

Florida Historical Commission
500 South Bronough Street, Tallahassee, Florida, Room 307 R.A. Gray Building
Friday, February 10, 2017 9:00 a.m. - Conclusion

Meeting Minutes

Commission Members Present:

Ms. Marion Almy, Chair; Dr. Clifford Smith; Mr. Stephen Birtman.

Commission Members Participating via Teleconference:

Mr. Rick Gonzalez, Vice Chair; Ms. Kathy Fleming; Mr. Bob Ward; Ms. Ellen Ugucconi.

Commission Members Not Present:

Ms. Mimi Reid Hardman; Dr. Adam Hirsch; Ms. Judy Kane; Mr. John Phelps.

DOS Staff Members Present:

Dr. Timothy A. Parsons, Director, Division of Historical Resources and State Historic Preservation Officer; Ms. Christie Fitz-Patrick, Deputy Secretary of State; Dr. Angela Tomlinson, Assistant Director; Dr. Mary Glowacki, Chief, Bureau of Archaeological Research; Dr. Sarah Liko, Executive Assistant; Mr. Michael Hart, Digital Outreach Coordinator; Ms. Susanne Hunt, Outreach Programs Supervisor.

DMS Staff Members Present:

Mr. Tom Berger, Director, Division of Real Estate Development and Management; Mr. Patrick Gillespie, Senior Director of Special Projects.

Members of the Public Present:

Ms. Barbara Goldstein; Mr. Steve Uhlfelder; Dr. Glen Doran; Mr. Lonnie Mann.

Item I. Call to Order and Roll Call

Chairman Almy called the meeting to order at 9:06 a.m. and asked Dr. Liko to call the roll.

Item II. Introduction of Commission, Staff & Guests

Chairman Almy asked the commissioners to introduce themselves. Dr. Parsons then introduced himself and DOS staff did as well.

Item III. Adoption of Agenda

Chairman Almy suggested to revise the agenda by moving the Capitol Complex update to directly after the approval of minutes from the December 1, 2016 meeting. Mr. Ward moved to adopt the agenda with this revision. Mr. Birtman seconded and the motion passed unanimously.

Item IV. Approval of Minutes from December 1, 2016 Meeting

Dr. Smith moved to approve the December 1, 2016 meeting minutes. Ms. Fleming seconded and the motion passed unanimously.

Item V. Capitol Complex Update

Chairman Almy recognized Mr. Berger and asked him to present the Capitol Complex update. Mr. Berger briefly walked the commission through the garage improvement project, and then discussed the DMS concept for capitol monument considerations. He explained that no monuments can be placed until garage construction is complete, and at that time DMS will coordinate with DHR and the FHC regarding the design and placement of monuments. He expressed that there will be opportunities over the coming years to discuss individual monuments as they pass legislation. DMS considerations will include weight, codes, and materials; FHC considerations will include design, significance, size, and historic context. Mr. Berger discussed the importance of considering historic events that have taken place on capitol grounds and of being judicious with space.

Chairman Almy confirmed that it is the job of the FHC to comment after a monument passes legislation. Mr. Berger answered that DMS would like to include the FHC in the process, and reiterated that it will be important to take into account the larger palette of the memorial garden instead of only considering monuments individually without context. He also emphasized thinking through how the public will be using the space in the future.

Dr. Parsons gave his appreciation to Mr. Berger and Mr. Gillespie for keeping DHR in the loop regarding the garage repair project and memorial garden. He explained that some monuments have already been passed by the Legislature, but there is currently no place for them to be built. Dr. Parsons stated that there will be ongoing discussion about what is appropriate for the memorial garden, including placement of monuments, but he appreciates that DMS is setting the ground work for a long-term plan that is accountable and practical and considers basic appropriateness. Mr. Berger agreed, expressing that he believes the monument process will be a great partnership over time.

Mr. Birtman asked if the capitol courtyard will still be accessible by vehicle, and specifically mentioned National Guard Day. Mr. Berger answered that there will be changes to vehicle access – emergency vehicles will have access, and there will be plenty of space for events, but the types of vehicles for National Guard Day and other events will likely be shifted to a different area of the capitol grounds.

Mr. Berger asked for questions regarding the draft capitol monument considerations document that was provided to the commissioners. Dr. Smith asked if they know the time frame of completion on the garage repairs and when monument construction will begin. Mr. Berger explained that the exact time of repairs completion is not known, but the current estimate is for each garage to take approximately two years and for the Senate garage to be completed in August of 2018.

Chairman Almy asked if there are limits to the number of monuments being considered. Mr. Berger explained that there is no limit as designated by the Legislature, which is why he believes it is key to take into account the memorial garden as a whole moving forward into the future. He added that considerations should include ensuring that the area is maneuverable, has the appropriate context for monuments, and gives people space to reflect.

Dr. Smith stated that the categories of monument sizes as presented by Mr. Berger should help to establish projections for the overall memorial garden layout because DMS will be able to

estimate how many monuments of each size category will fit into the planned space based on weight limits of different sections of the parking garages. He suggested the commissioners consider the memorial garden as a planned space. Mr. Berger agreed with Dr. Smith.

Mr. Berger asked that the FHC provide feedback on the draft capitol monument considerations document. Chairman Almy asked the commissioners to send their comments to Dr. Liko in order for the Division to compile them and forward them on to Mr. Berger. Mr. Birtman requested that Dr. Liko send out the comments to the FHC after they are compiled.

Item VI. Director's Comments

Dr. Parsons began his comments by thanking the commissioners for their commitment of time. He then asked the commissioners if they had guidance or comments regarding the addition of new commissioners on the FHC.

Chairman Almy expressed her disappointment that some commissioners have stopped attending meetings. She believes this is hurting the FHC's contribution to Florida, and she urged those who do not wish to be members to resign. Chairman Almy asked the current commissioners to reach out to colleagues to ask them to apply, and reminded them that DOS cannot nominate individuals for the FHC. She informed the commissioners that letters can be written to the Governor, the President of the Senate, and the Speaker of the House asking them to consider appointing a colleague or friend.

Dr. Smith asked if the Division could send out a list of open positions and their requirements. Dr. Parsons answered that the Division can provide a list of all the current commissioners, their terms, their specialties, and if they are members of the National Register review board. He added that when a term ends a commissioner is not kicked off the FHC, but there are a number of individuals whose terms have ended who do not participate and can be replaced. He reiterated that if there are no applicants there are no appointments.

Chairman Almy explained that attendance is not a criterion for the FHC, but there is a question regarding meeting attendance on the application for renewal so it is something that is considered. Dr. Smith asked if anyone has reached out to members who have not been participating to gauge their interest in remaining on the FHC. Dr. Parsons answered yes, but it may be necessary at this point to take a more direct approach and provide FHC members with information on those individuals who are no longer interested in serving. Mr. Birtman added that all commissioners need to make participation in the FHC a priority. Chairman Almy offered understanding that all commissioners will miss a meeting once in a while, but there are active and non-active members.

Ms. Fleming asked if there is a vehicle for changing the structure of the FHC to consider excused and unexcused absences. Dr. Tomlinson explained that the FHC is governed through statute and not a rule, and Mr. Birtman added that it would be an extensive process to change the structure of the FHC. Chairman Almy added that it would be better to reach out to each other. Mr. Gonzalez agreed with Dr. Smith's suggestion for the Division to send out a list of open positions and their requirements. Chairman Almy also suggested that those members whose terms have ended reapply and ask to be reappointed.

Chairman Almy asked if Ms. Fitz-Patrick had any additional comments. Ms. Fitz-Patrick agreed that good points had been raised by the discussion. She expressed that DOS has good communication with the Governor, Speaker of the House, and President of the Senate, and that

she wants to communicate with them to ensure that the FHC appointments are on their radar. Ms. Fitz-Patrick requested that the FHC members inform Dr. Parsons when applications have been submitted for new members and for reappointments so that DOS can do its part to follow up on them. She also suggested that the Secretary be copied on any reappointment letters that are sent.

Dr. Parsons finished his comments by giving the FHC brief updates on the Statewide Historic Preservation Comprehensive Plan, two bills – HB 27 and SB 214 – and the Governor’s budget. Dr. Parsons explained that in the Governor’s budget there is not much change for funding in the Division, but that he is excited that the BAR science and enhancements issue for equipment and technology was included. In terms of federal legislation, Dr. Parsons informed the commissioners that the Historic Preservation Fund was reauthorized, but the Historic Preservation Tax Credit has been targeted for elimination. He briefly explained that HB 27 establishes a Florida Slavery Memorial that will eventually play into the process outlined by Mr. Berger.

Mr. Birtman asked if there is a pent up demand for these memorials to be constructed. Dr. Parsons answered that he is not sure if there is a pent up demand, but he knows that there is a group who would like the Holocaust Memorial to be built as soon as possible for survivors who are aging. Mr. Birtman asked if monument construction will begin after garage construction, and Dr. Parsons explained that they must find full funding first. Discussion ensued regarding monument funding and appropriations bills.

Dr. Parsons continued his comments by informing the commissioners of SB 214 / HB 6019 and their effects on Florida Statutes 267. He made it clear that this bill does not affect 1A-31 or 1A-32 permitting in any way. Dr. Parsons also let the FHC know that the Grove is opening on March 11, 2017, and recommended they attend if possible or make plans to visit in the future. Mr. Birtman expressed his opinion that the Grove is spectacular and also recommended commissioners visit.

Item VII. Committee Reports

Chairman Almy recognized Dr. Glowacki. Dr. Glowacki gave the FHC a summary of updates for BAR programs. She explained that the public lands program is fully staffed and has been meeting all goals and objectives. They have completed 25-30 reviews over a three-month period, completed two major survey projects, and are on track with ARM trainings and the law enforcement training program. She briefly discussed specific research projects by public lands staff. The underwater program has been working on surveys of aquatic preserves, and has been very strong in its outreach initiative, including publications and training sessions. Dr. Glowacki informed the commissioners that the underwater program is in the process of finishing the National Register draft nomination for the USS Narcissus. She also updated the FHC on site visits at the Venice Beach site. Dr. Glowacki finished her update by discussing staff changes in the conservation lab and projects being completed by the collections staff, such as the Museums in 3-D project that BAR plans to launch during Archaeology Month. In addition, she explained that the Division is in the process of designing an expansion of the collections facility.

Chairman Almy asked if BAR would be doing a publication on the Venice Beach site. Dr. Glowacki answered that there is the expectation to complete academic and popular publications, and that technical reports have already been completed on the first two site visits. Dr. Parsons added that it is part of the Division’s statutory requirements to complete publications.

Chairman Almy asked Dr. Glowacki about DOT materials stored at the collections facility. Discussion ensued regarding the storage of DOT materials that are in BAR collections.

Ms. Uguccioni interjected and apologized that she called in late for the meeting. She explained that she had received an injury the previous day, and explained that she would not be able to participate. Chairman Almy wished her a speedy recovery.

After Dr. Glowacki completed her report on BAR updates, Chairman Almy asked if anyone with the public would like to comment. Dr. Glowacki introduced Dr. Glen Doran and Mr. Lonnie Mann. Dr. Doran began his comments regarding SB 214 / HB 6019 by explaining that about 10 years ago FHC recommended that the Division end the isolated finds program. Chairman Almy interjected to explain what the isolated finds program was, and how people used the program as a way to loot sites by repeatedly finding "isolated" finds from the same vicinity especially along river bottoms. She described the program as a way for people to steal Florida's prehistory. Dr. Doran continued his comments by mentioning the example of a Paleo Simpson Mustache point for sale on eBay, previously brought to the attention of FHC and those attending the meeting by Chairman Almy. He explained that this point and others are taken from their archaeological contexts and from state-owned lands in order to profit individuals. Dr. Doran described how he, Mr. Mann, and other colleagues had become increasingly concerned regarding recent efforts by some members of the public to request the Legislature reinstate the isolated finds program. Dr. Doran explained that the trafficking of artifacts is a major problem that often accompanies other illegal behavior, such as the illegal sale and trafficking of guns and drugs. He added that on an international basis, the trafficking of artifacts is second only to the illegal drug trade, and that prices have increased substantially for artifacts including those from Florida. He worked to form the Florida Archaeological Protection Association (FAPA) in response to the looting problem. Dr. Doran expressed that it is their hope the wording that allows the Division to administer an isolated finds program be removed from Florida Statute 267 as one part of working toward addressing the problem of the looting of Florida's resources. He informed the commissioners of his concerns that the demand is growing, and that many artifacts are being taken from Florida due to illicit market. Dr. Doran gave the commissioners an example of a collection of artifacts sold several years ago that included many tannin-stained artifacts that had come from Florida's rivers. He also discussed a murder in Perry, Florida, that was committed in the process of stealing the individual's artifact collection. Dr. Doran provided a third example of the problems of looting by describing how an individual arrested during Operation Timucua had an attic filled with artifacts. He explained that these are professional looters, not individuals who pick up a single artifact.

Mr. Birtman asked about the term "repealer bill" because he was confused as to what the bill was pursuing to remove. Mr. Mann explained that the bill repeals the authority of the Division to administer an isolated finds program. Mr. Birtman asked if there is something in the Division budget requiring the program. Dr. Parsons explained that there was a 2014 budget proviso to consider a one-time amnesty program that was related to attempts to reinstate the isolated find program, but different from those bills and from the current bill. Dr. Doran offered that the bill would prevent the Division from authorizing a program that essentially allows people to steal from state lands.

Chairman Almy gave the committee some background regarding FHC's recommendation to discontinue the isolated finds program in 2005, which included taking into consideration how the

program had been exploited by looters to get away with stealing artifacts and then profiting from them.

Mr. Birtman asked who are the legislative sponsors of the bill. Dr. Doran answered that the sponsors are Senator Steube and Representative Stevenson. Mr. Birtman asked Ms. Fitz-Patrick if the Secretary has any concerns. Ms. Fitz-Patrick answered that the Department and the Secretary are here to listen and to provide context on the history of past proposed legislation and the isolated finds program, and that at this point the Department has not taken a position. Chairman Almy interjected that FHC can take a position, and Ms. Fitz-Patrick answered yes.

Mr. Birtman made a motion that the FHC write a letter to the Secretary and copy others as appropriate in support of removing this language. Mr. Bob Ward seconded the motion, and it was approved unanimously.

Dr. Parsons explained that the Division can provide FHC information and context, but cannot help to draft the letter. Mr. Birtman agreed that FHC will write the letter and send it to the Secretary. Discussion ensued regarding the exact process of gathering information for the letter from the Division and then sharing the information between FHC members through Dr. Liko at Chairman Almy's request.

Chairman Almy asked if the minutes of this portion of the meeting could be sent out to FHC as soon as possible. Mr. Birtman asked Dr. Doran and Mr. Mann to confirm that the letter is needed quickly. Mr. Mann explained that there are two committees of reference coming up where they hope the bill will be discussed.

Dr. Parsons stated for the record that the committee has requested a draft of this section of the minutes, and that the Division will do its best to be responsive to this request.

Chairman Almy asked Dr. Tomlinson if the Division will be able to provide technical assistance. Dr. Tomlinson suggested the Division direct the FHC to the Department's communications guidance. Mr. Mann expressed that FHC has the authority to make recommendations to the Secretary, and that he is happy for the Secretary and the sponsors to receive the letter and for it to be public record that the FHC supports the bill. Dr. Doran added that if a letter is provided to FAPA they will make sure that the legislators they visit receive a copy. Mr. Birtman suggested that it may be necessary for the FHC to write two letters, and Chairman Almy said that she would address a letter to the Secretary and a letter to the Senate and House sponsors. Chairman Almy requested that Dr. Doran provide FHC with information to assist the committee in crafting their letter.

Mr. Mann explained that section 267.14, Florida Statutes established the public policy of the state to be to preserve archaeological sites for the benefit of the citizens of Florida, and that excavation and collection should be for the purpose of scientific advancement.

Dr. Glowacki made the committee aware that there is a lot of support for the isolated finds program among some members of the public, and explained that they should know that the current bill will not slide under the radar. Mr. Birtman acknowledged that he understands any legislation related to the isolated finds program is a big deal.

Ms. Fleming noted that while following previous bills to reinstate the isolated finds program she observed that it was framed as a free market issue. She recommended that FHC fashion their

letter in part as a response that this is not a free market issue, but is actually the theft of state property from the people of Florida.

Dr. Doran and Mr. Mann thanked the FHC for their support.

Dr. Parsons presented the BHP updates. He informed the commissioners that the NR review board had approved all the properties presented to them to be sent to the National Park Service. In staff updates, interviews are being conducted to fill one open spot in the NR section, and the open position in compliance vacated by Dr. Liko has been advertised. Chairman Almy interjected to thank Dr. Liko for her work in compliance, especially her responsiveness and professionalism. Dr. Parsons continued by letting the FHC know that compliance has filled the position vacated by Ms. Florence McCullough. He informed the commissioners of the work currently being done by the architects, Main Street section, and Certified Local Governments staff. Several CLG trainings will be held in the upcoming months. Dr. Parsons finished the BHP updates by briefly touching on some of the planned events and meetings for Historic Preservation Month in May.

Dr. Tomlinson began her updates of the Grants Program by informing the commissioners of staff changes, including the addition of Mr. Joshua Gates. She commented on goals of the program in terms of outreach through conferences and workshops. Dr. Tomlinson continued her updates with a discussion of the FY2018 budget. She explained that last year's recommended FY2018 Small Matching grants list included projects totaling \$2,687,190, and that the Division has \$1,500,000 in recurring funding for Small Matching grants. The Division included a legislative budget request of \$1,187,190 in non-recurring funds to fully-fund the Small Matching grants list, and the Governor's budget released in January included full funding. Dr. Tomlinson informed the commissioners that the Secretary recommended submitting the entire ranked list of FY2018 Special Category grant projects to the Legislature. The list, totaling \$25,192,590 was included in the Department grant booklet provided to legislators in late October.

Chairman Almy notified the commissioners that she would move up the votes because Mr. Birtman needed to leave. The commissioners realized they were unable to vote on the approval of nominations for the Mary Call D. Collins and Senator Bob Williams Awards because a list of nominations was not available and those commissioners on the awards committee were unprepared.

The FHC moved on to the annual election of the assistant presiding officer. Dr. Smith self-nominated and Ms. Fleming seconded his nomination. Mr. Gonzalez self-nominated and Mr. Ward seconded his nomination. Chairman Almy asked if there was any discussion regarding the nominations, and no discussion occurred. Dr. Liko called the roll for the vote. Chairman Almy, Ms. Fleming, and Dr. Smith voted for Dr. Smith. Mr. Birtman, Mr. Gonzalez, and Mr. Ward voted for Mr. Gonzalez, making it a tie vote. Discussion ensued regarding how to move forward. Mr. Gonzalez commented that he believes an architectural historian should serve because an archaeologist has been the presiding officer for some time. Chairman Almy requested guidance from Ms. Fitz-Patrick. Ms. Fitz-Patrick recommended sending out via email the current vote to the FHC members not present to ask for their votes. Chairman Almy asked that they be given a deadline, and noted that there is nothing in the FHC guidelines that requires the presiding officer and assistant presiding officer alternate between an archaeologist and an architectural historian. Dr. Parsons suggested that the vote for the awards nominations also be completed through email. Chairman Almy asked that Division staff check previous meeting minutes to determine who is

on the awards committee. Dr. Smith requested that a list of nominees be sent to the commissioners. Chairman Almy recommended that the assistant presiding officer be able to attend meetings in-person if possible, and suggested that all FHC members make their best effort to attend in-person. She offered her opinion that it is good for the public to be able to see the FHC in action and meet commissioners during the meetings.

Chairman Almy recognized Dr. Tomlinson in order to complete her Grants Program report. She described efforts to update the grants rule and guidelines on a regular basis, and let the commissioners know that this year's revisions are almost ready to be published. She explained that revisions include general clean-up and clarification where necessary, updating the guidelines and application to reflect the new integrated Departmental online grant system, waiving the match requirement for all Small Matching grants to active Florida Main Street programs, and limiting the number of grants from the Division that a Special Category applicant can have open at the time of application. Dr. Tomlinson finished her update by going over the 2017 grants timeline. Chairman Almy asked that the commissioners save September 19 and 20 in their calendars for the Special Category grants panel meeting. Dr. Tomlinson suggested that another half day on September 21 may also be required, but the tentative dates for now are September 19 and 20.

Item VIII. Business Items

Chairman Almy informed the commissioners that the next FHC meeting will be on May 12, and there will be a NR review board meeting on May 11.

Item IX. Other Business


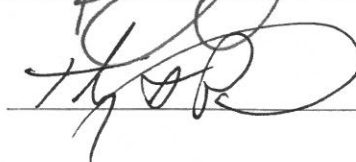
Chairman Almy asked if the second presiding officer needs to be serving an active term in order to meet the NR review board bylaws. Dr. Parsons said that Division staff will look into her question. Dr. Smith asked what the grant award thresholds are currently. Dr. Tomlinson answered that Small Matching grants are for up to \$50,000 and Special Category grants are for \$50,000-\$500,000.

Item X. Public Comment

None

Item XI. Adjourn

Ms. Fleming moved to adjourn. Mr. Dr. Gonzalez seconded the motion and it passed unanimously.

Presiding Officer

State Historic Preservation Officer and
Director, Division of Historical Resources

Approved: May 2017