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An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

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

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

Section 2. (1) The Legislature finds that it is a public necessity that information identifying the location of archaeological sites be exempt from public records requirements because the state has a serious problem with archaeological looting. The exact location of an archaeological site should be exempt from disclosure if the Division of Historical Resources determines that disclosure of the site location will create a substantial risk of harm, 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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