Public Records

Florida's Public Records Law can be found in ***Chapter 119, Florida Statutes (F.S.)***. Florida Statutes can be accessed online at ***Florida Statutes***. The State of Florida places high priority on the public's right to access governmental records. The Florida Department of Transportation (FDOT), as a state agency, must carefully and conscientiously implement all public records access laws and adhere to the state's open access policy.

The statutory definition of "public records" is: "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency" (Section 119.011, F.S.).

FDOT employees and anyone working under contract to FDOT can reasonably assume that most documents that are created, produced, or received (whether in physical or electronic format) in the course of transacting FDOT business are public records. Individuals under contract to do work for the Department must comply with public records request laws in the same manner as FDOT employees.

Exempt Public Records

The only documents not public records are those covered by a statutory exemption. While exemptions are somewhat scattered throughout Florida Statutes, most statutory exemptions can be found in Subsection 119.07(3), F.S. FDOT ***Procedure No. 050-020-026, Distribution Of Exempt Public Documents Concerning Department Structures And Confidential And Exempt Security Systems Plans***, also exempts records related to security system plans and structural plans from requests for public records. The procedure describes the circumstances and process for the distribution of documents deemed as exempt. Information concerning ongoing legal proceedings may also be exempt. The Office of General Counsel should be consulted when such requests are received.

Public Records Requests

All non-exempt public records are subject to public inspection and/or copying or reproducing by any person, corporation or other legal entity. (See Section 119.07, F.S.). Office of General Counsel staff are available for advice and direction when legal (or procedural) questions arise concerning records access.

Responding to a Public Records Request

The person responding to these records requests must be thoroughly familiar with FDOT records management procedures. The person responding to a public records request must know the proper FDOT procedures for the handling of public records requests and follow them exactly. All FDOT employees are required to take the ***Public Records Requests*** training available through Learning Curve.

It may be both necessary and prudent to consult with the Office of General Counsel to confirm the proper handling of a public records request, to discuss whether or not any statutory exemptions apply to the documents or items requested, and to determine if there is ongoing litigation involving or related to the requestor.

Charges for Public Records

The person who responds to a public records request for hard copy text records will furnish a copy or certified copy of the record(s) upon payment of the fee prescribed by law. Payment is required in advance of producing copies. Subsection 119.07(4)(a), F.S. establishes these charges.