Florida Department of Transportation

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ANANTH PRASAD, P.E.
SECRETARY

MEMORANDUM

DATE: October 3, 2014

FROM: Brian Blanchard, P.E. Assistant Secretary for Engineering and Operations

TO: Department Consultants, Contractors, and Vendors

COPIES: District Secretaries, District Directors, Brian Peters, Tom Byron, Duane Brautigam, David Sadler, Tim Lattner, Trey Tillander, Juanita Moore, Carla Perry

SUBJECT: PUBLIC RECORDS REQUESTS MADE TO DEPARTMENT CONSULTANTS, CONTRACTORS, AND VENDORS

It has come to the Department's attention that there may have been public records requests made to various consultants, contractors, and vendors concerning work undertaken pursuant to a Department contract. Department contracts entered into after July 1, 2013, have an express provision requiring compliance with Section 119.0701, Florida Statutes (2014). Department contracts entered into before July 1, 2013, include provisions that require Department consultants, contractors, and vendors allow public access to all documents, papers, letters or other materials, made or received in connection with the Department contract. Regardless of the date or amendment of the contract; Section 119.0701 applies to Department contracts with consultants, contractors, and vendors.

Consultants, contractors, and vendors that have contracted with the Department must be fully aware of all of the obligations regarding public access mandated by Chapter 119, Florida Statutes. Each consultant, contractor, or vendor receives a public records request concerning its work undertaken pursuant to a Department contract, must take appropriate action as required by Chapter 119, Florida Statutes. If the entity is unable to ascertain how best to comply with its obligations, it should seek the advice of counsel.

Section 119.07(3), Florida Statues (2014), provides that any person shall have the right of access to public records for the purpose of making photographs of the record while such record is in the possession, custody and control of the custodian of the public records. Consultants, contractors, and vendors that enter into a contract with the Department, are custodians of public

records. There are additional provisions in Section 119.07(3), Florida Statutes (2014), that apply to photographing public records. Each entity that contracts with the Department, should be aware of all the requirements of Chapter 119, Florida Statutes.

The requirement to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, made or received in conjunction with a Department contract applies to all consultants, contractors, and vendors that enter into a contract with the Department. All consultants, contractors, and vendors that enter into contracts with the Department are expected to comply with the terms of the contract and with Florida law.

BAB/RW/sg