

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 sites; providing an  
6           expiration date; providing a finding of public  
7           necessity; providing an effective date.

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

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

23           Section 2. (1) The Legislature finds that it is a  
24 public necessity that information identifying the location of  
25 archaeological sites be exempt from public records  
26 requirements because the state has a serious problem with  
27 archaeological looting. The exact location of an  
28 archaeological site should be exempt from disclosure if the  
29 Division of Historical Resources determines that disclosure of  
30 the site location will create a substantial risk of harm,  
31 theft, or destruction at the site.

1           (2) The Legislature also finds that the lack of  
2 protection for sensitive sites puts the federal government in  
3 a difficult position. The Federal Government is mandated to  
4 share site-specific information with the Florida State  
5 Historic Preservation Officer to comply with section 106 of  
6 the National Historic Preservation Act of 1966, as amended.  
7 However, section 304 of the National Historic Preservation Act  
8 of 1966, as amended, protects specific information concerning  
9 the location and character of cultural resources, which  
10 includes archaeological sites, when sharing that information  
11 could place them in jeopardy.

12           (3) The Legislature also finds that new implementation  
13 guidelines for the National Historic Preservation Act of 1966,  
14 as amended, require increased consultation with federally  
15 recognized tribes. The Legislature finds that managing  
16 information concerning Native American sacred sites and sites  
17 of cultural patrimony requires this exemption, because  
18 credible stewardship in this area necessitates the ability to  
19 protect sensitive information from public dissemination.

20           Section 3. This act shall take effect upon becoming  
21 law.

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