



Construction Academy: PUBLIC RECORDS

Florida Department of Transportation

Agenda

- Introduction to your legal team
- Warm-up: Is it a public record?
- Construction requests
- Retention Schedules
- Role play

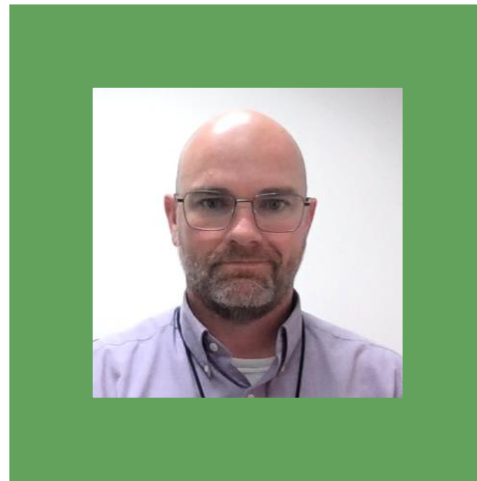


OGC: Open Government & Public Records



LARRY RINGERS

Chief Counsel



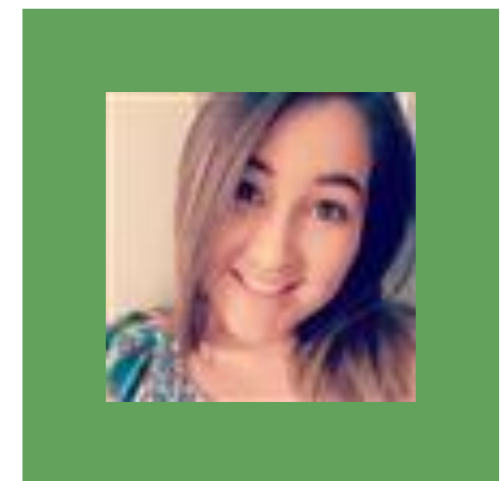
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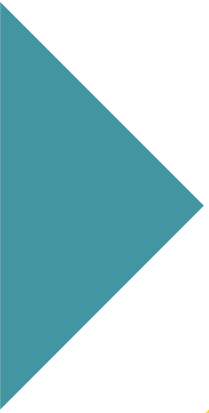
Why Public Records Matter

- Required by Florida law (Chapter 119)
- Transparency in public projects
- Protects the agency during audits, claims, disputes
- Ensures we can reconstruct project history

IS THIS A PUBLIC RECORD?



5 minutes



1. Note your spouse sent to you on your FDOT cell phone telling you to pick up milk.



2. A Teams (or Signal) message between two FDOT contractors discussing changes to a construction timeline.



3. A photograph taken by FDOT staff of potholes during a road inspection.



4. Your personal calendar reminder that says “Vote in local election” on your FDOT-issued Outlook calendar.



5. An email from FDOT's Office of General Counsel providing legal advice about a construction contract.



6. Voicemail message from a citizen reporting a traffic signal malfunction.



7. A draft internal memo with ideas for improving staff efficiency.



8. Sticky note: “FYI: lunch break at 1pm.”



9. A contractor's monthly report to FDOT summarizing construction progress.



10. Internal chat message between two FDOT operations staff joking about the 'cafeteria menu.'



Transparency is the Law

- A **public record is:** Any material made or received by a public agency in connection with official business, which is used to perpetuate, communicate, or formalize knowledge.
- Public records requests must be acknowledged “**promptly**” and responded to “**in good faith**” and within a “**reasonable time**”.
- Never ask why someone is requesting records.
- You don’t have to explain the records—just provide them.
- We don’t have to **CREATE** records.
- **EXEMPTIONS:** There are over 1,000!!! So, it’s okay not to know.

State Construction Office

- *What are your biggest concerns about handling PRRs as part of the State Construction Office (SCO)?*

EXAMPLE 1

Hi, I am looking for the most current dated ROW maps and construction plans for SR 400 (I-4) located in Polk County. The item segment is (2012109) & Manage District is (Moving I-4 Forward) is all of the reference i have for this.

EXAMPLE 2

I would like to request copies of all records relating to the last repaving or reconstruction of State Road 100 West in Bradford County, including grade, composition, drainage, designation of roadway, etc.

Please let me know how to proceed in this regard.

Thank you for your attention to this matter.

EXAMPLE 3

SR 35 (US 301) from CR 525E to Florida's Turnpike/Project No.: 4301321/Owner: Kiva Development, LLC Please forward to our office any and all correspondence, notices to owner, maps, construction plans, title searches (including all recorded documents referenced therein), pond siting reports, shapefiles, KMZ files, CADD files and any and all offers and appraisals.

EXAMPLE 4

Our company is designing an underground fiber optic installation for Hotwire Fiber. We would like to request a utility record, Atlas or As-built for the location shown in the image attached: 20th St from 88th Ave to 98th Ave, additionally As-Built or other information regarding the Bridge I-95 SR60/OSCEOLA BLVD # 880102

Reference Address: 8800 20th St Vero Beach, FL 32966

EXAMPLE 5

I am requesting records to compare structural design information with engineering analysis results for a graduate school project. Using Florida's Public Records Law, I respectfully request copies of the original bridge design plans (and any associated design data sheets, structural details, or as built plans, if available) for any of the following structure(s)

Retention is a Team Sport

- You do NOT need to memorize all retention periods
- You DO need to know:
 - What categories your records fall into
 - Whether something is transitory or long-term
 - When to ask Records Management



Retention Period Examples



General use permits (e.g. for temporary use of ROW) → 2 years from permit expiration

Environmental studies → 5 years

Construction project records, engineering & material series: engineering → Until structure removed

RESPONSE TIME



???

Questions?



Thank you

