

CHAPTER 1A-31
PROCEDURES FOR CONDUCTING EXPLORATION AND
RECOVERY OF HISTORIC SHIPWRECK SITES

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| 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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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-permittable 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 (Repealed) |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| 1A-31.0055 | Exploration Agreements (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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 (Repealed) |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-31.0012 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)(i), (k), (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-31.030, 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)(i), (k), (o), 267.061(1) FS. History—New 4-13-87, Amended 7-20-09.

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-31.0032 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)(i), 267.061(1) FS. History—New 4-13-87, Amended 7-20-09.

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-31.0052 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-31.0062 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-31.0072 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-31.0082 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-31.0092 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-31.013 Prohibited Practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one (1) 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.

Specific Authority 20.10(3), 267.13 FS. Law Implemented 267.13(2)(a) - (d) FS. History--New 5-15-06.

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.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New 7-20-09.

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.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New 7-20-09.

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-permittable 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)(i), (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)(i), (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.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New 7-20-09.

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.

Rulemaking Authority 267.031(1) FS. Law Implemented 267.031(2), (5)(i), (k), (o), 267.061(1) FS. History--New 7-20-09.

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.

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-31.070 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)(i), (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)(i), (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)(i), (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.