



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

June 21, 2016

Khoa Nguyen
Director, Office of Technical Services
Federal Highway Administration
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Re: State Specifications Office
Section **003**
Proposed Specification: **0030900 Award and Execution of Contract – Public Records.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Supplemental Specification.

The changes are being made to comply with legislation (HB273) signed into law by Governor Scott on March 8, 2016. Article 3-9 Public Records has been revised and now includes a point of contact in each District for questions relating to public records.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to dan.hurtado@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on File

Dan Hurtado, P.E.
State Specifications Engineer

DH/ft

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

3-9 Public Records.

The Contractor shall comply with Chapter 119, Florida Statutes. Specifically, if the Contractor is acting on behalf of the Department the Contractor shall:

~~Allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, made or received by the Contractor in conjunction with this Contract. Specifically, if the Contractor is acting on behalf of a public agency, the Contractor must:~~

1. Keep and maintain public records ~~that ordinarily and necessarily would be~~ required by the Department ~~in order~~ to perform the services being performed by the Contractor.
2. Upon request from the Department's custodian of public records, provide the public Department with access a copy of the requested records or allow the to records to be inspected or copied within a reasonable time on the same terms and conditions that the Department would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by rule or law.
3. Ensure that records exempt or confidential and exempt from disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the Department.

~~4. Meet all requirements for retaining public records.~~

~~4.5. Upon completion/termination of the Contract, transfer, at no cost, to the Department, all public records in possession of the Contractor~~ or keep and maintain public records required by the Department to perform the service. If the Contractor transfers all public records to the Department upon completion of the contract, the Contractor shall and destroy any duplicate records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Department, upon request from the Department's custodian of public records, in a format that is compatible with the information technology systems of the Department.

~~The Contractor shall promptly provide the Department with a copy of any request to inspect or copy public records in possession of the Contractor and shall promptly provide the Department a copy of the Contractor's response to each such request. Failure to comply with Chapter 119, Florida Statutes, and this Article 3-9, grant such public access will shall~~ be grounds for immediate unilateral termination of this Contract by the Department pursuant to 8-9.1.

The following will be the MSP that is District specific:

ARTICLE 3-9 is expanded by the following:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

0030900
All Jobs

District 1

863-519-2623

D1prcustodian@dot.state.fl.us

Florida Department of Transportation

District 1 – Office of General Counsel

801 N. Broadway

Bartow, FL 33827

District 2

386-758-3727

D2prcustodian@dot.state.fl.us

Florida Department of Transportation

District 2 - Office of General Counsel

1109 South Marion Avenue, MS 2009

Lake City, FL 32025

District 3

850-330-1391

D3prcustodian@dot.state.fl.us

Florida Department of Transportation

District 3 - Office of General Counsel

1074 Highway 90 East

Chipley, FL 32428

District 4

954-777-4529

D4prcustodian@dot.state.fl.us

Florida Department of Transportation

District 4 – Office of General Counsel

3400 West Commercial Blvd.

Fort Lauderdale, FL 33309

District 5

386-943-5000

D5prcustodian@dot.state.fl.us

Florida Department of Transportation

District 5 – Office of General Counsel

719 South Woodland Boulevard

Deland, FL 32720

0030900
All Jobs

District 6
305-470-5453
D6prcustodian@dot.state.fl.us
Florida Department of Transportation
District 6 – Office of General Counsel
1000 NW 111 Avenue
Miami, FL 33172-5800

District 7
813-975-6491
D7prcustodian@dot.state.fl.us
Florida Department of Transportation
District 7 - Office of General Counsel
11201 N. McKinley Drive, MS 7-120
Tampa, FL 33612

Florida's Turnpike Enterprise
407-264-3170
TPprcustodian@dot.state.fl.us
Turnpike Enterprise Chief Counsel
Florida Turnpike – Office of General Counsel
Turnpike Mile Post 263, Bldg. 5315
Ocoee, FL 34761

Central Office
850-414-5355
COpcustodian@dot.state.fl.us
Office of the General Counsel
Florida Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458

Commented [CM1]: Note that this must be in 14 bold face font per 119.0701(2)(a), F.S.

**AWARD AND EXECUTION OF CONTRACT – PUBLIC RECORDS.
(REV 5-20-16) (7-16)**

ARTICLE 3-9 is deleted and the following substituted:

3-9 Public Records.

The Contractor shall comply with Chapter 119, Florida Statutes. Specifically, if the Contractor is acting on behalf of the Department the Contractor shall:

1. Keep and maintain public records required by the Department to perform the services being performed by the Contractor.

2. Upon request from the Department's custodian of public records, provide the Department public with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by rule or law.

3. Ensure that records exempt or confidential and exempt from disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Contract if the Contractor does not transfer the records to the Department.

4. Upon completion of the Contract, transfer at no cost to the Department, all public records in possession of the Contractor or keep and maintain public records required by the Department to perform the service. If the Contractor transfers all public records to the Department upon completion of the Contract, the Contractor shall destroy any duplicate records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Department, upon request from the Department's custodian of public records, in a format that is compatible with the information technology systems of the Department.

Failure to comply with Chapter 119, Florida Statutes, and the Article 3-9, shall be grounds for immediate unilateral termination of this Contract by the Department pursuant to 8-9.1.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

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Lake City, FL 32025

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D3prcustodian@dot.state.fl.us

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Chipley, FL 32428

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D4prcustodian@dot.state.fl.us

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Fort Lauderdale, FL 33309

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386-943-5000

D5prcustodian@dot.state.fl.us

Florida Department of Transportation

District 5 – Office of General Counsel

719 South Woodland Boulevard

Deland, FL 32720

District 6

305-470-5453

D6prcustodian@dot.state.fl.us

Florida Department of Transportation

District 6 – Office of General Counsel

1000 NW 111 Avenue

0030900
All Jobs

Miami, FL 33172-5800

District 7

813-975-6491

D7prcustodian@dot.state.fl.us

Florida Department of Transportation

District 7 - Office of General Counsel

11201 N. McKinley Drive, MS 7-120

Tampa, FL 33612

Florida's Turnpike Enterprise

407-264-3170

TPprcustodian@dot.state.fl.us

Turnpike Enterprise Chief Counsel

Florida Turnpike – Office of General Counsel

Turnpike Mile Post 263, Bldg. 5315

Ocoee, FL 34761