

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Garcia

316-1795-01

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 destruction or harm at such
19 sites. This section is subject to the Open Government Sunset
20 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 and confidential from public
26 records requirements because the state has a serious problem
27 with 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 further finds that this exemption
13 is required by the development of Geographic Information
14 System databases listing sites located in the Florida Master
15 Site File at the Florida Department of State. The Geographic
16 Information System is a valuable tool for recording
17 site-location and survey data for participating in research,
18 land-use planning, and site stewardship by land managers and
19 law enforcement officers. However, while this data can be
20 quickly disseminated to the public via the Internet,
21 protective measures must be placed on the sharing and use of
22 this data for sensitive archaeological locations.

23 (4) The Legislature also finds that new implementation
24 guidelines for the National Historic Preservation Act of 1966,
25 as amended, require increased consultation with federally
26 recognized tribes. The Legislature finds that managing
27 information concerning Native American sacred sites and sites
28 of cultural patrimony carries a responsibility of
29 confidentiality. Credible stewardship in these areas requires
30 the ability to protect sensitive information from public
31 dissemination.

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

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 SB 2124

7 This CS corrects the following technical problems with the
8 bill:

9 It removes the reference to "cultural sites" in the statement
10 of public necessity in subsection (1) of section 2;

11 It corrects references to the National Historic Preservation
12 Act and the Florida Site File; and

13 Includes the word "in" after the word "participating" in
14 subsection (3) of section 2.
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