

Collecting Artifacts: When, How and Where

By Louis D. Tesar

Would-be artifact collectors need to be aware of federal and state laws relating to archaeological sites. The key to these laws is land ownership and whether the activity involves digging, or surface collection of objects. Also, a very important factor is whether a human burial site is involved. But amateur archaeologists need not fear arrest if their past collecting would break today's laws. In fact, reporting of past discoveries—regardless of the circumstances—is encouraged.

Protecting Grave Sites

Florida law makes it a felony to willfully and knowingly to dig up or retrieve unmarked human remains and associated grave relics, regardless of whether they occur on public or private property. Anyone who encounters human remains must cease all ground-disturbing activities and notify local law enforcement authorities of the discovery. They will report the find to the local medical examiner and may assist in determining whether a crime scene investigation is warranted and whether the remains are of recent origin (less than 75 years of interment). If the remains are unmarked and appear to have been interred more than 75 years, the Division of Historical Resources, Florida Department of State may assume jurisdiction.

The Federal Archaeological Resources Protection Act provides stiff penalties to violators, including confiscation of vehicles and equipment used on federal property. The Native American Graves Protection Repatriation Act affords additional protection to burial sites and objects. To avoid the risk arrest and prosecution, as well as out of respect for sacred burial grounds, it is advisable not to dig at known or suspected burial sites,

Digging On Public Lands

On federal lands, the planned and systematic search for artifacts, especially excavation for such artifacts, may occur only with written permission from the involved federal agency. The incidental collecting of surface-exposed objects, while not encouraged, is permitted on occasion. Federal agencies recently have increased their efforts to prevent site damage and resource loss by arresting and prosecuting violators.

On state-owned property or submerged lands, Florida's Historical Resources Act assigns title of archaeological sites, shipwrecks and associated artifacts to the Division of Historical Resources (DHR). Individuals receiving research permits from DHR acknowledge the public ownership of the artifacts and commit to their proper analysis, curation and reporting. Individuals conducting investigations also must obtain the permission of state land managers and comply with their rules and policies, as well as obtain appropriate environmental permits.

Private Property

The least restricted places, and those for which permission is easiest to obtain (except in cases of human burial sites or when wetlands are involved) are located on private property.

Although it is not legally required, it is best to explore archaeological sites in ways that conserve and protect the information and artifacts they contain. Talk to an archaeologist about your knowledge of sites and your plans to be on such sites.

For specific information, refer to Rules IA-32, 1A-44, IA-45 and IA46, Florida Administrative Code; Chapters 267 and 872, Florida Statutes; the Archaeological Resources Protection Act (Public Law 96-96 as amended; 16 U.S.C. 470aa-470mm); and the Native American Graves Protection and Repatriation Act (Public Law 101601; 25 U.S.C. 3001-3013).

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