



*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](mailto: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:**

**District 1**  
**863-519-2623**  
[D1prcustodian@dot.state.fl.us](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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**  
[COprcustodian@dot.state.fl.us](mailto:COprcustodian@dot.state.fl.us)  
**Office of the General Counsel**  
**Florida Department of Transportation**  
**605 Suwannee Street, MS 58**  
**Tallahassee, Florida 32399-0458**

**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:**

**District 1  
863-519-2623  
[D1pcustodian@dot.state.fl.us](mailto:D1pcustodian@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](mailto:D2prcustodian@dot.state.fl.us)**

**Florida Department of Transportation  
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1109 South Marion Avenue, MS 2009  
Lake City, FL 32025**

**District 3**

**850-330-1391**

**[D3prcustodian@dot.state.fl.us](mailto:D3prcustodian@dot.state.fl.us)**

**Florida Department of Transportation  
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1074 Highway 90 East  
Chipley, FL 32428**

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**954-777-4529**

**[D4prcustodian@dot.state.fl.us](mailto: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](mailto:D5prcustodian@dot.state.fl.us)**

**Florida Department of Transportation  
District 5 – Office of General Counsel  
719 South Woodland Boulevard  
Deland, FL 32720**

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**305-470-5453**

**[D6prcustodian@dot.state.fl.us](mailto:D6prcustodian@dot.state.fl.us)**

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**Miami, FL 33172-5800**

**District 7**

**813-975-6491**

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**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](mailto:TPprcustodian@dot.state.fl.us)**

**Turnpike Enterprise Chief Counsel**

**Florida Turnpike – Office of General Counsel**

**Turnpike Mile Post 263, Bldg. 5315**

**Ocoee, FL 34761**