

By Representative Hogan

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 information identifying the location of
5 specified archaeological and cultural sites;
6 providing an expiration date; providing a
7 finding of public necessity; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Any information identifying the location of
13 archaeological sites contained in site files or other records
14 maintained by the Division of Historical Resources of the
15 Department of State is exempt from the provisions of section
16 119.07(1), Florida Statutes, and Section 24(a) of Article I of
17 the State Constitution, if the Division of Historical
18 Resources finds that disclosure of such information will
19 create a substantial risk of destruction or harm at such
20 sites. This section is subject to the Open Government Sunset
21 Review Act in accordance with section 119.15, Florida
22 Statutes, and expires on October 2, 2006, unless reviewed and
23 reenacted by the Legislature.

24 Section 2. (1) The Legislature finds that it is a
25 public necessity that information identifying the location of
26 archaeological and cultural sites be exempt and confidential
27 from public records requirements because the state has a
28 serious problem with archaeological looting. The exact
29 location of an archaeological site should be exempt from
30 disclosure if the Division of Historical Resources determines

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1 that disclosure of the site location will create a substantial
2 risk of harm, theft, or destruction at the site.

3 (2) The Legislature also finds that the lack of
4 protection for sensitive sites puts the federal government in
5 a difficult position. The Federal Government is mandated to
6 share site-specific information with the Florida State
7 Historic Preservation Officer to comply with Section 106 of
8 the National Historic Preservation Act. However, section 304
9 of the National Historic Preservation Act protects specific
10 information concerning the location and character of cultural
11 resources when sharing that information could place them in
12 jeopardy.

13 (3) The Legislature further finds that this exemption
14 is required by the development of Geographic Information
15 System databases listing sites located in the Florida Site
16 File at the Florida Department of State. The Geographic
17 Information System is a valuable tool for recording
18 site-location and survey data for participating research,
19 land-use planning, and site stewardship by land managers and
20 law enforcement officers. However, while this data can be
21 quickly disseminated to the public via the Internet,
22 protective measures must be placed on the sharing and use of
23 this data for sensitive archaeological and cultural locations.

24 (4) The Legislature also finds that new implementation
25 guidelines for the National Historic Preservation Act require
26 increased consultation with federally recognized tribes. The
27 Legislature finds that managing information concerning Native
28 American sacred sites and sites of cultural patrimony carries
29 a responsibility of confidentiality. Credible stewardship in
30 these areas requires the ability to protect sensitive
31 information from public dissemination.

