

January 26, 2004

Glenda E. Hood
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, FL 32399-0250

RE: Isolated Finds Program

Dear Secretary Hood:

I am writing to you on behalf of the Florida Archaeological Council, Inc. (FAC), a state-wide organization of professional archaeologists practicing in Florida, regarding the proposed abolishment of the state's Isolated Finds Program (IFP). It is our position that the IFP has served a useful function in that it has documented over 5000 artifacts from Florida rivers since its inception in 1996. These artifacts might never have been seen by professional archaeologists or state officials had the program not been in effect. Moreover, by its very existence the program encourages cooperation between river divers, artifact collectors, and archaeologists. If the program is abolished, there is a real danger that private collections from both river and upland locations will no longer be available for professional documentation and analysis because of the fear that these artifacts could be confiscated. This would be a great tragedy since many significant discoveries have been made by collectors and avocational archaeologists.

By voicing our support for a state-sponsored isolated finds program, we do not mean to imply that there are no problems with the current program. We recognize that many unscrupulous individuals collect large numbers of artifacts from significant underwater sites under the guise of the Isolated Finds Program and never report their finds to the state. Law enforcement officers find it difficult to arrest and prosecute these individuals because of their incomplete understanding of what constitutes an "isolated find." But instead of abolishing the system, the FAC recommends revising it to make the program more effective and enforceable.

To achieve this goal, the FAC recommends replacing the current program of voluntary reporting with a permit system. The permit could be for one or more years, but should not exceed a three-year limit. Applicants would pay a fee for the permit and would agree to abide by the permit requirements. These would incorporate many of the conditions of the IFP: collection of isolated artifacts only, no collecting from known archaeological sites, completion of a short report form, submittal of the form, location map, and a

photograph of the find to the Bureau of Archaeological Research (BAR), and transfer of ownership rights to the individual if BAR does not request ownership under Ch. 267.061(b), F. S. If the permit holder does not live up to the conditions of the permit, the it would not be renewed. In egregious cases -- for example, where artifact "mining" under the guise of a permit has occurred -- the state would have the ability to rescind an individual's permit.

There are several advantages of a permit program. Unlike the current IFP, permitting provides a way for BAR to monitor and control river collecting. There would be a record of all individuals who are permitted to collect artifacts and the state would have the authority to revoke permits if individuals do not comply with the permit conditions. It would assist law enforcement officers who encounter someone collecting artifacts from a Florida river since they simply need to ask to see a permit. If no permit is produced, then the offender could be arrested under Chapter 267.13, F. S. and the artifacts confiscated.

Another important component of any permit program should be the availability of the artifact data that are reported to BAR. It is our understanding that information on isolated finds that has been collected by BAR does not always make its way to the Florida Master Site File (FMSF) office. As you know, the FMSF is the central repository for information on archaeological sites in Florida. In addition to the site files, the FMSF office also houses all archaeological reports that are submitted to the Division for compliance review, as well as many other relevant documents, papers, maps, and site information. Having the information and locations of reported artifacts on file at the FMSF would achieve the intended goal of the program, which is to preserve this valuable information and make it available to researchers and resource managers.

Implementing a permit program would require amending current law, which will take time. In the interim, we recommend that the current IFP be maintained and that efforts be made to better publicize the program to the public. BAR also should be directed to draft the specifics of a permit program and begin the process of developing suitable amendments within a reasonable time frame (e.g., one year). As part of this process, you may wish to consider establishing a committee comprised of divers, BAR representatives, Native Americans, and professional archaeologists to assist in the development of appropriate language.

A permit program may require additional funds and personnel to administer. However, using the number of IFP reports that have been submitted to BAR during the past seven years (800) as a rough guide, and assuming a modest 25% increase in the number of reports per year, it seems reasonable to assume that a permit system could be administered effectively with existing BAR personnel. This assumption is based on the fact that BAR has processed an average of 114 IFP reports per year without need for additional personnel. Administering the program could be made more efficient by modifying the Division's web site to allow permit holders to record their finds and submit their reports to BAR electronically. If BAR has no interest in maintaining ownership of the find, an automatic response can be sent via email that thanks the permit holder for the

report and transfers ownership of the artifact. What might be necessary are additional funds to support travel by BAR personnel to visit collectors who may have discovered significant finds or sites and for increased public outreach to educate divers and law enforcement officers about the program.

The FAC believes that while the current IFP is not perfect, it does result in information on artifacts and sites that otherwise would not be forthcoming. The collecting of artifacts from Florida's rivers will continue whether or not an IFP or a permit program exists. Abolishing the program entirely would limit the state's ability to exercise some control over river collecting. It also would result in a loss of scientific information and damage the relationship between archaeologists and collectors. Finally, it would send the false message that professional archaeologists do not care about what is being found by divers in Florida's rivers. Responsible collectors are an important resource for identifying key sites that can enhance our understanding of the past. The FAC urges the Department of State, the Florida Historical Commission, and the Bureau of Archaeological Research to develop a workable permit program that can be accepted by archaeologists and responsible river divers alike.

Thank you for your consideration of this matter.

Sincerely,

Robert J. Austin, Ph.D.
President

Xc: Judy Bense
Brenda Swann
Fred Gaske
Della Scott-Ireton