

By Senator Garcia

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A bill to be entitled  
An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological and cultural 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 destruction or harm 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 and cultural sites be exempt and confidential 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

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.

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Section 3. This act shall take effect upon becoming a law.

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SENATE SUMMARY

Provides an exemption from public records requirements for information identifying the location of specified archaeological and cultural sites. Provides a finding of public necessity and an expiration date.