



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

DME MEMORANDUM NUMBER 16-03

DATE: June 28, 2016

TO: DISTRICT MAINTENANCE ENGINEERS

FROM: Rudy Powell, Jr., P.E., Director, Office of Maintenance

COPIES: Brian Blanchard, P.E. Assistant Secretary for Engineering and Operations
Phillip Gainer, P.E., Chief Engineer
Tim Lattner, P.E., Director, Office of Design
David Sadler, P.E., Director, Office of Construction

SUBJECT: Public Records Law Specification Article 3-9

This bulletin rescinds and replaces DME Memorandum Number 13-07, issued on October 14, 2013, and will become effective on July 1, 2016.

On March 8, 2016, Governor Scott signed HB 273 into law. This legislation, among other things, requires that the language provided in the Special Provision be inserted into public agency contracts. This bill will require a change to Standard Specification 3-9 Public Records. Active contracts shall have the following change made if a Supplemental Agreement is executed on the contract:

Delete from your contract Article 3-9 and replace with the following:

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
D1precustodian@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
D2precustodian@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
D3precustodian@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

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

This change will be a \$0.00 specification change to be included as part of any future Supplemental Agreement executed on an active contracts. If there is no Supplemental Agreement executed, then this language does not need to be included. Should you have any questions concerning this matter, please contact Mike Sprayberry at 850-410-5637.