation of the prohibitions in ss. 267.11-267.14 or conditions of a permit issued pursuant to ss. 267.11-267.14 shall be its fair market value. Where the violation has resulted in damage to the archaeological resource, the fair market value should be determined using the condition of the archaeological resource prior to the violation, to the extent that its prior condition can be ascertained.

(c) Cost of restoration and repair.—For purposes of this section, the cost of restoration and repair of archaeological resources damaged as a result of a violation of prohibitions or conditions pursuant to this section shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

1. Reconstruction of the archaeological resource.
2. Stabilization of the archaeological resource.
3. Ground contour reconstruction and surface stabilization.
4. Research necessary to carry out reconstruction or stabilization.
5. Physical barriers or other protective devices, necessitated by the disturbance of the archaeological resource, to protect it from further disturbance.
6. Examination and analysis of the archaeological resource, including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved.
7. Reinterment of human remains in accordance with religious custom and state, local, or tribal law, where appropriate, as determined by the land manager.
8. Preparation of reports relating to any of the activities described in this paragraph.

History.—s. 1, ch. 73-166; s. 9, ch. 81-173; s. 1, ch. 93-114; s. 15, ch. 2001-199; s. 18, ch. 2005-207; s. 2, ch. 2013-204.
The 2015 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 267
HISTORICAL RESOURCES

267.135 Location of archaeological sites.—Any information identifying the location of an archaeological site held by the Division of Historical Resources of the Department of State is exempt from s. 119.07(1) and s. 24(a) of Art. I of the State Constitution, if the Division of Historical Resources finds that disclosure of such information will create a substantial risk of harm, theft, or destruction at such site.

History.—s. 1, ch. 2001-162; s. 1, ch. 2006-106.
The 2015 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 267
HISTORICAL RESOURCES

267.14 Legislative intent.—It is hereby declared to be the public policy of the state to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology. It is further declared to be the public policy of the state to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas through the establishment of a network of regional public archaeology centers. It is further declared to be the public policy of the state that field investigation activities on privately owned lands should be discouraged except in accordance with both the provisions and spirit of ss. 267.11-267.145; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the division.

History.—s. 1, ch. 73-166; s. 57, ch. 86-163; s. 16, ch. 2001-199; s. 2, ch. 2004-91.
Title XXVIII
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

Chapter 379
FISH AND WILDLIFE CONSERVATION

379.33 Enforcement of commission rules; penalties for violation of rule.—Rules of the Fish and Wildlife Conservation Commission shall be enforced by any law enforcement officer certified pursuant to s. 943.13. Except as provided under s. 379.401, any person who violates or otherwise fails to comply with any rule adopted by the commission shall be punished pursuant to s. 379.407(1).

History.—ss. 2, 5, ch. 83-134; ss. 3, 17, ch. 85-234; ss. 16, 17, 18, ch. 93-213; ss. 1, 2, 3, ch. 94-247; s. 8, ch. 98-203; s. 96, ch. 99-245; s. 3, ch. 2006-304; s. 113, ch. 2008-247.

Note.—Former s. 370.028.
The 2015 Florida Statutes

Title XXVIII  
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

Chapter 379  
FISH AND WILDLIFE CONSERVATION

379.3311 Police powers of commission and its agents.—

(1) The commission, the executive director and the executive director’s assistants designated by her or him, and each commission officer are constituted peace officers with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under the supervision and management of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, or the Department of Agriculture and Consumer Services, including state parks, coastal and aquatic managed areas, and greenways and trails. The general laws applicable to arrests by peace officers of this state shall also be applicable to such director, assistants, and commission officers. Such persons may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass.

(2) Such officers may enforce throughout the state all laws relating to game, nongame birds, fish, and fur-bearing animals and all rules and regulations of the commission relating to wild animal life, marine life, and freshwater aquatic life, and in connection with such laws, rules, and regulations, in the enforcement thereof and in the performance of their duties thereunder, to:

(a) Go upon all premises, posted or otherwise;
(b) Execute warrants and search warrants for the violation of such laws;
(c) Serve subpoenas issued for the examination, investigation, and trial of all offenses against such laws;
(d) Carry firearms or other weapons, concealed or otherwise, in the performance of their duties;
(e) Arrest upon probable cause without warrant any person found in the act of violating any such laws or, in pursuit immediately following such violations, to examine any person, boat, conveyance, vehicle, game bag, game coat, or other receptacle for wild animal life, marine life, or freshwater aquatic life, or any camp, tent, cabin, or rooster, in the presence of any person stopping at or belonging to such camp, tent, cabin, or rooster, when such officer has reason to believe, and has exhibited her or his authority and stated to the suspected person in charge the officer’s reason for believing, that any of the aforesaid laws have been violated at such camp;
(f) Secure and execute search warrants and in pursuance thereof to enter any building, enclosure, or car and to break open, when found necessary, any apartment, chest, locker, box, trunk, crate, basket, bag, package, or container and examine the contents thereof;
(g) Seize and take possession of all wild animal life, marine life, or freshwater aquatic life taken or in possession or under control of, or shipped or about to be shipped by, any person at any time in any manner contrary to such laws.

(3) It is unlawful for any person to resist an arrest authorized by this section or in any manner to interfere, either by abetting, assisting such resistance, or otherwise interfering with such executive director, assistants, or commission officers while engaged in the performance of the duties imposed upon them by law.

http://www.leg.state.il.us/Stats/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0379/Sections/0379.3311.html
or regulation of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, or the Department of Agriculture and Consumer Services.

(4) Upon final disposition of any alleged offense for which a citation for any violation of this chapter or the rules of the commission has been issued, the court shall, within 10 days after the final disposition of the action, certify the disposition to the commission.


Note.—Former s. 372.07.
Title XXVIII  
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

Chapter 379  
FISH AND WILDLIFE CONSERVATION

379.3313  Powers of commission law enforcement officers.--

(1) Law enforcement officers of the commission are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state and the rules of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, and the Department of Agriculture and Consumer Services under their jurisdiction. The general laws applicable to arrests by peace officers of this state shall also be applicable to law enforcement officers of the commission. Such law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry will not constitute a trespass. It is lawful for any boat, motor vehicle, or aircraft owned or chartered by the commission or its agents or employees to land on and depart from any of the beaches or waters of the state. Such law enforcement officers have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products. Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Such law enforcement officers may at any time seize or take possession of any saltwater products or contraband which have been unlawfully caught, taken, or processed or which are unlawfully possessed or transported in violation of any of the laws of this state or any rule of the commission. Such law enforcement officers may arrest any person in the act of violating this law, the rules of the commission, or any of the laws of this state. It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the commission.

(2) The Legislature finds that the checking and inspection of saltwater products aboard vessels is critical to good fishery management and conservation and that, because almost all saltwater products are either iced or cooled in closed areas or containers, the enforcement of seasons, size limits, and bag limits can only be effective when inspection of saltwater products so stored is immediate and routine. Therefore, in addition to the authority granted in subsection (1), a law enforcement officer of the commission who has probable cause to believe that the vessel has been used for fishing prior to the inspection shall have full authority to open and inspect all containers or areas where saltwater products are normally kept aboard vessels while such vessels are on the water, such as refrigerated or iced locations, coolers, fish boxes, and bait wells, but specifically excluding such containers that are located in sleeping or living areas of the vessel.

History.—s. 2, ch. 61-231; s. 1, ch. 70-378; s. 1, ch. 75-180; s. 31, ch. 79-65; s. 30, ch. 84-258; s. 1, ch. 86-132; s. 86, ch. 91-221; s. 197, ch. 94-356; s. 980, ch. 95-148; s. 2, ch. 98-227; s. 95, ch. 99-245; s. 1, ch. 2002-264; s. 116, ch. 2008-247; s. 22, ch. 2012-88.
Note.—Former s. 370.021(8).
The 2015 Florida Statutes

Title XLVI
CRIMES

Chapter 872
OFFENSES CONCERNING DEAD BODIES AND GRAVES

872.02 Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties.—

(1) A person who willfully and knowingly destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead, or willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who willfully and knowingly disturbs the contents of a tomb or grave commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section shall not apply to any person acting under the direction or authority of the Division of Historical Resources of the Department of State, to cemeteries operating under chapter 497, or to any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents, as described in subsection (1).

(4) For purposes of this section, the term “tomb” includes any mausoleum, columbarium, or belowground crypt.

History.—s. 27, ch. 1637, 1868; RS 2626; GS 3546; RGS 5447; CGL 7590; s. 1134, ch. 71-136; s. 1, ch. 84-230; s. 2, ch. 87-154; s. 1408, ch. 97-102; s. 11, ch. 98-268.
The 2015 Florida Statutes

Title XLVI  Chapter 872  View Entire Chapter
CRIMES  OFFENSES CONCERNING DEAD BODIES AND GRAVES

872.05  Unmarked human burials.—
(1)  LEGISLATIVE INTENT.—It is the intent of the Legislature that all human burials and human skeletal remains be accorded equal treatment and respect based upon common human dignity without reference to ethnic origin, cultural background, or religious affiliation. This section applies to all human burials, human skeletal remains, and associated burial artifacts not otherwise protected under chapter 497 or other state law and found upon or within any public or private land in the state, including submerged lands.

(2)  DEFINITIONS.—As used in this section:
(a)  “Archaeologist” means a person who is registered by the Society of Professional Archaeologists with an emphasis in field research or who, in the judgment of the State Archaeologist, meets the training and experience requirements necessary for such registration.
(b)  “District medical examiner” means a person appointed under s. 406.06, s. 406.15, or s. 406.17.
(c)  “Division” means the Division of Historical Resources of the Department of State.
(d)  “Human skeletal analyst” means a person who possesses a postgraduate degree in human skeletal biology, human forensic osteology, or other related area of physical anthropology and who has a minimum of 1 year of laboratory experience in human skeletal analysis and reconstruction.
(e)  “State Archaeologist” means the person employed by the division pursuant to s. 267.031(7).
(f)  “Unmarked human burial” means any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.

(3)  NOTIFICATION.—
(a)  Any person who knows or has reason to know that an unmarked human burial is being unlawfully disturbed, destroyed, defaced, mutilated, removed, excavated, or exposed shall immediately notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located.
(b)  Any law enforcement agency that finds evidence that an unmarked human burial has been unlawfully disturbed shall notify the district medical examiner pursuant to subsection (4).

(4)  DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN DURING AN ARCHAEOLOGICAL EXCAVATION.—When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.
(a)  If the district medical examiner finds that the unmarked human burial may be involved in a legal investigation or represents the burial of an individual who has been dead less than 75 years, the district medical examiner shall assume jurisdiction over and responsibility for such unmarked human burial, and no
other provisions of this section shall apply. The district medical examiner shall have 30 days after notification of the unmarked human burial to determine if he or she shall maintain jurisdiction or refer the matter to the State Archaeologist.

(b) If the district medical examiner finds that the unmarked human burial is not involved in a legal investigation and represents the burial of an individual who has been dead 75 years or more, he or she shall notify the State Archaeologist, and the division may assume jurisdiction over and responsibility for the unmarked human burial pursuant to subsection (6).

(c) When the division assumes jurisdiction over an unmarked human burial, the State Archaeologist shall consult a human skeletal analyst who shall report within 15 days as to the cultural and biological characteristics of the human skeletal remains and where such burial or remains should be held prior to a final disposition.

(5) DISCOVERY OF AN UNMARKED HUMAN BURIAL DURING AN ARCHAEOLOGICAL EXCAVATION.—

(a) When an unmarked human burial is discovered as a result of an archaeological excavation and the archaeologist finds that the unmarked human burial represents the burial of an individual who has been dead less than 75 years, the archaeologist shall notify the district medical examiner, and all activity that may disturb the unmarked human burial shall cease until the district medical examiner authorizes work to resume.

(b) If such unmarked human burial represents the burial of an individual who has been dead 75 years or more, archaeological activities may not resume until the State Archaeologist has been notified of the unmarked human burial.

(c) Within 15 days after the discovery of an unmarked human burial, the archaeologist conducting the excavation shall report to the State Archaeologist his or her opinion regarding the cultural and biological characteristics of the unmarked human burial and where human skeletal remains and associated burial artifacts should be held prior to a final disposition. The division may assume jurisdiction over and responsibility for the unmarked human burial pursuant to subsection (6).

(6) JURISDICTION; DUTIES OF THE STATE ARCHAEOLOGIST.—The division may assume jurisdiction over and responsibility for an unmarked human burial in order to initiate efforts for the proper protection of the burial and the human skeletal remains and associated burial artifacts. Whenever the division assumes jurisdiction over and responsibility for an unmarked human burial, the State Archaeologist shall:

(a) Determine whether the unmarked human burial is historically, archaeologically, or scientifically significant. If the burial is deemed significant, reinterment may not occur until the remains have been examined by a human skeletal analyst designated by the State Archaeologist.

(b) Make reasonable efforts to identify and locate persons who can establish direct kinship, tribal, community, or ethnic relationships with the individual or individuals whose remains constitute the unmarked human burial. If possible, the State Archaeologist shall consult with the closest related family member or recognized community leaders, if a community or ethnic relationship is established, in determining the proper disposition of the remains found in the unmarked human burial.

(c) If he or she is unable to establish a kinship, tribal, community, or ethnic relationship with the unmarked human burial, determine the proper disposition of the burial and consult with persons with relevant experience, including:

1. A human skeletal analyst.
2. Two Native American members of current state tribes recommended by the Governor's Council on Indian Affairs, Inc., if the remains are those of a Native American.
3. Two representatives of related community or ethnic groups; if the remains are not those of a Native American.
4. An individual who has special knowledge or experience regarding the particular type of the unmarked
human burial.

If the State Archaeologist finds that an unmarked human burial is historically, archaeologically, or scientifically significant and if the parties with whom he or she is required under this subsection to consult agree, the human skeletal remains and the associated burial artifacts thereof shall belong to the state with title thereto vested in the division.

(7) REPORT REQUIRED.—The archaeologist and human skeletal analyst involved in the archaeological excavation and scientific analysis of an unmarked human burial shall submit a written report of archaeological and scientific findings as well as a summary of such findings, in terms that may be understood by laypersons, to the State Archaeologist within 2 years after completion of an excavation. The division shall publish the summary within 1 year after its receipt and shall make such report available upon request.

(8) PUBLIC DISPLAY.—
(a) Associated burial artifacts may be made available on loan by the division for educational purposes to institutions that have demonstrated an ability to provide safe, proper, and respectful care.
(b) The division shall develop guidelines and adopt rules regarding the public display of human remains. Such guidelines and rules shall not restrict legal, medical, or educational use of human skeletal remains, or the display of human skeletal remains in a manner not objectionable to groups with a kinship, tribal, community, or ethnic relationship to the individual whose remains are displayed.

(9) EXCAVATION NOT REQUIRED.—This section does not require excavation of an unmarked human burial unless circumstances require excavation to prevent destruction of the human skeletal remains.

(10) VIOLATION AND PENALTIES.—
(a) Any person who willfully and knowingly disturbs, destroys, removes, vandalizes, or damages an unmarked human burial is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(b) Any person who has knowledge that an unmarked human burial is being disturbed, vandalized, or damaged and fails to notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
(c) This subsection shall not apply to any person acting under the direction or authority of the division or to any person otherwise authorized by law to disturb, destroy, or remove an unmarked human burial.

(11) RULES.—The Department of State may prescribe by rule procedures for reporting an unmarked human burial and for determining jurisdiction over the burial.

History.—s. 1, ch. 87-154; s. 219, ch. 91-224; s. 2, ch. 93-114; s. 1410, ch. 97-102; s. 11, ch. 2001-75; s. 21, ch. 2001-199; s. 111, ch. 2006-1.
1A-31.001 Definition (Repealed)
1A-31.0012 Purpose
1A-31.0015 Definitions
1A-31.002 Scope of Law (Repealed)
1A-31.0022 Prior Agreements
1A-31.0025 Scope (Repealed)
1A-31.003 Division Authorized to Enter into Contracts (Repealed)
1A-31.0032 Notice Address and Form of Communication
1A-31.0035 Form of Consent, Other Laws
1A-31.004 Declaration of Ownership by State (Repealed)
1A-31.0042 Diving on Historic Shipwreck Sites
1A-31.0045 Non-permissible Areas and Sites
1A-31.005 Contracts for Exploration (Repealed)
1A-31.0052 Security
1A-31.0055 Exploration Agreements (Repealed)
1A-31.006 Contract for Salvage (Repealed)
1A-31.0062 Types of Permit
1A-31.0065 Salvage Agreements (Repealed)
1A-31.007 Interpretation of Contracts (Repealed)
1A-31.0072 Number of Permits Limited to Agency Ability
1A-31.008 Employment Contracts (Repealed)
1A-31.0082 Duration of Permit
1A-31.0085 Subcontracts (Repealed)
1A-31.009 Ownership and Payment for Recovery (Repealed)
1A-31.0092 Permit Area
1A-31.010 Supervision (Repealed)
1A-31.011 Boats to Carry Identification (Repealed)
1A-31.012 Penalty; Unauthorized Exploration and Salvage (Repealed)
1A-31.0125 Violations (Repealed)
1A-31.013 Prohibited Practices; Penalties
1A-31.020 Inspection by Permitting Agency
1A-31.025 Assignment and Subcontracting
1A-31.030 Project Archaeologist Qualifications
1A-31.036 Project Archaeologist Responsibilities
1A-31.040 Application Procedures
1A-31.046 Application Review
1A-31.050 Permit Issuance
1A-31.055 Notice of Approval or Denial
1A-31.060 Requirements for All Permits
1A-31.065 Additional Requirements for Exploration Permits
1A-31.070 Additional Requirements for Recovery Permits
1A-31.075 Permit Modification
1A-31.080 Permittee Required to Give Notice of Change
1A-31.085 Permit Suspension and Revocation
1A-31.090 Transfer of Archaeological Materials, Title to Archaeological Materials Conveyed

1A-31.001 Definition.
1A-31.0012 Purpose.
It is the public policy of the state to preserve and protect archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such materials to qualified persons, businesses, and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology. The purpose of this rule is to provide guidance and information to the public regarding issuance of permits by the division for exploration and recovery of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands and for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(l), (b), (o), 267.061(1), 267.115, 267.14 FS. History-New 7-20-09.

1A-31.0015 Definitions.
(1) "Applicant" means any corporation, individual, partnership or other legal entity making application to the division for an Exploration Permit or a Recovery Permit.
(2) "Application" means a formal written request on the Application for Exploration Permit or the Application for Recovery Permit and all other documentation required by this chapter to be submitted as part of such application.
(3) "Archaeological materials" means artifacts and remains of historic shipwreck sites including but not limited to ships' structure and rigging, hardware, tools, utensils, cargo, and personal items of crew and passengers.
(4) "Permittee" means an applicant that has been issued an Exploration Permit or a Recovery Permit in accordance with this chapter.
(5) "Division" means the Division of Historical Resources of the Department of State.
(6) "Historic Shipwreck Site" means the remains of a sunken or abandoned ship or other watercraft on or below the seabed including but not limited to ships' structure and rigging, hardware, tools, utensils, cargo, personal items of crew and passengers, and treasure trove, which is at least fifty years old.
(7) "Historical resource" means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is at least fifty years old and of historical, architectural, or archaeological value.
(8) "Exploration Permit" means the form of permission issued in accordance with this chapter to search for historic shipwreck sites on state-owned sovereignty submerged lands.
(9) "Recovery Permit" means the form of permission issued in accordance with this chapter to recover archaeological materials from a historic shipwreck site on state-owned sovereignty submerged lands.
(10) "Project Archaeologist" means the professional underwater archaeologist who meets both the Secretary of Interior's minimum Standards for Professional Qualifications of January 1, 2009, found in 36 C.F.R. Part 61, which are incorporated herein by reference, and the specific standards set forth in Rule 1A-31.03O, F.A.C.
(11) "Sovereignty submerged lands" means those lands including but not limited to tidal flats, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, under navigable fresh and salt waters to which the State of Florida acquired title on March 3, 1845 by virtue of statehood, and which have not been heretofore conveyed or alienated.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(g), (h), (o), 267.061(1) FS. History-New 4-13-87, Amended 7-20-09.

1A-31.002 Scope of Law.

Rulemaking Authority 267.031(4) FS. Law Implemented 267.061 FS. History-New 5-7-68, Repromulgated 1-1-75, Formerly 1A-31.02.

1A-31.0022 Prior Agreements.
Any existing agreements or contracts concerning shipwreck exploration or salvage in effect as of the date of enactment of this rule are unaffected by this rule for their stated term and for as long as they shall be renewed by the division. Once such existing agreements or contracts expire, are not renewed or are terminated, this rule shall apply for any future permits.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History-New 7-20-09.

1A-31.0025 Scope.
1A-31.003 Division Authorized to Enter into Contracts.


1A-31.0032 Notice Address and Form of Communication.
All communication to the division regarding applications, forms, information, permits and all reports required under the terms of a permit shall be submitted in written form to the division at:
Florida Division of Historical Resources
Bureau of Archaeological Research
1001 de Soto Park Drive
Tallahassee, FL 32301

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History-New 7-20-09.

1A-31.0035 Form of Consent, Other Laws.
Within 30 days of the receipt of an application, the division shall, in writing, notify the Department of Environmental Protection and the applicant that a form of consent may be required from the Board of Trustees of the Internal Improvement Trust Fund to conduct the exploration or recovery activities. No exploration or recovery activities for archaeological materials may commence until the applicant has received necessary consent from the Board of Trustees of the Internal Improvement Trust Fund and any other permits that may be required by local, state or federal laws.

Rulemaking Authority 267.031(1) FS. Law Implemented 253.77, 267.031(2), (5)(b), 267.061(1) FS. History-New 4-13-87, Amended 7-20-09.

1A-31.004 Declaration of Ownership by State.

Rulemaking Authority 267.031(5) FS. Law Implemented 267.061 FS. History-New 5-7-68, Repealed 1-1-75, Formerly 1A-31.04.

1A-31.0042 Diving on Historic Shipwreck Sites.
Diving on historic shipwreck sites in Florida waters does not require a permit.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1), 267.11 FS. History-New 7-20-09.

1A-31.0045 Non-permittable Areas and Sites.
The division will not issue permits for the following areas and sites:

(1) Any abandoned shipwreck in or on the public lands of the United States or in or on Indian lands as set forth in the Abandoned Shipwreck Act of 1987, 43 U.S.C. sec. 2105(d), herein incorporated by reference;

(2) Any vessel for which a federal admiralty court has awarded title as against the State of Florida prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987 (herein incorporated by reference), while such title remains valid;

(3) Vessels owned or operated by a government on military non-commercial service when they sank, which are entitled to sovereign immunity under federal law or international law, treaty, or agreement, including without limitation, United States or foreign military vessels, and as defined in the Sunken Military Craft Act (Public Law Number 108-375, Div. A, Title XIV, Sections 1401-1408, Oct. 28, 2004, 118 Stat. 2094);

(4) Areas of federal jurisdiction including but not limited to areas of the National Park System, National Marine Sanctuaries, National Wildlife Refuges, National Estuarine Research Reserves and US Military Reservations;

(5) Areas of the Florida Keys National Marine Sanctuary;

(6) Areas of state jurisdiction such as State Parks, State Aquatic Preserves, Coastal and Aquatic Managed Areas, State Archaeological Landmarks, State Archaeological Landmark Zones, Underwater Archaeological Preserves, Underwater Archaeological Research Reserves;

(7) Areas of submerged lands conveyed to public or private entities;
(8) Vessels that are or have been under the jurisdiction of a federal admiralty court, when such jurisdiction was established prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987, except where the applicant provides proof that the federal court's jurisdiction and any rights it may have awarded are permanently terminated; and

(9) Historic shipwreck sites that are of such singular historical or archaeological significance that permitted activities would be incompatible with the division's responsibility to administer state-owned and state-controlled historic resources in a spirit of stewardship and trusteeship and to preserve archaeological sites and objects of antiquity for the public benefit. Significance shall be measured against the criteria established for National Historic Landmark designation, per 36 C.F.R. sec. 65.4 "National Historic Landmark criteria," effective as of February 2, 1983, which is herein incorporated by reference.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1), 267.11 FS. History-New 7-20-09.

1A-31.005 Contracts for Exploration.

Rulemaking Authority 267.031(5) FS. Law Implemented 267.061 FS. History-New 5-7-68, Repealed 1-1-75, Formerly 1A-31.05.

1A-31.0052 Security.
(1) The division and the permittee will cooperate to protect the permit area if state-owned historic resources are at risk.
(2) The permittee is responsible for protecting all archaeological materials they have recovered from the permit area.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1)(b), 267.14 FS. History-New 7-20-09.

1A-31.0055 Exploration Agreements.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.13 FS. History-New 4-13-87, Repealed 7-20-09.

1A-31.006 Contract for Salvage.

Rulemaking Authority 267.031(5) FS. Law Implemented 267.061 FS. History-New 5-7-68, Repealed 1-1-75, Formerly IA-31.06.

1A-31.0062 Types of Permit.
(1) The division may issue two types of permits:
   (a) An exploration permit allows the permittee to collect remote sensing and visual information on potential historic shipwreck sites without excavation or bottom disturbance. The exploration permit may be modified in writing at a later stage to allow such disturbance and excavation for purposes of attempting to determine the presence or absence and the nature of potential historic shipwreck sites. The number, location, extent and type of such test excavations shall be specified in the permit modification.
   (b) A recovery permit may be issued only after the existence and nature of a historic shipwreck site has been documented by exploration permit activities and mutually agreed upon by the division and the permittee. A recovery permit allows the permittee to conduct more extensive excavations and recover archaeological materials, and allows for the transfer of title to the permittee of objects recovered, per Rule 1A-31.090, F.A.C. The number, location, extent and type of such excavation and recovery operations shall be specified in the permit.
(2) The division shall not issue multiple permits for any active permit area or historic shipwreck site that is within an active permit area.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History-New 7-20-09.

1A-31.0065 Salvage Agreements.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.13 FS. History-New 4-13-87, Repealed 7-20-09.

1A-31.007 Scope.

Rulemaking Authority 267.031(4) FS. Law Implemented 267.061 FS. History-New 5-7-68, Repromulgated 1-1-75, Formerly IA-31.07, Repealed 4-13-87.
1A-31.0072 Number of Permits Limited to Agency Ability.
The division shall not issue more permits than it can properly supervise, monitor and administer. The maximum allowable number of concurrent permits shall be determined by the division based on:
(1) Number and types of permits already in effect;
(2) The anticipated termination date of permits already in effect;
(3) The number of applications under review or anticipated to result in permits;
(4) The number of staff assigned to supervise, monitor and administer permits; and
(5) The availability of funds necessary for the division to conduct all office and field activities under this chapter.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New 7-20-09.

1A-31.008 Employment Contracts.

Rulemaking Authority 267.031(4) FS. Law Implemented 267.031(5), 267.013 FS. History-New 5-7-68, Amended 1-1-75, Formerly 1A-31.08, Repealed 4-13-87.

1A-31.0082 Duration of Permit.
A permit shall have a term of three years.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New 7-20-09.

1A-31.0085 Subcontracts.


1A-31.009 Ownership and Payment for Recovery.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061 FS. History-New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.09, Amended 4-13-87, Repealed 2-27-97.

1A-31.0092 Permit Area.
(1) The maximum size of an exploration permit area is three square statute miles.
(2) The size of a recovery permit area is limited to the size required to encompass the archaeological remains from which recovery is permitted.
(3) Permit areas shall be separated by a buffer zone of 100 yards width from recognized admiralty arrest areas.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New 7-20-09.

1A-31.010 Supervision.

Rulemaking Authority 267.031(1), (2) FS. Law Implemented 263.061(3)(i), (k), 267.031 FS. History—New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.10, Amended 4-13-87, Repealed 7-20-09.

1A-31.011 Boats to Carry Identification.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061(3)(i), (k) FS. History—New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.11, Amended 4-13-87, Repealed 7-20-09.

1A-31.012 Penalty; Unauthorized Exploration and Salvage.

Rulemaking Authority 267.031(4) FS. Law Implemented 267.031(4), 267.061 FS. History-New 12-19-70, Amended 9-6-78, Formerly 1A-31.12, Repealed 4-13-87.

1A-31.0125 Violations.
1A-31.013 Prohibited Practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Sections 267.13(2)(a) and (d), F.S., the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice of an administrative proceeding provided in Section 267.13(2)(b), F.S., and/or the division will apply to a court of competent jurisdiction for injunctive relief as specified in Section 267.13(2)(d), F.S.

(2) The division will commence an administrative proceeding if it is determined that the alleged violation resulted in permanent damage to historic property of the State.

(3) The division will apply to a court of competent jurisdiction for injunctive relief if the alleged violation is ongoing and the division determines that continued activity poses a threat to the historic preservation goals of the State.

(4) The division will commence an administrative proceeding and apply to a court of competent jurisdiction for injunctive relief when the division determines that the alleged violation has caused permanent damage to the historic property of the State and that continued activity poses a threat to the historic preservation goals of the State.

(5) If the alleged violator timely requests a hearing, the administrative proceeding may be an informal or formal hearing as the facts and law dictate. The requested administrative proceeding shall not be mediation.

1A-31.020 Inspection by Permitting Agency.

Prior to or after issuance of any permit, the division may, without notice, inspect the permit area to perform any or all of the following:

(1) Evaluate statements made in the application;
(2) Determine the nature of any historical resources present;
(3) Determine whether any areas or sites within the proposed permit area are exempted from permitting;
(4) Examine all work already done or being done under the terms of the permit;
(5) Make a determination of compliance with Chapter 267, F.S., the terms of the permit, and the conditions specified in this rule.

1A-31.025 Assignment and Subcontracting.

No permit may be assigned or transferred. Subcontract agreements are allowed and require the prior written approval of the division. Compliance with all terms and conditions of the permit is the sole responsibility of the permittee whether or not permitted activities are subcontracted.

1A-31.030 Project Archaeologist Qualifications.

Any permit issued under this rule shall require the participation of a professional underwater archaeologist who shall serve as the project archaeologist. The project archaeologist must meet, at a minimum, the Secretary of Interior's Standards for Professional Qualifications, as set forth in Federal Register Vol. 48, No. 190, p. 44739, and the following minimum qualifications of training, knowledge, experience and skills with an emphasis on underwater sites, water-saturated archaeological materials, and preservation methods, as evidenced by the project archaeologist's resume submitted with the permit application:

(1) At least 12 weeks of supervised underwater archaeological fieldwork and 10 weeks of supervisory underwater archaeological fieldwork;
(2) At least two weeks field experience and training in underwater survey technique and familiarity with the general theory and application of varied remote sensing technology;
(3) Experience or training in the recovery and interpretation of both archaeological and archival data and familiarity with the history and technology of navigation and ship building;

(4) Design and execution of an underwater archaeological study as evidenced by an M.A. thesis or a published report of equivalent scope and quality;

(5) For exploration permits, at least one month of experience in the operation of remote sensing devices in a marine environment for the purpose of discovery and evaluation of archaeological resources supervised by a specialist in the use of such devices;

(6) For exploration permits, at least three months of experience in a supervisory or independent role; and

(7) For recovery permits and exploration permits involving recovery of archaeological materials, at least eight weeks of supervised training in the general theory and application of stabilization and conservation methods as they pertain to waterlogged materials.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(i), (k), 267.061(1) FS. History—New 7-20-09.

1A-31.036 Project Archaeologist Responsibilities.
The project archaeologist shall:

(1) Ensure that professional archaeological standards, consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C., are maintained throughout the course of the project;

(2) Develop a research design and appropriate procedures for its implementation;

(3) Review remote sensing data and provide a written interpretation of the results to the division;

(4) Based on their professional judgment, personally be present and visually inspect excavations when significant archaeological material clusters and/or areas of articulated ship’s structure are being excavated, at such times as may be necessary to properly interpret the historic shipwreck site, and as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.;

(5) Ensure that adequate records are maintained during all remote sensing, testing, excavation, recovery and conservation and stabilization of recovered artifacts as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.; and

(6) Maintain regular contact with the division, providing electronic, facsimile or paper copy reports of all significant developments, including discoveries of historic shipwreck sites and historical resources.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.040 Application Procedures.

(1) Applications for permits issued under this chapter shall be made on forms prescribed by the division. Application forms may be requested in writing at the division’s address in Rule 1A-31.0032, F.A.C. Application for Exploration Permit (Form HR6E9001-08), (4/09) is herein incorporated by reference, effective 7-20-09. Application for Recovery Permit (Form HR6E9002-08), (4/09) is herein incorporated by reference, effective 7-20-09.

(2) One copy of the completed application bearing an original signature of the applicant shall be submitted to the division at the address specified in Rule 1A-31.0032, F.A.C.

(3) The permittee may apply for a permit renewal in accordance with procedures in this rule. The application form shall specifically explain any differences from the previous application. Any sections that are unchanged may be answered “No Change.”

(4) The division may request additional information or clarification on any application that is submitted. Such request shall be made to the applicant in writing and shall indicate the date by which the information or clarification is needed.

(5) Requests for renewal must be received prior to the termination date of the permit. Requests for renewal will be considered sufficient when all requirements of the permit have been satisfied, any errors or omissions have been corrected, and any additional information requested by the division has been received.

(6) Renewals shall have a term of three years.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New 7-20-09.

1A-31.046 Application Review.
The division shall consider the following criteria in its decision to approve or deny a permit application, and may consider other relevant information:

1. The public policy of the state to preserve and protect archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology;

2. Conflicts with other permit areas and non-permitatable areas and sites, per Rule 1A-31.0045, F.A.C.

3. Date of receiving the application in relation to other applications for the same location. A duplicate application for the same area shall not be entertained until the initial application for that area has been fully processed and made subject to a final order by the division;

4. Experience, ability and plans to comply with safety and security requirements as demonstrated in the application;

5. Experience, ability and plans to collect and supply data and records as demonstrated in the application;

6. Ability of the division to supervise and administer the permit in addition to permits already issued;

7. Results of the inspection of the requested permit area, if any;

8. Financial ability to conduct the permitted activities as described in the application;

9. Qualifications, experience and ability of the project archaeologist;

10. Suitability of proposed research design and methodology;

11. Experience, ability and plans for data collection, security, inventory, and curation of recovered archaeological materials and records as demonstrated in the application;

12. Qualifications, experience and ability of the applicant to complete the proposed activities;

13. Access to necessary equipment and qualified operators;

14. Size of permit area;

15. Compliance with requirements of any previous permits or agreements issued under Chapter 1A-31, F.A.C., from the date of its adoption.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(o), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.050 Permit Issuance.

The division shall only issue a permit when:

1. The applicant has supplied evidence of sufficient financial ability to conduct the permitted activities;

2. The applicant has demonstrated that project participants including subcontractors possess sufficient qualifications, resources, and abilities to successfully complete the permitted activities;

3. The applicant has supplied a letter of intent from a professional underwater archaeologist who has agreed to serve as project archaeologist;

4. The applicant has demonstrated that proposed project activities will utilize professionally accepted techniques for exploration, identification, recovery, recording, conservation and/or stabilization, and analysis of archaeological materials recovered;

5. The applicant has supplied an adequate plan for the conservation and/or stabilization, analysis, and curation of all archaeological materials recovered, records, and other materials resulting from the permitted activities, including facilities if appropriate; and

6. The division has determined that activities allowed under the permit are consistent with the requirements of this rule.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(o), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.055 Notice of Approval or Denial.

1. The division shall notify the applicant of approval or intended denial of the application at the address provided in the application or as specified in any notice of change, per Rule 1A-31.080, F.A.C., within 90 days after receipt by the division of a completed application for a permit or a permit renewal. If the application is approved, the division shall furnish a permit document for signature by the applicant certifying agreement with its terms and conditions. The applicant shall return the signed permit to the division for signature by the division's authorized representative. The permit shall be executed by the division and returned to the permittee within 15 days of receipt. The permit is effective when it is signed by the applicant and the division.

2. If the division intends to deny the application, the division shall list those criteria from Rule 1A-31.046, F.A.C., on which the intended denial is based and inform the applicant of the options available within the 90 days as cited above.
1A-31.060 Requirements for All Permits.
Each permit must include:
(1) Name and contact information for division staff administering the permit;
(2) Name and contact information for the permittee or agent;
(3) Name and contact information for the project archaeologist;
(4) Name and contact information for key project personnel;
(5) Registration numbers of all boats participating in the permitted activities, including a notice that registration numbers may be updated by the permittee as needed;
(6) Duration of the permit;
(7) Boundaries of the area covered by the permit;
(8) Description of the scope of work to be undertaken, which may include archaeological guidelines;
(9) Minimum standards of diligence, expressed as a projected schedule of specific work activities to be initiated or conducted;
(10) Notice that the permit requires submittal of a final or interim report meeting the guidelines established in subsection 1A-46.001(3), F.A.C. National Oceanic and Atmospheric Administration 1:80,000 nautical charts should be substituted for U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle maps as required in subsection 1A-46.001(3), F.A.C., as appropriate;
(11) Notice that Daily Field Note and Activity Logs (Form HR6E067, Revised 06/08), herein incorporated by reference, must be completed and submitted monthly.
(12) Notice that the permittee must notify the division in writing within 72 hours of any change affecting the ability or plans to conduct the permitted activities as set forth in the application and the permit, including changes in boats and boat registration numbers used in the permitted activities;
(13) Notice that the use of clamshell dredges, cutterhead dredges, explosives and suction dredges greater than 10 inches in diameter is prohibited; and
(14) Notice of the conditions under which the use of propwash deflectors is allowed.
(15) Notice that all vessels used in exploration or recovery activities or operations shall carry copies of the executed permit issued by the division.

1A-31.065 Additional Requirements for Exploration Permits.
(1) The division will approve the excavation and recovery of those artifacts which will assist in the identification of age and type of historic shipwreck site being investigated. No excavation or displacement of archaeological materials shall be conducted unless approved in writing by the division in the form of an amendment to the Exploration Permit. No archaeological materials shall be recovered unless approved in writing by the division in the form of an amendment to the Exploration Permit. All archaeological materials recovered under an Exploration Permit shall be included in the pool of artifacts considered for transfer to the permittee if a recovery permit is issued, per Rule 1A-31.090, F.A.C.
(2) With a minimum of disturbance to the permit area the permittee shall:
(a) Conduct such remote sensing of the entire permit area as may be required to locate the specific historic shipwreck site or sites as referenced in the permittee’s exploration application and permit;
(b) Identify the source of anomalies as may be required, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee’s exploration application and permit;
(c) Delineate the extent of historic shipwreck sites, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee’s exploration application and permit; and
(d) Evaluate the potential characteristics and significance of any historic shipwreck site in consultation with the division, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee’s exploration application and permit.

1A-31.070 Additional Requirements for Recovery Permits.
A research design and description of proposed excavation activities prepared by the applicant’s project archaeologist, and approved by the division, shall be included in the recovery permit. The division shall require the permittee to secure the use of a conservation and curation facility, as well as relevant conservation expertise, to be approved by the division, if the permittee is responsible for conserving archaeological materials under the terms of the permit. The permittee is solely responsible for transporting, storing, insuring, and conserving all archaeological materials recovered under the permit and for the costs associated with these activities. The division may assist in these activities.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(6), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.075 Permit Modification.
Permit modifications may be requested in writing by the permittee. Requests for permit modifications will be evaluated against the conditions of the permit, the requirements of this chapter, and the project research design developed by the project archaeologist, per subsection 1A-31.036(2), F.A.C. The division will respond in writing to requests for modification within 30 days.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New 7-20-09.

1A-31.080 Permittee Required to Give Notice of Change.
The permittee shall notify the division in writing, in such form and detail as required by the division, of changes or proposed changes in financial support, contact information, key personnel or equipment from that noted in the permit application.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(6), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.085 Permit Suspension and Revocation.
(1) When the division has reason to believe that a permittee may have violated one or more of the criteria for suspension or revocation of a permit, the division shall contact the permittee in writing and take other appropriate actions to make a determination of facts. If the division determines a violation has occurred, the division may suspend the permit by notifying the permittee of the violation and specifying corrective actions and dates by which such actions must be completed for the permit to be reinstated. If the stated corrective actions are not completed by the specified dates, the division may revoke the permit by notifying the permittee of the intent to revoke and informing the permittee of the available options.

(2) Criteria for suspension or revocation of a permit are:
(a) Violation of Chapter 267, F.S., or this rule chapter;
(b) Violation of terms or conditions of the permit;
(c) Obtaining the permit by misrepresentation or failure to disclose all relevant facts;
(d) Knowingly making false statements in an application, report or other document submitted to the division under this rule chapter;
(e) Failure to meet minimum standards of diligence as specified in the permit;
(f) Issuance based upon incorrect information, mistaken belief, or clerical error, or any other just cause as provided by this rule chapter; or
(g) Non-permitted activities that jeopardize archaeological materials.
(h) Changes in financial support, key personnel or equipment as reported to the division, per Rule 1A-31.080, F.A.C.
(3) Suspension or revocation of a permit does not relieve the permittee of any obligations concerning protecting archaeological materials exposed and/or recovered by the permittee or providing reports and information to the division as required by the permit.
(4) The division shall not unreasonably suspend or revoke a permit and shall take into consideration the unknown variables that are inherent in the exploration and recovery of historic shipwreck sites prior to the revocation or suspension of any permit.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(6), (k), (o), 267.061(1) FS. History—New 7-20-09.

1A-31.090 Transfer of Archaeological Materials, Title to Archaeological Materials Conveyed.
The division may transfer archaeological materials to which it holds title to the permittee in consideration of recovery services provided to the state under the terms of a recovery permit. Specific provisions for transfer of archaeological materials will be specified in each recovery permit.
(1) The division will ensure that materials are transferred so that the permittee receives approximately 80% of recovered archaeological materials, with the division retaining approximately 20% of recovered archaeological materials;

(2) Distribution of the recovered archaeological materials will be negotiated by the division and the permittee based on the historical value of recovered materials;

(3) Current holdings in the division collection shall be considered in the distribution of recovered archaeological materials;

(4) Artifacts recovered under an Exploration Permit for the same area or historic shipwreck site will be included in the pool of artifacts considered for transfer to the permittee, per subsection 1A-31.065(1), F.A.C.; and

(5) Each transfer of archaeological materials will include a written statement from the division to the permittee conveying title to the transferred materials.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(i), (k), (o), 267.061(1) FS. History—New 7-20-09.
CHAPTER 1A-32
ARCHAEOLOGICAL RESEARCH

1A-32.001 Definitions
1A-32.002 Scope (Repealed)
1A-32.003 Criteria for Evaluating Research Requests
1A-32.004 Notification Requirements for Accredited Institutions
1A-32.005 Application Requirements for Non-accredited Institutions
1A-32.006 Prohibited Practices; Penalties

1A-32.001 Definitions.
(1) Accredited Institutions shall mean those state institutions that:
(a) Permanently possess professional archaeological staff who meet or, in the judgment of the State Archaeologist, are capable of meeting the following Secretary of the Interior’s Professional Qualifications Standards for archaeology, which may be represented by separate individuals:
   1. A graduate degree in archaeology, anthropology, or closely related field plus:
      a. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
      b. At least four months supervised field and analytic experience in general North American archaeology; and
      c. Demonstrated ability to carry research to completion.
   2. In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period; and
      (b) Subscribe to the “Principles of Archaeological Ethics” of the Society for American Archaeology, particularly with respect to facilities and support services for the successful, professional conduct of archaeological field research. The “Principles of Archaeological Ethics,” effective 2/2014, are incorporated herein by reference and may be obtained by writing the Bureau of Archaeological Research, 1001 de Soto Park Drive, Tallahassee, Florida 32301, or by calling (850) 245-6444, http://www.florida.gov/Gateway/reference.asp?No=Ref-03710.
(2) Non-Accredited Institution shall mean all other institutions as provided in Section 267.12(2), F.S.
(3) Professional archaeological expertise shall mean persons who meet, or in the judgment of the State Archaeologist are capable of meeting, the Secretary of the Interior’s Professional Qualifications Standards for archaeology.
(4) Professional quality research shall mean research conducted by persons with professional archaeological expertise and in a manner consistent with the “Principles of Archaeological Ethics” of the Society for American Archaeology.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.12(2), (3) FS. History-New 1-1-75, Amended 9-7-78, Formerly 1A-32.01, Amended 2-16-14.

1A-32.002 Scope.
Rulemaking Authority 267.12(1) FS. Law Implemented 267.12 FS. History-New 1-1-75, Formerly 1A-32.02, Repealed 12-18-95.

1A-32.003 Criteria for Evaluating Research Requests.
The following criteria are established to insure that research upon archaeological sites pursuant to Section 267.12, F.S., shall be conducted in a professional manner, and that the data recovered as a result thereof shall benefit the people of Florida in understanding their rich and varied heritage. All research requests shall contain the following:
(1) Only museums, universities, colleges or other historical, scientific or educational institutions or societies that subscribe to the “Principles of Archaeological Ethics” of the Society for American Archaeology will be considered as valid research applicants; and,
(2) Applicants shall possess or will secure the professional archaeological expertise necessary for the performance of professional quality archaeological field research, comprehensive analysis and interpretation in the form of publishable reports and
monographs; and,

(3) Applicants shall possess or will secure sufficient artifactual conservation and storage capabilities to insure artifact preservation during the research period; and,

(4) No research request shall be considered, exclusive of reconnaissance survey requests, unless (a) a degree of endangerment to the archaeological resources is present in the proposed research area (i.e. severe erosion); (b) the proposed research area form an integral part in a well-defined research design or (c) the research is part of a planned interpretive reconstruction or restoration project; and,

(5) Adequate funding capability must be available to fully implement the proposed research plan, including field work, laboratory analysis and processing and manuscript preparation.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.12(2), (3) FS. History—New 1-1-75, Amended 9-7-78. Formerly 1A-32.03. Amended 2-16-14.

1A-32.004 Notification Requirements for Accredited Institutions.

(1) A written notification to the Division by accredited institutions requesting approval for archaeological research according to Section 267.12(2), F.S., must be submitted prior to scheduled project initiation. The notification shall contain all of the following items:
(a) Name and address of the requesting institution;
(b) Date of notification;
(c) Specific location(s) of the proposed research area, including site means and numbers where applicable;
(d) Aims, character, and purpose of the proposed research (include a clear and concise research design);
(e) Specific threats or endangerment of archaeological sites within the proposed project area (if applicable);
(f) Name of the individual in direct charge of the field research;
(g) Total number of project personnel;
(h) Initiation and termination dates of the research;
(i) Proposed publication source and date the completed manuscript;
(j) Total research funds to be expended on the project; and,
(k) Signature of the requesting official.

(2) The Division will respond to the requesting accredited institution within 15 days after receipt of the written notification. The Division’s response will consist of (a) approval, or (b) disapproval, or (c) a request for information clarification. In the event the Division requests clarification of one or more items in the written notification, the 15 day response obligation will take effect upon receipt of the additional information by the Division.

Rulemaking Authority 267.031(4) FS. Law Implemented 267.12(2) FS. History—New 1-1-75, Amended 9-7-78. Formerly 1A-32.04.

1A-32.005 Application Requirements for Non-accredited Institutions.

(1) Non-accredited institutions desiring to conduct research under Section 267.12(2), F.S., must apply to the Division for a research permit for each and every proposed project. Archaeological Research Permit – 1A-32 Application (Form HRE4404-13), effective 2/2014, is herein incorporated by reference, effective 01/2014, http://www.flrules.org/Gateway/reference.asp?No=Ref-03343. A copy of the form may be obtained by writing the Bureau of Archeological Research, 1001 de Soto Park Drive, Tallahassee, Florida 32301, or by calling (850) 245-6444.

(2) In addition to the requirements imposed upon accredited institutions by paragraphs (a)-(k) of subsection 1A-32.004(1), F.A.C. herein, non-accredited institutions must supply the following information:
(a) Name, address and official status of person to be in general charge of project, including a resume of previous experience pertinent to archaeological research; and,
(b) Nature, status and scientific affiliations of applicant organization; and,
(c) Names and qualification of additional research participants who will exercise any supervisory authority during the proposed research project; and,
(d) Total fiscal resources available for publication requirements.
(3) Completed permit applications must be submitted to the Division prior to the project research initiation date.
1A-32.006 Prohibited Practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Sections 267.13(2)(a) and (d), F.S., the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice of an administrative proceeding provided in Section 267.13(2)(b), F.S., and/or the division will apply to a court of competent jurisdiction for injunctive relief as specified in Section 267.13(2)(d), F.S.

(2) The division will commence an administrative proceeding if it is determined that the alleged violation resulted in permanent damage to historic property of the State.

(3) The division will apply to a court of competent jurisdiction for injunctive relief if the alleged violation is ongoing and the division determines that continued activity poses a threat to the historic preservation goals of the State.

(4) The division will commence an administrative proceeding and apply to a court of competent jurisdiction for injunctive relief when the division determines that the alleged violation has caused permanent damage to the historic property of the State and that continued activity poses a threat to the historic preservation goals of the State.

(5) If the alleged violator timely requests a hearing, the administrative proceeding may be an informal or formal hearing as the facts and law dictate. The requested administrative proceeding shall not be mediation.

CHAPTER 1A-40
ADMINISTRATION OF PERMANENT COLLECTIONS

1A-40.001 General (Repealed)
1A-40.002 Scope (Repealed)
1A-40.003 Definitions
1A-40.004 Administration of Division’s Permanent Collections (Repealed)
1A-40.005 Acquisition Procedures
1A-40.006 Accessioning Procedures (Repealed)
1A-40.007 Inventory of State-owned Artifacts (Repealed)
1A-40.008 Loan of State-owned Artifacts
1A-40.009 Deaccession and Disposal of State-owned Artifacts
1A-40.010 Forms and Instructions

1A-40.001 General.


1A-40.002 Scope.


1A-40.003 Definitions.

The following words and terms shall have the following meanings:

1. "Accession" means the process of formally adding a newly-acquired artifact to the division’s permanent collections records and assigning it a unique number.

2. "Acquire" means the process of agreeing to accept an artifact for the permanent collections of the division and taking possession of the artifact by any lawful method, including but not limited to donation, bequest, purchase, transfer from another agency, staff field collection, exchange, archaeological excavation of state-owned lands, or as a result of an underwater archaeological salvage or exploration contract, pursuant to Chapter 1A-31, F.A.C.

3. "Agency" means any state, county, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law.

4. "Artifact" means an object or group of objects of intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the state of Florida.

5. "Deaccession" means the process of formally removing a state-owned artifact from the division’s permanent collections records.

6. "Disposal" means the process of permanently removing a state-owned artifact from the division's permanent collections by one of the following means: (a) transferring title to another agency, institution, organization, or individual, and moving the artifact to the premises of that agency, institution, organization, or individual; or (b) Properly discarding or destroying the artifact, if it has deteriorated or has been damaged beyond usefulness or repair.

7. "Division" means the Division of Historical Resources of the Florida Department of State.

8. "Hazardous" means any material that is regulated by the Florida Department of Environmental Protection.

9. "State-owned artifact" means an artifact in the permanent collections of the division that is owned by the State, with title vested in the division.


1A-40.004 Administration of Division’s Permanent Collections.

1A-40.005 Acquisition Procedures.

(1) The division delegates responsibility for initial contact with prospective donors or vendors to its bureaus. When contacted by a prospective donor or vendor, each bureau determines in accordance with subsection 1A-40.004(2), F.A.C. whether the offered artifact falls within its or another bureau’s area of responsibility. If the artifact is more appropriate for the division's permanent collections administered by another bureau, the prospective donor or vendor is referred to that bureau.

(2) The responsible bureau evaluates artifacts and determines whether they should be accepted into the division's permanent collections.

(a) The process of evaluating each artifact is recorded on an Evaluation Log (HR21360991), herein incorporated by reference.

(b) When the division accepts custody of an artifact from a prospective donor or vendor, an Examination Receipt (HR2E230889), herein incorporated by reference, is completed.

(c) Evaluation of artifacts is based on the following criteria:
   1. All acquisitions must have intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the state of Florida; and
   2. All acquisitions must possess potential for research or be useful for exhibition or interpretive purposes.
   3. In addition to these general criteria, the following factors shall be considered when evaluating artifacts:
      a. Whether the artifacts have been carefully examined and evaluated by a division staff member who is knowledgeable about them;
      b. Whether the artifacts have legitimate and clear provenance;
      c. Whether the current owner of the artifacts has clear title to them and is free to convey them to the division;
      d. Whether the division can provide proper storage, protection, and preservation for the artifacts, to ensure their availability for division purposes; and
      e. The artifacts’ copyright status, if applicable.

(3) When evaluation is completed, a decision is made as to whether to acquire the artifact and accept it into the division's permanent collections.

(a) In the case of artifacts valued at less than $500, this decision is made at the bureau level. If an artifact is valued at $500 or more, or if the responsible bureau determines that it will have a significant impact on the public or may cause public controversy, the approval of the division director is required.

(b) The prospective donor or vendor is notified of the division’s decision.

(4) If the division decides to acquire an artifact, acquisition is accomplished by one of the following methods. The method of acquisition used is based on the needs of the donor or vendor and the division and on the nature of the transaction.

(a) If the artifact is acquired by donation, a Deed of Gift (HR2E240889) or an Informant Depositor Agreement (HR5E140889), herein incorporated by reference, is completed;

(b) If the artifact is acquired by purchase, a receipt of purchase is secured;

(c) If the artifact is transferred to the division from another state agency, appropriate documentation by acknowledgement and receipt is obtained; or

(d) If the artifact is retrieved from an underwater shipwreck site as the result of a treasure salvage operation permitted under Chapter 1A-31, F.A.C., a Treasure Salvage Division Inventory (HR6E010889), herein incorporated by reference, is completed.

(5) If the division decides not to acquire an artifact for its permanent collections, the artifact, if it is in the division's custody, is returned to the prospective donor or vendor, or is disposed of as noted on the Examination Receipt (HR2E230889).


1A-40.006 Accessioning Procedures.


1A-40.007 Inventory of State-owned Artifacts.

1A-40.008 Loan of State-owned Artifacts.

(1) The division may make loans of state-owned artifacts for scholarly or educational purposes or to assist the division in carrying out its responsibility to ensure proper curation of state-owned artifacts.

(2) While the division makes loans primarily to not-for-profit agencies, institutions, and organizations, a loan occasionally may be made to a for-profit agency, institution, or organization when the loan's purpose is consistent with the purposes set out in subsection 1A-40.008(1), F.A.C. It is the division's policy not to loan state-owned artifacts for decorative or personal use. State-owned artifacts are not loaned to any agency, institution, or organization that is or has been under criminal investigation, unless the agency, institution, or organization has been cleared of any wrongdoing. The division will not loan state-owned artifacts to any agency, institution, or organization that plans to offer artifacts for sale during the term of the loan.

(3) Whether a loan is initiated by the division or is requested by another agency, institution, or organization, a written request is submitted to the division, in care of the responsible bureau. This request includes the following information:

(a) A list of the state-owned artifacts requested for loan;

(b) A statement of the proposed loan's purpose, including, if applicable, the title of the exhibition in which state-owned artifacts will be displayed;

(c) The dates for which the proposed loan of state-owned artifacts is requested; and

(d) If applicable, the manner in which loaned state-owned artifacts will be presented in an exhibition and the estimated size and composition of the exhibition's audience.

(4) In addition, each agency, institution, or organization that wishes to borrow a state-owned artifact completes a Facilities Report (HR2E260889), herein incorporated by reference, and submits it to the responsible bureau.

(5) Upon receipt of a written request and a completed Facilities Report (HR2E260889), the responsible bureau evaluates the request. The written request and the completed Facilities Report (HR2E260889) must be received at least six weeks before state-owned artifacts are to be removed from the division's permanent collections for shipping to the borrower.

(a) To be approved, a loan must serve one of the following purposes:

1. To assist historical, architectural, archaeological, folk cultural, or other studies;

2. To provide state-owned artifacts relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and culture and the programs of the division; or

3. To assist the division in carrying out its responsibility to ensure proper curation of state-owned artifacts.

(b) In addition, the following criteria are considered when evaluating loan requests, to determine that the loan will produce a substantial public benefit and that loaned state-owned artifacts will be properly protected and preserved:

1. The care, security, and insurance to be provided by the borrowing institution. No loans of state-owned artifacts are made without adequate insurance coverage for these artifacts. Information is obtained about the amount of fine arts or liability insurance coverage needed for the requested loan, based on its appraised value. The appraisal is obtained by one of the following methods:

   a. Determination by a division staff member;

   b. Consultation of collections records; or

   c. Determination by a hired consultant. The cost of this type of appraisal shall be paid for as agreed between the parties.

2. Any anticipated use by the division itself of the requested artifact;

3. The condition, rarity, and value of the requested artifact;

4. The duration of the loan, all loans being made for a specified period of time only;

5. The feasibility of preparing the loan within the time requested;

6. The size and composition of the anticipated audience, if this information is appropriate to the purpose of the loan; and

7. If applicable, the context in which the requested artifact will be exhibited and how this would reflect on the division and the State of Florida.

(6) Based on the criteria set out in subsection 1A-40.008(5), F.A.C., a decision is made whether to approve the loan request. The responsible bureau notifies the requesting agency, institution, or organization in writing of the decision. To complete the loan process:

(a) Collections records are verified to ensure that they are current, and that they contain a photograph or photocopy of the artifact;

(b) A Loan Agreement (HR2E270889), herein incorporated by reference, is completed and returned;

(c) A commitment is obtained for insurance of loaned state-owned artifacts in an amount determined by division staff members
or by outside appraisal. For loans of state-owned artifacts whose combined value is over $500, proof of insurance is obtained. Proof of insurance must be received by the division before state-owned artifacts leave the division's custody; and

(d) The artifact is prepared for delivery to the borrower and arrangements are made for transportation.

(7) The division may seek to recover costs associated with loans, including costs for materials, staff time, and shipping or transportation, and such costs may be charged to the borrowing agency, institution, or organization. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Operating Trust Fund of the division. Any income received from the loan of state-owned artifacts is used to acquire additional artifacts, to defray costs associated with the loan, or to assist in the curation or maintenance of state-owned artifacts.

(8) A written request to renew a loan must be received at least one month prior to the end of the existing loan agreement. Procedures described in subsections 1A-40.008(5)-(7), F.A.C., are followed to evaluate each request for renewal and to complete the loan process.

(9) Every loan, including those considered to be permanent, must be reviewed at least every five years. If any of the loan conditions are violated, and if the division determines that such violations are detrimental to the security or preservation of the artifacts, the division shall terminate the loan agreement.


1A-40.009 Deaccession and Disposal of State-owned Artifacts.

In accordance with the policy set forth in Rule 1A-40.004, F.A.C., all decisions to remove a state-owned artifact from the division's permanent collections by deaccession and disposal are made in a manner that is in the best interests of the public and the artifact.

(1) From time to time, each bureau that is responsible for artifacts in the division's permanent collections initiates recommendations of state-owned artifacts that should be deaccessioned and the method by which the deaccessioned artifacts should be disposed of. A Deaccession and Disposal Worksheet (HR21280889), herein incorporated by reference, is completed to document the deaccession and disposal process.

(2) The criteria listed below are used to determine whether a state-owned artifact may be deaccessioned and disposed of:

(a) Deaccessioning and disposing of a state-owned artifact may be recommended only if:

1. The artifact is not relevant and useful to the functions and activities of the division; and
2. The artifact cannot be properly stored, preserved, or interpreted by the division; and
3. The artifact has been in the division's permanent collections for at least one year (hazardous or actively decomposing materials excepted).

(b) Examples of situations in which deaccession and disposal of a state-owned artifact may be recommended include, but are not limited to, instances in which an artifact:

1. Has no further use or value for the research, exhibit, or interpretive programs of the division; or
2. Will receive appropriate interpretation, maintenance, or preservation by another agency, institution, or organization; or
3. Has deteriorated or been damaged beyond usefulness or repair; or
4. Is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of division employees or others; or
5. Has been obtained under a commercial salvage contract with the division executed pursuant to Chapter 1A-31, F.A.C., and is duplicated by another artifact in the division's permanent collections.

(c) Before a recommendation on deaccession and disposal is made, a determination is made as to whether the division is free to deaccession and dispose of a state-owned artifact by verifying that the division legally owns the artifact, and that the division is not prohibited from deaccessioning and disposing of the artifact by a legal condition of ownership. Where any such restriction of ownership applies:

1. An opinion is sought from the Office of Legal Affairs of the Florida Department of State regarding the intent and force of any restrictions; and
2. A deaccessioned artifact to which precatory restrictions apply is not disposed of until reasonable efforts have been made to comply with the restrictions.

(3) The responsible bureau requests authorization from the division director to proceed with deaccession and disposal and proceeds only after receiving this authorization.

(4) After receiving authorization to proceed with deaccession and disposal, the responsible bureau determines an appropriate
method of disposal.

(a) The responsible bureau ensures that:

1. Preference shall be given to retaining within Florida those materials that are part of the state's historical, architectural, archaeological, or folk cultural heritage; and

2. Ownership shall not be given to any division employee or board, council, or committee member, or to a spouse or relative of an employee or board, council, or committee member, unless that person was the original donor of the artifact.

(b) The appropriate method of disposal is chosen from among the following:

1. If a state-owned artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of division employees or other persons, the Florida Department of Environmental Protection shall be contacted to determine appropriate procedures for handling, transporting, and disposing of the artifact.

2. If a state-owned artifact has deteriorated or been damaged beyond usefulness or repair, it may be properly discarded or destroyed.

3. If the state-owned artifact meets the conditions set out in subparagraph 1A-40.009(2)(b)5., F.A.C., it may be exchanged for an artifact owned either by a not-for-profit or a for-profit agency, institution, or organization or by an individual, provided each of the following conditions is met:
   a. Artifacts received and granted in exchange were retrieved from the same shipwreck site;
   b. Artifacts received are of value approximately equal to or greater than that of the state-owned artifacts granted in exchange, as determined by an independent appraisal; and
   c. The exchange results in the division receiving artifacts not well represented in its permanent collections.

4. In all other cases, when determining the appropriate method of disposal, every reasonable effort shall be made to ensure that ownership of the artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization. To accomplish this end, the following options shall be investigated:
   a. Selling the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or
   b. Exchanging the deaccessioned artifact for a Florida-related artifact owned by another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or
   c. Donating the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or
   d. Transferring the deaccessioned artifact to one of the division's non-permanent collections to be used for research or in interpretive exhibits or other educational programs which promote knowledge and appreciation of Florida history and culture.
   e. Only after all reasonable efforts have been made to ensure that ownership of a deaccessioned artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization, may the following alternatives be investigated, in order, for disposing of the artifact:
      1. All reasonable efforts are made to locate the original donor and offer the deaccessioned artifact to him or her;
      2. If the original donor cannot be located, or does not wish to have custody of the deaccessioned artifact, the artifact may be sold or donated to or exchanged with an individual; a private, for-profit, organization; or a not-for-profit agency, institution, or organization other than one of the types of not-for-profit entities named in subsection 1A-40.009(4), F.A.C.; or the artifact may be disposed of by any other legal means.

5. Human skeletal remains in the division's permanent collections are disposed of in accordance with Section 872.05, F.S.

(c) The method of disposal chosen shall be consistent with the principles described in subsection 1A-40.004(1), F.A.C., and the reason or reasons for choosing a method shall be documented in writing by the responsible bureau.

(5) After determining an appropriate method of disposal, the responsible bureau seeks final approval from the division director for deaccessioning and disposing of a state-owned artifact. If approval is received, the bureau carries out deaccession and disposal in the manner recommended.

(a) The following steps are taken to complete the process:

1. A staff member ensures that collections records contain the following:
   a. A photograph or photocopy of the artifact;
   b. A physical description of the artifact; and
c. Information about the provenance of the artifact, if available;

2. The division’s accession number is removed from the artifact unless, by doing so, the integrity of the artifact would be damaged; and

3. It is noted on all relevant division and bureau collections records that the artifact has been deaccessioned.

(b) If ownership is being given to another agency, institution, organization, or individual, the new owner:
1. Signs a Receipt for Deaccessioned Artifacts (HR2E290889), herein incorporated by reference; and
2. Removes the artifact from the division’s premises.

(c) If the artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of division employees or other persons, recommendations of the Florida Department of Environmental Protection for handling, transporting, and disposing of the artifact are complied with.

(d) In the sale of deaccessioned artifacts, it is ensured that:
1. Deaccessioned artifacts are not offered for sale in any retail establishment operated by the division or where state-owned artifacts are on loan from the division; and
2. Any income received from the sale of deaccessioned artifacts is deposited in the Museum of Florida History Trust Fund, pursuant to Section 267.061(3)(m)5., F.S.


1A-40.010 Forms and Instructions.
The following forms are used in the implementation of this chapter and are herein incorporated by reference:

(1) Evaluation Log, HR2J360991, effective 5-11-92.
(2) Examination Receipt, HR2E230889, effective 5-11-92.
(3) Deed of Gift, HR2E240889, effective 5-11-92.
(4) Informant Depositor Agreement, HR5E140889, effective 5-11-92.
(5) Treasure Salvage Division Inventory, HR6E010889, effective 5-11-92.
(7) Facilities Report, HR2E260889, effective 5-11-92.
(8) Loan Agreement, HR2E270889, effective 5-11-92.
(9) Deaccession and Disposal Worksheet, HR2I280889, effective 5-11-92.
(10) Receipt for Deaccessioned Artifacts, HR2E290889, effective 5-11-92.


CHAPTER 1A-44

PROCEDURES FOR REPORTING AND DETERMINING JURISDICTION OVER UNMARKED HUMAN BURIALS

1A-44.001 Definitions (Repealed)
1A-44.002 Scope (Repealed)
1A-44.003 Procedures to be Followed When Unmarked Human Burials are Discovered During Archaeological Excavations Authorized by the Division or Conducted by an Archaeologist Employed by an Accredited Institution
1A-44.004 Procedures to be Followed When Unmarked Burials are Discovered Other Than During Archaeological Excavations Authorized by the Division or Conducted by an Archaeologist Employed by an Accredited Institution
1A-44.005 Criteria for Determining Whether the Division Assumes Jurisdiction and Duties of the State Archaeologist and Others When the Division Assumes Jurisdiction Over and Responsibility for an Unmarked Human Burial
1A-44.006 Ownership

1A-44.001 Definitions.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061, 872.05 FS. History—New 6-9-92, Repealed 2-27-97.

1A-44.002 Scope.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061, 872.05 FS. History—New 6-9-92, Repealed 2-27-97.

1A-44.003 Procedures to be Followed When Unmarked Human Burials are Discovered During Archaeological Excavations Authorized by the Division or Conducted by an Archaeologist Employed by an Accredited Institution.

(1) All activity that might disturb the burial beyond those investigations required to ascertain the age of the burial must cease pending authorization to continue from either the State Archaeologist or the District Medical Examiner, whomever has jurisdiction.

(2) The archaeologist in charge of the excavations shall immediately determine, as closely as possible, the age of the remains, i.e., how much time has passed since the remains were interred.

(3) If the archaeologist in charge of the excavations determines that the remains may be less than 75 years old, the archaeologist shall notify the District Medical Examiner within seven days.

(4) If the State Archaeologist is notified that the District Medical Examiner relinquishes jurisdiction over the burial, the State Archaeologist shall determine within 15 days in accordance with the criteria specified in Rule 1A-44.005, F.A.C., whether the division shall assume jurisdiction.

(5) If the archaeologist in charge of the investigations determines that the burial is greater than 75 years old, the archaeologist shall notify the State Archaeologist within seven days.

(6) Archaeological activities may resume after the State Archaeologist has been notified.

(7) In all cases, whether or not the District Medical Examiner assumes jurisdiction, the archaeologist conducting the excavations shall submit a report to the State Archaeologist within 15 days of the discovery of the burial that

(a) Describes the burial and any associated artifacts;

(b) Gives the archaeologist's opinion of the age and cultural affiliation of the burial;

(c) Describes the biological characteristics of the remains; and

(d) Recommends where the skeletal remains and any associated artifacts should be held pending final disposition.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061, 872.05 FS. History—New 6-9-92.

1A-44.004 Procedures to be Followed When Unmarked Burials are Discovered Other Than During Archaeological Excavations Authorized by the Division or Conducted by an Archaeologist Employed by an Accredited Institution.

(1) All activity that may disturb the burial shall cease immediately and may not resume until authorized by the District Medical Examiner or the State Archaeologist, whomever has jurisdiction.

(2) Within seven days, the individual in charge of the activity that led to the discovery shall notify the District Medical Examiner. While seven days are allowed for notification, activity that may disturb the burial shall cease immediately pending notification and authorization to proceed.

(3) If the State Archaeologist is notified that the District Medical Examiner relinquishes jurisdiction, the State Archaeologist
shall determine within 15 days according to the criteria specified in Rule 1A-44.005, F.A.C., whether to assume jurisdiction.

(4) Nothing in this section shall be construed as requiring excavation of human skeletal remains unless excavation is required to prevent destruction of the remains.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061, 872.05 FS. History—New 6-9-92.

1A-44.005 Criteria for Determining Whether the Division Assumes Jurisdiction and Duties of the State Archaeologist and Others When the Division Assumes Jurisdiction Over and Responsibility for an Unmarked Human Burial.

(1) The decision of whether the Division shall assume jurisdiction shall be based on whether the remains may be expected to receive protection or respectful treatment in the absence of the division’s jurisdiction.

(2) The State Archaeologist shall determine whether the unmarked human burial is historically, archaeologically, or scientifically significant according to the following criteria:

(a) Whether the remains have archaeological integrity; or

(b) Whether the remains are sufficiently preserved to yield information upon examination by a skeletal analyst; or

(c) Whether the remains are of a type that would yield useful historical or archaeological information.

(3) The State Archaeologist shall determine potential threats to the burial.

(4) The State Archaeologist shall arrange for protection of the burial from further disturbance in its original location or if protection in the original location cannot be provided, arrange for alternative treatment according to the following procedures:

(a) Remove the remains from their original location by means of excavation conducted in accordance with proper archaeological standards.

(b) When human remains are determined to be historically, archaeologically, or scientifically significant:

(i) Designate an archaeologist and a human skeletal analyst to examine and report on the remains;

(ii) Recommend that the division maintain jurisdiction over the remains until the decision regarding final disposition is implemented.

(5) Within one year of the date that the division assumes jurisdiction, the State Archaeologist shall consult with appropriate individuals regarding the proper disposition as set forth in Section 872.05(6), F.S., including reburial when appropriate, of the remains.

(a) The State Archaeologist may consult with appropriate individuals by telephone, in person, or in writing for recommendations regarding the proper disposition of the remains.

(b) The State Archaeologist shall consider such recommendations in deciding on final disposition.

(c) The State Archaeologist’s decision on final disposition as advised by the committee shall be implemented within three years of the date of the decision.

(6) In the event that an unmarked human burial must be excavated because protection cannot be accomplished, the cost of excavation, analysis, and reporting are the responsibility of the party whose activities would disturb the remains if they were not excavated.

(7) The archaeologist conducting excavations of an unmarked human burial for which the division has assumed jurisdiction shall submit to the State Archaeologist:

(a) A preliminary report of findings as well as copies of all field records within one month of the conclusion of the field work; and

(b) A final report of findings as well as copies of any additional records resulting from the analysis and interpretation within two years of the conclusion of the field work.

(8) The division may take possession of human remains and associated burial artifacts for which it has assumed jurisdiction, if, in the opinion of the State Archaeologist, such possession is necessary for the protection of the remains and artifacts.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.061, 872.05 FS. History—New 6-9-92.

1A-44.006 Ownership.

(1) If the State Archaeologist finds that an unmarked human burial is historically, archaeologically, or scientifically significant and if the parties with whom he is required to consult agree in writing, the human skeletal remains and the associated burial artifacts shall belong to the state with title vested in the division.

(2) If title to an unmarked human burial is vested in the division, the division shall:
(a) Within 30 days notify in writing the owner of the property from which the burial was removed that the division has taken title.

(b) Ensure that if final disposition involves curation the human skeletal remains and associated burial artifacts are curated in a safe, proper, and respectful manner.

(c) If requested, make the remains and associated artifacts available for scientific study by qualified scholars.

(d) If requested, loan reproductions or originals of associated burial artifacts for educational purposes to institutions that have demonstrated an ability to provide safe, proper, and respectful care.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(3), 267.061, 872.05 FS. History–New 6-9-92.
CHAPTER 1A-45
GUIDELINES FOR THE PUBLIC DISPLAY OF HUMAN SKELETAL REMAINS

1A-45.001 Scope (Repealed)
1A-45.002 Guidelines for the Public Display of Human Skeletal Remains
1A-45.003 Treatment of Human Skeletal Remains (Repealed)
1A-45.004 Exemptions (Repealed)

1A-45.001 Scope.

Rulemaking Authority 872.05(8)(b) FS. Law Implemented 872.05(8)(b) FS. History—New 6-9-92, Repealed 12-18-95.

(1) The following guidelines are established to ensure that human skeletal remains are treated in a safe, proper, and respectful manner and that the opportunity to learn about human biology and the customs and manners of people by studying human remains is not restricted.
   (a) The use of casts or other replicas of human skeletal remains in public displays and exhibits designed to provide information to the public about human biology and anatomy and about the customs of particular groups of people is encouraged.
   (b) Any exhibit of burial artifacts or that shows burial customs or patterns shall be presented in a respectful and dignified manner.

(2) Treatment of Human Skeletal Remains. Institutions or individuals holding human skeletal materials within the contemplation of Section 872.05(8)(b), F.S., shall:
   (a) Provide safe, proper, and respectful care of those materials;
   (b) Take steps to ensure that those remains are not damaged nor destroyed; and,
   (c) Make those remains available for legitimate scientific study.

Rulemaking Authority 872.05(8)(b) FS. Law Implemented 872.05 FS. History—New 6-9-92, Amended 5-27-96, 5-3-15.

1A-45.003 Treatment of Human Skeletal Remains.

Rulemaking Authority 872.05(8)(b) FS. Law Implemented 872.05 FS. History—New 6-9-92, Repealed 12-18-95.

1A-45.004 Exemptions.

Rulemaking Authority 872.05(8)(b) FS. Law Implemented 872.05 FS. History—New 6-9-92, Repealed 12-18-95.
CHAPTER 1A-46
ARCHAEOLOGICAL AND HISTORICAL REPORT STANDARDS AND GUIDELINES

1A-46.001 Standards and Guidelines for Reports
1A-46.002 Definitions (Repealed)
1A-46.003 Criteria for Reports of Identification, Evaluation, and Documentation Activities (Repealed)
1A-46.004 Criteria for Qualifications of Archaeologists (Repealed)
1A-46.005 Report Review Procedures (Repealed)
1A-46.007 Dispute Resolution (Repealed)

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which the Division has review authority.

(2) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

(c) "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards, as set forth in the "Florida Certified Local Government Guidelines" (Form HR3E03204-02) herein incorporated by reference, and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

(j) "Florida Master Site File" or "FMSF" means the record of identified historical resources maintained by the Division.

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to document using the Historic American Buildings Survey (HABS) or Historic American Engineering Record (HAER) standards and guidelines prior to proposed alteration or destruction.

(l) "Historical resource" means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old of historical, architectural, or archaeological value.

(m) "Historic context" means the organizational format that groups information about related historical resources based on theme, geographical limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archaeology, engineering and culture, and identifies significant patterns that individual historical resources represent. A set of historic contexts is a comprehensive summary of all aspects of the history of an area.

(n) "Local undertaking" means a project, activity or program subject to the provisions of a local ordinance or regulation for
which the Division has review authority.

(o) "National Register" means the National Register of Historic Places, the list of historical resources significant in American history, architecture, archaeology, engineering and culture and authorized by the National Historic Preservation Act of 1966 as amended and administered by the U.S. Department of the Interior, National Park Service.

(p) "Principal Investigator" means the person or persons responsible for supervising archaeological fieldwork and historical fieldwork.

(q) "State undertaking" means a project, activity or program in which a state agency of the executive branch has direct or indirect jurisdiction; those in which a state agency provides financial assistance to a project or entity; and those in which a state agency is involved through the issuance of state permits or licenses.

(r) "Sufficiency" means determining whether the report meets the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (published in the Federal Register, Vol. 48, No. 190, pp. 44716-44740, September 29, 1983), herein incorporated by reference, with respect to identification, evaluation and documentation.

(3) Reports. Reports of the results of archaeological fieldwork and historical fieldwork activities shall include the topics in paragraphs (a)-(h) below in sufficient detail for the Division to review for completeness and sufficiency. For projects of limited scope, topics that are not applicable may be omitted when a justification for this decision is provided. In addition, all reports shall be consistent with and meet the terms of the standards and guidelines for identification, evaluation and documentation contained in the "Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation." This section shall apply to federal, state and local undertakings. Principal investigators shall meet the minimum qualifications for archaeology, history, architecture, architectural history, or historic architecture contained in 36 C.F.R. 61 ("Procedures for Approved State and Local Historic Preservation Programs, Appendix A, Professional Qualifications Standards"), herein incorporated by reference, effective 10-97.

(a) General Description. The description of the project shall address the project location (including boundary map) and description; the purpose of project; the area of potential effect; and the pertinent federal, state or local laws and regulations.

(b) Archival Research. Archival research shall address past field surveys in the project area and the relevance of the major findings to the area currently under study; pertinent data in the Florida Master Site File; pertinent environmental and paleoenvironmental data; pertinent data in other studies appropriate for the research problem; pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans; and pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies. Research results shall be presented in a chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area.

(c) Research Design. The description of the research design shall address the objectives; methods; expected results; and procedures to deal with unexpected discoveries including the discovery of human remains in accordance with Section 872.05, F.S.

(d) Archaeological Fieldwork. The description of archaeological fieldwork activities shall address the types of sites encountered and evaluated; the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the location of all tests and excavations, including maps depicting testing locations and results, site components, integrity of sites and subareas within the sites; information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components; information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur; photographs of each site; photographs and illustrations representative of site subareas or features, or formal excavation units; identification of portions of the project area that were examined but that did not contain archaeological remains; special survey techniques; and information on changes in research design or methodology. Special survey techniques may be necessary to search for certain subsurface or underwater archaeological sites. The description of special survey techniques shall address the following topics: equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources investigated by examination to determine their nature. Underwater archaeological surveys shall be conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys" (Form HR6E06304-02), herein incorporated by reference.

(e) Historical Fieldwork. The description of historical fieldwork activities shall address the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the types of resources identified and evaluated; a list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S.
Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map; descriptions for all identified resources; photographs or illustrations representative of resources located in the project area; information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur; and an explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering or cultural resources.

(f) Archaeological Results and Conclusions. The description of the results and conclusions of the archaeological resource investigations shall address laboratory methods used to analyze artifacts and other site materials recovered during the archaeological investigations in the project area; the curation location of artifacts and project records; findings in relation to the stated objectives of the investigations; an assessment of site integrity; methods used to apply National Register criteria for a determination of eligibility and historic context as contained in 36 C.F.R. 60 ("National Register of Historic Places"), herein incorporated by reference; a discussion of completeness of project efforts and the need for any additional identification, evaluation or documentation efforts; conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site; and a bibliography of those sources utilized.

(g) Historical Results and Conclusions. The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address findings in relation to the stated objectives; an assessment of the integrity of evaluated sites; methods used to apply National Register criteria for a determination of eligibility and historic context; a description of the constituent elements that constitute the complete property (e.g., outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register; the National Register property boundaries depicted on a scaled site plan sketch; conclusions and analysis of the findings; a discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history; recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance, minimization or mitigation of potential impacts, or no action; a discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts; the location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.); and a bibliography of those sources used.

(h) Florida Master Site File (FMSF) Requirements. Reports of archaeological fieldwork and historical fieldwork activities will be deemed incomplete if they do not contain FMSF survey log sheets for each report and site forms for each site identified, evaluated or documented. All archaeological fieldwork and historical fieldwork reports shall include the following, either as part of the report or as accompanying documents:

1. FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97), completed in accordance with the "Guide to the Survey Log Sheet" (Form HR6E05904-02), with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map.

2. FMSF archaeological site forms (Form HR6E06401-97, effective 3-1-97), completed in accordance with the "Guide to the Archaeological Site Form, Version 2.2" (Form HR6E05904-02), as appropriate.

3. FMSF historical structure forms (Form HR6E06308-96, effective 11-1-96), completed in accordance with the "Guide to the Historical Structure Form", Version 3.0" (Form HR6E06004-02), as appropriate.

4. FMSF historical bridge forms (Form HR6E06510-97, effective 10-1-97), completed in accordance with the "Guide to the Historical Bridge Form" (Form HR6E06104-02), as appropriate.

5. FMSF historical cemetery forms (Form HR6E04806-92, effective 8-1-98), completed in accordance with the "Guide to the Historical Cemetery Form" (D HR6E0620402), as appropriate.

6. Completed FMSF shipwreck forms (Form HR6E05006-92, effective 7-1-92), as appropriate.

7. Completed FMSF archaeological short form (Form HR6E04906-92, effective 12-1-95), as appropriate.

8. Completed FMSF resource group forms (Form HR6E05711-01, effective 7-1-00), as appropriate.

9. An original or photocopy portion of U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle maps for all identified sites showing site locations. These forms are herein incorporated by reference and are available by writing the Division at R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. These forms may also be obtained from the Division's website at www.flheritage.com.

(4) Review Procedures. The following procedures shall be followed in the review of archaeological fieldwork and historical fieldwork reports:

(a) Reports and accompanying documentation shall be submitted to the Bureau of Historic Preservation at the Division.

(b) The Division shall notify the agency or applicant in writing within fifteen days of receipt of a review request, of any
additional information required.

(c) Upon its determination that the report is complete, the Division shall complete its review of the report for sufficiency based on the criteria specified in subsection 1A-46.001(3), F.A.C., within thirty (30) days.

(d) The Division shall notify the agency or applicant of its decision as to whether the report meets the requirements of this rule with respect to completeness and sufficiency, and shall include a statement of the reason for determining a report to be incomplete or insufficient.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031 FS. History—New 6-10-92, Amended 7-21-96, 8-21-02.

1A-46.002 Definitions.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.

1A-46.003 Criteria for Reports of Identification, Evaluation, and Documentation Activities.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.

1A-46.004 Criteria for Qualifications of Archaeologists.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.

1A-46.005 Report Review Procedures.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.

1A-46.006 Technical Assistance.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.

1A-46.007 Dispute Resolution.

Rulemaking Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History—New 6-10-92, Repealed 1-4-96.
CHAPTER 68A-15
WILDLIFE MANAGEMENT AREAS

68A-15.004 General Regulations Relating to Wildlife Management Areas
68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006 Regulations Relating to Miscellaneous Areas
68A-15.061 Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064 Specific Regulations for Wildlife Management Areas – South Region
68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region


(1) General prohibitions: Hunting, fishing or trapping is prohibited on any portion of any wildlife management area posted as closed to hunting, fishing or trapping. Hunting, fishing, trapping, camping or other usage related to such activity on any wildlife management area shall only be at the time and in the manner provided by the regulations for the particular wildlife management area. During a given season, all legal methods for taking fish, frogs or wildlife during the season will be allowed, unless prohibited under the rules governing a particular area. Taking fur-bearers with traps, snares or at night is prohibited unless allowed by an area specific rule.

(2) Permits required:

(a) A wildlife management area permit as provided by Section 379.353, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to take wildlife on a wildlife management area.

(b) A short-term use permit or special-use permit is mandatory on those wildlife management areas where required by regulations for that area. On areas where short-term use permits (daily or multi-day permits) are authorized, holders of such permits shall possess or display a valid short-term use permit receipt in the manner specified on the receipt. Access to areas open to special-opportunity deer, wild hog (still hunt only), and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except that a non-permitted individual may accompany a permittee. While hunting or scouting, a non-permitted individual may accompany a permittee and participate in the hunt but shall not occupy a vehicle separate from the permittee or take wildlife with a gun, and shall be in the immediate vicinity (25 feet or less) of the permittee. Persons using the Florida Trail for through-hiking are exempt from the permit requirements of this paragraph.

(c) A written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 379.354, F.S., shall be required to hunt, fish or frog on any Wildlife Management Area owned by the United States of America, Department of Defense. This authorization or permit shall be displayed for inspection upon the request of any law enforcement officer.

(d) The lead managing agency or landowner of a wildlife management area may authorize persons to engage in otherwise prohibited activities not relating to the taking of fish or wildlife, to allow for access, vehicles, vessels, camping, or horses, valid only during periods closed to hunting. The landowner of a wildlife management area that requires a Recreational Use Permit (RUP) may only give such authorization to persons holding a RUP for that area. Persons so authorized must possess a copy of the authorization when engaged in such activities.

(3) Permit exceptions: Persons exempted by Section 379.353, F.S., those persons who possess a gun on Osceola, Ocala and Apalachicola Wildlife Management Areas for the exclusive purpose of shooting at a Commission authorized shooting range, persons in possession of a special-use permit; persons engaging in activities pursuant to Rule 68A-25.032 or 68A-25.042, F.A.C.; or persons hunting, fishing or frogging on lands owned by the United States of America, Department of Defense, are excepted from wildlife management area stamp requirements.

(4) Legal to hunt:

(a) Turkeys may not be taken during any fall season in which firearms may be used unless otherwise provided for a specific area. Notwithstanding provisions in Rule 68A-13.004, F.A.C., turkeys of either sex may be taken during muzzledloading and general gun seasons as specifically provided by area rule. During periods in which the taking of turkey is allowed, the daily bag limit for turkey shall be one per day unless otherwise provided by specific area regulation. The hours in which the hunting of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until 1 p.m., unless otherwise
provided by specific area regulation.

(b) Only species which are legal to take in the region where the wildlife management area lies, unless otherwise provided for a specific area, may be taken.

(c) During the spring turkey season, the hunting or taking of any other species of wildlife is prohibited unless otherwise provided for a specific area.

(d) Turkey of either sex or antlerless deer may be taken during archery seasons unless otherwise provided by specific area regulation.

(e) Antlerless deer may be taken during gun seasons only by hunters possessing valid antlerless deer permits or as otherwise provided by specific area regulation.

(f) On any wildlife management areas where an antlered deer quota is established by order, no person shall take antlered deer after the quota for antlered deer is attained.

(g) Notwithstanding the provisions in Rule 68A-24.002, F.A.C., the take of bobcat with a gun is prohibited from March 2 through March 31.

(h) Game may be taken by falconry during established statewide seasons that coincide with periods when wildlife management areas are otherwise open for public use or hunting unless prohibited by specific area regulation. Dogs may be used during falconry only during those periods when the use of dogs for hunting is permitted by specific area regulation.

(i) Wild hogs may be taken in accordance with the following provisions:
1. Wild hogs may only be taken from one-half hour before sunrise to one-half hour after sunset during any season open for the taking of any game mammal or any season established for the taking of wild hog only, with no size or bag limit unless otherwise provided by area specific rule.

2. Methods of take, other than those allowed for the taking of game during each open season, are prohibited.

3. During any season established for the taking of wild hog only, only legal methods of take for game are allowed unless otherwise provided by area specific rule.

4. Wild hogs may not be transported alive.

(j) Non-protected mammals, as defined in paragraph 68A-12.002(9)(a), F.A.C., may be taken during any season open for the taking of game mammals, with no size or bag limit unless otherwise provided by area specific rule.

(5) Hunters:

(a) Authorized hunting equipment or dogs (if permitted by area regulations) may be taken on the area after 8 a.m. one day before the opening of the season and shall be removed from the area before 6 p.m. one day following the close of the season unless otherwise provided by specific area regulations.

(b) Driving a metal object into any tree, or hunting from a tree in which a metal object has been driven, is prohibited.

(6) Guns:

(a) Taking wildlife (except migratory birds during migratory bird season) with a firearm or crossbow is prohibited on any wildlife management area during the established archery season unless otherwise stipulated in a regulation established for a specific area. Taking wildlife (except migratory birds during migratory bird season) with a gun (except a muzzleloading gun) is prohibited on any wildlife management area during the established muzzleloading gun season. Taking wildlife with a gun is prohibited on any wildlife management area during any season open only for the taking of fur-bearing animals or frogs unless otherwise stipulated in a regulation established for a specific area.

(b) Taking wildlife with centerfire rifles is prohibited during small game season.

(c) Taking migratory birds with centerfire shotguns is allowed during established area seasons when one or more migratory game birds are legal to take except when prohibited by specific area rule.

(d) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited except that muzzleloading rifles are not prohibited for taking wild turkey on Joe Budd and Raiford Wildlife Management Areas.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular management area. The Executive Director or designee may issue permits to raccoon or fox hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon or fox hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity
will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) No person shall knowingly or negligently allow any dog to pursue or molest any wildlife during any period in which the taking of such wildlife by the use of dogs is prohibited.

(c) Dogs may be possessed, under physical restraint only, during any period in which the taking of wildlife by the use of dogs is prohibited, unless otherwise prohibited by specific area rule.

(d) Dogs on leashes may be used for trailing wounded game unless otherwise prohibited under specific area regulations.

(8) Camping:

(a) On those areas where Commission camping permits are required by specific area rule, those permits will be issued by the Commission unless denial is either necessary to protect natural and cultural resources in campgrounds, minimize conflicts among area users in the campgrounds, maintain public safety, ensure compliance with health department county codes, and to offer a fair opportunity to obtain a campsite or as appropriate based on Rule 68A-5.004, F.A.C.

(b) Commission camping permit conditions will be included as necessary to protect natural and cultural resources in campgrounds, minimize conflicts among area users in the campgrounds, maintain public safety, ensure compliance with health department county codes, and to offer a fair opportunity to obtain a campsite.

(c) Camping during periods open to hunting shall be limited to designated campgrounds except as provided by specific area rules or permit conditions for particular wildlife management areas. Camping is allowed during periods closed to hunting unless prohibited by specific area regulations or permit condition.

(d) When camping is allowed on any wildlife management area, authorized camping equipment may be taken on the area after 8 a.m. one day before the opening of each season and shall be removed from the area before 6 p.m. one day following the close of each season unless otherwise provided by specific area regulations or permit condition.

(9) Vehicles:

(a) No motor vehicle shall be operated on any part of any wildlife management area designated by area regulations as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such on those areas because of inclement weather, poor road conditions, construction or management activities or wildlife surveys. The use of two-wheeled motor-powered vehicles or all-terrain vehicles is prohibited on any roads or trails not open to or used by other vehicles unless otherwise provided by specific area regulation.

(b) No person shall park any vehicle in a manner which obstructs a road, gate or firelane.

(c) Notwithstanding specific area regulations, motorcycles and mopeds that are licensed and registered to operate on public roads of the State may be operated on any road or trail open for licensed and registered vehicular traffic.

(10) Grain and food: No person shall place, expose or distribute any grain or other food for wildlife on any wildlife management area except as authorized by permit from the executive director. No person shall take wildlife on any land or waters upon which grain or other food has been deposited, provided that quail may be hunted in proximity to established game feeders.

(11) Release of animals: No person shall release any species of the animal kingdom on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by specific area regulations or written authorization from the executive director.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in Section 581.185, F.S.) from, any wildlife management area without written permission from the landowner or primary land manager.

(b) No person shall possess or remove saw palmetto berries from any wildlife management area where the Commission is the landowner or lead managing agency without written permission.

(c) No person shall remove plants, rocks, minerals, animal life, other natural resources or parts thereof where the Commission is the landowner or lead managing agency without written authorization from the Executive Director or designee in accordance with the criteria of Rule 68A-9.002, F.A.C.

(d) No person shall plant, propagate, introduce, or cause to grow any species of plant not native or indigenous to the wildlife management area on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by an approved comprehensive management plan or written authorization from the executive director.

(13) Alligators: Notwithstanding any other provision in Chapter 15, F.A.C., the harvest of alligators, their eggs or hatchlings may be conducted on wildlife management areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032 and
68A-25.042, F.A.C. Guns and bait may be used for taking alligators by alligator hunt participants as specified in Rule 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on wildlife management areas shall not be required to check in and out at a check station, or check any alligators taken. A private landowner making his lands available for use in the wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(14) Public access is prohibited in areas posted as “Closed to Public Access.” Such areas may be closed by posting because of resource protection, construction, management activities, public health or safety, agricultural disease, or contractual agreement.

(15) Fishing and Frogging:
(a) Fishing or frogging are permitted only during the seasons specifically established for these activities under the particular wildlife management area.

(b) Shooting frogs is permitted only during hunting seasons established for the particular wildlife management area and only with guns that are legal methods of take during each particular open hunting season.

(16) The Executive Director may authorize recreational activities, including the take of fish and wildlife, by executive order to facilitate special outdoor recreational opportunities as described in Section 589.19, F.S., to be administered by the Florida Forest Service on those wildlife management areas where the Florida Forest Service is the lead land manager.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 379.354 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09, 7-1-10, 1-1-11, 5-2-12, 4-9-13, 7-1-14, 7-1-15.